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House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
May 26, 1999.

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

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

PRAYER

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

We learn from the book of Psalms that we should make a joyful noise to You, O God, and that we should break forth into joyous song and sing praises. With all of the suffering and pain in the world, let us begin our day by giving thanks to You, gracious God, for Your goodness and Your love to us and to all people. You lead us when we are lost; You comfort us when we are weak; You forgive us when we have missed the mark, and You show us the path of good will and peace. With gratefulness and praise we laud Your name and ask for Your blessing. This is our earnest prayer. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. SHOWS led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 1183. An act to amend the Fastener Quality Act to strengthen the protection against the sale of mismarked, misrepresented, and counterfeit fasteners and eliminate unnecessary requirements, and for other purposes.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 254. An act to reduce violent juvenile crime, promote accountability by and rehabilitation of juvenile criminals, punish and deter violent gang crime, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 15 one-minute speeches on each side.

AMERICANS DESERVE ANSWERS, NOT QUESTIONS

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

Mr. BURR of North Carolina. Mr. Speaker, I rise today to tell a story, an entertaining story of spies and secrets. Some may even think it sounds like a James Bond movie, but unfortunately, it is not a fictional tale.

I am, of course, referring to the Select Committee's report that was released yesterday, a report that details acts of espionage compromising our most precious military secrets. These findings frightened me months ago when I was briefed and they disgust me today.

What is the difference between a Bond movie and the Select Committee's report? In the Bond movie, the Department of Justice would have allowed wiretaps. In a Bond movie, we would have gotten the bad guy.

All the American people have gotten out of this process are questions. Why did the Department of Justice limit the investigation? Why did the Department of Justice drag their feet? Why was not the President told and, if he was, why did he not do anything? Why, why, why?

The American people, Mr. Speaker, deserve answers, not questions.

CONSUMER SAFETY WITH GUNS

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, as we move toward Memorial Day to honor this Nation's heroes who have given their lives to save us and to give us liberty and freedom, I want to rise today to say that I am serious about our children, serious about the violence, the death, the pain, the anguish. Serious about Americans who wish that we would act in honor of our children, in honor of those who we have lost, and yes, in honor of those who gave their lives for our freedom.

Mr. Speaker, is it not interesting that this little toy with its plastic eyes is regulated by the Consumer Product Safety Commission, and yes, this little fellow is likewise regulated, because we know children who do not understand the danger of putting things in their

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mouth have to be protected. But yet, guns, Mr. Speaker, are allowed to be in the hands of our children. There are no safety locks and, in fact, we do not understand that we must be serious about protecting our children, Mr. Speaker.

Pass the Gun Law Safety Act this week.

U.S. NUCLEAR ARSENAL COMPROMISED

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

Mr. SCHAFFER. Mr. Speaker, people in the White House talk an awful lot about ''the children.'' Well, today, our children are a lot less safe and a lot less secure because our entire nuclear arsenal has been compromised.

Communist China acquired our most sophisticated technology, some by theft but even more right through the front door. This administration has sold the Chinese communists high-speed supercomputers, sophisticated satellite launch technology, state-of-the-art machine tools and ultra sophisticated nuclear energy design technology. Communist China now sells our technology to Iran and other rogue nations, but we do nothing. The White House covers it up and even denies China has done it.

We are discovering now that in 1995 communist China had stolen the crown jewel of our nuclear arsenal and yet this administration did nothing about it. If the President is to be believed, no one even informed the Commander in Chief.

Well, now, communist China has 13 nuclear missiles which are more accurate, more deadly, because of White House actions, aimed at our children.

CONGRATULATIONS TO UNION CARBIDE CORPORATION TECHNICAL CENTER

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

Mr. WISE. Mr. Speaker, this is a noteworthy week in South Charleston, West Virginia, as Union Carbide Technical Center celebrates its 50th anniversary. As an innovator for Union Carbide's activities located worldwide, the Tech Center was located in April 1949 in the original research building. I want to congratulate Union Carbide's CEO, Dr. William Joyce, the employees and the retirees of the Technical Center, as we look forward to continuing a very productive working relationship.

The Tech Center, in addition to being a highly profitable and decorated organization, has also been an excellent corporate citizen in its involvement as volunteers in the area and a good partner for the community.

Since its location 50 years ago, the site has grown to approximately 650 acres, and the technical center offers worldwide assistance to Union Carbide in its manufacturing businesses and research, development and engineering. It comes as no surprise that Union Carbide has won awards for three of its products and services primarily developed at the technical center.

We want to congratulate again Union Carbide for being a good citizen and its 50th anniversary.

WANG GOT GUNS AND CLINTON GOT CASH

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

Mr. PITTS. Mr. Speaker, I would like to respond to my Second Amendment-loathing friend on the liberal side of the aisle. If the administration and its defenders in Congress are so concerned about guns, then why did the Clinton administration sign a waiver on February 2, 1996 for a Chinese gun company to import 100,000 additional assault weapons and millions of bullets?

Here is some information that my colleagues on the other side might not want to hear. Four days later, on February 6, 1996, the Chinese arms exporter attended a White House fund-raiser; I mean a coffee, that raised money, but it was not a fund-raiser. That exporter was named Wang Jun.

In obtaining a visa he had filed a letter from Ernest Green, a close Clinton friend and top fund-raiser. The day after he had coffee with the President, Ernest Green's wife contributed $50,000 to the DNC. Her contribution the year before was $250.

Can anyone imagine why suddenly Wang got his guns on American streets and Clinton got his campaign cash?

WAR IN KOSOVO

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

Mr. TRAFICANT. Mr. Speaker, the headlines read, crisis in Kosovo. Conflict in Kosovo. Spare me, Mr. Speaker. This is war in Kosovo, stone-cold war. And it is time, it is time to support independence for Kosovo. There will be no long-lasting peace without it. It is time to arm the KLA and send Milosevic looking over his shoulder, and it is time to arrest Milosevic for war crimes.

One last point. After it is over, Europe should clean up Kosovo and Europe should pay for the concrete and steel to rebuild Kosovo, not the American people.

REJECT AMENDMENT TO INCREASE MILK TAX

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

Mr. GREEN of Wisconsin. Mr. Speaker, later today the House is expected to consider an amendment to the agricultural appropriations act that would essentially prevent Secretary Glickman from implementing his proposed very modest milk marketing reforms.

This amendment is terrible public policy. It would reinforce what I call the milk tax, government-imposed costs on dairy products, costs to the tune of $1 billion annually.

In a recent letter, Citizens Against Government Waste said it ''opposes any effort to artificially mandate higher milk prices and will score the vote for such an amendment as a vote against the U.S. taxpayer.'' Against the U.S. taxpayer.

This amendment is bad for taxpayers, it is bad for consumers, and yes, it is bad for family farms. I urge my colleagues to join me later today in rejecting this amendment to increase the milk tax.

GUN VIOLENCE IN OUR SCHOOLS

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

Mrs. CAPPS. Mr. Speaker, as a school nurse I rise today to address a national crisis in our schools: gun violence. I spent last weekend with my two grandchildren. Hugging them, my heart ached for the parents and grandparents whose kids attend Heritage and Columbine High School.

Something is terribly wrong when school shootings become commonplace in our society. There is no simple solution to youth violence, but common sense gun control is an important place to start.

Mr. Speaker, we worry about the safety of our children's toys, but we do not have child safety locks on guns. Let us get real.

Last week, the Senate passed sensible legislation that will save lives. Now the House must act. Not next month, today. Each day, 13 children under age 19 are killed because of guns.

Mr. Speaker, Congress should listen to parents, grandparents and students everywhere and act now to stop this national epidemic.

DOD AUTHORIZATION BILL

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

Mr. RYUN of Kansas. Mr. Speaker, the United States military has been stretched to the point of breaking. Congress has had to increase the President's defense budget by $50 billion over the last five years just to add to important unfunded requirements. While operational commitments around the world have increased by 300 percent since 1989, the Air Force and Army have been reduced by 45 percent, the Navy, 36 percent, and the Marines,

12 percent. Mr. Speaker, these are frightening numbers.

The conflict in Kosovo has revealed to the world the questionable readiness state of the United States military. Readiness of our military equipment goes beyond the state of hardware and encompasses the quality of life of our soldiers.

Mr. Speaker, the United States military has been operationally deployed 30 times in the last 8 years. To retain our skilled military personnel, operation tempos must be reduced and readiness accounts must be increased.

H.R. 1401, the Fiscal Year 2000 National Defense Authorization Act, adds much-needed funds to vital military readiness, personnel, procurement, construction and research accounts. I urge my colleagues to vote ''yes'' on H.R. 1401.

THE WAR IN KOSOVO

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

Mr. KUCINICH. Mr. Speaker, the Los Angeles Times headline points out that the United States or NATO is preparing to send 50,000 troops to Kosovo, to the Kosovo border. They call them peacekeepers. Sure. And the White House says we are not at war.

Mr. Speaker, 50,000 heavily armed troops to the Kosovo border. The Rambouillet Peace Agreement called for 28,000 troops, but we are sending 50,000 armed troops to the Kosovo border.

□ 1015

The air strikes have not worked. Twenty thousand sorties, and the White House says we are not at war. There has been no resistance from the air, but Milosevic's troops are preparing for a ground war. There has been no progress in peace talks because the U.S. is not letting the Russians help, and there is no real effort to find an agreement. There is an insistence on total NATO occupation of the Federal Republic of Yugoslavia.

America, we are headed towards a ground war in Kosovo. Congress voted against declaring war, and we are at war. Congress voted against an air war, and we are at war. We have an air war. Congress voted against a ground war, and we are headed towards a ground war.

This war violates the U.S. Constitution, a violation of the War Powers Act. We need to respect the Constitution. Pursue peace, not war. Pursue peace through negotiation and mediation. Do not escalate this war.

PRICE-SETTING PRACTICES ON MILK CONSTITUTE INTERNAL TRADE BARRIERS

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

Mr. GUTKNECHT. Mr. Speaker, I want to engage in a little visualization quiz with my colleagues this morning. If all the Members would just close their eyes, relax, and think.

Think of all the things that our Federal Government artificially sets prices on based on their distance from a specific geographic location. Think hard. There is only one correct answer.

Here is a hint: It is the only product where we allow States to set up artificial trade barriers. Here is another hint: It gives you a white mustache, and it is actually good for you. That is right, milk, only milk.

Here is another interesting factoid. At the very time when we are trying to break down trade barriers around the world, some Members are actually trying to construct trade barriers here in the United States when it comes to milk.

INTRODUCING THE NAFTA IMPACT RELIEF ACT

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

Mr. SHOWS. Mr. Speaker, today I am introducing the NAFTA Impact Relief Act. Since NAFTA was introduced in 1994, factories across the country and in my district, Centreville, Prentiss, Collins and Magee, have shut down and lost thousands of jobs, exploiting cheap foreign labor.

The NAFTA job retraining program is sorely underfunded and really not very complete. It misses the point. When people in the rural area lose a factory, there is not a job to be retrained for. They need actual jobs.

The NAFTA Impact Relief Act creates new jobs by authorizing the Secretary of Commerce to designate NAFTA-impacted communities similar to enterprise zones. Businesses would receive tax incentives to locate and hire workers in these communities.

The NAFTA Impact Relief Act is a win-win for business and labor, and needs to become law. I urge my colleagues to get behind the bill, because there are many, many unemployed Americans in this country because of NAFTA. Please help us.

THE ADMINISTRATION HAS FAILED IN PROTECTING AMERICA'S NUCLEAR WEAPONS SECRETS

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

Mr. HEFLEY. Mr. Speaker, in 1995 the person in charge of counterintelligence at the Department of Energy discovered some devastating information. It appeared that the Communist Chinese had obtained our most important nuclear secrets.

The most advanced nuclear weapon in our arsenal, the W–88, had somehow been given to the Communist Chinese. It was so horrific he could hardly believe his ears; the worst possible case, the ultimate national security disaster.

Communist China was the same country that was selling weapons of mass destruction technology to Iran and other rogue regimes, the same country that imprisoned citizens for their political beliefs, the same country that massacred a thousand in Tiananmen Square for believing in freedom.

That Energy Department official then sounded the alarm, but no one listened. The Justice Department unbelievably turned down the FBI's request twice to wiretap the scientist suspected of giving away the most important secret the United States owned, and political appointees at the White House downplayed the disaster. This administration has utterly failed us.

CALLING FOR SENSIBLE GUN SAFETY LEGISLATION THIS WEEK

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

Mr. WYNN. Mr. Speaker, I rise this morning to support sensible gun safety legislation to protect our young people. We have a lot of problems in this country and espionage is one of them, but the most pressing problem we have today is gun violence. We need to pass sensible gun safety legislation now.

First, we need to pass child safety locks, so that babies and young people cannot get ready access to guns and have accidents of tragic consequences.

Second, we need background checks at pawn shops and at gun shows, so thugs cannot buy guns off the market and then sell them in our communities to our young people.

Third, we need to ban these high-capacity ammunition clips that are imported into our country. This is not the movie Matrix. We are not having gunfights with drug lords on the streets. The average citizen has a right to have a gun, and I believe that, but we in Congress have a responsibility to enact sensible gun control.

The second point I want to make this morning is we need to do it now. This is not rocket science. We need to move on gun control legislation this week, before we go home.

THE BEST SECURITY IS A BRIGHT LIGHT

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

Mr. GIBBONS. Mr. Speaker, my parents told me that the best security is a bright light. Americans want to know if the Chinese nuclear arsenal was built on the genius of American scientists and on the backs of the American taxpayers.

Our counterintelligence at the Department of Energy has been a specific concern of the Permanent Select Committee on Intelligence for some time, and we all deserve answers.

This Congress must pursue investigative public hearings based on information provided by the Cox Committee that examines Chinese-directed espionage against the United States, including efforts to steal nuclear and military secrets; that will examine Chinese-directed covert action type activities conducted against the United States, such as the use of agents to influence and efforts to subvert or otherwise manipulate the U.S. political process.

Mr. Speaker, Motel 6, I think, has a motto: We'll keep the lights on.'' Unfortunately, the White House has turned the lights off, and now our national security is at stake.

America deserves answers, and that is what they shall get. I yield back to America all the lights they may need and any national security we have left.

CONGRESS SHOULD ENACT GUN SAFETY LEGISLATION NOW

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

Mr. CUMMINGS. Mr. Speaker, when manufactured products injure our children, we must act. When manufactured products play a role in the death of our children, we must act. This concept is simple and is not new. For years safety regulations have been promulgated aimed at protecting our children from certain products.

I hold in my hand a product that is small but has maimed or taken the lives of thousands, a firecracker. Forty percent of its victims have been children under 15 years of age. Fortunately, however, injury rates from this product are at an all-time low, dropping 30 percent from 1995 to 1996 alone. Why? Federal safety regulations. In other words, we took action.

It took decades of tragic experience to teach us this lesson. We are now facing a similar situation. Thirteen of our Nation's youth are dying each day from a manufactured product, guns.

I submit that we learn our lesson now. Again, this concept is simple. It is not new. Let us act this week to ensure the safety of our children.

INTRODUCTION OF LEGISLATION TO PROVIDE RELIEF FOR THE MARRIAGE TAX PENALTY

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

Mr. KNOLLENBERG. Mr. Speaker, with Federal taxes at an all-time high, Congress has, I think, a moral obligation to provide some relief to the American people. While there are several tax cut proposals that are being debated in the House, I believe one deserves immediate attention. That issue is the marriage penalty.

Under current law, 21 million couples, 21 million couples are required to pay an additional $1,400 a year in taxes simply because they are married. This ridiculous policy is undermining the institution of marriage, and making it harder for working families to get ahead.

I have introduced legislation that addresses this problem by increasing the standard deduction provided to married couples so that it equals twice the amount of the deduction provided to single taxpayers. It should make sense.

This commonsense proposal would provide some relief from the marriage penalty, inject some fairness into the Tax Code, and strengthen working families. I urge my colleagues to support it.

ASKING THE REPUBLICAN LEADERSHIP TO TAKE UP GUN SAFETY LEGISLATION NOW

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

Mr. MENENDEZ. Mr. Speaker, this week we are taking up a bill that will fund congressional salaries, fund the cleaning of the marble and the brass in the Capitol, and pay for the furniture in our offices.

Apparently we have time for that, but we do not have time to take up legislation to fund more counselors and after school programs for our children. While it seems we can find the time to regulate the manufacture of toys, it seems we cannot find the time to put some modest safety regulations on guns, regulations to keep our children safe.

Mr. Speaker, where are Republican priorities? Is it the guns or our children? Is it the marble and the brass, or our schools and our communities?

It is time to make a choice. It is no use passing a bill to keep our Capitol marble and brass gleaming if we cannot pass a bill to keep our children safe in school.

The true glory of this Capitol is what we do in this Chamber, so I ask the Republican leadership to let us take up legislation to keep our children safe today; not tomorrow, not next month, but today, before we lose another life.

SAVING LIVES CAN RESULT WHEN PEOPLE START OBEYING EXISTING LAWS

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

Mr. HAYWORTH. Mr. Speaker, I listened with great interest to my colleague, the gentleman from New Jersey (Mr. MENENDEZ). I would say this, this does become a matter of priorities. We need to reach out and save American lives.

One way we can do that is by taking a careful, considered look at the problem of domestic violence and school violence, but also at the very real threat the Chinese now present to the American people.

Mr. Speaker, nuclear weapons are really big guns. They are not firecrackers. The grim reality is that this administration, the Clinton-Gore gang, took hundreds of thousands of dollars of campaign contributions from the Communist Chinese, and an arms dealer by the name of Wang Jun provided some of that money. Curiously, the Justice Department waived any restrictions. The result was, 100,000 assault weapons were turned loose in the city of Los Angeles, adding to the violence.

Mr. Speaker, it is one thing to talk about laws, and it is one thing to preen and posture on convictions, but the fact is, serious results come when people start by obeying existing laws.

INTERNATIONAL CODE-SHARING AGREEMENTS

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, it is interesting. I have listened to all the speeches, and I can tell the Members that we do have a number of issues that are pressing that we need to address. Gun violence certainly is one we need to address, and not just talk about the issue, but also talk about what it takes to correct it.

We are correcting the Chinese situation because it was discovered, and it is being addressed in this administration. It has been going on for 20 years.

I rise today to talk about another issue of great concern to the flying public. We hope we can address it soon, and not look up 20 years and find all of these planes are crashing that are connecting with ours. It is called international code-sharing agreements.

Code sharing agreements are agreements between air carriers, most often a U.S. carrier and a foreign flag carrier, whereby the U.S. carrier can sell seats on the other carrier's flight while identifying it as their own.

What this means in an international market is that while the passenger's ticket may say he or she is flying on a U.S. carrier overseas, in reality it is an overseas flight, and they do not meet the same safety standards.

I will continue to work to get this issue addressed.

BLAME AND THE CHINESE ESPIONAGE SCANDAL

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

Mr. CHABOT. Mr. Speaker, with regard to the Chinese espionage scandal, I have heard the other side say over

and over again; let us not overreact; let us not politicize this; there is plenty of blame to go around; it is Ronald Reagan's fault, and, of course, the ''everybody does it'' defense that we hear every single time wrongdoing by this administration is discovered. It is almost as though they have no interest in the real problem, our national security.

This administration's real attention, its real interest, was raising campaign cash, avoiding blame, avoiding embarrassment, getting reelected. Change the subject, talk about guns, cigarettes, school uniforms. Let us do it for the children.

If the Clinton administration had really wanted to do something to make the children of this Nation safer, they would have protected them from potential nuclear annihilation some day. That is what they should have been doing. Instead, they were raising campaign cash.

WHY WAIT TO DEBATE GUN SAFETY LEGISLATION?

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

Ms. DELAURO. Mr. Speaker, yesterday the Republican leadership announced that it was willing to bring gun safety legislation to the floor of the House in mid June.

After a week of wrangling and stalling, I applaud their decision to join the Democrats to discuss fair and sensible measures that will in fact save children's lives. But why are we waiting? There is not a reason to put off until tomorrow actions that will reduce the chances of tragedy today.

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Why do American parents have to wait, when they are so scared? I quote to my colleagues from USA Today. ''Slightly more than half of parents with school-aged children say they fear for their children's safety when they are at school, up from 37 percent 1 year ago.''

Parents in this country need to know that this body is willing to act, willing to act quickly to allay their fears and not make them fearful to send their children to school every single day. That is not what the United States is all about.

Why are we stalling the American public? Do we want the additional time to give the NRA the opportunity to twist arms? Measures like this will pass this House in a heartbeat. Let us do it, let us do it in the next 2 days.

ARMING OF COMMUNIST CHINA

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

Mr. TANCREDO. Mr. Speaker, the mantra of the Democrats this day has been gun control. But Mr. Speaker, it is very, very difficult to entrust this administration and that side of the aisle with gun control when they have been so unsuccessful with arms control.

Many are calling the information revealed in the Cox Report the scandal of the century. There are two major scandals detailed in this impressive bipartisan report. There was a national security breakdown in the Energy Department labs, a breakdown that started in the 1970s and became nearly total beginning in 1993 under an administration that has never taken national security issues seriously.

And there is an even bigger scandal, the effort to downplay, to cover up and to thwart investigations into the first scandal when it became known in 1995. I repeat, the bigger of the two scandals is not that China successfully spied on the U.S., but the almost incomprehensible reaction to that fact when it was discovered in 1995.

The biggest scandal of all is the arming of the communist Chinese after hundreds of thousands of dollars of campaign contributions to the Democratic Party.

HOUSE SHOULD PASS GUN SAFETY LEGISLATION BEFORE MEMORIAL DAY BREAK

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

Ms. DEGETTE. Mr. Speaker, the recent spate of school shootings has left us all saddened, stunned and determined to do something. It is time for all of us to respond to the outrage of the American people. The public wants us to protect children from random gun violence, and they want action on child gun safety legislation. We need to act and we need to act now. Every day we wait, another 13 children die at the hands of a gun.

I do not believe that legislation is the only solution to this complex problem of youth violence, but I do believe that the easy availability of firearms is a clear contributing problem. That is why my Democratic colleagues and I urge the leadership to bring three reasonable gun safety bills to the House floor this week. These three bills are similar to the legislation enacted in the Senate and are commonsense solutions to some of the problems we face.

First is a bill that requires background checks for all firearms sales at gun shows. Second, a bill that requires all handguns to be fitted with child safety locks. And, finally, banning large ammunition magazines. Let us do it this week.

SOCIAL SECURITY

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

Mr. HOEKSTRA. Mr. Speaker, it is time to review a little history. Just last year Republicans put forward a commonsense proposal to save 90 percent of the budget surplus for Social Security. Simply, it was called the 90–10 Plan, 90 percent for Social Security, 10 percent for tax cuts.

That proposal was vilified every day for months by Democrats as a raid on the Social Security Trust Fund. Let me repeat that. Democrats repeated day in and day out that because only 90 percent of the surplus was designated to go to Social Security, that proposal was a raid on the Social Security Trust Fund.

Now this year the President has proposed to set aside 68 percent of the surplus for Social Security, which last time I checked was less than the 90 percent which the Republican proposal set, and yet the President claims that his proposal saved Social Security while ours was a raid on the Social Security Trust Fund.

Now, there is some reasoning that I just do not trust.

PROTECTING CHILDREN FROM GUN VIOLENCE

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

Mr. CROWLEY. Mr. Speaker, with horror we have watched a string of school shooting tragedies over the last 2 years: Littleton, Colorado; Springfield, Oregon; Fayetteville, Tennessee; Edinboro, Pennsylvania; Jonesboro, Arkansas; West Paducah, Kentucky; Pearl, Mississippi; and just last week in Conyers, Georgia.

Thirteen children under the age of 19 are killed each and every day because of guns. Families are so afraid of school violence that children are kept home. This is a serious crisis and we need to act now. Our colleagues in the other body took action last week. The House can and should begin debate on how to reduce youth violence before this Memorial weekend break.

Addressing the issue of school gun safety and media violence alone will not solve the problem. We need to address the broader issue of the quality of our children's education. A real solution must deal with the issues of class size, which is especially important in my District of Queens and the Bronx, but also of discipline, of safety officers and guidance counselors in our schools, both in pre- and after-school programs as well.

We cannot wait for another tragedy to happen before Congress acts, Mr. Speaker. We as Democrats stand ready to force a vote now on a juvenile justice bill so we can get it to the President's desk by the end of this school year.

SECURITY OF OUR NATION DEPENDS ON OUR RESPONSE TO CHINESE ESPIONAGE

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

Mr. DEMINT. Winston Churchill once said, ''Men occasionally stumble upon the truth, but most of them pick themselves up and hurry off as if nothing happened.''

Yesterday, the House Select Committee on U.S. Security and Military/Commercial Concerns with the People's Republic of China released their report on Chinese spying. We now know the truth. The Chinese communists have obtained virtually all of our nuclear secrets. And today, brand new American-designed Chinese missiles are aimed at our homes.

Mr. Speaker, we know the truth and we are not going to hurry off as if nothing had happened. The security of our Nation depends on how we respond to this report of Chinese espionage. It is not too late to pass a Nation that is safe and secure to our children.

Through a strong defense, more decisive leadership, and a renewed vigilance in protecting our secrets and prosecuting spies, we can make sure that every citizen lives in freedom and security.

CONGRESS MUST DEAL WITH PROBLEM OF YOUTH VIOLENCE NOW

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

Mr. WEINER. Mr. Speaker, there has emerged a national consensus that we have to deal with the problem of youth violence. Hollywood must help, parents must be involved, and, yes, I say to my colleagues, Congress must act as well.

There are some commonsense proposals that have reached a national consensus level for good reason. We now have laws in this country to require child-proof caps on aspirin bottles, but we do not have any laws that require trigger locks on handguns.

The Speaker of this House deserves great credit for speaking up this week and saying he agrees we need commonsense gun regulations. The other body has spoken, and overwhelming numbers of us in this body agree we need these changes in the law.

So why the stall? Why not act now, right now, today? We will have an opportunity before the Memorial Day break to take that national consensus and close the gap that often exists between what people are saying in the country and what we do here in the Congress.

BOTH PARTIES MUST WORK TOGETHER TO ACHIEVE GREATER GOOD FOR AMERICA

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

Mr. EWING. Mr. Speaker, I come here today and I listen and I am amazed by the vitriolic rhetoric from the other side of the aisle; accusations that everything wrong in America is the majority party's problem.

It takes both parties to get something done. Gun laws are a good example. Yes, we need to move on gun legislation; and, yes, we need to protect the rights of Americans under the Second Amendment. I believe sometimes, when I listen to the rhetoric, they would throw out the Constitution for the political gain they think they might get on that issue. Or campaign finance reform. Yes, we must do that now, whether it is fair or whether it is not fair.

My colleagues, I am amazed by the attitude, the political rawness that I see here in this House, when only by working together can we achieve what is good for America.

TOYS HAVE CHILD SAFETY MECHANISMS BUT NOT GUNS

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

Ms. WOOLSEY. Mr. Speaker, this silly toy has safety regulations, yet today in the United States, guns, that is right, guns do not have child safety regulations. What is wrong with this picture?

The message we are sending to the American people is that toys, this silly stuffed toy, is more dangerous to children than a gun. That is outrageous. It is outrageous that we do not have child safety locks on guns to protect our children from hurting themselves and hurting others if they get a gun in their hands.

How many more accidents, I ask my colleagues, will it take? How many more school shootings before we do something about this? How many lives will be taken? How many children will be killed before we have safety locks on guns?

We must pass gun safety now. We must prevent senseless tragedies from happening to our children, our families, our communities. We must schedule a vote on gun safety legislation and we must do it immediately.

GENERAL LEAVE

Mr. SKEEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill (H.R. 1906) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2000, and for other purposes, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. SUNUNU). Is there objection to the request of the gentleman from New Mexico?

There was no objection.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

The SPEAKER pro tempore. Pursuant to House Resolution 185 and Rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 1906.

☐ 1041

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1906) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2000, and for other purposes, with Mr. PEASE in the Chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Tuesday, May 25, 1999, the amendment by the gentleman from Oklahoma (Mr. COBURN) had been disposed of and the bill was open for amendment from page 10, line 1 to page 11, line 24.

Mr. SKEEN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I submit for the RECORD tabular material relating to the bill, H.R. 1906:

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2000 (H.R. 1906)
(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - AGRICULTURAL PROGRAMS					
Production, Processing, and Marketing					
Office of the Secretary	2,836	2,942	2,836	.....	-106
Executive Operations:					
Chief Economist	5,620	6,622	5,620	.....	-1,002
National Appeals Division	11,718	12,699	11,718	.....	-981
Office of Budget and Program Analysis	6,120	6,583	6,583	+463	.....
Office of the Chief Information Officer	5,551	7,998	6,051	+500	-1,947
Y2K conversion (emergency appropriations)	46,168	.....	.....	-46,168	.....
Office of the Chief Financial Officer	4,283	6,288	4,283	.....	-2,005
Total, Executive Operations	79,460	40,190	34,255	-45,205	-5,935
Office of the Assistant Secretary for Administration	613	636	613	.....	-23
Agriculture buildings and facilities and rental payments	137,184	166,364	166,364	+29,180	.....
Payments to GSA	(108,057)	(115,542)	(115,542)	(+7,485)	.....
Building operations and maintenance	(24,127)	(24,822)	(24,822)	(+695)	.....
Repairs, renovations, and construction	(5,000)	(26,000)	(26,000)	(+21,000)	.....
Hazardous waste management	15,700	22,700	15,700	.....	-7,000
Departmental administration	32,168	36,117	36,117	+3,949	.....
Outreach for socially disadvantaged farmers	3,000	10,000	3,000	.....	-7,000
Office of the Assistant Secretary for Congressional Relations	3,668	3,805	3,668	.....	-137
Office of Communications	8,138	9,300	8,138	.....	-1,162
Office of the Inspector General	65,128	68,246	65,128	.....	-3,118
Office of the General Counsel	29,194	32,675	29,194	.....	-3,481
Office of the Under Secretary for Research, Education and Economics	540	2,061	940	+400	-1,121
Economic Research Service	65,757	55,628	70,266	+4,509	+14,638
National Agricultural Statistics Service	103,964	100,559	100,559	-3,405	.....
Census of Agriculture	(23,599)	(16,490)	(16,490)	(-7,109)	.....
Agricultural Research Service	785,518	836,868	836,381	+50,863	-487
Buildings and facilities	56,437	44,500	44,500	-11,937	.....
Total, Agricultural Research Service	841,955	881,368	880,881	+38,926	-487
Cooperative State Research, Education, and Extension Service:					
Research and education activities	481,216	468,965	467,327	-13,889	-1,638
Native American Institutions Endowment Fund	(4,600)	(4,600)	(4,600)	.....	.....
Extension activities	437,987	401,603	438,987	+1,000	+37,384
Integrated activities	.....	72,844	10,000	+10,000	-62,844
Total, Cooperative State Research, Education, and Extension Service	919,203	943,412	916,314	-2,889	-27,098
Office of the Under Secretary for Marketing and Regulatory Programs	618	641	618	.....	-23
Animal and Plant Health Inspection Service:					
Salaries and expenses	425,803	435,445	444,000	+18,197	+8,555
AQI user fees	(88,000)	(95,000)	(87,000)	(-1,000)	(-8,000)
Buildings and facilities	7,700	7,200	7,200	-500	.....
Total, Animal and Plant Health Inspection Service	433,503	442,645	451,200	+17,697	+8,555
Agricultural Marketing Service:					
Marketing Services	48,831	60,182	49,152	+321	-11,030
Standardization user fees	(4,000)	(4,000)	(4,000)	.....	.....
(Limitation on administrative expenses, from fees collected)	(60,730)	(60,730)	(60,730)	.....	.....
Funds for strengthening markets, income, and supply (transfer from section 32)	10,998	12,443	12,443	+1,445	.....
Payments to states and possessions	1,200	1,200	1,200	.....	.....
Total, Agricultural Marketing Service	61,029	73,825	62,795	+1,766	-11,030
Grain Inspection, Packers and Stockyards Administration:					
Salaries and expenses	26,787	26,448	26,448	-339	.....
Limitation on inspection and weighing services	(42,557)	(42,557)	(42,557)	.....	.....
Office of the Under Secretary for Food Safety	446	469	446	.....	-23
Food Safety and Inspection Service	616,986	652,955	652,955	+35,969	.....
Lab accreditation fees 1/	(1,000)	(1,000)	(1,000)	.....	.....
Total, Production, Processing, and Marketing	3,447,877	3,572,986	3,528,435	+80,558	-44,551
Farm Assistance Programs					
Office of the Under Secretary for Farm and Foreign Agricultural Services	572	595	572	.....	-23
Farm Service Agency:					
Salaries and expenses	714,499	794,839	794,839	+80,340	.....
(Transfer from export loans)	(589)	(672)	(672)	(+83)	.....
(Transfer from P.L. 480)	(815)	(845)	(845)	(+30)	.....
(Transfer from ACIF)	(209,861)	(209,861)	(209,861)	.....	.....
Subtotal, Transfers from program accounts	(211,265)	(211,378)	(211,378)	(+113)	.....
Total, salaries and expenses	(925,764)	(1,006,217)	(1,006,217)	(+80,453)	.....
State mediation grants	2,000	4,000	4,000	+2,000	.....
Dairy indemnity program	450	450	450	.....	.....
Subtotal, Farm Service Agency	716,949	799,289	799,289	+82,340	.....

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2000 (H.R. 1906)—Continued
(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	Bill	Bill vs. Enacted	Bill vs. Request
Agricultural Credit Insurance Fund Program Account:					
Loan authorizations:					
Farm ownership loans:					
Direct	(85,651)	(128,049)	(128,049)	(+42,398)	.....
Guaranteed	(425,031)	(431,373)	(431,373)	(+6,342)	.....
Subtotal	(510,682)	(559,422)	(559,422)	(+48,740)	.....
Farm operating loans:					
Direct	(500,000)	(500,000)	(500,000)	.....	.....
Guaranteed unsubsidized	(948,276)	(1,697,842)	(1,697,842)	(+749,566)	.....
Guaranteed subsidized	(200,000)	(97,442)	(97,442)	(-102,558)	.....
Subtotal	(1,648,276)	(2,295,284)	(2,295,284)	(+647,008)	.....
Indian tribe land acquisition loans	(1,000)	(1,028)	(1,028)	(+28)	.....
Emergency disaster loans	(25,000)	(53,000)	(53,000)	(+28,000)	.....
Boll weevil eradication loans	(100,000)	(100,000)	(100,000)	.....	.....
Total, Loan authorizations	(2,284,958)	(3,008,734)	(3,008,734)	(+723,776)	.....
Loan subsidies:					
Farm ownership loans:					
Direct	12,822	4,827	4,827	-7,995	.....
Guaranteed	6,758	2,416	2,416	-4,342	.....
Subtotal	19,580	7,243	7,243	-12,337	.....
Farm operating loans:					
Direct	34,150	29,300	29,300	-4,850	.....
Guaranteed unsubsidized	11,000	23,940	23,940	+12,940	.....
Guaranteed subsidized	17,480	8,585	8,585	-8,895	.....
Subtotal	62,630	61,825	61,825	-805	.....
Indian tribe land acquisition	153	21	21	-132	.....
Emergency disaster loans	5,900	8,231	8,231	+2,331	.....
Boll weevil loans subsidy	1,440	.....	.....	-1,440	.....
Total, Loan subsidies	89,703	77,320	77,320	-12,383	.....
ACIF expenses:					
Salaries and expense (transfer to FSA)	209,861	209,861	209,861	.....	.....
Administrative expenses	10,000	4,300	4,300	-5,700	.....
Total, ACIF expenses	219,861	214,161	214,161	-5,700	.....
Total, Agricultural Credit Insurance Fund	309,564	291,481	291,481	-18,083	.....
(Loan authorization)	(2,284,958)	(3,008,734)	(3,008,734)	(+723,776)	.....
Total, Farm Service Agency	1,026,513	1,090,770	1,090,770	+64,257	.....
Risk Management Agency	64,000	70,716	70,716	+6,716	.....
Support Services Bureau	.....	74,050	.....	.....	-74,050
Total, Farm Assistance Programs	1,091,085	1,236,131	1,162,058	+70,973	-74,073
Corporations					
Federal Crop Insurance Corporation:					
Federal crop insurance corporation fund	1,504,036	997,000	997,000	-507,036	.....
Commodity Credit Corporation Fund:					
Reimbursement for net realized losses	8,439,000	14,368,000	14,368,000	+5,929,000	.....
Operations and maintenance for hazardous waste management (limitation on administrative expenses)	(5,000)	(5,000)	(5,000)	.....	.....
Total, Corporations	9,943,036	15,365,000	15,365,000	+5,421,964	.....
Total, title I, Agricultural Programs	14,481,998	20,174,117	20,055,493	+5,573,495	-118,624
(By transfer)	(211,265)	(211,378)	(211,378)	(+113)	.....
(Loan authorization)	(2,284,958)	(3,008,734)	(3,008,734)	(+723,776)	.....
(Limitation on administrative expenses)	(108,287)	(108,287)	(108,287)	.....	.....
TITLE II - CONSERVATION PROGRAMS					
Office of the Under Secretary for Natural Resources and Environment	693	721	693	.....	-28
Natural Resources Conservation Service:					
Conservation operations	641,243	680,679	654,243	+13,000	-26,436
(By transfer)	.....	(44,423)	.....	.....	(-44,423)
Watershed surveys and planning	10,368	11,732	10,368	.....	-1,364
Watershed and flood prevention operations	99,443	83,423	99,443	.....	+16,020
Resource conservation and development	35,000	35,265	35,265	+265	.....
Forestry incentives program	6,325	.....	.....	-6,325	.....
Debt for nature	.....	5,000	.....	.....	-5,000
Farmland protection program	.....	50,000	.....	.....	-50,000
Total, Natural Resources Conservation Service	792,379	866,099	799,319	+6,940	-66,780
Total, title II, Conservation Programs	793,072	866,820	800,012	+6,940	-66,808

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2000 (H.R. 1906)—Continued
(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE III - RURAL DEVELOPMENT PROGRAMS					
Office of the Under Secretary for Rural Development	588	612	588	.....	-24
Rural community advancement program	722,686	670,103	666,103	-56,583	-4,000
Rural Housing Service:					
Rural Housing Insurance Fund Program Account:					
Loan authorizations:					
Single family (sec. 502)	(965,313)	(1,100,000)	(1,337,632)	(+372,319)	(+237,632)
Unsubsidized guaranteed	(3,000,000)	(3,200,000)	(3,200,000)	(+200,000)	.....
Housing repair (sec. 504)	(25,001)	(32,396)	(32,400)	(+7,399)	(+4)
Farm labor (sec. 514)	(20,000)	(25,001)	(25,000)	(+5,000)	(-1)
Rental housing (sec. 515)	(114,321)	(100,000)	(120,000)	(+5,679)	(+20,000)
Multifamily housing guarantees (sec. 538)	(100,000)	(100,000)	(100,000)	.....	.....
Site loans (sec. 524)	(5,152)	(5,152)	(5,152)	.....	.....
Credit sales of acquired property	(16,930)	(7,503)	(7,503)	(-9,427)	.....
Self-help housing land development fund	(5,000)	(5,000)	(5,000)	.....	.....
Total, Loan authorizations	(4,251,717)	(4,575,052)	(4,832,687)	(+580,970)	(+257,635)
Loan subsidies:					
Single family (sec. 502)	114,100	93,830	114,100	.....	+20,270
Unsubsidized guaranteed	2,700	19,520	19,520	+16,820	.....
Housing repair (sec. 504)	8,808	9,900	9,900	+1,092	.....
Multifamily housing guarantees (sec. 538)	2,320	480	480	-1,840	.....
Farm labor (sec. 514)	10,406	11,308	11,308	+902	.....
Rental housing (sec. 515)	55,160	39,680	47,616	-7,544	+7,936
Site loans (sec. 524)	17	4	4	-13	.....
Credit sales of acquired property	3,492	874	874	-2,618	.....
Self-help housing land development fund	282	281	281	-1	.....
Total, Loan subsidies	197,285	175,877	204,083	+6,798	+28,206
RHIF administrative expenses (transfer to RHS)	360,785	383,879	377,879	+17,094	-6,000
Rental assistance program:					
(Sec. 521)	577,497	434,100	577,500	+3	+143,400
(Sec. 502(c)(5)(D))	5,900	5,900	5,900	.....	.....
Subtotal	583,397	440,000	583,400	+3	+143,400
Advance appropriation, FY 2001	.....	200,000	.....	.....	-200,000
Total, Rental assistance program	583,397	640,000	583,400	+3	-56,600
Total, Rural Housing Insurance Fund	1,141,467	1,199,756	1,165,362	+23,895	-34,394
(Loan authorization)	(4,251,717)	(4,575,052)	(4,832,687)	(+580,970)	(+257,635)
Mutual and self-help housing grants	26,000	30,000	28,000	+2,000	-2,000
Rural housing assistance grants	41,000	54,000	50,000	+9,000	-4,000
Subtotal, grants and payments	67,000	84,000	78,000	+11,000	-6,000
RHS expenses:					
Salaries and expenses	60,978	61,979	61,979	+1,001	.....
(Transfer from RHIF)	(360,785)	(383,879)	(377,879)	(+17,094)	(-6,000)
Total, RHS expenses	(421,763)	(445,858)	(439,858)	(+18,095)	(-6,000)
Total, Rural Housing Service	1,269,445	1,345,735	1,305,341	+35,896	-40,394
(Loan authorization)	(4,251,717)	(4,575,052)	(4,832,687)	(+580,970)	(+257,635)
Rural Business-Cooperative Service:					
Rural Development Loan Fund Program Account:					
(Loan authorization)	(33,000)	(52,495)	(52,495)	(+19,495)	.....
Loan subsidy	16,615	22,799	22,799	+6,184	.....
Administrative expenses (transfer to RBCS)	3,482	3,337	3,337	-145	.....
Total, Rural Development Loan Fund	20,097	26,136	26,136	+6,039	.....
Rural Economic Development Loans Program Account:					
(Loan authorization)	(15,000)	(15,000)	(15,000)	.....	.....
Direct subsidy	3,783	3,453	3,453	-330	.....
Rural cooperative development grants	3,300	9,000	6,000	+2,700	-3,000
RBCS expenses:					
Salaries and expenses	25,680	24,612	24,612	-1,068	.....
(Transfer from RDLFP)	(3,482)	(3,337)	(3,337)	(-145)	.....
Total, RBCS expenses	(29,162)	(27,949)	(27,949)	(-1,213)	.....
Total, Rural Business-Cooperative Service	52,860	63,201	60,201	+7,341	-3,000
(By transfer)	(3,482)	(3,337)	(3,337)	(-145)	.....
(Loan authorization)	(48,000)	(67,495)	(67,495)	(+19,495)	.....

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2000 (H.R. 1906)—Continued
(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	Bill	Bill vs. Enacted	Bill vs. Request
Rural Utilities Service:					
Rural Electrification and Telecommunications Loans Program Account:					
Loan authorizations:					
Direct loans:					
Electric 5%	(71,500)	(50,000)	(121,500)	(+50,000)	(+71,500)
Telecommunications 5%	(75,000)	(50,000)	(75,000)	.....	(+25,000)
Subtotal	(146,500)	(100,000)	(196,500)	(+50,000)	(+96,500)
Treasury rates: Telecommunications	(300,000)	(300,000)	(300,000)	.....	.....
Muni-rate: Electric	(295,000)	(250,000)	(295,000)	.....	(+45,000)
FFB loans:					
Electric, regular	(700,000)	(300,000)	(1,500,000)	(+800,000)	(+1,200,000)
Telecommunications	(120,000)	(120,000)	(120,000)	.....	.....
Subtotal	(820,000)	(420,000)	(1,620,000)	(+800,000)	(+1,200,000)
Total, Loan authorizations	(1,561,500)	(1,070,000)	(2,411,500)	(+850,000)	(+1,341,500)
Loan subsidies:					
Direct loans:					
Electric 5%	9,325	450	1,095	-8,230	+645
Telecommunications 5%	7,342	560	840	-6,502	+280
Subtotal	16,667	1,010	1,935	-14,732	+925
Treasury rates: Telecommunications	810	2,370	2,370	+1,560	.....
Muni-rate: Electric	25,842	9,175	10,827	-15,015	+1,652
Total, Loan subsidies	43,319	12,555	15,132	-28,187	+2,577
RETLP administrative expenses (transfer to RUS)	29,982	31,046	31,046	+1,064	.....
Total, Rural Electrification and Telecommunications Loans Program Account	73,301	43,601	46,178	-27,123	+2,577
(Loan authorization)	(1,561,500)	(1,070,000)	(2,411,500)	(+850,000)	(+1,341,500)
Rural Telephone Bank Program Account:					
(Loan authorization)	(157,509)	(175,000)	(175,000)	(+17,491)	.....
Direct loan subsidy	4,174	3,290	3,290	-884	.....
RTP administrative expenses (transfer to RUS)	3,000	3,000	3,000	.....	.....
Total	7,174	6,290	6,290	-884	.....
Distance learning and telemedicine program:					
(Loan authorization)	(150,000)	(200,000)	(200,000)	(+50,000)	.....
Direct loan subsidy	180	700	700	+520	.....
Grants	12,500	20,000	16,000	+3,500	-4,000
Total	12,680	20,700	16,700	+4,020	-4,000
Alternative Agricultural Research and Commercialization Revolving Fund	3,500	10,000	.....	-3,500	-10,000
RUS expenses:					
Salaries and expenses	33,000	34,107	34,107	+1,107	.....
(Transfer from RETLP)	(29,982)	(31,046)	(31,046)	(+1,064)	.....
(Transfer from RTP)	(3,000)	(3,000)	(3,000)	.....	.....
Total, RUS expenses	(65,982)	(68,153)	(68,153)	(+2,171)	.....
Total, Rural Utilities Service	129,655	114,698	103,275	-26,380	-11,423
(By transfer)	(32,982)	(34,046)	(34,046)	(+1,064)	.....
(Loan authorization)	(1,869,009)	(1,445,000)	(2,786,500)	(+917,491)	(+1,341,500)
Total, title III, Rural Economic and Community Development Programs	2,175,234	2,194,349	2,135,508	-39,726	-58,841
(By transfer)	(397,249)	(421,262)	(415,262)	(+18,013)	(-6,000)
(Loan authorization)	(6,168,726)	(6,087,547)	(7,686,682)	(+1,517,956)	(+1,599,135)
TITLE IV - DOMESTIC FOOD PROGRAMS					
Office of the Under Secretary for Food, Nutrition and Consumer Services	554	576	554	.....	-22
Food and Nutrition Service:					
Child nutrition programs	4,128,747	4,620,768	4,611,829	+483,082	-8,939
Transfer from section 32	5,048,150	4,929,268	4,935,199	-112,951	+5,931
Discretionary spending	.....	15,000	.....	.....	-15,000
Total, Child nutrition programs	9,176,897	9,565,036	9,547,028	+370,131	-18,008
Special supplemental nutrition program for women, infants, and children(WIC)	3,924,000	4,105,495	4,005,000	+81,000	-100,495
Food stamp program:					
Expenses	21,159,106	20,109,444	20,109,444	-1,049,662	.....
Reserve	100,000	1,000,000	100,000	.....	-900,000
Nutrition assistance for Puerto Rico	1,236,000	1,268,000	1,268,000	+32,000	.....
Discretionary spending	.....	7,000	.....	.....	-7,000
The emergency food assistance program	90,000	100,000	100,000	+10,000	.....
Advance appropriation, FY 2001	.....	4,800,000	.....	.....	-4,800,000
Total, Food stamp program	22,585,106	27,284,444	21,577,444	-1,007,662	-5,707,000
Commodity assistance program	131,000	155,215	141,000	+10,000	-14,215

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2000 (H.R. 1906)—Continued
(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	Bill	Bill vs. Enacted	Bill vs. Request
Food donations programs:					
Needy family program	1,081	1,081	1,081	.....	.....
Elderly feeding program	140,000	150,000	140,000	.....	-10,000
Total, Food donations programs	141,081	151,081	141,081	.....	-10,000
Food program administration	108,561	119,841	108,561	.....	-11,280
Total, Food and Nutrition Service	36,066,645	41,381,112	35,520,114	-546,531	-5,860,998
Total, title IV, Domestic Food Programs	36,067,199	41,381,688	35,520,668	-546,531	-5,861,020
TITLE V - FOREIGN ASSISTANCE AND RELATED PROGRAMS					
Foreign Agricultural Service and General Sales Manager:					
Direct appropriation	136,203	137,768	137,768	+1,565	.....
(Transfer from export loans)	(3,231)	(3,413)	(3,413)	(+182)	.....
(Transfer from P.L. 480)	(1,035)	(1,093)	(1,093)	(+58)	.....
Total, Program level	(140,469)	(142,274)	(142,274)	(+1,805)	.....
Public Law 480 Program and Grant Accounts:					
Title I - Credit sales:					
Program level	(219,724)	(150,324)	(214,582)	(-5,142)	(+64,258)
Direct loans	(203,475)	(138,324)	(200,582)	(-2,893)	(+62,258)
Ocean freight differential	16,249	12,000	14,000	-2,249	+2,000
Title II - Commodities for disposition abroad:					
Program level	(837,000)	(787,000)	(837,000)	.....	(+50,000)
Appropriation	837,000	787,000	837,000	.....	+50,000
Title III - Commodity grants:					
Program level	(25,000)	.....	.....	(-25,000)	.....
Appropriation	25,000	.....	.....	-25,000	.....
Loan subsidies	176,596	114,062	165,400	-11,196	+51,338
Salaries and expenses:					
General Sales Manager (transfer to FAS)	1,035	1,093	1,093	+58	.....
Farm Service Agency (transfer to FSA)	815	845	845	+30	.....
Subtotal	1,850	1,938	1,938	+88	.....
Total, Public Law 480:					
Program level	(1,081,724)	(937,324)	(1,051,582)	(-30,142)	(+114,258)
Appropriation	1,056,695	915,000	1,018,338	-38,357	+103,338
CCC Export Loans Program Account (administrative expenses):					
Salaries and expenses (Export Loans):					
General Sales Manager (transfer to FAS)	3,231	3,413	3,413	+182	.....
Farm Service Agency (transfer to FSA)	589	672	672	+83	.....
Total, CCC Export Loans Program Account	3,820	4,085	4,085	+265	.....
Total, title V, Foreign Assistance and Related Programs	1,196,718	1,056,853	1,160,191	-36,527	+103,338
(By transfer)	(4,266)	(4,506)	(4,506)	(+240)	.....
TITLE VI - FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES					
DEPARTMENT OF HEALTH AND HUMAN SERVICES					
Food and Drug Administration					
Salaries and expenses, direct appropriation	970,867	1,109,950	1,072,950	+102,083	-37,000
Prescription drug user fee act	(132,273)	(145,434)	(145,434)	(+13,161)	.....
Subtotal	1,103,140	1,255,384	1,218,384	+115,244	-37,000
Mammography clinics user fee (outlay savings)	(14,385)	(14,817)	(14,817)	(+432)	.....
Payments to GSA	(82,866)	(100,180)	(100,180)	(+17,314)	.....
Buildings and facilities	11,350	31,750	31,750	+20,400	.....
Total, Food and Drug Administration	982,217	1,141,700	1,104,700	+122,483	-37,000
DEPARTMENT OF THE TREASURY					
Financial Management Service: Payments to the Farm Credit System Financial Assistance Corporation	2,565	.....	.....	-2,565	.....
INDEPENDENT AGENCIES					
Commodity Futures Trading Commission	61,000	67,655	65,000	+4,000	-2,655
Y2K conversion (emergency appropriations)	356	.....	.....	-356	.....
Farm Credit Administration (limitation on administrative expenses)	(35,800)	.....	(35,800)	.....	(+35,800)
Total, title VI, Related Agencies and Food and Drug Administration	1,046,138	1,209,355	1,169,700	+123,562	-39,655
TITLE VII - GENERAL PROVISIONS					
Hunger fellowships	.....	.....	1,000	+1,000	+1,000

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2000 (H.R. 1906)—Continued
(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE VIII - EMERGENCY APPROPRIATIONS					
Emergency appropriations (P.L. 105-277) (Title VII and Title VIII)	5,916,655	.....	.....	-5,916,655	.....
Grand total:					
New budget (obligational) authority	61,677,014	66,883,182	60,842,572	-834,442	-6,040,610
Appropriations	(55,713,835)	(61,883,182)	(60,842,572)	(+5,128,737)	(-1,040,610)
Emergency appropriations	(5,963,179)	.....	.....	(-5,963,179)	.....
Advance appropriations	.....	(5,000,000)	.....	.....	(-5,000,000)
(By transfer)	(612,780)	(681,569)	(631,146)	(+18,366)	(-50,423)
(Loan authorization)	(8,453,684)	(9,096,281)	(10,695,416)	(+2,241,732)	(+1,599,135)
(Limitation on administrative expenses)	(144,087)	(108,287)	(144,087)	.....	(+35,800)

1/ In addition to appropriation.

The CHAIRMAN. Are there further amendments to this portion of the bill?

AMENDMENT OFFERED BY MR. KUCINICH

Mr. KUCINICH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KUCINICH:

Page 10, line 14 (relating to Agricultural Research Service), after the dollar amount, insert the following: ''(reduced by $100,000) (increased by $100,000)''.

Mr. KUCINICH. Mr. Chairman, a few years ago I visited an elementary school in Cleveland at the start of the school year. The children celebrating the beginning of their school year had released hundreds and hundreds of butterflies into the air.

Now, a butterfly is a powerful symbol in our society. It is a symbol of transformation, transformation from a caterpillar into this beautiful winged being. Butterflies excite the imagination, they enthrall us with their possibilities. Yet, the butterfly may become the next casualty of our brave new world.

We are all familiar with the genetically altered crops where pesticides are engineered right into the crop. A recent study indicates that pollen from such crops may have the potential to kill off butterflies, including the majestic and beautiful Monarch butterfly.

Mr. Chairman, my intention with this amendment is to provide the Agricultural Research Service with $100,000 to study the effects of pollen from genetically modified crops on harmless insects, and to study the effect on other species, including animals and humans, that may come in contact with the pollen.

Corn that has been genetically engineered with the pesticide Bt has been approved and was introduced to farmers' fields in 1996. It now accounts for one-fourth of the Nation's corn crop. Bt is toxic to European and Southwestern corn borers, caterpillars that mine into corn stalks and destroy developing ears of corn.

□ 1045

According to a recent study conducted at Cornell University, it is also deadly to Monarch butterflies. The Cornell study found that after feeding a group of larvae, milkweed leaves dusted with Bt pollen, almost half died. The larvae that did survive were small and lethargic.

The implications of this are very clear. Pollen from Bt-exuding corn spreads to milkweed plants, which grow around the edges of cornfields. Monarch larvae feed exclusively on milkweed. Every year, Monarchs migrate from Mexico and southern States, and many of them grow from caterpillars into beautiful black, orange, and white butterflies in the United States corn belt during the time the corn pollination occurs.

I am sure that millions of Americans have had the experience of taking their children in hand and going into a pasture and watching for beautiful butterflies to come by and visiting an arboretum, a zoo, a park and watching the butterflies.

Well, now, if we read the Washington Post, it says that pollen from plants can blow onto nearby milkweed plants, the exclusive food upon which the Monarch larvae feed, and get eaten by the tiger-striped caterpillars.

At laboratory studies at Cornell, the engineered pollen killed nearly half of those young before they transformed into the brilliant orange, black, and white butterflies so well-known throughout North America. Several scientists expressed concern that if the new study results are correct, then monarchs, which already face ecological pressures, but so far have managed to hold their own, may soon find themselves on the Endangered Species list. Other butterflies may soon be at risk.

From the Friends of the Earth we hear, ''The failure of Congress and the administration to ensure more careful control over genetically modified organisms has unleashed a frightening experiment on the people and environment of the United States. It is time to look more closely at the flawed review process of the three Federal agencies that regulate genetically modified products: EPA, FDA, and USDA.

''The implications of the Cornell University study go far beyond Monarch butterflies and point to the need for a revamping of our regulatory framework on biotechnology.''

Monarchs have already lost much of their habitat when tall-grass prairies were converted to farmland. We now need to protect them and other species that are harmless to farmers' crops, that may be adversely affected by Bt pollen.

It is shocking that more extensive studies like the one performed at Cornell were not done before the crop was approved. It also makes one wonder what effects other genetically altered crops may have on other species, such as birds, bees, and even humans, and if adequate risk assessments are being done on bioengineered products before they are approved and released into the environment.

My fellow colleagues, more research obviously needs to be done on these transgenic crops. I ask my colleagues to support my amendment to protect Monarch butterflies from the harmful effects of genetically modified crops.

Finally, Mr. Chairman, last year I had the opportunity to visit Pelee Island in Canada, which is a migration point for the Monarch butterflies. There is nothing more beautiful than to see hundreds of thousands of these beautiful creatures moving in a migratory pattern. It is an awesome sight. And yet, because of a lack of foresight on the part of our government, there is the possibility that these beautiful creatures may in fact be doomed. That is why this amendment is important.

Mrs. MEEK of Florida. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I would like to enter into a colloquy with the strong, gentle woman from Ohio (Ms. KAPTUR), the ranking member of the subcommittee.

I am strongly supportive of this bill because agriculture is an essential part to our country. It is as essential to our country as manufacturing, services, transportation, or any other sector of our economy.

I am concerned, however, about two major programs in particular. These programs are the Agricultural Research Service, which conducts and funds a variety of research projects, including those related to animal and plant sciences, soil, water and air sciences, and agricultural engineering; and the Cooperative State Research Education and Extension Service, which works in partnership with universities to advance research, extension and education in food and agricultural sciences.

My concern, Mr. Chairman, is not so much about how much money is being spent on these programs or what research projects are being done. My concern is what other hands are needed to do this work. In looking over the list of universities that are conducting research in these programs, I am concerned that land grant colleges and universities in general, and historically black colleges and universities in particular, are underrepresented in research and education funding.

There is still a woeful gap between the capacity of majority land grant colleges and historically black land grant colleges, particularly in the amount of research being done and the facilities that are available. Despite this, historically black colleges have consistently outperformed majority institutions in the development of minority scientists and engineers.

The assistance of the government in this effort has been essential. I would hope that as the legislative process moves forward today and in conference with the Senate, my colleague will help voice these concerns and work with the distinguished chairman, the gentleman from New Mexico (Mr. SKEEN), in working for a fairer distribution of Federal agriculture research and education funding.

Ms. KAPTUR. Mr. Chairman, will the gentlewoman yield?

Mrs. MEEK of Florida. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, I say to the gentlewoman that she is correct about the lack of funding for historically black colleges and universities. While the bill contains programmatic funding for these institutions, such as capacity-building grants, we must do more for historically black colleges and universities that can make valuable contributions to agricultural research and really deserve the support of this Nation.

I promise that I will work with the gentlewoman and the chairman, the gentleman from New Mexico (Mr. SKEEN) of our subcommittee and my

colleagues on the full committee to address this problem as the bill moves through the process and through conference, particularly starting with report language to require the Department to report back to us on what is currently being done, if anything, so we can establish the baseline for the future.

Mrs. MEEK of Florida. Mr. Chairman, I thank the gentlewoman for her comments.

Ms. KAPTUR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of the amendment dealing with research by the Agricultural Research Service for the Monarch butterfly. Let me just say that the Committee on Agriculture, which the gentleman from New Mexico (Mr. SKEEN) chairs and of which I am the ranking member, is the chief ecosystem committee of this Congress, and I believe, of this country.

There is an expression: ''You can't fool Mother Nature.'' There are some fundamental questions being raised here by the gentleman from Ohio (Mr. KUCINICH) that are very important to the future of botanical life and biological life in our country. Because we have never before had these genetically engineered crops, we really do not know their long-term impacts.

I know recent articles in Scientific American and many newpapers indicate that as a result of butterflies, which are essential to pollinating crops so we can produce fruit and corn, and representing the eastern part of the eastern corn belt, we know something about corn and soybeans, and these butterflies are essential to our future. After being impacted by this pollen, 40 percent of them died. 40 percent. This is a profound result. So I think the gentleman from Ohio (Mr. KUCINICH) brings to us a very important and current finding that is well deserving of research.

I also would say to the gentleman, I thank him for doing this, because I know he represents the inner part of Cleveland, Ohio; and one of my greatest concerns as another American is that we have the first generation of Americans now that have no connection to the land. We have literally raised the first generation of people in the Nation's history who do not spend the majority of their time raising their food or with any connection to production at all, so they are divorced from the experiences that he is talking about.

I would just say, for someone from Cleveland, Ohio, a major city in this country, to bring this amendment to the floor, to me, in some ways is a modern-day miracle. So I want to thank the gentleman, and I look forward to supporting him.

Mr. KUCINICH. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from Ohio.

Mr. KUCINICH. Mr. Chairman, I appreciate the gentlewoman's response. And it is an honor to serve with the gentlewoman in this Congress, serving the people of Ohio.

She raised an interesting point, and that is, what effect do these genetically engineered products have on our natural environment? I mean, sometime in the 20th century there was kind of a disconnection between humanity and the natural environment; and we will spend, I suppose, a good part of the next century trying to reconnect.

The disassociation from the land which the gentlewoman speaks about is a profound disconnection from nature. I think that is why schoolchildren, for example, find it so fascinating to study butterflies. Because in some ways, that primal human sympathy which Wordsworth talked about in his poetry flutters in the heart when we see something so beautiful. And I think that as the schoolchildren, who spend time with their parents and their grandparents going to parks and zoos and arboretums, have the knowledge that this very beautiful butterfly could be impacted by this bioengineering, I think that we are going to see a response nationally. And it would be healthy because this country needs to look for opportunities to reconnect with our natural state.

So I thank the gentlewoman. I would hope that the esteemed chairman, the gentleman from New Mexico (Mr. SKEEN) would be able to respond.

Mr. SKEEN. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from New Mexico.

Mr. SKEEN. Mr. Chairman, I will tell the gentleman I am all aflutter. I would like to say that I understand the concern of the gentleman, and I will continue to work with him to address this situation, and I think he has got a good program.

Mr. KUCINICH. Mr. Chairman, if the gentlewoman would continue to yield, I would be more than happy to work with the chair. I need the help of the gentlewoman from Ohio (Ms. KAPTUR) and I need the help of the Chair. We can work together to address this issue, bring it to the committee.

With that kind of assurance, I say to the gentleman from New Mexico (Mr. SKEEN), I will withdraw the amendment, but look forward to working with both of my colleagues to find the appropriate venue within the committee so that we can start to get these agencies to be aware of this major concern of public policy.

I thank the gentleman again for his work on this matter and for his work on the agricultural bill. And again, my gratitude to the gentlewoman from Ohio (Ms. KAPTUR). It is an honor to be with her in this House.

Ms. KAPTUR. Mr. Chairman, I say to the gentleman from Cleveland, Ohio (Mr. KUCINICH) that I thank him very much for bringing this to the Nation's attention. He is a leader on this issue, and I look forward to working with our chairman to find an answer to this as we move toward the conference.

The CHAIRMAN. Without objection, the amendment of the gentleman from Ohio (Mr. KUCINICH) is withdrawn.

There was no objection.

(Ms. KAPTUR asked and was given permission to speak out of order for 2 minutes.)

THANKS TO THE FOLKS BACK HOME

Ms. KAPTUR. Mr. Chairman, I will not take long, but to say I should have said this yesterday as I began my remarks on this Agricultural Appropriations bill for the Year 2000. And that is that I am very indebted to the people from back home who have sent me here to serve on their behalf. A number of them are farmers and have spent their life in production and in agriculture.

I want to recognize a few of them on the floor today, in particular, Ray Zwyer and Thelma Zwyer, who are now, I believe, Social Security recipients. And I know Ray is undergoing kidney dialysis several times a week. I want to thank him and his wife, Thelma, for everything they taught me about agriculture, for taking me out on my first combine, for helping me understand chicken production and poultry production, for helping me to understand direct marketing and how hard it was for the average farm family in this country to make it, to watch their son Tom and his children and their family to try to carry on the family tradition on that farm in Monclova Township.

I want to thank his brother, Howard, and his wife, Eleanor Zwyer, right across the street, for all the hard work they have done to create and keep in our area production agriculture.

I also want to thank Herman and Emma Gase up the street, who have worked so very hard to raise their family. And I notice they had a couple of pieces of equipment for sale in their front yard this past week.

I also want to thank Melva and Pete Plocek. Pete is the one that taught me what it is like to have wet beans and that they do not get as much when they take them to the elevator.

There are so many people like this back in our community who truly represent rural life in this country, the very best traditions of our Nation. And I just want to thank them for letting me try to be their voice here, as well as the one million farm families across our country who expect us to do the job for them in this bill.

AMENDMENT OFFERED BY MR. COBURN

Mr. COBURN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COBURN:

Page 10, line 14, after the dollar amount insert ''(reduced by $50,863,000)''.

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Mr. COBURN. Mr. Chairman, I hope the chairman and ranking member will bear with me on this amendment. I do intend on withdrawing this amendment at some point in the discussion, but I

think the American people need to know about the increase in agricultural research. I agree with many of the increases that are in there, but I think it is going to do us a good job of informing the American people where we actually spend this money.

This is a $50 million increase that this committee has put in for agricultural research. I want to put it in light of the real issues of why we are trying to trim this budget back to last year's level.

I am going to say again, for our seniors out there that are watching and for our children that are watching, that are going to pay the bills for the money that we spend above the caps and the Social Security money that ends up getting spent this year despite the fact that we made a commitment to not spend that money: The graph that you see to the left shows what is going to happen to Social Security revenues. The bars that you see in the black are the increase in the number of dollars that are coming in over expenditures, the amount of money that comes in minus the amount of money that goes out for Social Security payments.

In 2014 we see a tremendous change. We start seeing red show up. That money, that red, is indicative of the amount of money that is going to have to come from the general fund, not the Social Security fund, to meet the obligations for Social Security.

Where is that money going to come from? That money is going to come from increased payroll taxes on our children. The Congressional Budget Office and the Social Security Administration estimate that if we stay on the track that we are staying right now, that in fact our children and grandchildren most likely will be paying twice in payroll taxes as they pay today just to meet the requirements of the baby boomers.

I happen to be a baby boomer. I was born in 1948. I was a product of the postwar greatness that came in this country in terms of we came back from the war and were allowed to have children and our material standard of living rose greatly.

Our commitment in this body, both by the budget that the Democrats provided and the Republicans provided, everybody committed that we would not touch one dollar of Social Security money, not one dollar. Yet we are on a track to make sure that we spend about $45 billion of that money this year. Most people know that but they are not willing to say it. They are not willing to admit that the 302(b) allocations that have been put out will actually in the long run spend Social Security money.

I think that it is unfair to the American public to say that we are going to go through an appropriations process that is going to protect Social Security and protect 100 percent of the dollars in that, when in fact in our heart we know that Washington is not going to live up to that commitment. That commitment is a secure, honorable commitment to the seniors of this country. But, more importantly, it is a commitment to our children and our grandchildren.

If you ask the seniors in this country, the people that won World War II, do they want to burden their grandchildren with a FICA tax rate that is twice what they paid so that we can meet the mere obligations of Social Security, they are going to say no. And if you ask them what if we just trim spending a little bit more in Washington so that does not happen, they will all say yes.

I am a grandfather. I will do almost anything for my grandchildren. I will make whatever physical, material sacrifice that I need to make for my grandchildren. The question that we have before us and the debates that we have before us today are about whether or not we are going to do that.

Agriculture is a very important part of our country. I have said when we discussed this bill and when we discussed the rule, this is a good bill. My hope is to make it somewhat better so that we are back to last year's level, so that we have a chance to fulfill our commitment to the American people by not spending Social Security money. Just so that everybody can know, here is 1999.

The CHAIRMAN. The time of the gentleman from Oklahoma (Mr. COBURN) has expired.

(By unanimous consent, Mr. COBURN was allowed to proceed for 2 additional minutes.)

Mr. COBURN. Mr. Chairman, what we see is 1999 and 2000 estimated numbers for Social Security surplus. Last year there were $127 billion in excess Social Security payments in over what we paid out. What did we do? We started out, we had a budget that spent $1 billion of it. This is before we had made a commitment not to do that. Then we had a $15 billion supplemental. And then at the end of the year we crashed with what was called the omnibus bill at the end of the year.

So what we ended up doing was spending $29 billion of Social Security payments to run this country last year because the Congress did not have the courage to force the Federal Government to be efficient. It is not a matter of making cuts. It is a matter of demanding efficiency from the Federal Government and living within the budget.

In 1997, we agreed with the President, both bodies of this Congress, that we would live within the 1997 total budget caps. At the time we did that, most of the pain we knew was going to start this year. The actual spending on discretionary programs, programs other than Medicare, Medicaid and mandated programs, has to decline by $10 billion this year if we are not going to spend Social Security money.

Here is where we are going. Right now the President's numbers that say that we are going to have $138 billion in Social Security excess payments, we are on track to spend $57 billion of that money. If you look at it conservatively, the best we will do if we stay on this track is that we will spend $45 billion of that money.

This House has a lot of integrity. It is time for us to stand up and meet that integrity. It is time for us to live within the budget dollars that we agreed that we would live with.

Mr. SKEEN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this amendment continues the process that began yesterday. The gentleman has demonstrated that he has patience and endurance, and I would say that the committee has no shortage of endurance or patience.

Yesterday the House adopted an amendment by the gentleman from Vermont (Mr. SANDERS) which I opposed. It reduced the amount for the Agricultural Research Service by $13 million in order to provide an increase of $10 million for the Commodity Assistance Program.

I opposed that amendment because I think that research is absolutely essential if we want the 2 percent of our people who are farmers to continue to feed the other 98 percent of our people and much of the rest of the world, too. I am sure that they would like to contribute to that. And contributing a huge amount to our balance of trade and humanitarian assistance. This simply would not be possible if it were not for our agricultural research efforts which are the envy of the entire world.

The gentleman's amendment would reduce this amount by $51 million in addition to the $13 million reduction that the House agreed to yesterday. This would reduce the Agricultural Research Service well below the fiscal year 1999 level and would make it impossible to maintain the base level of activity. I oppose this amendment. I ask all the Members to oppose it and to support the committee.

Ms. KAPTUR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I also rise in opposition to the gentleman's amendment. Let me say in terms of Social Security, the most important input to Social Security's Trust Fund is an America that is working and that is productive. Therefore, the reason we have seen the revenues bounce up in Social Security is because the economy has been stronger in the last several years than in past decades. And so the most important thing we can do is help people's incomes rise and help people keep working so that that revenue flow increases.

The Social Security Trust Fund is not a static fund. It is a fund that is very connected to what is happening in production America, whether it is in the industrial plants, whether it is in agriculture or in our service industries.

Rural America, however, right now is in serious crisis. It is in depression.

Our job here should be to be partners with rural America in helping them pull out of the tailspin that they are in so that they again can become productive partners, contributing to the national well-being as well as their own well-being.

And so I would say to the gentleman, I think his efforts to try to be responsible and to deal with the budget issue here are admirable. However, in the context of the way we function as the Congress, we are one of 13 committees. We have been given the budget mark against which we must not go over. When we bump our heads up against it, we know we cannot go over.

As the gentleman admitted on the floor yesterday, we have done our job on this committee. Now, other committees have spending that is cut several hundred million dollars. That is all balanced out by the leadership of your party. Therefore, we on the Committee on Agriculture in some ways are insulted by the fact that you would try to go line item by line item inside our accounts and say, ''Well, this isn't important'' or ''This isn't important'' when we have so many tradeoffs that we have had to try to make, especially in Depression level conditions like rural America is facing today.

This agricultural research account is critical, because it is the future. If America is going to have a future in agriculture, it is built on the research that is being done every day by scientists who are not given enough credit here in Congress or in general in the country.

If you look at some of the costs to our economy where we do not have answers, something like soybean nematode which takes 25 percent of our crop, if we could produce 100 percent of the crop or 90 percent rather than 75 percent, how much more wealth and buying power and income that would add to our rural sector. In the South, something like a corn earworm costs farmers over $1.5 billion annually in losses, in chemical costs. We do not have answers to that problem.

These may seem like funny names to people who do not live in rural America but to people who face this every day, these are vital problems. We had the gentleman from New York (Mr. CROWLEY) yesterday talk about the Asian Longhorn beetle infecting New York City as well as Illinois. Maple sugar producers in my area are scared to death that that thing is going to come across the State and cause billions of dollars worth of damage and kill all of our hardwoods.

These are not simple issues. We need answers to these questions. The gentleman from Ohio (Mr. KUCINICH) was just here on the floor talking about the problem with the Monarch butterfly. We do not have an answer to why nearly half the Monarchs in this country are dying, but we better find an answer because if we do not, production agriculture goes down, income goes down and we do not have dollars flowing into that Social Security Trust Fund.

I would just say to the gentleman also in my time here that he keeps looking at the accounts in our overall budget and he says, ''Well, this one is going up,'' but he does not look at the ones that went down. We have a lot of accounts, for instance, our surplus commodities and foreign food shipments account has gone down by over $25 million, our P.L. 480 title I by over $11 million, all of our rural community advancement programs by over $56 million. You look at our Agricultural Credit Insurance Fund by over $18 million, the Agricultural Research Service buildings and facilities, over $11 million.

So we feel that we have done what we need to do in each of these accounts, but I would beg the gentleman not to cut America's future, not cut her seed corn for the future by cutting these agricultural research accounts. And also to say to the gentleman, go back to your leadership. If you have got a budget problem, do not put it all on the backs of this subcommittee. We have done our job, we have met our mark. We are proud of the work that we have done.

I rise in strong opposition to the gentleman's amendment.

Mr. SANFORD. Mr. Chairman, I move to strike the requisite number of words. Actually, before I begin with my comments, I would yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, I want to address a couple of things that the ranking member of the committee said.

First of all, my first comments were that I supported the research, that I planned on withdrawing this amendment, that I thought it was good that the American people knew where we were spending the money. So I want to put some of this in so that they can get some flavor of where we are spending the money.

''Sugarbeet research. The Committee is aware of the need for additional funding to adequately support the ARS sugarbeet research program at Fort Collins, Colorado, to strengthen sugarbeet research at the ARS laboratory. The Committee directs the ARS to fund this project in FY 2000 at least at the same level as in FY 1999.''

But in fact what are the prices of sugar in this country and how much are we subsidizing sugar versus what the price is in the rest of the world?

□ 1115

There is no question we should be directing our research to improve our productivity, and I am for that. But now we are directing research to a program where we are subsidizing and falsely charging in this country a higher price for sugar than what the market would ever have us have.

So it is not about not agreeing with the research. It is about sending money into areas where we have a market that is not working today because we have overproduction, and we are spending research to enhance that overproduction more, which means a lot more money is going to come out of the subsidy programs that are available for sugar beet or sugar.

So the question is, should we not have a discussion about these things? And I am sure there is a defensible position for that. I am not saying there is not, and I am saying that I support without a doubt, and I will make a unanimous consent, and I hope that it is agreed to, to withdraw this amendment.

But we still have a 6.5 percent increase in agricultural research of which most is directed to specific Members' requests and programs, and we ought to talk about what that is. Do we have a coherent, to talk about what that is. Do you have a coherent, cogent policy for research that is directed fundamentally at the basic needs that we have in this country?

Mr. SANFORD. Mr. Chairman, reclaiming my time, I would just like to interrupt for 2 seconds.

For instance, I want to follow up with the brief comment he made on sugar because this issue of sugar makes my blood boil. The idea that we have a research system set up that costs a little guy a lot of money, I think is crazy.

I mean, if we look at the sugar subsidy program that is in place, basically it costs the consumer $1.4 billion a year in the form of higher sugar prices. Our sugar prices domestically are about double that of world prices, and all that benefit goes down to the hands of truly a few.

I mean, there are about 60 domestic sugar producers in the United States. One of those sugar producers is, for instance, the Fanjul family, who live down in Palm Beach. They are on the Forbes 400 list, they have got yachts, they have got helicopters, and they have got airplanes, and yet they get $60 million a year of personal benefit as a result of this program.

So the idea of sending taxpayer money from somebody that is struggling in my district to help fund the life-styles of the rich and famous with the Fanjul family is, to me, not sensible.

Now, as I understand it, he may actually withdraw this amendment, but to say there is not another dime that could be cut within ag research I think is a grossly inadequate assumption.

Ms. KAPTUR. Mr. Chairman, will the gentleman yield?

Mr. SANFORD. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, was the gentleman suggesting that there is one dime in money in the agricultural research account that goes to the family that he is talking about, that he claims receives funds? Is he saying agricultural research funds go, or is he trying to distort this argument?

Mr. SANFORD. The gentlewoman from Ohio is absolutely right; they are apples and oranges. The research goes toward sugar, and our sugar system, as

it is configured in the United States, Mr. Chairman, very much benefits this one particular family and basically about 60 other domestic sugar producers in the United States.

Ms. KAPTUR. If the gentleman would just be kind enough, Mr. Chairman, I have farmers in my district that raise sugar beets. I would challenge the gentleman any day to come and put in the day of work that they do. That is one heck of a dirty job, to raise beets in this country, and if there is a better beet that can get them a little bit more at processing time, I am for them.

Mr. SANFORD. Reclaiming my time, I think there is no question that there are some hard-working, sugar-producing, sugar-beet-producing families throughout the Midwest, but there also happens to be the Fanjul family that controls over 180,000 acres of sugar cane production in south Florida. That is not exactly the family farm, and the fact of the matter is that part of this research will benefit a family like the Fanjuls.

Mr. COBURN. Mr. Chairman, I ask unanimous consent to withdraw this amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

Ms. KAPTUR. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The question is on the amendment offered by the gentleman from Oklahoma (Mr. COBURN).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Ms. KAPTUR. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to House Resolution 185, further proceedings on the amendment offered by the gentleman from Oklahoma (Mr. COBURN) will be postponed.

The Clerk will read.

The Clerk read as follows:

None of the funds in the foregoing paragraph shall be available to carry out research related to the production, processing or marketing of tobacco or tobacco products.

In fiscal year 2000, the agency is authorized to charge fees, commensurate with the fair market value, for any permit, easement, lease, or other special use authorization for the occupancy or use of land and facilities (including land and facilities at the Beltsville Agricultural Research Center) issued by the agency, as authorized by law, and such fees shall be credited to this account and shall remain available until expended for authorized purposes.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, $44,500,000, to remain available until expended (7 U.S.C. 2209b): *Provided*, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing any research facility of the Agricultural Research Service, as authorized by law.

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE

RESEARCH AND EDUCATION ACTIVITIES

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, including $180,545,000 to carry into effect the provisions of the Hatch Act (7 U.S.C. 361a–i); $21,932,000 for grants for cooperative forestry research (16 U.S.C. 582a–a7); $29,676,000 for payments to the 1890 land-grant colleges, including Tuskegee University (7 U.S.C. 3222); $62,916,000 for special grants for agricultural research (7 U.S.C. 450i(c)); $15,048,000 for special grants for agricultural research on improved pest control (7 U.S.C. 450i(c)); $105,411,000 for competitive research grants (7 U.S.C. 450i(b)); $5,109,000 for the support of animal health and disease programs (7 U.S.C. 3195); $750,000 for supplemental and alternative crops and products (7 U.S.C. 3319d); $600,000 for grants for research pursuant to the Critical Agricultural Materials Act of 1984 (7 U.S.C. 178) and section 1472 of the Food and Agriculture Act of 1977 (7 U.S.C. 3318), to remain available until expended; $3,000,000 for higher education graduate fellowship grants (7 U.S.C. 3152(b)(6)), to remain available until expended (7 U.S.C. 2209b); $4,350,000 for higher education challenge grants (7 U.S.C. 3152(b)(1)); $1,000,000 for a higher education multicultural scholars program (7 U.S.C. 3152(b)(5)), to remain available until expended (7 U.S.C. 2209b); $2,850,000 for an education grants program for Hispanic-serving Institutions (7 U.S.C. 3241); $500,000 for a secondary agriculture education program and two-year post-secondary education (7 U.S.C. 3152 (h)); $4,000,000 for aquaculture grants (7 U.S.C. 3322); $8,000,000 for sustainable agriculture research and education (7 U.S.C. 5811); $9,200,000 for a program of capacity building grants (7 U.S.C. 3152(b)(4)) to colleges eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321–326 and 328), including Tuskegee University, to remain available until expended (7 U.S.C. 2209b); $1,552,000 for payments to the 1994 Institutions pursuant to section 534(a)(1) of Public Law 103–382; and $10,888,000 for necessary expenses of Research and Education Activities, of which not to exceed $100,000 shall be for employment under 5 U.S.C. 3109; in all, $467,327,000.

AMENDMENT OFFERED BY MR. COBURN

Mr. COBURN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COBURN:

Page 13, line 11, after the dollar amount insert ''(reduced by $1,000,000)''.

Mr. COBURN. Mr. Chairman, throughout the Federal Government we have multitudes of agencies and departments and grants and billions of dollars that are being spent on global change and global climate change. We happen to have in this bill a million dollars in an isolated little pocket that is going to go to study, within the Department of Agriculture through a grant, global change.

It makes no sense to appropriate any money for global change through the appropriations process in ag when we have the vast majority, 99.9 percent of the rest of the money, being spent on this issue in other departments.

The question that I would have is, should we be spending a million dollars of Social Security money on global change in such an inefficient way? A million-dollar grant on such a large area of science and research today can in no way be spent efficiently, and I would pull this back. Is this money that has to be spent, that needs to be spent at this time and in this manner, and is it the best way to spend this million dollars?

As my colleagues know, we recently saw some of the results of some of the research on global change. We have a Kyoto Treaty that is being implemented by the administration that has never been approved by the Senate in direct violation of the Constitution of the United States. We have a Kyoto Treaty that is going to take jobs away from Americans because it is going to make us live at one standard and the rest of the world, developing world, live at a different standard.

We are throwing a million dollars for a favor for somebody on global change, one isolated, small grant program that is going to make no difference whatsoever in the overall study and effect on this issue; and so my question and the reason I have this amendment is that this is not going to accomplish its purpose, this is not going to further our research on global change, it is not going to be a wise use of a million dollars of taxpayers' money, and in fact will encourage us to do the same thing in other areas.

The next time somebody's constituent comes from my area, who wants something for a university for a grant, they are going to say, Well, they did it on this one; why will they not do it here? It is not a wise use of our money.

As my colleagues know, we have a lot of seniors out there. There is no question we are going to provide them with their Social Security checks, and I do not want anybody to be able to say that I am trying to scare the first senior into thinking they are not going to get their Social Security. They are. We are going to meet that commitment. But we cannot say that to our children, and anybody in this body that says they can, they have to come up with a plan to do that, and the first plan to do that is to not spend the revenues that are coming into this country, into the Treasury, for Social Security.

So I would ask the chairman and I would ask the ranking member to consider this amendment as a good amendment. This $1 million will not ever contribute positively to the situation on global change. What it will do is send a million dollars of taxpayers' money to somebody else, and it will generate some research; but will it in fact have an impact on the very thing that it was directed for? And I would challenge someone to tell me that out of the billions and billions of dollars that we spend in other areas through the EPA and other areas, how $1 million for one grant system is going to make a difference in terms of global change.

As my colleagues know, in World War II this country recognized that we had an obligation to fight that war, and we downsized every aspect of our Federal

Government because we had an emergency. Now we have a war going on, and it is not near the emergency that World War II was, but we have another emergency. And that emergency is whether or not our children are going to have the same standard of living that we have had the opportunity to have. Unless we address the issue of spending Social Security money, unless we address the issues associated with Medicare and Social Security, and unless we pay attention to that in every dollar that we spend, whether that comes out in one appropriation bill or all of them, or whether it is at the end of the year, unless we are good stewards of that money, that emergency will overwhelm our children. And everybody in this body knows that; they know that the baby boomer bust is coming as far as Social Security and Medicare.

So we cannot deny it.

The CHAIRMAN. The time of the gentleman from Oklahoma (Mr. COBURN) has expired.

Mr. COBURN. Mr. Chairman, I ask unanimous consent for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

Mr. POMEROY. I object, Mr. Chairman.

The CHAIRMAN. Objection is heard.

Mr. POMEROY. Mr. Chairman, I move to strike the last word.

The gentleman from Oklahoma (Mr. COBURN), the sponsor of the 100-plus amendments that have turned the ag appropriations bill into such an utter fiasco on the floor of this House has strong convictions. Good for him. I believe they are heartfelt, and he is certainly articulate in advancing his belief on these things.

I have strong convictions, too. In fact, there are 435 of us in this body with strong convictions.

Many of us believe that hijacking the floor of this House is not the appropriate way to advance our strong convictions, work within the process, plug along, and ultimately try and make our beliefs prevail.

But to unilaterally tee off on America's farmers, as is the case with the 100-plus amendments sponsored by the gentleman from Oklahoma (Mr. COBURN), is fundamentally wrong and utterly unrelated to the concerns that he continues to tell us so much about.

There is a budget. It has been adopted by this body. It provides for spending of general fund dollars. The Committee on Appropriations has made allocations to its subcommittees, and the gentleman from New Mexico (Mr. SKEEN), dealing with the appropriation made to agriculture, came up with a bill that enjoyed bipartisan support coming out of that committee.

I do not like the bill. I do not think there is enough response to the needs in agriculture funded in the bill brought forward. I believe we needed to do more.

But to have the gentleman tee off on agriculture, slice and dice and try to make his ideological points at the expense of America's farmers is wrong.

It is his prerogative. We all have our own ways of doing things.

Ultimately, the blame for this fiasco falls upon majority leadership. Speaker HASTERT, where is he? Majority Leader ARMEY, where is he? Majority Whip DELAY, where is he? America's farmers need their direction and they need your leadership, and they need it now.

I believe that we need to assess what is taking place on this bill, and if Speaker HASTERT cared about America's farmers, he would put a stop to it, and there are innumerable ways available to the Speaker of the House to get this bill from being eviscerated in the fashion the gentleman is attempting. Give him an opportunity to have his amendment, one amendment, and then let us get on and appropriate the money so our farmers know where they stand.

□ 1130

There is not a component of our economy that is hurting as badly as our family farmers, and we all know that. These are boom times. The Dow flirts with record levels every day it seems like, but in the heartland of American agriculture there is nothing but pain and despair. At a time when our farmers are suffering, and when prices are below the cost of production, to have the agriculture appropriations bill held up for mockery and ridicule and evisceration like the gentleman from Oklahoma, as seemingly endorsed by the majority leadership is doing, is wrong. Rural America needs this Congress to respond to its problems.

Those of us that represent farm country, we cannot do it all on our own. We need the body to work together, Republicans and Democrats standing up for farmers, and ultimately that is going to take some leadership out of the leadership. That is what leadership is all about.

So I wish Speaker HASTERT would think about the farmers in Illinois. I wish Majority Leader ARMEY would think about his North Dakota roots. I wish Majority Whip DELAY would reflect on the pain in rural Texas and put a stop to this process so that we might get on to voting on an agriculture appropriations bill and send some support to our farmers.

Mr. SKEEN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the gentleman currently has this amendment and 10 other amendments that are pending at the desk. I have no doubt that the gentleman has many more such amendments that he will propose for this account. At this point they are all flawed, as was his amendment yesterday on the Department of Agriculture buildings and facilities.

Each of them proposes to eliminate a single item, but does not reduce the overall total, and so there is no reduction accomplished by the amendment. In this series of amendments, each amendment proposes to eliminate a single special research grant within the Cooperative State Research, Education and Extension Service, and in almost all cases these are projects that have been ongoing for many years and were proposed to be eliminated in the administration's budget request, and that were restored by the committee at the same level of funding provided in fiscal year 1999.

The special research grant that this amendment proposes to eliminate is described in detail in part 4 of the committee's hearing record on page 1,432, and the following is a brief description of the research performed under this grant:

''Radiation from the sun occurs in a spectrum of wavelengths with the majority of wavelengths being beneficial to human and other living organisms. A small portion of the short wavelength radiation, what is known as the Ultraviolet or UV–B Region of the spectrum, is harmful to many biological organisms. Fortunately, most of the UV–B radiation from the sun is absorbed by ozone located in the stratosphere and does not reach the surface of the Earth. The discovery of the deterioration of the stratosphere ozone layer and the ozone hole over polar regions has raised concern about the real potential for increased UV–B irradiance reaching the surface of the earth and the significant negative impact that it would have on all biological systems, including man, animals and plants of agricultural importance. There is an urgent need to determine the amount of UV–B radiation reaching the Earth's surface and to learn more about the effect of this changing environmental force. The Cooperative State Research, Education and Extension Service, CSREES, is in the process of establishing a network for monitoring surface UV–B radiation which will meet the needs of the science community for the United States, and which will be compatible with similar networks being developed throughout the world.''

Grants for this kind of work have been reviewed annually and have been awarded each year since 1992, and the work is performed at Colorado State University.

Mr. Chairman, this is a good project and it deserves the support of all Members, and I support the project and I oppose the gentleman's amendment to eliminate it.

Mr. BASS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to say that I have nothing but the deepest respect and admiration both on a professional and personal level for the distinguished chairman of the agriculture subcommittee, as I do for every other member of the Committee on Appropriations. I have watched with amazement as the gentleman from Oklahoma has withstood the most withering criticism from other Members of Congress,

not so much for the content of the amendments that he has offered, but for his insistence upon exercising his right as a Member of this body to question the product that has been produced by a committee of this House.

I think it is regrettable that Members of Congress get up and imply that a Member's right to debate line items in the budget is somehow an insult to the Committee on Appropriations or any other committee of the House. In fact, in my opinion it is an opportunity for individual Members of Congress to state their views and positions on issues, regardless. They may seem trite and unimportant and wrong to some Members of Congress, but they are important for other Members of Congress.

And it may take a few hours to get through the agriculture appropriations bill, and I have no doubt that we will pass a fine product in the end. But I hope this body will give every Member of Congress the tolerance that we should exercise in allowing everybody the opportunity to debate their amendments. Because remember, you will be the person at some future date that will want to have that same respect shown for you. Scrutiny is painful, but it is good for the process.

So I commend the gentleman from Oklahoma for what he is doing, and I rise in support of this amendment.

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

Mr. BASS. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, I thank the gentleman for those words of support.

The gentleman from North Dakota (Mr. POMEROY) said that the purpose of this is to make a mockery and to ridicule and to desecrate the agriculture bill. Far from it. The purpose is to ridicule money that does not go to our farmers.

We had seven votes last night on money that is spent on bureaucracy. This is not going to slow down one penny of money going to our farmers because this bill is going to pass. I said when we first started this debate that this was a good bill. I said that I supported the research.

The fact is we have a rule that allows us to debate these issues, and if one did not like the rule, one had an opportunity to vote against the rule. I voted against the rule because I think we spent money in the wrong ways and I wanted to change it, and I am here exercising my right as a Member of this body to try to change it.

My whole goal is to free agricultural research from the shackles of personal political favors for Members, and to make sure dollars go to the farmers, not political whims to get somebody reelected. So there is nothing wrong with asking questions about how the money goes.

The question of UV light, we are spending hundreds of millions of dollars on ultraviolet radiation in other areas of this government. This is a pork project, plain and simple, and it has been funded and it continues to be funded. It is $1 million that is going to do squat. And it is $1 million that could go to farmers instead of to research for something that is already being researched at a higher level in a much more thorough way in almost every medical university in this country, and to portend that this is a significant research that we cannot do without or not use somewhere else efficiently is not an accurate statement.

I am not testing and going after the integrity of anyone here. It is the process that I object to and the fact that we have a lot of dollars in this agriculture bill that do not go directly to farmers. I come from a farm State. My district is rural. I have the support of my farmers. They do not want money spent in Washington that should be going to farmers. They do not want money paid out in terms of favors to get somebody reelected so that they will not have what they need when they go to farm their land.

So the question is not about whether or not we should do research. The question is about whether or not we should do research in a way that gives us a result that does not pay somebody off for a political favor.

So that may not be very palatable here, but there is a lot of that going on, and what I am saying is, let us free this agriculture bill from that type of thing and let us make sure that our research is directed in such a way that we get a benefit from it in this country.

I thank the gentleman for yielding.

Mr. FARR of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think this debate is all framed in the sense that we are all here to try to make a better America. Well, a better America is not just the Social Security program, it is the totality of what we try to do here. A lot of that totality is regarded in quality of life. If one wants to have a better quality of life, which requires that one has healthier communities and strong economies, one has to remain competitive in the world, when America remains competitive in its research.

I guess if we go through all of the research projects that we do, we would find that there are some that we like and some that we do not like. Certainly the gentleman from Oklahoma, who is a doctor, would agree that if we cut out medical research, one, we are not going to be competitive with the rest of the world and two, we are not going to provide for a better quality of life.

The same is true with agriculture, this research issue, the ozone issue. It is a big issue in the world. It has become the number one issue for one of our competitive agricultural countries, Australia. They grow the same crops that we grow, only in reverse seasons. They are competitive in markets that we are in. They have made ozone one of the biggest issues in the country. They have made it a national policy. They have a saying there, slip, slop, slap. Slip on a T-shirt, slap on a hat, and slop on some lotion before you go outside. It is that big and that is everywhere, on billboards and everything.

So the issue about research and quality of life and agriculture is that our bodies are what we eat. If we do better research in agriculture, we are going to be eating healthier foods and living healthier life styles.

So I wish that the gentleman would really not attack agricultural research as some kind of big pork that is in here just for Members. This country was based on land grant colleges, on universities that were based on studying agriculture, training people for agriculture. We still honor those with research programs, and I can tell the gentleman the research that we are doing in our area is really a cutting edge issue.

So I mean there has been a debate here, because this process of bringing in, as the gentleman told the desk, 114 amendments to an appropriations bill after never attending any of the hearings that the Committee on Appropriations had, if each Member offered, I just figured it out, if each Member, 435 of us, if each of us offered 114 amendments on an appropriation, we would have 41,590 amendments offered here. Mr. Chairman, the process does not work when we do it that way.

So yes, there has been criticism of sort of the number of amendments and the style which the gentleman is going about, but in the end this bill, which I was involved in the markup and attended all of those hearings because I am a member of the committee, this bill really is about trying to make for a healthier America, trying to make for a more competitive agriculture, a more environmentally friendly agriculture, a healthier food product, all of the things that make America the great place in which we live and respecting our heritage in that.

So yes, the gentleman is getting some negative responses to his amendments for the same reasons that I have indicated. I stand opposed to this amendment and to the others that the gentleman is offering.

Mr. SOUDER. Mr. Chairman, I move to strike the requisite number of words.

Some of the attacks on my friend from Oklahoma have been downright humorous, the fact that he was accused of unilaterally trying to tee off on America's farmers. I want to speak out for my friend from Oklahoma and say he is willing to tee off on anybody who goes over the budget.

This is not about agriculture. This is about a process of how we are going to try to keep within our budget agreement.

I want to say up front that I support this bill and furthermore, I believe we do not devote enough to agricultural research. Furthermore, I will add that I believe that in the specifics of much

of this agricultural research, much of it can be easily mocked and made fun of, but it is the backbone of the agriculture of this country.

Furthermore, I do not know enough about this particular project to know whether this is indeed real research or whether or not it was put in because some Member of Congress had clout. It is naive for Members of Congress to walk up here and say that we, in fact, have to trust our leadership, trust our Committee on Appropriations. We should at least be willing to challenge occasionally.

If the Members of Congress do not want their projects struck, they should come up here and defend them, as the gentleman from New Mexico (Mr. SKEEN), the chairman of this subcommittee, eloquently explained what the intent of this was. Where are the Members who represent this particular university in this particular State explaining what it is? Because this should be an opportunity for those who favor agricultural research to explain why this is in the bill.

A lot of this is a fight about the process. We hear that this is a ''filibuster'' or that we have had over 100 amendments. We have not had over 100 amendments. We do not know how many amendments there are going to be. But if we are worried that this is going to slow our process down, we should have had more days in session earlier this year; we should not be taking four additional days next week, because this is what Congress is about. We do not presume to know when we go into the appropriations process. There has been a lot of discussion whether we should go to the subcommittee, whether we should offer amendments.

Ms. KAPTUR. Mr. Chairman, will the gentleman yield?

Mr. SOUDER. I yield to the gentlewoman from Ohio.

□ 1145

Ms. KAPTUR. Mr. Chairman, I took to heart what the gentleman said, that we should not bring bills to the floor in an ill-considered manner.

The gentleman is from the State of Indiana. As I recall, I did not receive any letters from the gentleman regarding projects in the gentleman's State or anywhere in the country relative to this bill.

Did the gentleman come before our committee to testify, or send any correspondence regarding any line item in this bill, yes or no?

Mr. SOUDER. Mr. Chairman, I would tell the gentlewoman, no, I had no line item in this bill.

I reclaim my time because I did put, in fact, a request in to boost agricultural research spending, because I support an increase in agricultural research spending. I support this bill. I believe if there is any part of the overall spending process that we need to be careful not to tinker with, it is agriculture.

I am not fighting with the specifics here, I am fighting on a process; that all the appropriations bills should be allowed to have amendments and a full-fledged debate.

And whether it is one Member or a group of Members, they should be allowed to come here, because we are not trying to micromanage the subcommittees, but when we see the final report we have a right to say, as Members of Congress, that we do not believe that this full amount of money is legitimate; that we take apart pieces of this bill and say, defend this piece.

In fact, the only way an amendment cannot pass this House is if the majority of this country does not favor that amendment. It is not like some kind of a game here where there is some kind of a trick that can get to a majority.

Quite frankly, at least one of our leaders is threatening about this process, that we should not be allowed to offer amendments because it is uncomfortable. We are Members of Congress. We have a right. Not all of us are on a subcommittee of the Committee on Appropriations, on the full Committee on Appropriations or its subcommittees. Some of us are on authorizing committees or on the Committee on the Budget. We would like to have the ability to come here and at least question.

I will vote for some amendments. I am voting against some amendments. I am going to vote on the end bill. But I do not think it is fair when the attacks come to the floor and they are aimed at a generic, hey, this is an attack on agriculture, this Member is trying to tie up the House.

It sounds to me like, thou dost protest too much. If there are particulars that Members want to defend, come down and defend the particulars, because Members should be able to. There are plenty of reasons; even if it sounds embarrassing on some of these research projects, there are scientific reasons why we are the best agricultural Nation in the world.

If we do not do this research and if we let this get caught up in whether or not somebody had an inside deal, if someone's project cannot stand the light of day, if their research project in their district cannot stand the light of C-Span in this national debate, then it should not be in the bill. Members should be down here defending it, as the subcommittee chairman did.

I commend my friend, the gentleman from Oklahoma, for challenging the structure; for making sure that each part of this bill can either be defended or not defended. I stand with him today because I think it is a healthy process for the United States Congress.

Ms. KAPTUR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to this amendment. Let me just say, in reference to something the earlier speaker said, when we do not follow regular order, which means when we do not come to the subcommittee and the full committee and do not make views known, and then try to come to the floor and repair it, that is not regular order.

Regular order is making Members' wishes known to the committee as we go through the regular process, because we have to deal with 435 Members.

Now let me say, in reference specifically to this amendment, which is global climate change, in terms of global climate change, this is not a project that will be done in this Member's district. I know it will not be done in the chairman's district. But there is no issue more important to agriculture in this country and in the world than climate.

I can remember one time walking into the office of the gentleman from Texas (Mr. STENHOLM), the ranking member on the Committee on Agriculture, and he was watching television. But what was he watching? He was watching the weather as he was marking up one of the major authorizing bills for agriculture in this country.

I kind of laughed, because the sound was not on. I said, Charlie, what are you really doing? He said, you know how important weather is.

With changes in global climate, just a little bit of melt in any of the poles causes a change in the currents and the water. We have major research going on in terms of genetics, to try to make plants grow in deserts or where there is lack of rainfall.

What about when we have major changes in climate, which happen at the edges, they certainly do, and how we get plant life to survive in those circumstances?

What about the oceans? What about trying to do more in the way of production out of saltwater?

There are all kinds of issues that we deal with relative to the globe and relative to climate. There is nothing more important for us to know about.

Frankly, the Department of Agriculture is the department that farmers trust. They are not going to trust, with all due respect to the Environmental Protection Agency, but it has had a different view of what is in the air and a different perspective on climate.

But in terms of plant life and animal life, the research depository and the intelligence is stored at the Department of Agriculture. We make it available to our farmers in the field through the modern wonders of technology, and frankly, we help the farmers of the world to the best of our ability feed the people of their own country.

So I think to make any recommendation to eliminate this line item is certainly backwards looking.

I would just say, and I am sorry that the gentleman left the floor, but I will bring it up again when he returns, if in fact he has a problem with special grants under the Cooperative State Research Extension and Education Service, I would recommend that the gentleman from Oklahoma (Mr. COBURN) eliminate the grants that he asked for. In fact, I will list just three of them, totaling over $691,000.

We have a letter in our possession that was sent to one of the Members in our committee in which the gentleman from Oklahoma (Mr. COBURN) asks for assistance to the State of Oklahoma, and asks for targeted line item funding through the agricultural appropriations bill.

We do not have any discrimination against Oklahoma. We want to help Oklahoma. They include the following.

Mr. SANFORD. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from South Carolina.

Mr. SANFORD. Mr. Chairman, it is my understanding that the gentleman from Oklahoma (Mr. COBURN) specifically asked that those be offsets. That is the heart of the matter that he is dealing with here today, and that is the issue of offsetting versus not. So I think every Member of Congress——

Ms. KAPTUR. I would reclaim my time and just say that the point is that the gentleman from Oklahoma (Mr. COBURN) put three projects in this bill. There are actually five projects he put in the bill, totalling well over $1 million. My feeling is that if he wants to eliminate $1 million from the bill, let him eliminate the projects for Oklahoma.

Frankly, this Member would not eliminate projects for Oklahoma, but let me say what the projects are:

Expanding wheat pasture research, $285,000; integrated production systems for horticulture crops, $180,000; preservation and processing research for fruits and vegetables, $226,000. That is just $691,000 for those three projects alone under the very account that he is now trying to cut for global climate research, which affects every farmer in this country and their future.

So I would just say that I think the gentleman is maybe not quite knowledgeable enough about these accounts, because in fact, why would he add funding to a bill and to a set of accounts that he is trying to cut? Why would he not cut his own projects, rather than trying to cut a project that deals with the entire Nation's needs?

My apologies to the State of Oklahoma, because they deserve a voice here. I would not have recommended that their particular projects be cut. But the fact is the gentleman from Oklahoma (Mr. COBURN) sent a letter.

THE CHAIRMAN. The time of the gentlewoman from Ohio (Ms. KAPTUR) has expired.

Ms. KAPTUR. Mr. Chairman, I ask unanimous consent to proceed for an additional 30 seconds.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Ohio?

Mr. SOUDER. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. SANFORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would just pick up on our last conversation. That is, it seems to me fundamentally that the idea that the gentleman from Oklahoma (Mr. COBURN) and others on this House floor are trying to get at is not the idea of should we disenfranchise people within any of our respective congressional districts, but simply the idea of should we offset spending that takes place in the government.

As the gentleman has consistently stated, his struggle is not so much with the agricultural bill, but the larger process we find ourselves in. That is a process headed towards a train wreck.

I would say this, there was an earlier comment talking about how anybody who would offer amendments to this bill was basically one teeing off on agriculture. I want to associate my words with those of the gentleman from Indiana, because that is absolutely not the case.

If Members simply think about the contrast that exists, when I think about the average farmer back home, he is getting up before sunrise, he is maybe having a cup of coffee in a fairly simple room in the back of his house, he is getting in a pick-up truck, he is going off, getting in a Massey Ferguson or John Deere tractor, and he is spending the day outside in the field. He ends up coming back covered with dust. That is one picture.

We have another picture of somebody getting up and getting, let us say, in a Volkswagen Jetta or a Rabbit, going off to the administration buildings for agriculture here, and spending their day here. Those are very different days.

The bulk of these amendments have been about trying to do something about this huge and bloated bureaucracy that happens to exist within the Department of Agriculture here in Washington, D.C. To me, when we think about the idea of downsizing government, with the Department of Agriculture we have over 100,000 employees, we have 80,000 contract employees. That works out to be one agriculture employee for every 10 farmers.

Most of the farmers that I talk to are real independent folks. They are hardworking folks. The idea of them needing a handholder or a babysitter to sort of accompany them, or at least to report on them, throughout the day is not something that makes common sense.

One of the amendments that the gentleman from Oklahoma (Mr. COBURN) offered yesterday was in fact a proposal to cut simply 12 percent from an increase in administration here in Washington. That seems to be sensible to farmers that I talked to.

Another had been to cut $400,000 from the Under Secretary of Agriculture. Mr. Chairman, why the Under Secretary of Agriculture needs another $400,000 does not quite fit with, again, the hard and simple lives that I see for so many farmers back home.

Another amendment had been to trim $26 million from space planning; not actually construction of buildings, but just planning on space for the future.

Again, these amendments have made sense when we look at the contrast that exists between the life that the farmer leads and the life that somebody in Washington leads working, for instance, for the Department of Agriculture.

As to this amendment in particular, as has already been indicated, there are a whole number of different projects around this country, and in fact, I sit on the Committee on Science, and there are a number of projects related to ultraviolet research.

So the issue here is this $1 million is duplication. It represents one 100th of 1 percent of the overall agriculture budget, and to say that it will cripple the agriculture budget is not exactly the case. It goes back to the heart of what these amendments have been all about.

I have here a letter from Ms. Evelyn Alford, born in 1924. She writes me from Johns Island, South Carolina: ''It really is frightening when one thinks about what the Federal Government can get away with. If the politicians would keep their hands out of the social security fund and use it for what it was originally intended for there wouldn't be a problem with the fund. The government takes money from us and tells us that the money is designated for one thing and they use it for something else. Isn't there a word for that?''

And a P.S., please read this letter. Ms. Alford, I read the letter.

This is what these amendments have been all about. They have been about trying to prevent a train wreck that is most certainly headed our way if we do not adopt the proposals of the gentleman from Oklahoma (Mr. COBURN).

Because as we all know, while agriculture has stayed within the caps, Labor-HHS, there is no way we are going to come up with $5 billion worth of trimming in that account; VA-HUD, over $3 billion worth of trimming in that account.

Unless we come up with savings now, we are headed for a train wreck later on.

Mrs. LOWEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I came down to the floor with great respect for my colleague, the gentleman from Oklahoma (Mr. COBURN). But I would say to the gentleman that I understand that this committee has met its 302(b) allocation; we are on mark, they met their budget.

As I was listening to this debate, I thought that I would come down to discuss with my colleagues one of the programs that my friend's amendment will cut. I think it is important to know that these programs are not just some programs that are out there that no one knows about and that are not having an impact.

The gentleman from Oklahoma (Mr. COBURN) is indiscriminately attacking important programs in this bill without much discussion about the impact

of his proposed cuts. I want to take a moment to talk about the program that the gentleman is attacking with this amendment.

The Cornell University Program on Breast Cancer and Environmental Risk Factors was launched in 1995, and responds to the abnormally high incidence of breast cancer in New York.

□ 1200

POINT OF ORDER

Mr. COBURN. Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. COBURN. Mr. Chairman, the amendment that we are on is an amendment on UV research for $1 million. We have not attacked breast cancer research.

The CHAIRMAN. Does the gentleman have a point of order?

Mr. COBURN. Mr. Chairman, the point of order is, the discussion is not about the amendment at hand. It is not germane to the amendment at hand.

Mrs. LOWEY. Mr. Chairman, if I may respond to the gentleman from Oklahoma (Mr. COBURN), it is my understanding that it is the same account, and the gentleman's amendment will cut indiscriminately that account.

Mr. Chairman, if I may proceed, I would like to discuss another item in that account, because it will be impacted.

The CHAIRMAN. Debate must be relevant to the matter before the Committee. The Chair finds that the debate so far has been so.

The gentlewoman from New York (Mrs. LOWEY) may continue.

Mrs. LOWEY. Mr. Chairman, it is my understanding that this will impact the project. I think it is important for my colleagues to know that the Cornell University program on breast cancer and environmental risk factors was launched in 1995 in response to the abnormally high incidence of breast cancer in New York.

The program investigates the link between risk factors in the environment like chemicals and pesticides and breast cancer. The BCERF, which it is called, takes scientific research on breast cancer, translates it into plain English materials that are easy to understand, and disseminates this information to the public.

They have a web site that is filled with information on BCERF's activities, breast cancer statistics, scientific analyses, and environmental risk factors and links to other sources of information. They sponsor discussion groups that provide a public forum to discuss breast cancer. This amendment will destroy our ability to bring the important work of the BCERF program to more people around New York and around the country.

Let me make this very simple, Mr. Chairman, if my colleagues oppose efforts to educate the public about breast cancer, if they think they have done enough to prevent breast cancer in this country, then vote yes on this amendment.

But if my colleagues agree with me that we need to do more about stopping the terrible scourge of breast cancer in this country, if they agree with me that they cannot sit idly by while one in eight women are diagnosed with breast cancer over the course of their lifetimes, if it outrages them that approximately 43,000 women will die from breast cancer and 175,000 women will be diagnosed with breast cancer this year alone, then join me in voting no on this terribly misguided amendment.

My colleagues, these are just some of the materials that they distribute, avoiding exposure to household pesticides, protective clothing, safe use and storage of hazardous household products, pesticides, and breast cancer risks and evaluations, and on and on and on.

Mr. Chairman, we all want to spend money wisely. We all understand that the hard-earned dollars of taxpayers should not be distributed willy-nilly. But the gentleman from New Mexico (Chairman SKEEN), the gentlewoman from Ohio (Ms. KAPTUR), our ranking member, have worked very hard to keep the numbers in this budget within their budget allocation.

I think it is very important that we not get misled by the desire to cut and balance our budget, because we all want to spend wisely. But we have to look at what these potential cuts will do, what kind of impact they will have on the lives of our constituents.

That is why, as I was sitting in my office, I decided to come down here. This is the kind of impact that this unwise, foolish cut will make.

Mrs. EMERSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Chairman, I thank the gentlewoman from Missouri for yielding to me.

What the gentlewoman from New York (Mrs. LOWEY) does not know is my sister has breast cancer. My closest cousin just died from breast cancer. If the gentlewoman will look at this amendment, we do not cut total research. We cut a million dollars out of it, as the chairman just said, because we did not cut the total dollars. We redirected the money in there. This $1 million will say that $1 million cannot go for this, but the total number was not cut in our amendment. The chairman made that point earlier.

I treat women, as the gentlewoman from New York very much knows. Breast cancer is a great concern for me. I do not believe that the gentlewoman's intention was to say that I was not concerned about breast research, because I am.

If my colleagues will look at the amendment and how it is actually written, it is written to cut this spending, but does not cut the total and allows the committee to spend that money elsewhere.

So the question is, we did not, in fact, attempt to cut that research. We attempted to withdraw an amendment after we had a discussion on total research.

I want to take this time to answer another question that the gentlewoman from Ohio (Ms. KAPTUR) brought up in trying to say that I sought funding. I very carefully worded a letter to the gentleman from Oklahoma (Mr. ISTOOK).

I want to read very carefully the wording in it, because here is what I do with the research universities that come to my office. When they ask for money, I ask them, where are they going to get the money.

Then I sent a letter to the gentleman from Oklahoma (Mr. Istook), and I said, ''They wish to receive funding.'' Then I said, ''What support do you plan to give for that funding?''

The gentleman from Oklahoma (Mr. ISTOOK) represents this university as well. My promise to that group of university leaders was, I said, I would ask if he would do it. I did not make a request for funding.

The other thing that most of the chairmen in the Committee on Appropriations will tell my colleagues is that when I make a specific request for something that I want funded, I send with it a request for something that I want cut. If my colleagues would kindly check with the gentleman from Ohio (Mr. REGULA) on the bills, things that I have asked.

So I want to make very clear that I support breast cancer research, that I support NIH research, that I support the research. But I want to make clear again, a million dollar grant on UV research at one university on ultraviolet radiation has little to do with global change, one.

Number two, we are spending millions and millions and millions of dollars on this same subject in other areas. It is my feeling, as a prerogative, as a Member, to say this: I think that money can be spent better and elsewhere.

Mrs. LOWEY. Mr. Chairman, will the gentlewoman yield?

Mrs. EMERSON. I yield to the gentlewoman from New York.

Mrs. LOWEY. Mr. Chairman, I would like to respond to the gentleman from Oklahoma (Mr. COBURN). It is my understanding that the amendment of the gentleman from Oklahoma (Mr. COBURN) will cut $1 million from the research account. This research project for breast cancer is within that account. In fact, if his amendment will not cut from that account, then I am not sure what we are doing here debating it.

Mrs. EMERSON. Mr. Chairman, reclaiming my time, I yield again to the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Chairman, this amendment cuts $1 million from one specific account, but does not cut it from the total account, because we did

not lower the total amount in the research. Had we done that, we would have intended to cut the total amount. So it still leaves the money there.

Actually what it does is, it offsets $13 million that was taken last night by the gentleman from Vermont (Mr. SANDERS), out of research, which we did not get, we had a voice vote on and not a recorded vote on, and actually makes $1 million of that go back into general research.

So the gentlewoman from New York misstates the true facts of the amendment.

Mrs. LOWEY. Mr. Chairman, if the gentlewoman from Missouri would yield, based upon the information I have, I believe the gentleman from Oklahoma (Mr. COBURN) has distorted the response, or there is a misunderstanding here between people on this committee. But it is my understanding that the gentleman's amendment does come from the special research account and that this breast cancer project is within that special research account.

Therefore, although the gentleman from New Mexico (Mr. SKEEN) has supported it, and I thank him, our gracious chairman, and the gentlewoman from Ohio (Ms. KAPTUR) has supported it, it will have an impact in this project.

So, Mr. Chairman, there must be a misunderstanding here. Because on the one hand, it will cut; on the other hand, it will not have any impact.

Mrs. EMERSON. Mr. Chairman, reclaiming my time, I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, I just want to say very specifically that I believe that they are mistakenly pointing this out. What this amendment really does is it will eliminate the million dollars and allow $1 million to go back into the general research against the $13 million losses.

Mrs. CLAYTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to say, in the furtherance of explaining and giving clarity to what is intended and what is written, I yield to the gentlewoman from Ohio (Ms. KAPTUR), the ranking member of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies.

Ms. KAPTUR. Mr. Chairman, I thank the gentlewoman for yielding to me, and I wanted to clarify a couple of matters here for the RECORD in terms of this amendment.

First of all, the amendment of the gentleman from Oklahoma (Mr. COBURN) is to page 13, line 11, which reads: $62,916,000 for special grants for agricultural research. The gentleman's amendment proposes to eliminate $1 million from that account. Am I correct in reading the gentleman's amendment? That is exactly what the gentleman's amendment states, page 13 line 11.

Mr. COBURN. Mr. Chairman, will the gentlewoman yield?

Mrs. CLAYTON. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, if my colleagues will turn the page to page 14, they will see that we did not amend the total amount of research. Therefore, the million dollars is reduced in that one area, but the total amount of research is left the same. My colleagues will notice, on line 19, on page 14, that we did not amend $467,327,000.

Ms. KAPTUR. Mr. Chairman, if the gentlewoman from North Carolina will further yield, I thank the gentleman from Oklahoma (Mr. COBURN). That gets to my very point that he amends line 11, page 13, out of the special grant category. The project of the gentlewoman from New York (Mrs. LOWEY) is in the special grant category.

I wanted to get back to the letter that the gentleman from Oklahoma (Mr. COBURN) sent to the committee back on March 4. I am very glad that the gentleman brought it up himself here on the floor, because his letter says that Oklahoma State University met with him. They did not meet with another member of the committee.

Through that meeting, the gentleman learned about the specific projects, and then I quote from the gentleman's letter, ''They have targeted to get line item funding through the Agriculture Appropriations bill this coming spring.'' This is the bill. This is the time we are talking about.

The next paragraph goes through five different projects. The last paragraph the gentleman from Oklahoma says, ''They wish to receive funding,'' this is what he says to another member of the committee, ''in a line item form.'' The gentleman from Oklahoma (Mr. COBURN) even tells them how he wants it, for each one; each one of the projects, he means. Then the gentleman says, ''And I wanted to inquire as to what support you plan to give them in regards to these projects as they progress through the Committee on Appropriations.''

I will tell my colleagues, when I receive a letter from a Member, and the gentleman from Oklahoma (Mr. COBURN) did not send this particular letter to me, I would take it that when the gentleman lists which projects he wants on behalf of his university, that is a request for funds.

So, therefore, if this is not a request for funds, I go back to my original proposal to the gentleman, because I understand he wants to cut funds, why not take the special grants that he has asked for, $285,000 for expanded wheat pasture, $180,000 for integrated production systems for horticulture crops, and $226,000 for preservation and processing research for fruits and vegetables, which total $691,000, and let us eliminate those first.

Mr. COBURN. Mr. Chairman, will the gentlewoman from North Carolina further yield?

Mrs. CLAYTON. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, first of all, this was not sent to the Committee on Appropriations. This was sent, one letter, to another Member asking his status on those projects.

Ms. KAPTUR. Mr. Chairman, if the gentlewoman from North Carolina will further yield, which committee is that gentleman on?

Mr. COBURN. Mr. Chairman, if the gentlewoman will continue to yield, he is on the Committee on Appropriations, but he is also from Oklahoma, and he also would have to support that, should that come.

When I make a request, and please go and look at my request, I specifically request things that I ask for. I mean what I say and say what I mean; I think the gentlewoman knows that. I am very cautious with how I do it.

I want to answer one other point. We made legislative history when I specifically asked this amendment to take $1 million for a specific amendment. So that means no money is going to come out of breast cancer research; it is going to come out of that one specific amendment.

I thank the gentlewoman from North Carolina (Mrs. CLAYTON) for yielding to me.

Ms. KAPTUR. Mr. Chairman, if the gentlewoman will continue to yield, let me say to the gentleman from Oklahoma, I take it, then, he does not wish to support the Oklahoma State University's request for these ongoing research projects. I think that the gentleman's representative from the Committee on Appropriations should know that from the State of Oklahoma. I hope that the people from the University of Oklahoma also would know that.

Mr. COBURN. Mr. Chairman, will the gentlewoman from North Carolina yield? I just want to answer the last statement, if I may.

Mrs. CLAYTON. Mr. Chairman, I yield to the gentleman, if he can do it briefly.

Mr. COBURN. Mr. Chairman, I will be happy to support Oklahoma State research for that only if they can help me cut some spending from somewhere else.

Mrs. CLAYTON. Mr. Chairman, when the gentleman from Oklahoma (Mr. COBURN) has a chance to respond, I hope he will respond as if he has written the amendment, if indeed it is designated not to come off the general special grant, because as it is written, it is not what his intentions are. The gentleman's intentions, as he stated, giving him the benefit of the doubt, he does not plan for it to come from cancer, but the result of his action means it will come from cancer.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma (Mr. COBURN).

The question was taken; and the chairman announced that the noes appeared to have it.

Mr. COBURN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 185, further proceedings on

the amendment offered by the gentleman from Oklahoma (Mr. COBURN) will be postponed.

□ 1215

AMENDMENT OFFERED BY MR. SANFORD

Mr. SANFORD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SANFORD:

Page 13, line 11, after the dollar amount insert ''(reduced by $5,136,000)''.

Mr. SANFORD. Mr. Chairman, this amendment is a very simple amendment. All it does is decrease research in education by $5,136,000 for wood utilization research. These are specific grants to seven States, basically throughout the Southeast.

The real question that has to be asked with an amendment like this, and with wood utilization overall, is who does it best. If we think that the Federal Government, through grants to universities and private interests, is the best place to figure out where best to utilize wood, then my colleagues will want to vote against this amendment. If, however, we think private enterprise, free enterprise might be more capable at determining where and how wood utilization research ought to take place, then I think my colleagues will want to vote for this amendment.

I happen to have a lot of experience in terms of wood utilization. I grew up on a family farm down south of Charleston. My dad died when I was in college and we converted the farm from basically a row crop and from cattle to pine trees. So over the course of my life, my brothers and I have been out behind a tractor, either mechanically or by hand, planting pine trees, throughout our whole life. And that has given me a lot of experience in this world.

Because with improved loblollies down in the Southeast, a first thin can be had in 12 years. Now, improved loblollies did not come as a result of wood utilization research grants. In fact, $45 million has been granted in this category since 1985. It came about because people like Westvaco, people like Georgia Pacific, people like Union Camp were going out and doing research on what would create the fastest growing loblolly or slash pine down in the Southeast.

Now, what we have in that part of the world are people like Joe Young. Joe Young is an independent timber producer based in Georgetown, South Carolina. And I would ask somebody like Joe Young if he thinks $5 million ought to be spent on wood utilization research or does he think that he, with folks running skidders, folks out in the woods, would have a better idea of, for instance, harvesting the woods. We have people at Union Camp or Georgia Pacific, we have a big plant, actually a Westvaco plant in north Charleston, South Carolina, and the people there put literally millions of dollars each year into basically wood utilization research and coming up with the best ways to mill wood, the best ways to get wood from the stump to the home place.

So this is an amendment that is largely a philosophical amendment about where do we think this kind of research takes place best. If we think it takes place best with government, through a Department of Ag grant, then we will want to vote against the amendment. If we think otherwise, we ought to vote for it.

Going back to what this money would do, because again I go back to the original premise behind this series of amendments that the gentleman from Oklahoma (Mr. COBURN) and others are offering, what this amendment is about is simply saying do we want to borrow from Social Security to pay for $5 million worth of wood utilization research; or, if we do not want to think about it in terms of Social Security, we can think about it with competing interests in agriculture itself.

This $5 million would buy 250 tractors for farmers across the country. This $5 million would pay the taxes for 2,500 farmers for their taxes on a family farm for 1 year. This $5 million would buy about 500,000 bags of fertilizer for farmers across the country. And what I hear from farmers that I talk to is, if given the choice between an abstract grant that is already being handled by the private sector and money that could actually go to a farmer, they say they would take the second option.

Mr. SKEEN. Mr. Chairman, I rise in opposition to the amendment.

The special research grant that this amendment proposes to eliminate is described in detail in part four of the committee's hearing record on page 1612. The following is a brief description of the research performed under this grant, and I will read from this:

''This research includes developing processes to upgrade low quality wood so it is suitable for higher value structural applications, catalyzing the formation of new business enterprises, and reducing environmental impact while improving systems for timber harvesting and forest products manufacturing.''

Grants for this work have been reviewed annually and they have been awarded each year since 1985. There are eight locations where the work is performed: Oregon State University, Mississippi State University, Michigan State University, University of Minnesota-Duluth, North Carolina State University, University of Maine, University of Tennessee, and the University of Idaho.

Mr. Chairman, this is a good project and it deserves the support of all Members. I support the project and I oppose the gentleman's amendment to eliminate it.

Mr. COBURN. Mr. Chairman, I move to strike the last word.

Mr. SANFORD. Mr. Chairman, will the gentleman yield?

Mr. COBURN. I yield to the gentleman from South Carolina.

Mr. SANFORD. Mr. Chairman, I thank the gentleman for yielding to me, and I just want to follow up again on what I have actually seen in the field, because our family actually grows pine trees. And when I talk to people like Joe Young, they used to go out there with a chain saw and cut the wood. Now they have a thing called a feller-buncher, basically a cutter set up on top of a four wheel drive tractor that moves around through the woods.

But these guys out in the woods, without government research grants, without government money, they are able to figure out how best to cut a tree rather than some researcher from the Department of Agriculture in Washington, D.C. telling them how.

Mr. COBURN. Reclaiming my time, Mr. Chairman, again I would make the point that the purpose of this amendment does not cut overall research; rather it allows that money to go for something that we would deem to be more productive.

Again, I would come back to something I said earlier. There is no question that our Agriculture Committee on Appropriations came in under the 302(b), and I have heard that thrown up several times. But the people who are bringing that point to the floor have to say if they are going to support the 302(b) for agriculture, they have to support the 302(b) for Labor, HHS and Education. We all want to fund education at a higher level, and we are not one of us are going to tolerate a $5 billion cut in Labor, HHS.

So to use the claim that we met the 302(b) when it was set at a high level, none of the amendments that have been offered thus far have directly taken money away from America's farmers. Not one. Not one amendment has been offered that takes money away from American farmers. What it does is it takes away money from people who are on the gravy train and on the line, that take money out of this budget.

If we care about American farmers, as the gentleman from North Dakota (Mr. POMEROY) said, then we have an obligation to make sure that there is nothing in this bill that could not be spent better elsewhere. Our American farmers know how to do it. And they know if we will get the resources to them, and if we will direct it down to their level, that they will continue to lead the world in terms of research.

I would also make the point that if we make the claim we are within the 302(b), then we are certainly going to support a $3.8 billion cut to housing and our veterans. There is not going to be a Member in this body that will support a $3.8 billion cut to veterans and our housing.

So to claim that this process is working because this committee is under the 302(b) or is within the 302(b) is not an honest representation of where we are going with this process. And it is okay, if we all will admit that this process is going to end with us spending $40 or $50 billion of Social Security

money. We all voted to say we would not do that, and yet we are on a train that is going that way.

So, yes, it is a process, and it is a process that is going to end up in this body not keeping its word to the American public about their Social Security dollars. That is why I am insistent on these amendments. That is why I am insistent on us persisting and looking at every aspect of this bill that does not do what it is intended to do for our farmers.

Ms. KAPTUR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, Ohio, my own State, is a very large forested State, and though this particular proposal for wood utilization research does not impact us directly, I think indirectly it impacts us as well as every other State in the Union, and I thought I would read some of the accomplishments of the research that has been done under this program.

Truly, one of the issues we face as a country is a need to provide wood product as well as fibrous product for various building needs and industrial needs, and yet those hardwoods that we used to have are really becoming extinct. In fact, we even have other committees here that deal with ancient forests, trying to save some of the last trees that we have in certain stands, and yet we still have to continue building homes, we have to replace what used to be wood with other products.

I am sure if Members have seen some of the new homes being built around the country, they even use these laminated products where they take wood chips and put glues in it in order to create the fiberboard that is used. In some places we are growing sugar cane and other types of cane products and figuring out how to take the moisture out of them and laminate them and use them for wood construction, or what looks like wood but really is not.

The new knowledge that is gained through this research program has been conducted through six centers around our country. Let me just read some of the new types of products that they have been able to bring to market.

The design of glued laminated beams that are reinforced with plastics saves up to 25 to 40 percent of the wood fiber that would otherwise have to be used in that construction. So even our forests, and our privately-owned forests are not growing fast enough to meet the needs that we have domestically and internationally.

In addition to this, they have been working on technology to apply those wood preservatives, using superfluids to reduce the environmental problems associated with present commercial treatments. When they put on these laminates and these various glues, this is a very difficult industrial process and they have been working on that.

They have been working at better harvesting systems that are efficient and environmentally acceptable. Easy to say, hard to do.

They have been looking at the increase of wood machining speeds and the reduction of saw blade widths to increase productivity and save raw material itself. The world of the 21st century and the new millennium will be one of shrinking natural resources and trying to use what we have in wiser ways.

They have been working on a patented system to apply pressure and vibration to prevent the enzymatic sap stain which degrades hardwood lumber by $70 to $200 million a year. I know that because I have a little coffee table in my house, and I cannot get that sap to stop staining up through the covering that is on it. We need to find scientific answers to that so that wood can be fully utilized.

They have been doing research on the reduction of the quantity of wood bleaching chemicals needed by wood pulp producers. In other words, to try to be more environmentally conscious.

They have been working on the design and strength of wood furniture frames to minimize wood requirements. The wood being used today in furniture, if we were to take everything apart that used to use wood, we would be surprised at how that has been minimized. In States like Michigan, States like Ohio, where many industries use this new research, it has been immediately adapted.

Also, they have been using the adoption of European frame saw technology to composite lumber to provide a new raw material source for industry. It is very interesting to look at some of the layered wood products that have been used across our country. Some of the glues did not work originally. Now they are doing much better at that, where we are using just the top coating is actual wood and what is underneath is various types of composite products.

So I would say that this is extremely important. We are one of the largest forested nations in the world. We are having trouble with many of our softwoods, bringing them to market. People do not just want to live on plastic, they do like the feel and look of wood, and many of these wood utilization scientific studies and undertakings do have a direct commercial market application.

So I just wanted to put that on the record, and I would support the chairman in his opposition to this amendment.

Mr. SOUDER. Mr. Chairman, I move to strike the requisite number of words.

Once again I want to state that I actually favor increased agricultural research, and having grown up in the furniture industry, as well as understanding a lot of this, I am not even sure I am going to vote for this amendment. I am listening to the debate on it.

But I want to make an additional point, and that is there have been a number of comments about the amendment process and how we, in fact, as Members learn.

☐ 1230

I am on seven different subcommittees. The idea that I am going to sit in every single appropriations subcommittee and listen as every single proposal comes up, to hear all the background, is ridiculous.

What we have as a Member, the only option when we get the final bill, unless it is a high-profile event, is to deal with it after we get the appropriations bill, if we are lucky enough to get the appropriations bill before we vote, to look at it and see if there is anything here, if this bill exceeds the budget caps, that we believe should be looked at and debated on the House floor. And that is, in fact, what we are going through.

There are Members who are proposing that we are supposed to sit, as though we do not have other committees, on every single debate item. Now, presumably, if the committee has done its work well, and the subcommittee, they will be able to defend particular things.

But I have another concern and that is that one point that has been made on this floor seems to resonate a lot with me. And that is that agriculture, while I do not believe it is being picked on in the nature of all the bills, guess what the only bill that Members of Congress cannot reduce is? It is our own branch appropriations.

We are not allowed to come to the floor and offer amendments to reduce expenditures on Congress because we might micromanage Congress. Now, we are allowed to come to the floor to micromanage other agencies under House rules. But under the Democrats and under the Republicans, we are not allowed to come to the floor and do our own.

The reason this becomes important is because we keep hearing about these allocations to committee and how agriculture, which in fact has been very reasonable and stayed pretty much on an even keel in the budget, is getting battered in this process here, at least debated. But some, like Labor HHS, where our education and health expenditures are, have a $5 billion reduction coming.

We all know that that is not going to happen. At a time of school violence and the pressures we have on education in America, we are not going to reduce it by $5 billion.

And the Department of the Interior, our national parks and environment questions, is getting reduced by 18.7 percent in these great 302(b) allocations we are hearing.

But guess what? The Members of Congress are going to get a 7.3 percent increase for their personal offices. Members of Congress are going to get a 5.6 percent increase for their committees. In fact, the Committee on Appropriations is going to get a 14.9 percent

increase, meaning the committees are going to get a 7 percent increase.

And the leadership is going to get an 8.4 percent increase, plus the 660,000 they got in the supplemental bill, meaning they are going to get an 11.7 percent increase.

When we come with 302(b) allocations that propose unrealistic cuts in environment and education, but have increases in it for this House, for our personal offices, for the committees, for the leadership, and then tell the Members of this House that we can amend everybody else's bills to reduce expenditures, but we cannot reduce the expenditures on ourselves, I believe we have a problem here.

We are starting to act in many ways like the Congresses before us. I ran in 1994 because I wanted to see a change. Part of the debate we are hearing in the appropriations process and the patience we are hearing from the subcommittee chairmen and the committee chairmen have been magnanimous as we worked through Labor HHS and other things over the last few years. And we need to have this debate.

But I am very concerned about double standards being put on the Committee on Appropriations vis-a-vis legislative branch appropriations and letting that go up but telling them they have to meet these unrealistic caps in many of the other subcommittees, particularly when we all know that at the tail end we are likely to bump into this so-called train wreck in the supplemental.

So I think we best not talk about whether somebody is in their 302(b). The subcommittee chairman has no choice but to work with that number. But, in fact, this debate is far beyond the 302(b)s because they are not realistic. And there is no way to illustrate that better than that Members of Congress and their personal offices are getting 5.6 percent, that Members of Congress will get 7.3 percent for their personal offices, the committees will get 7 percent, the leadership gets 11.7 percent, but these same allocations are reducing education by $5 billion, education and health and Interior, by 18 percent.

Ms. KAPTUR. Mr. Chairman, will the gentleman yield?

Mr. SOUDER. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, I thank the gentleman from Indiana for yielding.

Mr. Chairman, the gentleman made a reference to the point this it is not this subcommittee's fault, because there are unrealistic allocation numbers given through the budget process to each of the committees.

Could the gentleman tell me who produced those numbers, then, that he is objecting to?

The CHAIRMAN. The time of the gentleman from Indiana (Mr. SOUDER) has expired.

(By unanimous consent, Mr. SOUDER was allowed to proceed for 2 additional minutes.)

Mr. SOUDER. Mr. Chairman, the gentlewoman is correct. It was not the Democratic side of the aisle that produced these unrealistic expectations.

Many of us have concerns, as the gentleman from Oklahoma has pointed out, that these things should be done in an independent and bipartisan way. When we think our leadership is wrong, we will speak up, as when we think her leadership is wrong.

Ms. KAPTUR. Mr. Chairman, will the gentleman yield?

Mr. SOUDER. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, I guess, as one ranking member on one of the 13 subcommittees, we did our work and we produced a bill under the mark we were given. As my colleague can imagine, we feel somewhat troubled by the fact that we have been dragged out to the floor here, now 2 days, with every line item picked apart when, in fact, we produced a bill under the rules we were told to play by. And I guess we do not really understand why this is being fought out on the House floor.

Mr. Chairman, is this their only measure to bring it to us? Can my colleagues not do it in their own caucus?

Mr. SOUDER. Mr. Chairman, reclaiming my time, we in fact have been bringing it up. And our leadership, as my colleague well knows, has a very small majority and it is very difficult to work out. And when we cannot work it out, we have no choice but to bring it to the full Congress and debate it bill by bill.

Agriculture has the misfortune of being the first bill up. My colleagues have basically stayed almost at a flat freeze. And the argument here is not with agriculture in particular, but the process. I believe we ought to air this through the entire process because the numbers are going to be greater variations in the future subcommittees than they are in agriculture.

But agriculture was picked because it was supposed to be the least controversial. And what the American people are seeing and the Speaker is seeing and the Members of the House are, even this bill is controversial because it is a test of where we are going as far as our budget process and how we can try to reach those goals.

But once again, I want to agree with the basic statement of my colleague. The problem is that we have unrealistic 302(b)s and my colleagues did indeed in their subcommittee stay within that, but that the overall category is fallacious and that is what we need to bring out.

Mr. HOEKSTRA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am here today to voice my support for the efforts to adhere to a freeze, to not increase spending this year.

I empathize with the comments that my colleague has made and the difficulty that we are having in working some of these issues out through our own leadership. But I think that, as we have taken a look and heard the rhetoric in Washington this year, the President talking about saving 62 or 68 percent of Social Security, Republicans talking about 100 percent of Social Security, and I think we really believe that this is the year and this is the opportunity where we can move forward and have a surplus not only on the back of Social Security, but taking Social Security out of the equation and have a balance in our general fund, that that is the appropriate and the best way for us to go.

It really then lays the foundation for us to move forward effectively and aggressively into the future, to start addressing some of our real priorities that we need to be looking at as we move into the new millennium.

We need to be taking a look at paying down a portion of our debt. We need to be taking a look at reducing the tax burden on American families. The only way that we are going to be able to address those issues is if we hold the line on spending. And the only place that we can hold the line on spending is through the appropriations process, and that is why we are here and that is why this debate, as well as the 12 other appropriations bills, that is why the debate on each of those issues is so critical, because it sets the foundation for saving Social Security, for reforming Social Security, for saving and reforming Medicare, and then to move forward towards paying down the debt and reducing the tax burden on the American people.

I want to talk a little bit on this issue for just a second. I came out of the furniture business. I worked in the office furniture industry. I worked for the second largest manufacturer of office furniture in America. I have three of the largest office furniture companies either in my district or very close to my district, and I have got a lot of smaller office furniture manufacturers, many of them who use wood products. I am not sure that they need or want the government to direct or fund this research.

As a matter of fact, we were just up in the Committee on Rules, and I told my colleagues what they really want is, they would rather not have us fund this research; what they really want to have is, they want to have the ability to compete.

The amendment that we brought up in the Committee on Rules goes to an industry like this and says they cannot compete for business with the Federal Government. It is kind of interesting that we are saying we are going to give them $5 to $6 million to be more competitive, but at the same time, whatever they—earn—learn, they cannot compete for business with the Federal Government.

Why is that? Because their largest competitor in the Federal Government for Federal Government business is Federal prison industries. Federal prison industries make $200 to $300 million

worth of office furniture each and every year.

So I am sure that the office furniture business would say, let us not worry about the subsidies, let us move back to free market enterprise; and that they will take care of their own research, they will take care of new developments, new technologies, breakthrough technologies, they will fund that. Just give us the opportunity to compete for Federal Government business. We will more than earn our return in terms of profit and at the same time give the Federal Government a better quality product on a better delivery schedule and at a lower price.

So I think that gets to be a very interesting kind of a trade-off. And I think it just shows us one of the ways that we can actually hold the line on Federal spending here in Washington where everybody can win and nobody really gets cut.

So those are the priorities that I have.

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

Mr. HOEKSTRA. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, I want to make two points because I think a lot of people have heard the word ''302(b).''

When we pass a budget, we give an allocation of a certain amount to each of 13 spending bills, and that amount of money is what can be spent.

Mr. CASTLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Chairman, I just want to finish the discussion so the people who are watching this debate will understand that that number is arbitrarily assigned, and when it is assigned in such a way that means that we are going to spend Social Security dollars to run the government, when we should not, then it is an inappropriate assignment. So that is an amount of money that is given to each appropriations committee on what they can spend.

The final point that I would make is that 10 hours of debate on $61 billion worth of the taxpayers' money is not too little debate. As a matter of fact, it is not enough. And I find very peculiar, to use the word of the gentleman from Michigan, that we would be worried about discussing out in front of the American public where we are spending their money. And 10 hours of debate, which is what we have had thus far on this $61 billion, I think is far too little.

So I find it peculiar that we do not want the light of sunshine o come on what we are doing.

Mr. CASTLE. Mr. Chairman, reclaiming my time, if I may, I just wanted to come to the floor to discuss all of this because I have some views on this that may be a little bit different than what we have heard. I support the particular amendment, as I have a number of these amendments, with respect to reductions.

I have a tremendous amount of respect for the chairman of the committee and for the work that the staff has done. I think they have actually worked hard on this. But I have a huge problem with the way that we are managing the finances of the country today. I am not talking about just here in the House. I am not talking about the House and the Senate. I am talking about the House, the Senate, and the White House and the President of the United States.

It is my judgment that there are sufficient revenues on hand today to do virtually everything that I have heard the people think needs to be done; that is, to help rescue the Social Security and/or Medicare systems; to make our expenditures proper, particularly in the areas of defense and education and other areas that we agree need a great deal of help, as well as agriculture, I might add; to live well within a balanced budget circumstance, and probably frankly to be able to have a tax cut.

□ 1245

But somehow we have gotten tied into the 302(a) allocation and the 302(b) allocations. Everyone is unwilling to talk about doing anything different. Nobody is willing to get together to sit down and say, ''What are we going to do?''

I can tell you exactly what we are going to do. We might pass this particular bill and a number of the other appropriations bills, but we are going to end up with at least five of these bills, and maybe six or seven of them. We are going to have a train crash, and the train crash is going to be the same as the train crash we have had almost every year since I have been here.

Sometime along about November, we are going to be in a circumstance in which we are not able to get the others passed. We are going to get into an omnibus situation, we are then going to break the budget caps, we are probably going to spend about $50 billion more than we should have spent otherwise because we did not sit down now and plan how we are going to manage the revenues and the budget of the United States.

A lot has happened in the last 2 years since we came to the balanced agreement. There are a lot more revenues on the table now. I believe that I am fiscally conservative, as are many Members here, but I also believe that we have to make decisions which are astute and which make some sense.

I think the distinguished gentleman from Oklahoma is making some very good points here, not just individually on each of the amendments which he is presenting but on the basic concept of what we are doing. For that reason, I think that we have to start to think outside of the box on the finances of the United States.

I intend to take this up directly with the President, at least in the form of a letter, as well as with our leadership, to stress some of these points and to suggest that we are going down a road that we are not going to be able to complete and we are going to be casting votes here throughout the summer on a series of appropriations bills that are going to end up being very different when it comes to November. In a way it is a shame that somebody as distinguished as the present chairman is sort of at the brunt of the feelings of some of us who do not think the proper decisions are being made.

It is very simple. Why wait until the end, when virtually everybody agrees that probably we are going to break out of these budget caps and the allocations will probably change in some way or another? Why can we not get together now? Why can we not get together with the White House, which has a major voice in this, sit down and make the decisions and go from there?

That is what the people of the country want. They want our country managed well from a financial point of view and in a basically conservative way so that we are able to move forward. That is what I would like to do.

Ms. KAPTUR. Mr. Chairman, will the gentleman yield?

Mr. CASTLE. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Could I ask the gentleman to clarify something for me? I heard what he said and that he wants an honest budget process. Our subcommittee came in exactly as we were told on the mark we were given. He does not like the marks the subcommittees were given?

Mr. CASTLE. That is correct.

Ms. KAPTUR. What would make the gentleman happy? This process cannot make him happy. He is nit-picking a bill apart on the floor. What does he want?

Mr. CASTLE. Mr. Chairman, the gentlewoman is correct. I think that her subcommittee did fine. I have a problem with the allocations.

The CHAIRMAN. The time of the gentleman from Delaware (Mr. CASTLE) has expired.

(On request of Ms. KAPTUR, and by unanimous consent, Mr. CASTLE was allowed to proceed for 2 additional minutes.)

Mr. CASTLE. Mr. Chairman, I believe that her subcommittee has done just fine based on the allocations which are there. My problem is that I do not think we can live with the budget caps which are there and get everything in that we are ultimately going to have to do in the course of this year.

You might be able to pass your particular appropriation bill, but, as I said, I think there are at least five and probably more than five, maybe six or seven which simply are not going to pass with these caps. You happen to be sort of in the upper end of that if you really look at it. You are not as high as Defense and a couple of others but you are in the top four or five. Therefore, you are probably in the best circumstance in terms of what you can do.

But if you look down through these, VA-HUD and a series of others, Labor-HHS in particular and Interior and some others simply are not going to make it in this circumstance. We are going to come to the end, then it will all get rolled together, we will do it in the form of an emergency bill, taking money away from Social Security and other spending we could do; or we will roll it together in some sort of omnibus bill at the end of the year as we did last year with all kinds of extraneous spending.

Unfortunately, you suffer the brunt of the conclusions of people like me and maybe some others who approach you from a different point of view. But because of that we need to express ourselves and try to get the attention of people all over Washington to try to pull this together and come up with some resolution of the matter.

Ms. KAPTUR. But that is my question to the gentleman. Obviously there is a problem on your side of the aisle. What is the mechanism for you to solve that problem internal to your caucus without dividing us on this floor? You had a budget. You did 13 appropriation allocations. What went wrong?

Mr. CASTLE. Reclaiming my time, it is not, and I say this respectfully—I do not want to pick a political fight today particularly—it is not just on this side of the aisle. For example, the OMB director, Mr. Lew, has said he is going to slam Republicans today for deep, unwarranted cuts in funding, yet he will insist that the GOP resist the temptation to raise the budget caps this year. That is probably a strategy that maybe your side of the aisle will use as well.

The bottom line is it involves all of us. If we are going to resolve this problem, it involves all of us. Yes, I think my side of the aisle should be involved, they should go down to the White House, too, but we should all be talking about this.

The CHAIRMAN. The time of the gentleman from Delaware (Mr. CASTLE) has again expired.

(On request of Ms. KAPTUR, and by unanimous consent, Mr. Castle was allowed to proceed for 2 additional minutes.)

Ms. KAPTUR. I do not know what the White House has to do with this. The budget process is for us, the Budget Committee of the House, the Budget Committee of the other body. We do our budget, we get our allocations. What I do not understand, nobody has been able to explain to me in 2 days, if you do not agree with the budget allocations that have been given, why do you not go back and do the budget?

The gentleman from Texas (Mr. ARMEY), the gentleman from Texas (Mr. DELAY), they were out here yesterday, they voted with the gentleman from Oklahoma (Mr. COBURN) on the amendments that he brought up. And I am standing here thinking, ''Wait a minute, they gave us the budget marks that we used in our committee, so now why are they voting against their own marks?'' I do not understand. What is not working? Which committee is not working over there? The Budget Committee? They already did the work. They gave us the marks. How do we avoid what is going on here?

Does the gentleman understand my question?

Mr. CASTLE. I do understand your question. Reclaiming my time, I am going to try to answer your question.

The system of budgeting in this country in general has failed in many ways. I believe that the emergency appropriations, in which the White House was very involved, was a series of expenditures beyond what we should have done, cutting into what could have been used for Social Security and what could have been used for other spending. I believe that the omnibus bill that passed at the end of last year, and the President is involved in that, I am not saying it disrespectfully but the President is involved in that, was a bill which went well beyond any dollars that we should have spent in the course of the year because the President wanted to spend more.

I am cognizant of the fact that the President is going to want to spend more in my judgment by the end of this year. As I said, sometime in October or November, that is going to happen. The executive branch is always involved in decisions such as this. It is a political war going on. The White House is saying, ''Don't break the budget caps.'' And the House and the Senate are saying, ''Well, we're not going to break the budget caps.''

But we are coming up with a methodology that is ultimately going to lead to that happening and it is going to have to happen at the end of the year. I do not think that is proper. I am not excusing what we are doing here, but I am also not going to say that the White House is not involved.

The CHAIRMAN. The time of the gentleman from Delaware (Mr. CASTLE) has again expired.

(On request of Ms. KAPTUR, and by unanimous consent, Mr. CASTLE was allowed to proceed for 1 additional minute.)

Ms. KAPTUR. If the gentleman will yield further, I would forget the White House. My advice to your side of the aisle is: You have the majority. You do the budget you want to do. If you have got a problem with the other side over there, with the S-e-n-a-t-e, then deal with whatever that is. I do not know who is cutting the deals for you, but do not do this to our bill. I do not understand. The gentleman's party has the majority. You can produce whatever bill you want.

Mr. CASTLE. To suggest that the President of the United States should not be involved in the resolution of the spending of the United States, including the budget allocations, as well as all other decisions which are being made on Social Security and Medicare and tax cuts and whatever else we do, is to presume that the President is powerless. And this President is not powerless. The White House is a major player in this.

It is simply not just the prerogative of the majority here or even a majority and a minority together here. It is something that should be worked out with everybody sitting down to try to make a difference. I say that constructively. I do not say it in a political sense. I say it entirely constructively.

Mr. BALDACCI. Mr. Chairman, I move to strike the requisite number of words.

First of all, having only been here three terms, I do understand, though, the process with the budget, and the budget resolution is a document that is approved by both bodies of Congress and does not need to have the President of the United States' signature on it, and is a blueprint for then how the committees on appropriations should go about doing their work. It is at that point when the committees on appropriations are doing their work and working its way through Congress and approving those bills, they are sent on to the White House, and then the White House determines whether to veto it or sign it into legislation. So I do not want to get too far along in that discussion, but I thought it was appropriate for some of those that may not be as familiar with the process.

I want to thank the gentlewoman and also the chairman of the subcommittee for the work that they have done in achieving the budget resolution and levels that they were given by leadership and by the Committee on the Budget. I appreciate the work that they put into it.

I also appreciate the amendments by the gentleman from Oklahoma (Mr. COBURN) and those that seek to address the issue of the budget overall in agriculture, because I think frankly it gives the agriculture community an opportunity to talk about agriculture. Sometimes in our country we just take agriculture for granted. We think it is a produce aisle at Shop 'N' Save or some large chain, but it is families out there that are working hard, trying to make ends meet and carrying on from one generation to another. A lot are participating in a 4H program and a lot of other activities throughout rural America that I think make the quality of life second to none.

I think though in proposing these amendments, and not being as familiar with the research that goes on at our land grant institutions, I wanted to come to the floor to better explain and to seek your understanding in regards to wood utilization research. Presently the State of Maine has an excess of over 22 million acres. The State of Maine has a small population and does not have a population base to be able to spend as much money on pavement as a lot of other States.

So in the State of Maine we have a very good research and development entity at the University of Maine, and they have been studying wood utilization so that we would be able to use a

lower grade wood with a laminate added to it to be able to be used in bridge construction. We are looking at being able to use an awful lot of that because in the islands and traveling around the State of Maine, it is one thing to make sure the roads are smooth but it is another thing to be able to get from here to there. If you do not have the proper bridge and the stress that goes with all of that, then you are not going to be able to do that. The research at the University of Maine is allowing that to happen.

It is also involved in doing environmental work to reduce the amount of chlorine that is used in processing. A lot of the wood that we do have in our State of Maine is of a higher grade and to be able to add value to that, we are creating a lot more in-State processing. By having a State which has natural resources be able to add value to those natural resources is reducing higher unemployment, which happens to be in more of the rural areas where we see a lot of our natural resources exported and processed elsewhere because of the processing that has been provided. We do not have that within our State and in a lot of rural States.

So by being able to have the technology and the research, now companies are lining up around that research to then add to the construction and reconstruction efforts, to add to the employment and additional employment of better paying jobs in a part of rural America and rural Maine where there is higher unemployment. This research does mean an awful lot to the people who are working in those areas.

At the same time, because of an environmental concern about the number of trees that get cut, by being able to add more value to what you are doing with your natural resources, you find yourself in a situation of not needing as many of those natural resources because of being able to add value on it. So that means that we have people who are not just out there cutting the trees to gain income but they are also working in the in-State processing and value added of that product to get a higher value out of it, better paying jobs and benefits. And more of that is occurring on our side of the border rather than on the other side of the border. So a lot of this research is being done and I think it is important.

The CHAIRMAN. The time of the gentleman from Maine (Mr. BALDACCI) has expired.

(By unanimous consent, Mr. BALDACCI was allowed to proceed for 1 additional minute.)

Mr. BALDACCI. So I think it is important, though, because at first blush it may not have the understanding that it would by reading it. I think it is important that we do explain it, not only for those that may wonder about it but there may be others that have some concern about it. I appreciate the opportunity and the work that has gone into this.

(On request of Mr. SANFORD, and by unanimous consent, Mr. BALDACCI was allowed to proceed for 2 additional minutes.)

Mr. BALDACCI. I yield to the gentleman from South Carolina.

Mr. SANFORD. Mr. Chairman, I would agree, there certainly is a lot of valid research in any of the land grant colleges. My particular reason for offering this amendment, though, ties to part of the research goes, for instance, into better harvesting methods. Though Maine does not have the mosquitoes that South Carolina has, I know that you have a few mosquitoes in the summer.

The old saying is, necessity is the mother of invention. I cannot imagine a more resourceful person than that person laying under a logging truck or laying under a skidder, getting bit up by a mosquito—you have those—we call them dog ticks in South Carolina, they will be the size of your thumb coming at you. That person is going to be pretty resourceful in coming up with the quickest way to move a tree from a stump to a mill.

The reason for this amendment was not to in any way discount some of the valuable research that takes place but to say there is also some stuff that is probably extraneous and probably better done by the Joe Youngs of the world in Georgetown, South Carolina.

□ 1300

Mr. BALDACCI. Mr. Chairman, just gaining back an opportunity, I do appreciate that, and I would just like to say for public relations purposes the mosquitoes in Maine are not that big, even though they are called black flies, and so if my colleague is interested in coming to Maine rather than South Carolina, he can enjoy that.

The second thing is that what the gentleman has helped to do as a Member of Congress, and many other Members, is that now all of a sudden it just does not go out and the research is done through this money, but this money is matched by industry and by private support, and it is actually in collaboration.

The CHAIRMAN. The time of the gentleman from Maine (Mr. BALDACCI) has again expired.

(By unanimous consent, Mr. BALDACCI was allowed to proceed for 1 additional minute.)

Mr. BALDACCI. Mr. Chairman, last year the University of Maine received about 890,000 in Federal funds, matched with 500,000 in programs support, and industry provided in kind support an additional 250. So the collaboration is there, so it is not being just done by the university and by the money that is being provided here, it is a collaborative effort which has been forged, I believe recently, which I think is going to lend more value because there is actually going to also be an economic gain from that.

Ms. KAPTUR. Mr. Chairman, will the gentleman yield?

Mr. BALDACCI. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, I would just like to state for the record that the gentleman clarified something very important that I would like to put on the RECORD, and that is the industrial fund match in each of these centers: at Mississippi State, an average of $783,458 for the last 5 years; Oregon State University, over $670,000; Michigan State University, $605,000, and the list goes on. We will submit it for the RECORD.

But the point is there are not only industry matches, there are also State matches. So this is truly a Federal, State, private sector cooperative program, and I thank the gentleman for coming to the floor.

Ms. DELAURO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to thank the gentleman from New Mexico (Mr. SKEEN) for his leadership on the floor and for holding this colloquy with me to clarify the Agriculture Research Service funding level for rainbow trout research.

Is it correct that the chairman's amendment offered in subcommittee markup provided that within the funds provided to the Agriculture Research Service the committee recommends an increase of $500,000 for research at the University of Connecticut on developing new aquaculture systems focused on the rainbow trout?

Mr. SKEEN. Mr. Chairman, will the gentlewoman yield?

Ms. DELAURO. I yield to the gentleman from New Mexico.

Mr. SKEEN. Mr. Chairman, the gentlewoman is correct, and this is a typographical error. The amendment adopted in the subcommittee clearly stated $500,000. I regret the error, and I do welcome this opportunity to set the record straight.

Ms. DELAURO. Mr. Chairman, I thank the gentleman from New Mexico.

Ms. KAPTUR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I thank the gentleman, and I just wanted to say for the record there was some references made a little bit earlier to the role of this House and the other body in preparing a budget and approving a budget, the role of the White House. I just wanted to mention that normally the way government at the Federal level works is that the Congress prepares and passes bills.

The President can propose, but it is our job to dispose, and when we finish our work, and it is ours to finish, we send it to the White House, and under the Constitution he has only two options: sign the bill or veto the bill.

So I do not really understand all this extralegal negotiation that may be referenced here on the floor and so forth. We have our job to do, and we ought to do it, and if the President does not like what we do, then let him use his constitutional powers to veto and we will override, or we will come back to the drawing board and do this again.

But truly we are not meeting our constitutional responsibilities through the kind of dilatory tactics that we have experienced now on the floor for over 2 days. I do not remember when I have seen a bill, an appropriations bill for certain, come to the floor with hundreds of amendments filed on one particular subcommittee like this one.

So I just wanted to say to the leadership of this institution, ''Do your job, send the bill over to the White House, and if they don't like it, let them veto it. If they like it, let them sign it. But let's not be bound up by some sort of private conversations which none of us here on this floor are party to. Let's do our job. That's our constitutional responsibility.''

Mr. COBURN. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from Oklahoma.

Mr. COBURN. The objection to spending, now 10 hours of debate on a $61 billion spending bill in the Committee of the Whole, the House, the whole House; that is why we do appropriations, so we can have it in the Committee of the Whole.

So my colleague's objection is that we should not spend this time, or our purpose in trying to keep us under the spending totals that we all made a commitment to? Which of those two does she object to, because I am having trouble understanding.

My colleague knows what my purpose is. My purpose is to not to allow $1 of Social Security money to be spent when we have all said we would not spend it.

Ms. KAPTUR. Mr. Chairman, if I might reclaim my time, I think the gentleman's purpose is to bring an interfamily fight within his party on the floor of this Congress. I am still having a little trouble understanding that fight.

But we met the budget numbers our colleagues gave us in the bill we have brought to this floor. We dealt with hundreds of Members. We had all kinds of testimony. We dealt with every Member respectfully. We dealt with all kinds of interests across this country in crafting this bill.

We are happy to have some attention, but it is interesting to me that there is just about a handful of Members with amendments to this bill. The gentleman from Oklahoma (Mr. COBURN) has hundreds of amendments, and what I cannot figure out from what I have heard, and it is very confusing to me, people on his side saying he does not like the budget that his party prepared, so he is down here now trying to pick it apart and using our bill as the excuse.

I do not understand. If my colleague has the votes, he should go back in his cloakroom and work out his own budget, and bring us back a repaired budget. But what he is doing is, he is making us a victim of some sort of squabble I still do not truly understand inside his party.

Mr. SANFORD. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from South Carolina.

Mr. SANFORD. What I find interesting about that is, let us assume it took 20 hours we have been on the floor, what the gentleman from Oklahoma is trying to do is basically save $200 million. I mean, that is over $10 million an hour that he would be saving the taxpayer. To me, that would be time well spent.

Ms. KAPTUR. Mr. Chairman, I just wanted to say to the gentleman that under the budget they produced, we have done our job. We have met their budget mark. We are not the problem. He is making us a victim. He is anticipating the problem to come with some other bills. Well, if the gentleman does not like the marks on those bills, go fix that, but why is the gentleman making us the victim?

Mr. COBURN. Mr. Chairman, would the ranking member please yield?

Ms. KAPTUR. I yield to the gentleman from Oklahoma.

Mr. COBURN. My intention is not to make the gentlewoman a victim, I promise her, and I cannot imagine, as well as I know her, that she would ever be a victim of what we are trying to do.

Ms. KAPTUR. We are today, we were yesterday.

Mr. COBURN. The process is the victim. And I agree with the gentlewoman, I agree that the process is the victim; and our intention is, there is nothing wrong with the budget, there is plenty wrong with the process.

Ms. KAPTUR. What process? The gentleman's process?

Mr. COBURN. The gentlewoman must know that I profess to be an Oklahoman and a conservative before I ever profess to be a Republican, but I will say to this woman the process is, and she has already readily agreed, that there probably are not a lot of these other 302(b) allocations, the amount of money that is allocated.

The CHAIRMAN. The time of the gentleman from Ohio (Ms. KAPTUR) has expired.

(On request of Mr. COBURN, and by unanimous consent, Ms. KAPTUR was allowed to proceed for 1 additional minute.)

Mr. COBURN. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from Oklahoma.

Mr. COBURN. They are probably not going to be agreeable to the gentlewoman because we are not going to be able to take care of our veterans under 302(b) allocations.

Ms. KAPTUR. Mr. Chairman, within the gentleman's structure, he decided what those levels were. Now he is saying he does not agree. On this side of the aisle we have to act in good faith with the budget the gentleman's party has given us.

I am saying to my colleague, if he does not like what he was given, other than coming down here and doing this, does he not have some other amending process he can do on his side, inside his caucus, to produce the budget that he wants?

Mr. COBURN. If the gentlewoman would yield, if we had that capability, we would not be here.

Ms. KAPTUR. But they prepared the budget. It is their budget.

Mr. COBURN. The 302(b) allocations are prepared by certain groups within here, and those are the ones we object to. It is not the budget that we object to.

Ms. KAPTUR. Well, which party are they in? Is it the majority party?

Mr. Chairman, I would like the record to show it is the majority party that prepares the budget.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina (Mr. SANFORD).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SANFORD. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 185, further proceedings on the amendment offered by the gentleman from South Carolina (Mr. SANFORD) will be postponed.

AMENDMENT OFFERED BY MR. COBURN

Mr. COBURN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COBURN:

Page 13, line 11, after the dollar amount insert ''(reduced by $300,000)''.

Mr. COBURN. Mr. Chairman, Oklahoma is the leading producer in this country of Spanish peanuts. Last year peanut production in this country coming off the farm generated $1 billion in revenue. The cost of peanuts in our country and the products that come from there end up being twice as high as they are worldwide.

Now, this amendment asks the question, we have a subsidized peanut program in this country that generates a billion dollars of revenue off the farm each year for peanuts. Why would we want to spend $300,000 on peanut competitiveness when we already know the reasons why we are not competitive in peanuts? It is because we have an oversupply and that we have tried to manage the problems with this oversupply through a subsidy program.

Again, here is $300,000 that is directed for research on why we are not competitive worldwide on peanuts when we already know the answer. So I would again go back to the fact that here is $300,000 that could be better spent, that could be better directed at other areas of research, that could in fact be used to help farmers directly rather than to set up a competitive research program when we already clearly know the answer.

The problem in peanuts is, we have to slowly wean away from this false market, and we all know that; and as my colleagues know, I do not want a peanut producer in my State to have to go out of business.

I understand the friction and the rub associated with these big problems for our farmers, but to turn around and to spend that kind of money in terms of our subsidy programs, and then to turn around, and those are mandatory spending, to turn around and to spend $300,000 to tell us what we already know makes no sense.

I would rather see that $300,000 go directly to farmers, corn farmers, wheat farmers, soybean farmers or cattle ranchers who are competing with a market that is coming in from Canada, that ignores any type of testing, any type of standards that the rest of our ranchers have to have.

If we really want our ag research directed to help our farmers, then we will not have $300,000 set up for competitive peanut research, and instead we will spend that money somewhere else.

We do. We are demonstrating that we trust the committee because we are not taking this total amount out of the research. We are saying put it somewhere else, but do not spend it on a program that keeps us at the seat of political favors rather than at the best efforts for our farmers.

As my colleagues know, the real debate is, we have allocations of money set for agriculture that I think is really a little too much. That is what I have been trying to do, get $250 million out of this bill because I think that is the only way we are going to meet our commitment to the seniors of not spending their money. But colleagues cannot claim that they did their job for the whole Congress, we as a body and the Committee of the Whole, if we meet a 302(b) here knowing that we have no intentions of meeting those allocations, that 302(b) allocation, on the four biggest bills that are going to come before us. It is not intellectually honest for us to say that.

We know that this committee has worked hard. I am sorry that we are where we are, but the fact is, if we made a commitment when the Democrat budget was offered, the commitment was made not to touch Social Security money. When the Republican budget was offered, the commitment was made not to touch Social Security. When the President's budget was offered, which I offered because nobody from the other side would offer his budget, two Members of this House agreed to spend 38 percent of the Social Security money.

They are the only two people in this body that have the right to have this process go through the way it is setting up, because they already said, ''We don't believe you can do that. We believe we ought to spend more money.'' The rest of us voted to say we would not spend one penny of Social Security surplus.

□ 1315

So for us to be in the position where we are going to allow a process to go forward that we know is going to deny the American people what we want them to have is the very thing that I am tired of in Washington.

It is my hope that we will return to the American people the confidence they deserve to have in this body. And if we say we are not going to spend their Social Security money, we should not spend it.

Mr. HINCHEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am searching in the report for the language that would be stricken by this amendment. I am searching in vain. I wonder if the gentleman from Oklahoma (Mr. COBURN) could assist me in finding the line where this item exists. It says, page 13, line 11. However, we cannot seem to find it in the report.

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

Mr. HINCHEY. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, the clerk has actually read the wrong line items. It is actually page 14, line 16. The Clerk read page 13, line 11. Our amendment was actually page 14, line 16. They happen to have the same amount of money, and therefore it was read as an inappropriate amendment.

Mr. Chairman, I ask unanimous consent to withdraw this amendment and offer the amendment as offered on the right line item.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

Mr. KINGSTON. Mr. Chairman, reserving the right to object, if the gentleman chooses to withdraw the amendment, I will not object, but if he is planning to insert it elsewhere, then I will object because right now the amendment is basically void, am I not correct, Mr. Chairman, since it is an inappropriate amendment?

The CHAIRMAN. The Chair will not interpret the substantive effect of an amendment offered by a Member.

Mr. KINGSTON. Mr. Chairman, further reserving the right to object, I would inquire of the gentleman from Oklahoma (Mr. COBURN), is my good friend planning to offer this amendment elsewhere?

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

Mr. KINGSTON. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, I have every intention of withdrawing this amendment and reoffering it. Whether the gentleman objects or not, I will still have the privilege of reoffering the amendment.

Mr. KINGSTON. Mr. Chairman, reclaiming my time, the gentleman is an incessant campaigner for his cause. With that, I will withdraw my reservation of objection and let the gentleman withdraw the amendment.

Mr. COBURN. Mr. Chairman, I thank the gentleman from Georgia.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

AMENDMENT OFFERED BY MR. COBURN

Mr. COBURN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COBURN:

Page 14, line 16, after the dollar amount insert ''(reduced by $300,000)''.

Mr. KINGSTON. Mr. Chairman, will the gentleman yield?

Mr. COBURN. I yield to the gentleman from Georgia.

Mr. KINGSTON. Mr. Chairman, I would like to speak to the intent of the gentleman's previous amendment, and I hope the gentleman is about to reoffer it so that I may do so and not move on to another section.

Mr. COBURN. Absolutely, Mr. Chairman. I thank the gentleman from Georgia (Mr. KINGSTON) for his courtesies.

Mr. Chairman, I will be very brief in what I have to say about this amendment. We have a $300,000 expenditure for peanut competitiveness. We have a subsidized peanut program that produces $1 billion worth of raw peanuts off the farm a year. The prices of peanut-graded products in our country are higher than what they would be if we did not have a subsidized peanut program.

I have voted in the past for the subsidized peanut program. I have lots of peanut farmers. That does not mean in the future that we should not try to change that and wean that to a competitive model where we have the appropriate amount of production and a competitive international model on that.

My point with this amendment is we know why we are not competitive on peanuts; why would we want to fund $300,000 to answer that question?

Mr. KINGSTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as a representative from the great peanut State of Georgia, I rise to oppose the amendment as offered by the gentleman from Oklahoma.

This National Competitive Center for Peanuts, one would envision by that title a building of bricks and mortar when it in fact is not. This goes into funding research at the University of Georgia, the purpose being to find out if there are more efficient ways to produce peanuts. It is legitimate agricultural research, as is the type of research that we do on a myriad of other crops and fibers and foodstuffs all over the country.

One of the great challenges that we have on this Subcommittee on Agriculture is funding research which is open to easy ridicule. For example, if this committee funds something that has to do with the mating habits of the screw, it is a great sound bite for Jay Leno and it is a great article for the Reader's Digest to say ''Look at what these idiots are doing, they are researching the sex life of bugs.''

And it is funny, and we all have a big laugh about it, and somebody from the other body says to the President, veto this obvious pork. Yet, to the families

of America who eat groceries every day, it is very important.

They might not think this immediately benefits them. But I can promise my colleagues that agriculture research benefits every American household. Because, unlike some folks in the media and some folks in the other body, our constituents in this side of the legislature have to eat. And the more one knows about food, the more one can effectively and inexpensively produce it. That is why we do peanut research. That is why we do corn research. That is why we do bug research. This is part of a bigger picture.

Mr. Chairman, we know that the learned and distinguished and conservative gentleman from Oklahoma's real purpose here is to cut spending. But we also know that this bill, while it can be nickled and dimed here and there and questioned here and there, and things can be pulled out for micro inspection and therefore ridiculed, we know that this bill is within the spending budget.

This bill is within the bipartisan agreement that was signed off by the President of the United States, that was signed off by the House leadership: The gentleman from Missouri (Mr. GEPHARDT), the gentleman from Georgia (Mr. Gingrich). It was signed off and adhered to by the ranking member and the chairman of this subcommittee and all of the Democrat and all the Republican members. We have fulfilled our mission. We have come in at goal. We hope that other subcommittees do the same thing.

The objective of the gentleman from Oklahoma is not necessarily to pick on peanuts, but it is to criticize this bill. We are saying, you know what? The bill might not be perfect, but it comes in at the right price, and it is about 80 percent as good as one can get it in a legislative body of 435 people coming from all over the United States representing the great 260 million people in America.

With that, Mr. Chairman, I would strongly urge my colleagues to soundly reject this amendment. Not for the sake of peanuts, not for the sake of peanut competitiveness, but for the bigger future, the bigger purpose of putting food on the family breakfast, lunch and dinner tables across America. Because we, unlike other nations, only spend 11 cents on the dollar on our groceries. Other countries spend 20, 25 cents, 30 cents, 40 cents. Other places even less fortunate than that spend all day long scratching out a living only to get food on their table.

Agriculture research, Mr. Chairman, is very important. It is part of our agriculture picture, and fortunately, we have very few people as a percentage of our population going to bed hungry at night, but it is because of important agriculture research, as well as this farm program.

Now, the gentleman talked about peanut subsidies. I would remind him that peanut subsidies are not there anymore. The peanut program is a program, and yes, it is an elaborate program, and no, it is not the model for capitalism and free market. But what it does do, it allows young people to go back home and farm for a living, because they know if they can make a profit on peanuts, then they can also grow corn, soybeans and hogs/pork which they cannot make a living off of.

Protect America's farmers. Vote ''no'' on this.

Mr. SKEEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment. The Federal Administration grant that this amendment proposes to eliminate is described in detail in part 4 of the committee's hearing record on page 1701. The following is a brief description of the research performed under the grant.

The grant supports an interdisciplinary research and education program to enhance the competitiveness of the U.S. peanut industry by examining alternative production systems, developing new products and new markets, and improving product safety.

The project helps peanut producers be more competitive in the global market. In the first year of the project, 1998, a computerized expert system was adapted for handheld computers that were used to help farmers reduce pest control costs. In addition, economic factors were added to a computerized disease risk management system which includes a large number of factors involved in the onset of a very destructive wilt. For every one-point improvement in the ''wilt index,'' a farmer's net income is increased by $9 to $14 an acre. USDA funds were used to leverage an additional $124,000 for research by the Center for Peanut Competitiveness.

Thank goodness that they do not use smaller print on this thing, nobody could read it.

Grants for this work have been reviewed annually and have been awarded each year since 1998. This work is performed at the University of Georgia and involves cooperation from Auburn University in Alabama.

Mr. Chairman, this is a good project and it deserves the support of all Members. I support the project, and I oppose the gentleman's amendment to eliminate it.

Mr. EVERETT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the Center for Peanut Competitiveness is in its third year for a program that provides critical research addressing several aspects of the peanut industry, including production development, production practices, safety, economics, and other areas that contribute to the competitiveness of the U.S. peanut farmer. At a time when profit margins for farmers are collapsing, at a time when farmers are choosing whether they will sell their family farms or not, it is incomprehensible to take research money from a center that works for the universities in Georgia and in Alabama to help farmers help themselves.

I say to my colleagues, in case we have not noticed, we are in a global economy, a complicated system where information and technology is our key to survival. In my district alone, information on how to be more competitive or how to market one's product more effectively can be the difference between the bank taking your grandfather's farm or being able to keep it.

Mr. Chairman, I urge a ''no'' vote on this in support of the American farmer. I would like to point out that I have listened to this debate for over 10 hours, and the lack of knowledge on the part of the people offering these amendments is startling.

First of all, there is no peanut subsidy. There has not been for a number of years. It is a no-cost program. In addition to that, it provides $83 million in deficit reduction through the year 2002. In 1996, the peanut farm bill made major changes in the program. We have done that. The program supports 30,000 American jobs.

I am just appalled at what has gone on, frankly, in this House for the last few days. People are nitpicking this appropriations process. What for? At the end of the day do they want to say ''I told you so''? This is a self-righteous indulgence by a very few people in this House and ought not be happening.

□ 1330

Mr. SANFORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, if there was ever a sensible amendment, this one is it. I do not know what could be more clear cut.

How many think it would be a good idea to put $300,000 to efforts to study democracy in Cuba? How many think it would be a good idea to put $300,000 to study the democracy that exists in Iraq? How many think it would be a good idea to put $300,000 to study good government in Libya? None of them exist. That is exactly what this amendment is about.

This is a study of $300,000 for competitiveness in peanuts, which is something which does not exist. We have a market quota system. If you have a quota, you basically get to sell your peanuts for double, more or less double the price of anybody else.

For instance, I grew up on a farm down in Beaufort County, down in South Carolina. I am trying to pass on a few of those traits to my boys.

Can I imagine my boys raising peanuts in the backyard, and then being penalized simply because they do not have a quota? What this quota means, if you happen to live in Los Angeles, if you happen to live in Chicago, if you happen to live in New York and you have a quota, you can sell that quota. So you have fat cat quota owners that basically get double what somebody else does simply because they have the quota.

That is not something that makes sense, but more significantly, what it says is this amendment does make sense, because to spend $300,000 studying competitiveness in something that is fundamentally not competitive is big government, at best.

That is what this amendment does. It makes common sense. It highlights, I think, the lunacy of some of the quota systems we have in place.

Can Members imagine a watermelon quota system? If you have a quota with watermelons, you can sell your watermelons for what my boys can raise them for in the backyard.

Can Members imagine a cantelope quota system? If you have the quota you can live in New York City, you can sell your right to produce quota cantelopes to somebody who is down struggling on the farm. This is something that penalizes the family farmer.

Again, this is not something that makes sense. It is the equivalent of saying let us spend $300,000 studying the democracy that exists in Cuba, $300,000 studying the democracy in Iraq. We do not have competitiveness in the peanut program. This simply says, let us admit that and not spend $300,000 of taxpayer money on something that does not exist.

Mr. BOYD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to associate myself with the remarks of my friend, the gentleman from Alabama (Mr. EVERETT). Having listened to the last speaker, my friend, the gentleman from South Carolina (Mr. SANFORD), I want to reiterate the problem that we have here in many of us not understanding the issues.

Just the instance that my friend, the gentleman from South Carolina (Mr. SANFORD) talked about with the absentee owners of quotas, he should know that the 1996 farm bill that he voted for changed that system in the peanut program. It was wrong to have it that way, and it was changed.

Mr. Chairman, I wanted to say, I have been listening to the debate over the last couple of days of some of the amendments that we have before us. As I went home last night and began to think about the bigger picture, this thought came to my mind.

This country is the greatest country in the world because of the technology that we have developed, the money we have spent on research, in every aspect of our lives, whatever it be.

We are the greatest military power in the world because our research and development has developed technology that enables us to be that. We have the greatest medical community in the world because of the medical research that has been done in this country, mostly in our public universities with public money, to establish us as the greatest provider of medical services in the world.

Our agricultural industry is the greatest in the world because of the research and development, and most all of it has been in our public universities over the years. Our industrial basis the same way.

What we have seen in the last couple of days is an attack on our research and development to develop new technology to continue for us to advance into the 21st century.

I would strongly urge that Members defeat the amendment which is before us as it is simply another attack on research dollars which will enable us to continue to advance and be the greatest Nation in the world.

Mr. COMBEST. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the last couple of days have been somewhat frustrating for a number of us who find that due to some of our committee responsibilities and some of our interests in agriculture, we are finding ourselves going through this.

I need to make it clear to the gentleman from Oklahoma that I have no qualms whatsoever with his rights to do what it is that he is doing.

I have heard a lot of comments here. The gentleman from Indiana (Mr. SOUDER) mentioned earlier, and I do not know if he is on the floor, but that Members need to be sure to come over and support or defend the attacks that were being leveled on various projects in various districts, as if they were all personal and the work would not be done if it was not being done in that particular district.

It has to be done somewhere. I think probably it is done a lot better out in the communities, rather than it is in Washington, always.

I do not have any defense that I need to make of this particular amendment. We do not do any peanut research in my district. But I do want to say that I do not feel terribly comfortable in the fact that if each person came over and did defend an attack that was being made, that that would be sufficient to some of the proponents of some of the amendments to make dramatic cuts.

I was the chairman in the last Congress of the Subcommittee on Risk Management, Research, and Specialty Crops, the first time that that title had been reauthorized in a number of years.

We spent a great deal of time looking at the value and the significance and the importance, not only to American agriculture but to the entire American population that eat, about the strides and about the accomplishments and about the progress and the success that agriculture research has made. I think it probably is some of the best money that is spent.

Now some people have said, well, we could best take this and give it to farmers and buy tractors or whatever. That is not part of the proposal. The proposal is not to take, in this case, $300,000 and give it to anybody, it is to simply eliminate it. So that argument in itself is somewhat hollow.

I do not believe that intentionally people are trying to do harm to a significant number of very important programs that the chairman of this subcommittee and the ranking member of this subcommittee spent hours deliberating over to try to come up with a balance within what they were told they had to work with.

Some people do not like that, but that is what they were told they had to work within, and they did it. They did a very good balance of a number of very longtime continuing programs and some new programs. But I hope that we do not totally limit ourselves just to things that have always been done in the past; that we look at how we can do them better, that we look at new programs that ought to be brought into place, that we look at things that should be done on behalf of American agriculture with a very, very limited budget and the very, very small amount that is expended on agriculture.

I would hope that while the gentleman may continue for as long as he can hold out offering his amendments, that this body, that this committee, and that in the full House, we would take a very close look at a very well-defined product, and not let one and two and three here nitpick and pull this thing apart and totally disrupt what it is that we are trying to do, not only on behalf of American agriculture but the American people, who have the best quality food, the safest quality food, and the cheapest food of anybody in the world.

Mr. WATKINS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise reluctantly, because I have the greatest respect for my fellow colleague, the gentleman from Oklahoma (Mr. COBURN), and he is one of the brightest men I have ever met, and one of the men that is committed to a lot of different causes.

But I could not let this debate go by without taking a few moments to make some remarks about agriculture. I grew up on a peanut farm. I have no financial interest in peanuts, except I do like peanut butter and have Oklahoma peanuts in my pocket. I have studied peanuts most of my life and agriculture most of my life. Because I have a couple of degrees in agriculture, I have an emotional tie about the agriculture position in this country, not just a political one.

Years ago our Founding Fathers set the Morrill Act, which established our land grant universities. One of the most important things they did with the land grant universities is they set up research farms, and those research farms were connected with other private sector farms and private sector research facilities.

Those land grant universities, through that research coupled with the extension agents or county agents, and also with our agriculture teachers, allowed us to make agriculture a role model for transferring technology to use on the farm.

What happened was we had the greatest technology transfer ever recorded in the history of our country, as we developed a food production system, unmatched by any country in the world, which is allowing us today to stay somewhat competitive in world trade.

It was caused to happen because of the dollars in research that came about

through our land grant universities, like Oklahoma State University. They have done a tremendous amount of research with peanuts and the peanut program.

The peanut program has changed a great deal in the last few years. If a lot of other of our agriculture programs were set up like the peanut program, it would not be costly to the government at all. But unfortunately, that is not the case.

I predict to the Members that somewhere in the near future in agriculture we will be producing a quota for this country, and then we will have a nonquota amount for the international marketplace.

As an agriculturist I was taught how to grow four blades of grass instead of one. We have done that in production agriculture in America.

On April 9, I had a meeting of the Agriculture Round Table leaders in Oklahoma. We talked about what were the policies we were faced with and what were the problems. It was not production. That was not even scored as a problem. It was not the actual finances that many were confronted with. It was the agricultural policy of our government, and also the marketing. We have got to be able to learn to market through value-added activities, to meet the markets around the world.

We are in a global competitive world. The European Union spends nearly 75 percent of their budget on subsidizing agriculture, in the production of E.U. agriculture and also subsidizing export markets. We do not have free markets in agriculture. We have to be able to market, and research has to allow us to be competitive in those markets around the world.

I stand in support of, agriculture research dealing with peanuts. Probably not too much of peanut research is done with the land grant universities in Oklahoma anymore, but we do a lot of agency interchanging with other land grant universities in order to try to meet the needs of the peanut farmers in Oklahoma and helping them be competitive in the international market.

We have a value-added program at Oklahoma State University today that through research, we are being able to do more and more to allow our farmers and ranchers to benefit with greater profits, instead of just being efficient in production. I wanted to stand in support of this research for peanuts. It is important to Oklahoma agriculture

Mr. ETHERIDGE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will be brief. I will not take all the time. I think most of us know where we are going to be on this bill or this amendment. It is a lot like a lot of the others. The proponent may have his own agenda, but I think we need to have the agenda for America.

If we did away with all the research in every bill that makes a difference in America, where would America be today? Where would we be without research for transportation, research in medical technology, research that comes from our science programs, and all the research for our farmers? Where would we be today in terms of opportunity for food and fiber?

I strongly oppose this amendment. The peanut farmers are really the backbone of our economy in some of the poorest counties in the southern and eastern part of this country. For people to come to this floor and say that they are not going to hurt farmers, they just do not understand what they are talking about, or otherwise they are attempting to mislead.

This Congress, this Congress in 1995, when some of the very Members were offering these amendments to distribute to farmers the research to help them stay in business, passed the farm bill, they entered into a contract with the farmers. They said, for 7 years we are going to keep stable prices and they are going to go down. And they said to the peanut farmers, we are going to lower the rates. Where you are getting cut off, quotas are going to be reduced. Number three, the program will be open to new producers. Number four, out-of-State quota holders will be eliminated.

□ 1345

They voted on that, and now they want to come to this floor and eliminate that contract. In my opinion, that is a breach of faith, and this Congress ought not to do it. I do not think we are going to do it.

In return, they gave the farmers a farm bill that had virtually no safety net. We are seeing what is happening now across America; our farmers are in deep trouble.

Let me speak very quickly to peanut farmers and what this research money does. Peanut farmers face many obstacles and should not have to worry about paying the bills the way they do. If we get too much rain, they get soggy peanuts, and there is a loss. If they get a drought, they get dust instead of peanuts. There is no one there to help them.

They are hardworking people. They take great chances. They are the foundation of this country like every other farmer, whether they be in the Midwest, whether it be in the West or whether it be in the East or the South.

As I said yesterday when I took this floor very briefly, I am embarrassed for this Congress that we would take a bill that is here to make a difference for agriculture, and we are talking about research to make a difference in our future and the future of our children, to produce food and fiber at a cheaper price with less disease to help not only our people, but to help the people around the world, and we are saying we are doing it to save money.

I learned a long time ago, we can be penny wise and pound foolish. When my colleagues cut research, they are penny wise and pound foolish. If they do it in research for medical technology and everything else, we could carry ourselves right back to the Stone Age. I am opposed to this amendment, and I ask every Member in this body to vote against it.

Mr. LATHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just wanted to make a few comments. Obviously peanuts are not a big crop in Iowa. But it just struck me, I just spent a half an hour outside on the steps here with a group of FFA students from Ocheyedan, Iowa. We had a good conversation, and they asked a lot of questions about Congress, about the agriculture.

One young lady asked me, ''What is the future of agriculture?'' It is a difficult question to answer. I have to kind of go back in my own mind and see what has transpired.

When I graduated from high school in 1966, there were 50 kids in my class. When my daughter graduated from that same high school in 1995, there were 17 in her class. We are seeing a huge change in agriculture, in rural America. We are seeing communities shrink. The section where I still live, there used to be four families living on that section; now there is one. It is a huge change.

To try and answer the question of this young lady about what is the future, really the answer is that agriculture today is a business, and it has to be treated that way. The people who will be successful are people who are agribusiness people, not just farmers.

The only way that one can make good, sound decisions is to have adequate information. Mike Earl, the leader from Ocheyedan, Iowa, was talking about how that they are getting computers in their FFA classes, and they are learning how to use those computers, how to manage risk in the future.

But a key part of that is the information that will come in from our universities, unbiased information for these agribusiness people of the future to make sound decisions.

When I looked at that group, I did not just see 36 FFA kids from Ocheyedan, Iowa, I see the youth of America that is looking to us and asking what is agriculture's future for me. Whether it is in Georgia and they want to be a peanut farmer, whether they want to raise rice, whether they want to raise corn or soybeans or hogs or cattle or chickens or emus, whatever they want to do, it is a matter of getting good information, sound information, unbiased information.

The only place that one can find that, that is people believe, is from our university researches. That is why it is extraordinarily critical that we maintain our commitment to agricultural research, that whether it is peanuts, whether it is corn or soybeans or hogs in my district, we have got to maintain our support.

The future of agriculture, the future of sound agricultural policy for our young people, for a future for them, of safe food, ample supply for all Americans and for the rest of the world, depends on a lot on what we do here today.

So I would just ask everyone in the House here, this may look like a good little cutting amendment, but when my colleagues vote today, think about maybe those 36 FFA kids in Georgia who maybe will not have the kind of future that a lot of us hope we have in agriculture.

I am a farmer myself, and this means a great deal to me. But think about all of them; do not just think about one little amendment here. We have lived within our budget constraints. We have done everything to try and focus this research where it should be.

It is about the future of this country. It is about the future of safe food, of the supply that is available. It is for the success of our young people. Please do not do this.

Mr. SANFORD. Mr. Chairman, will the gentleman yield?

Mr. LATHAM. I yield to the gentleman from South Carolina.

Mr. SANFORD. Mr. Chairman, there is no greater friend of the farmers than the gentleman from Iowa (Mr. LATHAM). He has been a consistent advocate of farmers; I profoundly respect that.

I think the particular amendment, though, of the gentleman from Oklahoma (Mr. COBURN) in no way cuts overall research funding, but simply cuts out what seems to be an oxymoron, and that is $300,000 for competitiveness research in a quota-based system.

Mr. LATHAM. Mr. Chairman, reclaiming my time, you are going to hurt the future of agriculture with this amendment and all these other amendments.

Mr. POMEROY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wish to associate myself with the remarks of the preceding speaker, my Republican friend and colleague, the gentleman from Iowa (Mr. LATHAM).

I think that Members watching this debate ought to pay special attention to the bipartisan nature of the concern we are expressing. The House is, by its very nature, an urban institution, apportionment allocated by population. That means, those of us representing the country side have a particularly difficult task trying to convey why our issues matter.

I do not think anyone watching this spectacle continue to unfold has to have any doubt whatsoever that it is another case of urban interests, this time Republican urban interests, ganging up on agriculture. What is so astounding to me is that the majority leadership continues to let this debacle unfold.

I would ask all of my colleagues how they would feel if that which they care about most in the appropriations bills would be taken apart on the floor, like the agriculture budget is being taken apart here. Bear in mind that this is an appropriations report, brought out by the gentleman from New Mexico (Chairman SKEEN), that is within the allocation. We have a distinguished Member that has done everything right in bringing his appropriations bill forward.

But now we have some Members indulging themselves in trying to play appropriators. They want to turn the floor of the House into an appropriations subcommittee. The thing that is most alarming is, they know not what they do. Will Rogers once said, ''It is not what the gentleman does not know that scares me, it is what he knows for sure that just ain't so; that is the problem.''

That is the problem with this slew of amendments, however well-intentioned they may be brought by the gentleman from Oklahoma (Mr. COBURN). He might be trying to make some point, some broad macro budget point, some highly principled ideological point, but the real fact is, he is tearing apart the budget for agriculture at a time when family farmers are in the deepest hurt I have ever seen.

I have spent all my life in North Dakota. Agriculture is something that has been a part of me from the time I first formed any cognitive impressions of anything. This is not the time for the Congress of the United States to turn its back on the American farmer.

My colleagues can say what they want to about this being the fiscal year 2000 budget. We are talking today about something that is not going to apply for several months. To the American farmer, in their hour of need, my colleagues are playing politics, and they are trivializing that which they care about the most, their bread and butter, agriculture, family farming. This should stop.

As Members come to the House in a few minutes for votes, I hope they will stand with me and express just how they feel about this nonsense. It is our appropriations bill today; it could well be theirs tomorrow. I urge my colleagues to think about that.

To the majority leadership, as they come to the floor to vote, I hope they will sit and take stock of the spectacle that they have turned the floor of the House into. They are the leaders and they control this place.

To the extent that they allow a Member today to totally tie up this institution, they are unleashing a very unpredictable future course for the rest of this Congress, because what is important to the gentleman from Oklahoma (Mr. COBURN) this afternoon, there will be another issue of equally pressing importance to someone else further; and every appropriations bill about to be considered will be subject to this kind of debacle.

The Nation needs to have its work done. We do not need to turn the floor of the House into a debating chamber for a very narrow spectrum of interests.

Finally, and for me most importantly, the American farmers need help, and it is wrong for the majority to turn its back on them in their hour of need.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Members are reminded that they are to direct their remarks to the Chair and not to other persons.

(By unanimous consent, Mr. WOLF was allowed to speak out of order for 3 minutes.)

DO NOT LIFT EMBARGO ON GUM ARABIC IN SUDAN

Mr. WOLF. Mr. Chairman, I apologize to the Members to come, but I have been listening to the debate, and I support the bill, and I support the gentleman's efforts, but I just found out that the administration is getting ready to lift the gum arabic restrictions that are currently on Sudan.

This is a picture of a young boy that I took in 1989 in southern Sudan, and this young boy is probably dead, but if he is not dead, he has had a terrible life because almost two million people have died in Sudan since that time.

I supported this administration's efforts, some of their efforts in Kosovo with them going to the refugees. I voted to increase the amount of money for the refugees. But what about the Christians in Sudan? There is slavery in Sudan. This young boy's parents may have been in slavery and others.

I now find out that this administration and, I understand, John Podesta at the White House and powerful lobbyists that have been hired by special interests, are now trying to get this administration to lift this embargo with regard to gum arabic in Sudan.

So I urge, whenever this administration thinks of doing it today, not to do it on behalf of this boy, who is probably dead, but may be alive. Do not lift the embargo on gum arabic, because it is fundamentally immoral if they do. If they care about Kosovo and do not care about Sudan is doubly immoral.

I apologize to the Members, but I just heard this was coming up. I do rise in support of the bill.

Mr. SISISKY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not represent any universities in this bill.

□ 1400

The gentleman knows where I am from, he used to live there, and we are good friends. The gentleman from Oklahoma, that is. Eighteen years ago when I first ran for Congress, I remember very vividly standing in a debate with my opponent and my opponent saying, ''This guy comes out of the business world. What does he know about agriculture?'' And I agreed with him, I did not know much about agriculture, but I knew one thing: that anyone who spent a dollar to grow

something that they got 95 cents back on, they were in a rotten business. And I kept saying that over and over again.

Now, I happen to meet with my farmers, and they are very small population-wise. They are very large geographically in my district, but very small as it relates to population. And when I go to meetings, whether it is the Farm Bureau or my farmers' advisory board, or whatever it is, guess what I see? Gray hair. Now, it is better than no hair, but it is gray hair that I see. I see very, very few young people.

Now, whether we knock out $300,000 from this budget for research, whether that is going to do any harm to peanuts or not, we will just lay that aside. But let me tell my colleagues what it does do harm to, and this is why I came over here to get into this. It does harm to young people and to new people that want to farm.

I have to tell the people in the urban areas when they ask, ''Why are you so interested in farming?'' I tell them if we do away with the family farm, the people in the urban areas are going to know the real price of food, the real price of food, and that is why I worry. This is a symbol amendment. A symbol amendment, but I think it sends a message, and I would ask my colleagues to please vote against this amendment.

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

Mr. SISISKY. I yield to the gentleman from Oklahoma.

Mr. COBURN. The gentleman does realize that this does not decrease total agricultural research by one penny. It just says we should not spend this money here. I thank the gentleman.

Mr. SISISKY. Reclaiming my time, I would still say it sends the wrong message, and that is what I am concerned about.

Ms. KAPTUR. Mr. Chairman, I move to strike the requisite number of words.

I rise in opposition to the gentleman's amendment and just wish to say that the accumulation of amendments over the last 2 days, and I agree with my good friend, the gentleman from Virginia (Mr. SISISKY), ultimately results in a negative message to agricultural America and questioning whether or not we have made the right decisions.

Any Member has a right to question what any committee has done inside this Congress. However, one after another, after another, it is like, drip, drip, drip, in a situation today where rural America is in depression. The gentleman from Virginia made a good point. People are not getting 95 cents on a dollar. Farmers raising hogs in America today, it costs them 40 cents to break even, and last December they made 9 cents, and last March they made 28 cents; yet we go to buy chops in the store and they are going to run us $2.26 to $4 a pound and more. Who is making the money off that?

We end up with an agricultural system in this country where the person at the bottom of the totem poll, the producer, the farmer, his or her access to market is controlled, if they are trying to sell pork, by six companies; if they are trying to sell beef, it is three companies; if they are trying to get something on the shelves of a supermarket today, they have to pay a slotting fee of $20,000 or $50,000.

I ask my colleagues, why when we go down a supermarket aisle and we look at the names of the soda pop on the shelves, why do only certain names reach us right in the eye? If there are local producers, why can they not get on those shelves? It is an interesting system. And why would America be in a condition today where imports are coming in here faster than exports going out? In fact, 25 percent of the market in this country in agricultural products now is comprised of imported goods. Why would that be, in the most productive Nation in the world?

It is because we have not paid enough attention to those who are actually doing the work of producing. All of the weight has gone to the processing and the distribution ends of the equation, but we have not paid attention to those who are really still struggling down on the farm and losing equity every day.

It does not matter whether we are talking about upland cotton or rice or hogs or wheat or oats or cattle or poultry. It really does not matter today because every single sector is hemorrhaging. Farmers are losing equity. Farm values have started to drop. Prices, probably this year they expect to be 27 percent below last year, and here we are nitpicking a bill that has come in within budget, within the allocation that we were given.

So I would just say to my colleagues, please, let us get back to the business of doing the work of this Congress, and particularly for that sector in America which is hemorrhaging today, which is rural America. Let us move this bill.

I understand today we are going to pull the bill and perhaps deal with it later. Further delay, adding to the delay that has contributed to all of the difficulties in rural America today, when the Department of Agriculture cannot get the paperwork properly processed because the supplemental came in so late last year, and the supplemental this year that was just passed came in months late and agriculture got tied up in that, unfortunately.

Let us deal with this bill with dispatch. If there is a budget problem, get rid of it. Deal with it in some other way, but do not make the farmers in America pay any heavier price than they have already paid. The average age of farmers in this country today is 55 and rising. The gentleman from Virginia was right, every young person who is still thinking about farming is saying, is that really worth my time?

So today I rise in opposition to this Coburn amendment. It is just one of many being offered to delay this bill. Why this is in the strategy of the leadership of this Congress to delay this bill is beyond me. They have to power to fix everything. Let them go do it, and let the farmers of America have their presence felt here in this House.

I ask the membership to vote ''no'' on the Coburn amendment.

Mr. GUTKNECHT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, despite all of the protests, this bill will not even go into effect until October 1. So no one is going to miss a payment, no one is going to miss a program, no farmer is going to be injured by delaying this process just a little bit.

And the issue, of course, is not whether or not farmers will ultimately be treated equitably by this Congress. The bipartisan agreement that we see here today means that we all want to help our farmers. But the real question before us is will we live within those spending caps; will we, in fact, balance the budget; will we, for the first time in my memory, perhaps in my lifetime, not actually steal from the Social Security Trust Fund? That is the issue that we are talking about. That is the issue we ought to focus on. And, ultimately, I think that is what a number of us want to see happen.

In fact, I believe that all of us want to see that happen. So if it means this bill is delayed by a day or two, that is regrettable, but I think in the end we will all be happy if we get a better product through the entire appropriation process, that abides by the spending caps, that saves Social Security and for the first time says to our kids, we mean what we say; we are going to try to preserve the Social Security system.

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

Mr. GUTKNECHT. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, I thank the gentleman for yielding to me. I want to reiterate what was said at the start of this debate; that this is a good bill. We are trying to make it better. That is number one. And that we believe in ag research. We are not trying to cut. Matter of fact, $13 million was cut from ag research not by me but by the gentleman from Vermont last night. So we believe in those principles.

We also believe in another principle, and that is keeping our word. And keeping our word means we are not going to spend the first dollar of Social Security money anywhere else in this country except on Social Security. And so as we do that, this is a painful process, and I understand that it is not very tasteful for the Members of the Committee on Appropriations, but it is not directed towards them.

There is a benefit, however. There is nothing wrong with the American people finding out what is in these bills. And to say that there is something wrong with us talking about what is in the bills, discussing how we spend their

money, is a little bit arrogant for us as a body. This is the people's House. We should allow them to have all the light that they would like to have on what we do here, how we do it and where we spend our money.

So I want to just say I thank the gentleman for yielding me some time. This is about process and whether or not we are going to keep our word to the American people. We are going to keep our word to the American farmer. We are going to have the bill. We just passed $12 billion in super, above-budget supplementary spending this last year for the farmers, and I voted for those. We just passed in the last month a comprehensive bill, and I agree with the gentlewoman from Ohio, we did not offset anything except in ag, and that is inappropriate. And when that bill came back to us, I voted against it because of that.

So we are going to do what we need to do by our farmers, but we are also going to do what we need to do for our seniors and for our children.

Mr. GUTKNECHT. Reclaiming my time, Mr. Chairman, and I am sure the gentleman from Oklahoma knows that sunshine is the best antiseptic, and allowing a little sunshine to shine on the appropriations process here in the Congress is not a bad thing. If it takes an extra day or two, so be it. In the end, I think we will all have a product that we can be more proud of, that we can defend when we go home to our constituents, and ultimately will keep that promise all of us have made to our kids, and that is that every penny of Social Security taxes should go only for Social Security.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma (Mr. COBURN).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. COBURN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 185, further proceedings on the amendment offered by the gentleman from Oklahoma (Mr. COBURN) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 185, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment offered by the gentleman from Oklahoma (Mr. COBURN) beginning on page 10;

Amendment offered by the gentleman from Oklahoma (Mr. COBURN) on page 13;

Amendment offered by the gentleman from South Carolina (Mr. SANFORD) on page 13;

Amendment offered by the gentleman from Oklahoma (Mr. COBURN) on page 14.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. COBURN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Oklahoma (Mr. COBURN) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 35, noes 390, not voting 8, as follows:

[Roll No. 158]

AYES—35

Barr	Franks (NJ)	Royce
Bass	Hayworth	Salmon
Biggert	Hostettler	Sanford
Bilbray	Luther	Sensenbrenner
Cannon	McInnis	Shadegg
Chabot	Miller (FL)	Shays
Collins	Miller, Gary	Smith (WA)
Cox	Paul	Sununu
Crane	Petri	Tancredo
Delahunt	Ramstad	Taylor (MS)
Doggett	Rogan	Toomey
Duncan	Rohrabacher	

NOES—390

Abercrombie	Chambliss	Forbes
Aderholt	Chenoweth	Ford
Allen	Clay	Fossella
Andrews	Clayton	Fowler
Archer	Clement	Frank (MA)
Armey	Clyburn	Frelinghuysen
Bachus	Coble	Frost
Baird	Coburn	Gallegly
Baker	Combest	Ganske
Baldacci	Condit	Gejdenson
Baldwin	Conyers	Gekas
Ballenger	Cook	Gephardt
Barcia	Cooksey	Gibbons
Barrett (NE)	Costello	Gilchrest
Barrett (WI)	Coyne	Gillmor
Bartlett	Cramer	Gilman
Barton	Crowley	Gonzalez
Bateman	Cubin	Goode
Becerra	Cummings	Goodlatte
Bentsen	Cunningham	Goodling
Bereuter	Danner	Gordon
Berkley	Davis (FL)	Goss
Berman	Davis (IL)	Graham
Berry	Davis (VA)	Granger
Bilirakis	Deal	Green (TX)
Bishop	DeFazio	Green (WI)
Blagojevich	DeGette	Greenwood
Bliley	DeLauro	Gutierrez
Blumenauer	DeLay	Gutknecht
Blunt	DeMint	Hall (OH)
Boehlert	Deutsch	Hall (TX)
Boehner	Diaz-Balart	Hansen
Bonilla	Dickey	Hastings (FL)
Bonior	Dicks	Hastings (WA)
Bono	Dingell	Hayes
Borski	Dixon	Hefley
Boswell	Dooley	Herger
Boucher	Doolittle	Hill (IN)
Boyd	Doyle	Hill (MT)
Brady (PA)	Dreier	Hilleary
Brady (TX)	Dunn	Hilliard
Brown (FL)	Edwards	Hinchey
Brown (OH)	Ehlers	Hinojosa
Bryant	Ehrlich	Hobson
Burr	Emerson	Hoeffel
Burton	Engel	Hoekstra
Buyer	English	Holden
Callahan	Eshoo	Holt
Calvert	Etheridge	Hooley
Camp	Evans	Horn
Campbell	Everett	Houghton
Canady	Ewing	Hoyer
Capps	Farr	Hulshof
Capuano	Fattah	Hunter
Cardin	Filner	Hutchinson
Carson	Fletcher	Hyde
Castle	Foley	Inslee
Isakson	Millender-McDonald	Sessions
Istook	Miller, George	Shaw
Jackson (IL)	Minge	Sherman
Jackson-Lee (TX)	Mink	Sherwood
Jefferson	Moakley	Shimkus
Jenkins	Mollohan	Shows
John	Moore	Shuster
Johnson (CT)	Moran (KS)	Simpson
Johnson, E. B.	Moran (VA)	Sisisky
Johnson, Sam	Murtha	Skeen
Jones (NC)	Nadler	Skelton
Jones (OH)	Napolitano	Slaughter
Kanjorski	Neal	Smith (MI)
Kaptur	Nethercutt	Smith (NJ)
Kelly	Ney	Smith (TX)
Kennedy	Northup	Snyder
Kildee	Norwood	Souder
Kilpatrick	Nussle	Spence
Kind (WI)	Oberstar	Spratt
King (NY)	Obey	Stabenow
Kingston	Olver	Stark
Kleczka	Ortiz	Stearns
Klink	Ose	Stenholm
Knollenberg	Owens	Strickland
Kolbe	Packard	Stump
Kucinich	Pallone	Stupak
Kuykendall	Pascrell	Sweeney
LaFalce	Pastor	Talent
LaHood	Payne	Tanner
Lampson	Pease	Tauscher
Lantos	Pelosi	Tauzin
Largent	Peterson (MN)	Taylor (NC)
Larson	Peterson (PA)	Terry
Latham	Phelps	Thomas
LaTourette	Pickering	Thompson (CA)
Lazio	Pickett	Thompson (MS)
Leach	Pitts	Thornberry
Lee	Pombo	Thune
Levin	Pomeroy	Thurman
Lewis (CA)	Porter	Tiahrt
Lewis (GA)	Portman	Tierney
Lewis (KY)	Price (NC)	Towns
Linder	Pryce (OH)	Traficant
Lipinski	Quinn	Turner
LoBiondo	Radanovich	Udall (CO)
Lofgren	Rahall	Udall (NM)
Lowey	Rangel	Upton
Lucas (KY)	Regula	Velazquez
Lucas (OK)	Reyes	Vento
Maloney (CT)	Reynolds	Visclosky
Maloney (NY)	Riley	Walden
Manzullo	Rivers	Walsh
Markey	Rodriguez	Wamp
Martinez	Roemer	Waters
Mascara	Rogers	Watkins
Matsui	Ros-Lehtinen	Watt (NC)
McCarthy (MO)	Rothman	Watts (OK)
McCarthy (NY)	Roukema	Waxman
McCrery	Roybal-Allard	Weiner
McDermott	Rush	Weldon (FL)
McGovern	Ryan (WI)	Weldon (PA)
McHugh	Ryun (KS)	Weller
McIntosh	Sabo	Wexler
McIntyre	Sanchez	Weygand
McKeon	Sanders	Whitfield
McKinney	Sandlin	Wicker
McNulty	Sawyer	Wilson
Meehan	Saxton	Wise
Meek (FL)	Scarborough	Wolf
Meeks (NY)	Schaffer	Woolsey
Menendez	Schakowsky	Wu
Metcalf	Scott	Wynn
Mica	Serrano	Young (FL)

NOT VOTING—8

Ackerman	McCollum	Oxley
Brown (CA)	Morella	Young (AK)
Kasich	Myrick	

☐ 1432

Messrs. KINGSTON, WELDON of Florida, LARGENT, BERMAN, SCARBOROUGH, and FOSSELLA changed their vote from ''aye'' to ''no.''

Mr. GARY MILLER of California and Mr. SUNUMU changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. COBURN

The CHAIRMAN. The pending business is the demand for a recorded vote

on the amendment offered by the gentleman from Oklahoma (Mr. COBURN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 93, noes 330, not voting 10, as follows:

[Roll No 159]

AYES—93

Archer	Goode	Pombo
Bachus	Goodlatte	Ramstad
Ballenger	Gordon	Reynolds
Barr	Graham	Riley
Barrett (WI)	Granger	Rogan
Bartlett	Green (TX)	Rohrabacher
Barton	Green (WI)	Roukema
Bass	Gutknecht	Royce
Biggert	Hall (TX)	Ryun (KS)
Blunt	Hayworth	Salmon
Boehner	Hefley	Sanford
Bono	Herger	Scarborough
Burton	Hilleary	Sensenbrenner
Campbell	Hoekstra	Sessions
Cannon	Hostettler	Shadegg
Chabot	Istook	Shays
Chenoweth	Jenkins	Sherwood
Coburn	Johnson, Sam	Smith (MI)
Collins	Jones (NC)	Spence
Cox	Largent	Sununu
Crane	Linder	Tancredo
Delahunt	Luther	Taylor (MS)
DeLay	Manzullo	Taylor (NC)
DeMint	McInnis	Terry
Doolittle	McIntosh	Thornberry
Duncan	Metcalf	Tiahrt
Dunn	Miller (FL)	Toomey
Fossella	Miller, Gary	Upton
Fowler	Myrick	Wamp
Franks (NJ)	Paul	Watts (OK)
Gibbons	Petri	Weldon (FL)

NOES—330

Abercrombie	Calvert	Dixon
Aderholt	Camp	Doggett
Allen	Canady	Dooley
Andrews	Capps	Doyle
Armey	Capuano	Dreier
Baird	Cardin	Edwards
Baker	Carson	Ehlers
Baldacci	Castle	Ehrlich
Baldwin	Chambliss	Emerson
Barcia	Clay	Engel
Barrett (NE)	Clayton	English
Bateman	Clement	Eshoo
Becerra	Clyburn	Etheridge
Bentsen	Coble	Evans
Bereuter	Combest	Everett
Berkley	Condit	Ewing
Berman	Conyers	Farr
Berry	Cook	Fattah
Bilbray	Cooksey	Filner
Bilirakis	Costello	Fletcher
Bishop	Coyne	Foley
Blagojevich	Cramer	Forbes
Bliley	Crowley	Ford
Blumenauer	Cubin	Frank (MA)
Boehlert	Cummings	Frelinghuysen
Bonilla	Cunningham	Frost
Bonior	Danner	Gallegly
Borski	Davis (FL)	Ganske
Boswell	Davis (IL)	Gejdenson
Boucher	Davis (VA)	Gekas
Boyd	Deal	Gephardt
Brady (PA)	DeFazio	Gilchrest
Brady (TX)	DeGette	Gillmor
Brown (FL)	DeLauro	Gilman
Brown (OH)	Deutsch	Gonzalez
Bryant	Diaz-Balart	Goodling
Burr	Dickey	Goss
Buyer	Dicks	Greenwood
Callahan	Dingell	Gutierrez
Hall (OH)	McCarthy (MO)	Sabo
Hansen	McCarthy (NY)	Sanchez
Hastings (FL)	McCrery	Sanders
Hastings (WA)	McDermott	Sandlin
Hayes	McGovern	Sawyer
Hill (IN)	McHugh	Saxton
Hill (MT)	McIntyre	Schaffer
Hilliard	McKeon	Schakowsky
Hinchey	McKinney	Scott
Hinojosa	McNulty	Serrano
Hobson	Meehan	Shaw
Hoeffel	Meek (FL)	Sherman
Holden	Meeks (NY)	Shimkus
Holt	Menendez	Shows
Hooley	Mica	Shuster
Horn	Millender-McDonald	Sisisky
Houghton	Miller, George	Skeen
Hoyer	Minge	Skelton
Hulshof	Mink	Slaughter
Hunter	Moakley	Smith (NJ)
Hyde	Mollohan	Smith (TX)
Inslee	Moore	Smith (WA)
Isakson	Moran (KS)	Snyder
Jackson (IL)	Moran (VA)	Souder
Jackson-Lee (TX)	Murtha	Spratt
Jefferson	Nadler	Stabenow
John	Napolitano	Stark
Johnson (CT)	Neal	Stearns
Johnson, E. B.	Nethercutt	Stenholm
Jones (OH)	Ney	Strickland
Kanjorski	Northup	Stump
Kaptur	Norwood	Stupak
Kelly	Nussle	Sweeney
Kennedy	Oberstar	Talent
Kildee	Obey	Tanner
Kilpatrick	Olver	Tauscher
Kind (WI)	Ortiz	Tauzin
King (NY)	Ose	Thomas
Kingston	Owens	Thompson (CA)
Kleczka	Pallone	Thompson (MS)
Klink	Pascrell	Thune
Knollenberg	Pastor	Thurman
Kolbe	Payne	Tierney
Kucinich	Pease	Towns
Kuykendall	Pelosi	Traficant
LaFalce	Peterson (MN)	Turner
LaHood	Peterson (PA)	Udall (CO)
Lampson	Phelps	Udall (NM)
Lantos	Pickering	Velazquez
Larson	Pickett	Vento
Latham	Pitts	Visclosky
LaTourette	Pomeroy	Walden
Lazio	Porter	Walsh
Leach	Portman	Waters
Lee	Price (NC)	Watkins
Levin	Pryce (OH)	Watt (NC)
Lewis (CA)	Quinn	Waxman
Lewis (GA)	Radanovich	Weiner
Lewis (KY)	Rahall	Weldon (PA)
Lipinski	Rangel	Weller
LoBiondo	Regula	Wexler
Lofgren	Reyes	Weygand
Lowey	Rivers	Whitfield
Lucas (KY)	Rodriguez	Wicker
Lucas (OK)	Roemer	Wilson
Maloney (CT)	Rogers	Wise
Maloney (NY)	Ros-Lehtinen	Wolf
Markey	Rothman	Woolsey
Martinez	Roybal-Allard	Wu
Mascara	Rush	Wynn
Matsui	Ryan (WI)	Young (FL)

NOT VOTING—10

Ackerman	McCollum	Simpson
Brown (CA)	Morella	Young (AK)
Hutchinson	Oxley	
Kasich	Packard	

☐ 1441

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. SANFORD

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from South Carolina (Mr. SANFORD) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 79, noes 348, not voting 6, as follows:

[Roll No. 160]

AYES—79

Archer	Ganske	Reynolds
Ballenger	Graham	Rohrabacher
Barr	Granger	Roukema
Barrett (WI)	Green (TX)	Royce
Bartlett	Hall (TX)	Ryan (WI)
Barton	Hayworth	Ryun (KS)
Bass	Hefley	Salmon
Biggert	Herger	Sanford
Bilbray	Hoekstra	Scarborough
Burton	Hostettler	Sensenbrenner
Buyer	Istook	Shadegg
Campbell	Johnson, Sam	Shays
Cannon	Kelly	Smith (MI)
Castle	Kind (WI)	Smith (WA)
Chabot	Kleczka	Stark
Coburn	Largent	Stearns
Collins	LoBiondo	Sununu
Cox	Lofgren	Tancredo
Crane	Luther	Terry
Delahunt	Maloney (CT)	Tiahrt
DeMint	Manzullo	Tierney
Doggett	McInnis	Toomey
Ehrlich	McIntosh	Upton
Foley	Miller (FL)	Watts (OK)
Fossella	Myrick	Weldon (FL)
Frank (MA)	Paul	
Franks (NJ)	Petri	

NOES—348

Abercrombie	Coble	Gephardt
Ackerman	Combest	Gibbons
Aderholt	Condit	Gilchrest
Allen	Conyers	Gillmor
Andrews	Cook	Gilman
Armey	Cooksey	Gonzalez
Bachus	Costello	Goode
Baird	Coyne	Goodlatte
Baker	Cramer	Goodling
Baldacci	Crowley	Gordon
Baldwin	Cubin	Goss
Barcia	Cummings	Green (WI)
Barrett (NE)	Cunningham	Greenwood
Bateman	Danner	Gutierrez
Becerra	Davis (FL)	Gutknecht
Bentsen	Davis (IL)	Hall (OH)
Bereuter	Davis (VA)	Hansen
Berkley	Deal	Hastings (FL)
Berman	DeFazio	Hastings (WA)
Berry	DeGette	Hayes
Bilirakis	DeLauro	Hill (IN)
Bishop	DeLay	Hill (MT)
Blagojevich	Deutsch	Hilleary
Bliley	Diaz-Balart	Hilliard
Blumenauer	Dickey	Hinchey
Blunt	Dicks	Hinojosa
Boehlert	Dingell	Hobson
Boehner	Dixon	Hoeffel
Bonilla	Dooley	Holden
Bonior	Doolittle	Holt
Bono	Doyle	Hooley
Borski	Dreier	Horn
Boswell	Duncan	Houghton
Boucher	Dunn	Hoyer
Boyd	Edwards	Hulshof
Brady (PA)	Ehlers	Hunter
Brady (TX)	Emerson	Hutchinson
Brown (FL)	Engel	Hyde
Brown (OH)	English	Inslee
Bryant	Eshoo	Isakson
Burr	Etheridge	Jackson (IL)
Callahan	Evans	Jackson-Lee (TX)
Calvert	Everett	Jefferson
Camp	Ewing	Jenkins
Canady	Farr	John
Capps	Fattah	Johnson (CT)
Capuano	Filner	Johnson, E. B.
Cardin	Fletcher	Jones (NC)
Carson	Forbes	Jones (OH)
Chambliss	Ford	Kanjorski
Chenoweth	Fowler	Kaptur
Clay	Frelinghuysen	Kennedy
Clayton	Frost	Kildee
Clement	Gallegly	Kilpatrick
Clyburn	Gekas	

King (NY)
Kingston
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lowey
Lucas (KY)
Lucas (OK)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Serrano
Sessions
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Spratt
Stabenow
Stenholm
Strickland
Stump
Stupak
Sweeney
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—6

Brown (CA)
Gejdenson
Kasich
McCollum
Oxley
Young (AK)

☐ 1449

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. COBURN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Oklahoma (Mr. COBURN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 119, noes 308, not voting 6, as follows:

[Roll No. 161]

AYES—119

Baird
Ballenger
Barrett (WI)
Bartlett
Barton
Bass
Berkley
Biggert
Bilbray
Brown (OH)
Burton
Buyer
Campbell
Cannon
Castle
Chabot
Coble
Coburn
Collins
Cox
Crane
Crowley
Davis (VA)
DeFazio
Delahunt
DeMint
Doggett
Doolittle
Duncan
Ehrlich
English
Eshoo
Fossella
Frank (MA)
Franks (NJ)
Frelinghuysen
Ganske
Gillmor
Gordon
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Hayworth
Hefley
Herger
Hilleary
Hoekstra
Hostettler
Inslee
Johnson (CT)
Johnson, Sam
Kelly
Kind (WI)
Kleczka
Largent
Lazio
Lee
LoBiondo
Lofgren
Luther
Maloney (CT)
Manzullo
McGovern
McHugh
McInnis
McIntosh
Meehan
Miller (FL)
Miller, Gary
Miller, George
Myrick
Nadler
Neal
Obey
Olver
Paul
Petri
Porter
Portman
Ramstad
Reynolds
Roemer
Rogan
Rohrabacher
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Sawyer
Sensenbrenner
Sessions
Shadegg
Shays
Smith (MI)
Smith (NJ)
Smith (WA)
Souder
Spence
Stark
Sununu
Sweeney
Talent
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Tiahrt
Tierney
Toomey
Upton
Wamp
Weldon (FL)
Weldon (PA)

NOES—308

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Bachus
Baker
Baldacci
Baldwin
Barcia
Barr
Barrett (NE)
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Burr
Callahan
Calvert
Camp
Canady
Capps
Capuano
Cardin
Carson
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Combest
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Deal
DeGette
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Emerson
Engel
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fowler
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Goss
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hill (IN)
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
King (NY)
Kingston
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lowey
Lucas (KY)
Lucas (OK)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McIntyre
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Ose
Owens
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Riley
Rivers
Rodriguez
Rogers
Ros-Lehtinen
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Serrano
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (TX)
Snyder
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Tanner
Tauscher
Tauzin
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Walden
Walsh
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—6

Archer
Brown (CA)
Kasich
McCollum
Oxley
Young (AK)

☐ 1457

So the amendment was rejected.

The result of the vote was announced as above recorded.

☐ 1500

Ms. KAPTUR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wanted to engage in a colloquy with the chairman of the full Committee on Appropriations, the gentleman from Florida (Mr. YOUNG) regarding the anticipated schedule on the agriculture appropriations bill. We understand that on our side there are few amendments that remain to be offered, but it is unclear to us what the desire of the majority is in moving this piece of legislation. If the gentleman could clarify for our side, we would greatly appreciate it.

Mr. YOUNG of Florida. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, it is the plan that we would rise at this point on further consideration of the agricultural appropriations bill and go to the lockbox issue. We would anticipate that the lockbox issue, considering the time for the rule, two hours of general debate, there will be no amendments under the rule, so I

would anticipate a vote on final passage and/or possibly a vote on a motion to recommit, should that be the case.

After that, the majority leader will reassess where we are, what time of day it is, and then make an announcement at that time as to what the further activity would be on this bill or any other bill that would come before the House this evening.

Ms. KAPTUR. Mr. Chairman, reclaiming my time, I thank the chairman for that clarification. I notice that the majority leader is on the floor and able to engage in this colloquy. I wonder if he would do me the great honor of giving those of us on our side his view of what the schedule for the remaining part of the day will be like and how the agricultural appropriations bill will fit into the schedule later today.

Mr. ARMEY. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Chairman, obviously we are, as often has been the case over the years, the week before a district recess and we have a lot of work that is pending that is important. We obviously have, and have already indicated that we have a high priority for agriculture, and we want to move back to the agricultural appropriations bill as soon as we can, and we still have high hopes of completing that work tonight, or at least perhaps this week.

But I think it is time now for us to make sure that we move on, complete the other work which we know we can complete on the lockbox. We will have a chance to assess everything on the agriculture bill later on in the day, perhaps earlier. As soon as I have a clear picture of things, I will contact the gentlewoman and let her know.

Ms. KAPTUR. Mr. Chairman, the gentleman will let us know perhaps by 5:30 whether or not the agricultural appropriations bill will be coming to the floor later this evening so our Members could be ready?

Mr. ARMEY. Mr. Chairman, as soon as I can know something that would be helpful and reliable, yes; 5:30, 4:30, as soon as possible. But I understand the gentlewoman's point about the time line and I will try to respect that.

Ms. KAPTUR. Mr. Chairman, I thank the gentleman.

I would just advise our membership that if we do have Members listening or on the floor who have amendments, call our office no later than 6 o'clock and we will try to let our Members know whether there will be additional votes this evening or not on the agricultural appropriations bill.

I would just ask the forbearance of the leadership of the majority to please treat our Members with respect, and I am sure they will, but to allow us the time necessary to prepare our Members for the floor. If we are not going to bring the bill up tonight, if we do not hear by 6 o'clock, I will assume it will not be coming up.

Mr. ARMEY. Mr. Chairman, if the gentlewoman will yield, as an old economist let me just say we should be careful what we assume, but I will try to keep the gentlewoman as informed as possible.

Ms. KAPTUR. Mr. Chairman, I thank the leader.

Mr. PACKARD. Mr. Chairman, today I would like to express my support for H.R. 1906, The Agriculture Appropriations Act of 2000. Our nation's farmers are by far the most productive in the world and we should continue to support their efforts.

Our nation's farmers often experience accomplishments reached through the struggles and achievements of past agriculturists. H.R. 1906 will allot the necessary funds to help increase agriculture research which in turn will help our farmers achieve the level of commodities needed to feed a hungry world.

I would like to specifically acknowledge the provision which allots funds for pesticide and crop disease research. This will directly benefit Southern California floriculture and nursery crop producers. With over 20 percent of the total agriculture share, California farmers rank first in the nation in overall production of nursery products. This research can positively impact rural and suburban economies, and increase international competitiveness by helping prevent the spread of pests and diseases among nursery and floriculture crops.

Mr. Chairman, I would also like to commend Chairman SKEEN for once again producing an Agriculture Appropriations bill that is beneficial for the American farmer. Farming is still one of the toughest jobs in America, and I share Mr. SKEEN's wish to make sure that is not forgotten here in Washington.

Mr. PHELPS. Mr. Chairman, I rise today in support of the FY 2000 Agriculture Appropriations bill, but I must also take this opportunity to express my concern that many needs in the agriculture community will remain unmet under this legislation.

I know that all of my colleagues are by now aware that American agriculture is in crisis. We provided some desperately-needed assistance by passing the Emergency Supplemental bill last week, and this appropriations measure will offer still more help. But I caution my colleagues that it will only help so much, and we must not allow ourselves to be lulled into thinking that agriculture's problems are over.

I applaud the House appropriators for crafting a good bill under extremely tight budget constraints. They have the unenviable task of allocating scarce funds in a reasonable manner, all at a time when the needs in the agriculture community are greater than ever. While I plan to support the legislation, it nonetheless falls short in a number of respects, and I would be remiss if I failed to point them out.

First and foremost, the bill does almost nothing to address the farm crisis. It does not provide for any continuation of the emergency assistance provided in last year's Omnibus Appropriations bill or in the recently-passed Supplemental, and it contains no initiatives to support farm incomes or remove surpluses from markets. And although the bill funds farm credit programs and Farm Service Agency staff at the level requested months ago by the President, this package simply does not reflect the economic conditions that face farmers and the current needs that could not have been accurately anticipated at the beginning of the year.

Furthermore, nutrition programs do not fare well under this bill, particularly the Women, Infants and Children (WIC) program. WIC is one of the most successful and important federal programs ever undertaken and serves millions of pregnant women, nursing mothers, infants and young children. Unfortunately, although H.R. 1906 does include a slight increase over last year's funding for WIC, the bill provides over $100 million less than the administration's request for this critical program. The legislation also fails to incorporate the requested $10 million increase for elderly nutrition programs, and other programs receive no funding at all, including the school breakfast pilot program and the Nutrition, Education and Training (NET) program.

I am also disappointed by the funding levels for many conservation programs on which farmers in my district and around the country rely. Unfortunately, in trying to stay within tight budget caps, the bill's authors have included a number of limitation provisions that produce savings from direct spending programs. For example, the bill cuts the Wetlands Reserve Program and the Environmental Quality Incentives Program below authorized levels. These are extremely popular programs which help farmers while protecting our environment, and I am disappointed that they have been sacrificed.

Having said all that, let me point out again that I understand the tough decisions the appropriators were forced to make, and although we all have different priorities, this bill does provide critical funding for a number of very valuable programs. We have to start somewhere, and I cannot emphasize enough how sadly America's farmers need our help and our continued attention. I will support the bill and I urge my colleagues to do the same.

Mr. CHAMBLISS. Mr. Chairman, I hope my colleagues will join me in strongly opposing the Coburn amendment to eliminate funding for the National Center for Peanut Competitiveness.

It is no secret the peanut is a very important crop to Georgia and Southern agriculture, and this program is critical to ensuring that peanuts hold an attractive, competitive position in the global marketplace of the 21st century.

The 1996 Farm Bill reformed the federal peanut program; it is now a no-net-cost program to the government. It provides consumers with ample supply of one of the safest, most nutritious foods.

The National Center for Peanut Competitiveness is a broad-based research program that includes product development, economics, and the fundamental aspects of reducing production costs; additionally, it enhances consumer appeal and improves product safety. This program also encompasses research into nutrition, biotechnology, peanut allergies, and trade liberalization through the World Trade Organization.

Eliminating funding for the National Center for Peanut Competitiveness would be detrimental for both peanut farmers and the peanut industry.

Mr. Chairman, the FY 2000 Agricultural Appropriations bill contains critical funding for agricultural research, and I urge my colleagues to vote against cuts to the National Center for Peanut Competitiveness.

Mr. SKEEN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LATOURETTE) having assumed the chair, Mr. PEASE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1906) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2000, and for other purposes, had come to no resolution thereon.

PROVIDING FOR CONSIDERATION OF H.R. 1259, SOCIAL SECURITY AND MEDICARE SAFE DEPOSIT BOX ACT OF 1999

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 186 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 186

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 1259) to amend the Congressional Budget Act of 1974 to protect Social Security surpluses through strengthened budgetary enforcement mechanisms. The bill shall be considered as read for amendment. The amendment specified in section 2 of this resolution shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) two hours of debate equally divided and controlled among the chairmen and ranking minority members of the Committees on the Budget, Rules, and Ways and Means; and (2) one motion to recommit with or without instructions.

SEC. 2. The amendment considered as adopted is as follows: page 3, line 13, strike ''cause or increase'' and insert ''set forth''.

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

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

Mr. Speaker, House Resolution 186 provides for consideration of H.R. 1259, the Social Security and Medicare Safe Deposit Box Act of 1999, a bill that will help to protect the Social Security Trust Fund.

House Resolution 186 provides two hours of general debate divided and controlled by the chairman and ranking minority members of the Committee on Rules, the Committee on the Budget, and the Committee on Ways and Means.

The rule provides that the bill will be considered as read and provides that the amendment printed in section 2 of the resolution be considered as adopted. Finally, the rule provides one motion to recommit, with or without instructions, as is the right of the minority.

Mr. Speaker, let me start by explaining exactly what this bill will do. First, the bill will establish a parliamentary point of order against any budget resolution utilizing the Social Security surpluses in its spending or revenue proposals. Second, the bill establishes a point of order against any legislation, including spending initiatives and tax cuts, that attempts to use any funds from the Social Security surplus. And third, this bill prohibits the Office of Management and Budget, the Congressional Budget Office, or any other Federal Government agency from including Social Security surpluses in Federal budget totals when publishing official documents.

Mr. Speaker, it is dishonest to talk openly about a budget surplus when our operating budget is still in deficit. The government continues to borrow money from Social Security, a fact that does not show up on the government's balance sheet but that has dire consequences for the future. This ''lockbox'' takes Social Security away from budget calculations so budget decisions are made only on non-Social Security dollars, a vital first step in ensuring retirement programs will be there for this generation and generations to come.

In our response to the President's State of the Union address, the 106th Congress committed itself to saving Social Security. This task has two important components. First, we must ensure that the current system is being managed responsibly by locking away today's contributions and securing the retirement of current beneficiaries. Today, we deliver our first component. Later, we will have to make fundamental reforms to the system to guarantee the program's long-term viability while improving benefits and providing Americans with more control over their retirement savings.

We began to fulfill our promise to the bill on the first component when, two months ago, this Congress passed the budget resolution. That resolution outlined our budget goals for the next 10 years and called for the establishment of a ''lockbox'' to reserve the $1.8 trillion in cumulative Social Security surpluses.

Today, we follow through on that original blueprint by taking advantage of this historic opportunity to save Social Security by ensuring that 100 percent of the money destined for the Social Security Trust Fund remain in the trust fund, $1.8 trillion over the next decade.

Now, we will certainly hear the argument that this legislation is being rushed to the floor. To that I must respond that we have waited far too long for this kind of reform. It is the first time in the history of the program that a Congress will protect Social Security funds.

Would opponents rather continue the practices that since 1969 allowed those who ran this Congress to routinely spend the trust funds in order to pay for other government programs and mask the Nation's deficits? While other Congresses have chosen to use surplus Social Security revenues for other ''spending priorities,'' this Congress is proud to be the first to preserve the retirement security of all Americans. With this effort today, we are working to ensure that not one dime of America's Social Security tax dollars are spent on big spending programs.

This is also a big improvement over the plan that the President sent to the Congress. His budget only claimed to save 62 percent of the Social Security surplus for Social Security, plainly stating the 38 percent would go to his pet spending initiatives.

However, the truth was even worse than that. The Chairman of the Federal Reserve, the Director of the Congressional Budget Office, and the U.S. Comptroller General have all testified before Congress and soundly refuted the notion that the President's plan saves any additional money for Social Security.

Even Democrat Members of Congress have agreed that the President uses a series of fiscal shell games and double-counting schemes to inflate his projected savings for Social Security. In fact, Federal Reserve Chairman Alan Greenspan noted that the President's plan actually hurts Social Security by using improper accounting to lend a false sense of security to a program that desperately needs structural reform.

H.R. 1259 strengthens Social Security and ensures that big spenders can no longer raid the fund. This bill continues our determined efforts to provide more security and freedom to the American people. It is part of a common sense plan to provide security for the American people by preserving every penny of the Social Security surplus.

Mr. Speaker, I urge my colleagues to support the rule so that we may proceed with debate and consideration of this historic bill.

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

Mr. MOAKLEY. Mr. Speaker, I thank my colleague from Georgia (Mr. LINDER) from yielding me the customary half-hour, and I yield myself such time as I may consume.

Mr. Speaker, it is no secret that Social Security and Medicare are not going to last forever, especially if we do not do something about it very soon. And despite all of the fanfare about this bill, I am sorry to say this will not do the trick because, Mr. Speaker, although this bill will probably not make things any worse, it also will not make things any better.

This bill merely recreates the point of order that the Democrats enacted some 14 years ago. It does not protect all of the resources we need to reform Social Security and Medicare. It promises not to use the Social Security Trust Fund, which Congress promised not to touch when it was created back

in the 1930s. Meanwhile, Mr. Speaker, it leaves the rest of the budget surplus open for the taking, be it for new spending programs or tax cuts for the rich.

Even the chief actuary of the Social Security Administration says that this proposal, and I quote, this proposal would not have any significant effect on the long-range solvency of the old-age, survivors and disability insurance program.

But it would not be such a problem, Mr. Speaker, if Social Security were not scheduled to fall apart in the year 2034 and Medicare to fall apart in the year 2015. Congress and the White House need to implement major Social Security and Medicare reforms and we need to do it very, very soon.

□ 1515

These are the most important issues we can address this year, and they just cannot be put off for another week, much less another Congress.

But, Mr. Speaker, as I understand it, this bill is the only social security bill my Republican colleagues are going to bring up this year. All it does is restate the current policy on surpluses and ensure that social security does go broke on time.

I heard that some Republican pollster said it was a bad idea to tackle social security, despite its looming demise. But Mr. Speaker, polls aside, we have to do something, and we have to do it very soon.

For that reason, I am disappointed my Republican colleagues did not make in order the Rangel-Moakley-Spratt amendment to prevent Congress from spending budget surplus money until, and I say until, we shore up the social security and Medicare.

Our bill says Congress cannot pass any new spending or any new tax cuts that are not completely offset until the social security is secure. Our lockbox contains both social security and on-budget surplus, and unlike the Republican proposal, it actually has a lock.

Our lock consists of the declaration by the trust fund trustees, and only the trust fund trustees, that social security and Medicare are financially sound. Only then can Congress tap into that surplus.

Furthermore, Mr. Speaker, this bill was referred to not one, not two, but three congressional committees: the Committee on the Budget, the Committee on Ways and Means, and the Committee on Rules. But not one single one of them, not one of them, held hearings or marked up the bill. It was sent right to the floor. It has become the norm in this era of Congress without committees, and that, Mr. Speaker, can get very, very dangerous.

Mr. Speaker, I urge my colleagues to oppose this rule because the problem is not what this bill does for social security, Mr. Speaker, it is what this bill does not do.

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

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. ROYCE).

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

Mr. Speaker, I am rising in strong support of this bill, the Social Security and Medicare Safe Deposit Box Act. I think it is important that we try to put in place a mechanism to try to establish this lockbox to ensure that social security spending is not spent on other government spending.

The reason I say that is for 40 years in this institution money was spent on other government spending. There were chronic budget deficits.

Just recently we have been able to bring that down and bring this budget into balance, but I think it is important that we protect and set aside $1.8 trillion in cumulative budget surpluses over the next 10 years for social security and Medicare.

Since social security was first created it has been a pay-as-you-go system, benefits to retirees are paid from tax revenue. Interest is credited to the social security trust fund, and social security tax surpluses become part, unfortunately, in this process, of general government spending.

In reality, there is no cash in the trust fund, merely IOUs. They are printed on an ink jet printer. In fact, they are in three file folders in West Virginia, in a filing cabinet. I think it is important that we set up a mechanism to, frankly, pay back over time the $359 billion that was borrowed over the last 40 years out of this fund.

If steps are not taken now, in 15 years social security will be insolvent and benefits will have to be funded through either reductions in other spending, or tax increases, or a return to chronic budget deficits.

That is why I will mention that I introduced a bill to pay back the money borrowed from social security and create a real trust fund with real assets. Under my bill, 90 percent of the budget surplus would be used to pay down the debt owed the trust funds. Using the budget surplus in this fashion would continue until all IOUs in the trust fund have been eliminated.

I support this. It is a good first step.

Mr. MOAKLEY. Mr. Speaker, I yield 2½ minutes to the gentleman from Kentucky (Mr. LUCAS).

Mr. LUCAS of Kentucky. Mr. Speaker, I am pleased that the House will consider legislation to protect the social security trust fund which for too long Washington has treated as a pork barrel slush fund. I am proud that today we will debate this issue. Creating a lockbox for social security just makes common sense.

The legislation offered by the gentleman from California (Mr. HERGER) and the gentleman from Florida (Mr. SHAW) is a step in the right direction, but it is really the bare minimum that we can do to preserve social security and Medicare for future generations.

Mr. Speaker, I intend to offer, along with my colleagues, the gentleman from New Jersey (Mr. HOLT) and the gentleman from Kansas (Mr. MOORE), an amendment that would protect the entire budget surplus for social security and Medicare. We intend to offer this proposal as a motion to recommit, and I would urge my colleagues on both sides of the aisle to support it.

The Herger-Shaw legislation does nothing for Medicare. Kentucky seniors know that you cannot talk about social security without talking about Medicare. The health of both these programs is crucial to the health of our elderly population.

Kentucky seniors know that, and Congress ought to have the good sense to protect Medicare, too. H.R. 1259 only addresses the social security surplus. It does not commit us to save the entire Federal surplus for social security and Medicare. It does nothing to secure the long-term solvency of social security and Medicare.

Our proposal would save the social security surplus, the Medicare surplus, and the overall budget surplus to save social security and Medicare, and it would require that we make the solvency of social security our first priority.

I ask my colleagues to vote for the real commitment to social security and Medicare. I urge Members to vote for our motion.

Mr. LINDER. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. WELLER).

(Mr. WELLER asked and was given permission to revise and extend his remarks.)

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

Mr. Speaker, I rise in strong support of this rule, as well as strong support of this historic legislation, the Social Security and Medicare Safe Deposit Box Act of 1999.

How many of us over the last 30 years, and I have only been in the House and had the privilege of serving here for the last 4½ years, have been asked in town meetings and senior citizens centers, union halls, VFWs, and other public forums, when is Washington going to stop dipping into, when is Washington going to stop raiding the social security trust fund to spend social security on other things other than social security?

Today we are going to pass legislation that will do that, that will stop the raid on social security.

Let us review the history here. For over 30 years now Washington has been dipping into the social security fund. Regardless of the rhetoric on the other side where they say it has not, it has gone on.

Back when President Johnson and the Democrat-controlled Congress 30 years ago began raiding the social security trust fund, they have run up quite a bill. According to the social security trustees appointed by President Clinton, the social security trust fund has been raided by more than $730 billion over the last 30 years.

I have a check here written on the social security trust fund. It is a blank check. Washington for the last 30 years has used the social security trust fund as a slush fund and as a blank check to pay for other programs.

This walls off the social security trust fund and puts a stop for those who want to raid it. We set aside those funds for social security and for Medicare. I believe that is an important first step, setting aside 100 percent of social security and locking it away before we consider any other reforms or changes to social security. Let us lock it away first. That is an important first step. We can use those funds to strengthen Medicare and social security. This legislation accomplishes this goal.

I would like to point out, of course, that not only is the social security and Medicare Safe Deposit Box a centerpiece of this year's balanced budget, but there is a big difference between the Clinton-Gore Democratic budget and the Republican budget.

The Republican budget sets aside 100 percent of social security for social security. The $137 billion social security surplus this year will go to social security. If we compare that with the Clinton-Gore Democrat budget, that only uses 62 percent of social security for social security, and the Clinton-Gore Democrat budget spends $52 billion of social security money on other things; all good programs: Education, defense, things like that. But the Clinton-Gore Democrat budget raids the social security trust fund. This lockbox will prevent the Clinton-Gore raid on social security.

I would also point out that the social security and Medicare safe deposit box sets aside $1.8 trillion. The President talks about 62 percent. Sixty-two percent is $1.3 billion. Over the next 10 years Clinton-Gore will raid the social security trust fund by $12 billion. Let us put a stop to it.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. MINGE).

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

Mr. Speaker, I rise this afternoon to support the underlying legislation, not because I feel that it is the last word on what we need to do to protect the social security trust fund, but because it is a humble first step.

I also rise to support this because I am very disappointed in what this body has done this month. We have passed legislation as an emergency supplemental appropriations bill which unfortunately raids the social security trust fund.

I think there is a level of hypocrisy on both sides of the aisle here that is regrettable. We are not facing up to our responsibilities that this trust fund is something that millions and millions of Americans have been counting on to pay their benefits after retirement, and to pay those benefits without putting an added strain on the Federal budget and on programs that are important to their children and grandchildren.

It is a cruel hoax when they learn that in order to pay for those programs, the Federal Government will either have to cut something in the future or go out and borrow more money.

It is time, and in fact the time is long past, when this lockbox proposal should have been passed. I think the true test of our commitment to this principle will be our willingness to waive points of order in rules that bring bills to the floor. Unfortunately, we have historically done this, and we have undermined our ability to maintain our commitments.

What I would like to urge is that ultimately we take the proposal that is being considered today and turn it into a law so that we do not have the ability to waive these points of order, and instead, we hold ourselves to a very high standard in the House of Representatives of preserving the integrity of the social security trust fund.

I would also like to agree with my colleagues on this side of the aisle that this bill would be stronger if we had had the opportunity for committee consideration and if we had had the opportunity to consider some amendments.

Certainly it could go further. But one of the ironies that I notice is that each time we propose legislation that goes too far, then others in this Chamber or at the other end of Pennsylvania Avenue object to it because it goes too far. So it is regrettable that we never seem to quite identify what is an appropriate and acceptable approach, but we are always in disagreement, no matter what proposal comes up.

I would like to thank my colleague, the gentleman from California (Mr. HERGER) for the work that he has put into this, and emphasize that this is truly a bipartisan gesture. My colleague, the gentleman from Kansas (Mr. MOORE) has supported parallel legislation. The Blue Dog budget had parallel provisions. All of us are committed to this goal.

Mr. LINDER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Washington (Ms. DUNN).

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

Mr. Speaker, I rise today to support an idea that is long overdue in the Nation's capital, truth in budgeting. For decades the social security surplus has been used by politicians to fund other government spending and mask the scope of our Nation's financial problems. It is time now to put this practice behind us. It is time to build a firewall between the dollars that are used to fund other government programs and the dollars that come to government specifically for social security benefits.

There are three principles that will guide my decisionmaking on budget issues as we move forward through this year. First, 100 percent of the social security surplus must be preserved for social security. Whether it be using this money to credit the social security trust fund or to help preserve social security or Medicare, we must commit these resources to their intended purposes. This lockbox bill is an important step in fulfilling this part of our commitment.

Secondly, we must stick to the fiscal discipline we decided on when we passed the Balanced Budget Amendment of 1997. In 1997, we agreed to spending limits that we absolutely must stick to. Every Member of this House, Republican and Democrat, supported a budget resolution that maintained these caps. We cannot break our word to the American people. They expect us to keep our promises. They should be able to receive that commitment from us.

Third, we must return the nonsocial security surplus to the people in the form of tax relief. This money represents a direct overpayment for government services. Make no mistake, if it is left in the hands of the politicians, it will be spent. It is the people's money. We should give it back.

Mr. Speaker, Members can describe the budget process as a three-legged stool. Today we are putting the first leg in place.

□ 1530

That stool includes preserving Social Security, maintaining fiscal discipline, and returning the non-Social Security surplus to the people.

Congress' ability to finally control spending has helped create an economy with historically low inflation and low unemployment. It has helped millions of Americans and allowed them to pursue their financial independence, to experience the security of homeownership, and to be in a position to give their children a leg up in the new economy through education.

We must not jeopardize this success by going on a spending spree that destroys fiscal discipline. We can guarantee the security of Social Security by putting 100 percent of the Social Security surplus funds into a lockbox. I urge my colleagues to support this bill.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. MCDERMOTT), a member of the Committee on Ways and Means.

Mr. MCDERMOTT. Mr. Speaker, when discussing the issue of expected budget surpluses, we need to ask two questions. First, will we stick to the budget caps on which the budget surpluses are based; and, second, will Congress actually use the projected surpluses to strengthen Medicare and Social Security?

Unfortunately, this bill is a sham as an answer to those two questions. The so-called lockbox is of no value beyond making sure Members of Congress have a press release to show their constituents when they go home this weekend.

The budget caps I did not vote for, but I am willing to stick to them if the

money will be used for Social Security and Medicare. But the fact is the track record in here is that it is not going to happen.

Just a few weeks ago, this Congress passed a spending bill that grew from $5 billion to $15 billion in a matter of days, three times what the President asked. So we are on our way to blowing the budget caps, and the result is going to be, there is no surplus.

This bill claims to prevent the use of budget surplus dollars for Social Security. It makes this claim by mumbo-jumbo legislative ''magic language'' that says we cannot create budget deficits. However, it gives any chairman in this Congress the right to ignore everything as long as they say they have self-designated this as reform.

That raises my question, what is reform? The gentleman from California (Mr. THOMAS) says he has a bill to reform Medicare, a voucher plan that would raise the premium on every senior to $400 a year. Is that reform? It would make it impossible for one to get Medicare until one is 67. Is that reform?

It would extend the budget amendments of 1997 for 5 years. Do our hospitals and our home health agencies think that is reform? Any of these examples would open the lockbox, the trap door. The money would fall out and, presto, we have money for a tax cut.

If shifting the cost onto Medicare beneficiaries and providers is not what is meant by reform, then we need to have an amendment process. We were denied a hearing in the House, not one single hearing. On this floor, we are denied even one single amendment.

There is no intention to improve this bill. This is a PR gimmick. That is all it is. This has been on the docket for 2 months, and the American people expect us to do something about Medicare and Social Security. This bill does not do it. I urge the Members to vote against this rule.

Mr. LINDER. Mr. Speaker, I am happy to yield 3 minutes to the gentleman from California (Mr. HERGER), the sponsor of the legislation.

Mr. HERGER. Mr. Speaker, I would like to respond to the gentleman from Washington (Mr. MCDERMOTT), my Democrat friend. In his statements, he was mentioning that this legislation is not tough enough to defend Social Security. I would like to see it tougher.

The legislation that we were originally writing was tougher; but, guess what? We have legislation that is tougher in the Senate, and guess who is opposing it? The President is opposing it. Guess who else is opposing it? The Democrats in the Senate are opposing it.

They say it is too tough. They say it goes too far. They said, in case of an emergency, we do not have enough elbow room, if you will.

So we have worked with the committees involved, with the Committee on Ways and Means, the Committee on Budget, both of which I serve on, the Committee on Rules, to try to come up with some legislation that we can get the support of from our friends on the other side of the aisle, the Democrats, and with the President, to try to at least get something out there which is better than nothing.

So I would like to respond to my friend, if he would like it tougher, I would love to get it tougher; but if he could, could he perhaps get some support from your Democrat colleagues in the Senate as well as our Democrat President?

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

Mr. HERGER. I yield to the gentleman from Washington.

Mr. MCDERMOTT. Mr. Speaker, the bill that the Senate had would have shut down the government if it had been passed. That is why there was a veto threat. It makes no sense to pass that kind of legislation.

If my colleagues do not want any Social Security checks to go out and they want to shut the government down, then pass what the Senate is proposing. We are never going to get this issue done this way. We have a good proposal from the President to take the money and buy down the public debt, actually reducing the public debt.

Mr. HERGER. Mr. Speaker, reclaiming my time, the fact is the President promised to save 100 percent. Then he came back with a plan that saved 62 percent. Then he proposed a budget that was only saving 52 percent.

The fact is what the gentleman from Washington (Mr. MCDERMOTT), my Democrat colleague and good friend, is saying just is not the case. The fact is they wanted it both ways. They say they want it tougher, but then they oppose it. But now they think it is not tough enough, and they oppose it then, too.

Let us vote out what we have today. Let us begin with what we have today which does bring about a point of order both in the House and the Senate, requires 60 votes in the Senate. Let us at least move forward with something now; and perhaps in the future, we can come up with something tougher.

Mr. MOAKLEY. Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. RANGEL), ranking member of the Committee on Ways and Means.

(Mr. RANGEL asked and was given permission to revise and extend his remarks.)

Mr. RANGEL. Mr. Speaker, I am glad that the gentleman from California (Mr. HERGER) explained this procedure, because I was a little baffled as to why this bill was so weak. But I understand it now.

It is weak because the gentleman is concerned about my President and he is concerned about the people in the other body. That is a new way to legislate. So I guess it is what we call majority-plus-6, because, in the old days, when we were concerned about strengthening legislation, we took it to the committee. We have hearings. We have an opportunity for people to amend it. We have debate. We have discussion.

But this new way that we have had the last half dozen years is, we bypass the committees, we bypass the Committee on Ways and Means, we bypass budget, we bypass the Committee on Rules, but we go on the other side and ask, will they toughen it.

We did something like that yesterday. We wanted to, on the other side, reduce the wages of Customs. I would think that we would be able to debate that on the floor. No. My colleagues put that on the Suspension Calendar, and they followed it with antipornography legislation or anti-drug trafficking legislation.

I just do not think that they get it. In the House of Representatives, we legislate. We do not go over there and beg, hat in hand, with the other body for what they would like.

Another thing we do is we give ourselves an opportunity to discuss these things in our committee. I am so proud and honored to be a member of the Committee on Ways and Means. Our jurisdiction, we jealously guard it. But what good is all of it if we go straight to the Committee on Rules when anything concerns Social Security?

We all know that this so-called lockbox, that every Member of this House has a key to unlock it. We all know when my colleagues are saying that they are going to put the Social Security surplus in there, they are doing what Democrats and Republicans should have been doing years ago, and that is putting the current payroll tax in the box.

But my colleagues cannot talk out of both sides of their mouths. My colleagues cannot give a big tax decrease, which I cannot wait for it to come out of my committee, unless they are taking that to the Committee on Rules, too.

But I understand that my colleagues are working on $300 billion, $800 billion in 10 years. How my colleagues are going to do that and put Social Security surplus in the lockbox, I do not know. But then again, we may never find out. We may find it on the Suspension Calendar, or it may just come out in the rule.

Mr. Speaker, I am just hoping that someone who understands what happened in the back room will come forward to the mike and explain how much of the Social Security surplus goes into this so-called box. It is my understanding it is only the current payroll tax, and the rest of the surplus we can use for whatever purpose that we would want without violating the spirit and the wording of this law.

Mr. LINDER. Mr. Speaker, I am happy to yield 3 minutes to the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Speaker, I want to thank the gentleman from California (Mr. HERGER) for his long-standing leadership on this bill.

I am a new Member of the House, and I have been working on this issue since getting here. I want to thank the gentleman from California (Mr. HERGER) for his leadership.

This debate is getting out of hand. Here is what our budget resolution does, and I am very happy to have been a part of writing the proposal in the budget resolution that said we are going to set a higher standard in this Congress, that we are not going to raid the Social Security Trust Fund, and that we are going to change the rules in Congress to make it tougher to do so.

We want to go all the way to stopping the raid on the Trust Fund. That requires the President signing a bill into law, dedicating every penny of Social Security going toward the Social Security Trust Fund, going to Social Security.

Sadly, the President is against that legislation, in part because his budget proposal continues to raid Social Security by $341 billion over the next 10 years.

What we are trying to achieve in this bill is the first step in locking away Social Security. We are going to stop the phony accounting. No more smoke and mirrors accounting, hiding the deficit with Social Security surpluses.

We are going to say, when we measure the budget, we are going to put the Social Security budget, the Social Security surplus aside. Then we are going to say, not only for budgets, but for every bill coming to Congress, if it attempts to dip into Social Security, we are going to put a higher vote threshold against it. We are going to say that in the other body, it requires three-fifths of a majority vote to pass a bill that attempts to raid Social Security.

Why are we doing this? Because we are trying to make it tougher for this body and the other body to stop raiding Social Security. We want to make it more difficult for us to pass legislation to raid the Trust Fund.

I am the author of the other lockbox bill, the second stage in this process, the bill that simply puts all of the Social Security dollars into Social Security, to pay down debt when we are not doing so, and to make sure that all of our Social Security dollars go to saving this program.

The problem is that the President is against that. So what can be accomplished here and now when the White House is opposed to saving all of the Social Security surplus? What we can do is stop the phony accounting. What we can do is make it tougher for people in Congress to pass legislation that raids Social Security, and that is what this legislation accomplishes.

Please join us in toughening this legislation. Please join us in making it harder to raid Social Security. This is as much as we can get, we hope, from the White House. We would be happy to entertain additional legislation that would make sure that every penny of Social Security goes to Social Security.

The problem is we cannot get it through the Senate. We cannot get it passed by the White House. We want to pass that legislation. We are going as far as possible right now with this legislation.

On the last point of the gentleman from New York (Mr. RANGEL), the ranking member of the Committee on Ways and Means, every penny of the Social Security Trust Fund goes to Social Security. Every penny of the Social Security surplus, including interest, in our budget resolution goes to Social Security.

For those taxpayers who overpay their income taxes, that surplus goes back to the taxpayer. So just as a point of clarification, the budget resolution does not raid Social Security. It saves Social Security surplus for Social Security.

Mr. MOAKLEY. Mr. Speaker, may I ask how much time is remaining on both sides.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from Massachusetts (Mr. MOAKLEY) has 14½ minutes remaining, and the gentleman from Georgia (Mr. LINDER) has 11½ minutes remaining.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. TRAFICANT).

□ 1545

Mr. TRAFICANT. Mr. Speaker, I will vote for the Democrat substitute and, if that fails, I will vote for the Republican bill, but this is not the strongest possible bill that we could bring forth to stabilize and ensure the future of Social Security and Medicare, for several reasons:

Number one, points of order can be waived; and, number two, Congress or a future Congress can simply change the law. The bottom line is it is just too easy to raid this trust fund. And the money coming into this trust fund from one door is already leaving and exiting the other door the next day.

There is an old simple statement from the streets that says, we can do it now or it can do us later, and that is about where we are with Social Security. Both the Democrats and the Republicans want to do the right thing. We are struggling to do the right thing. But neither party, quite frankly, is doing what they say they want to do because there are still the machinations to effect a grab at this money.

I have a little piece of legislation in. We have amended the Constitution to address issues of alcohol, to limit presidential terms, to stop discrimination, to give women the right to vote, and these were the right things to do. And there is only one way to ensure that Social Security money cannot be touched, an amendment to the Constitution of the United States that says the money coming into that trust fund cannot be touched for anything or any reason other than Social Security or Medicare.

Now, we are going to have to tell the truth around here. We cannot come out with modest caps trying to make everybody look and say, what a nice conservative budget we have, and then go ahead and expand those caps on every appropriation bill we have. There is no money and there is no surplus except in this trust fund.

I was hoping at least to have a debate looking at that process, to see how the States felt. The American people support an amendment to the Constitution that says no person, no President, no Congress, no reason, no cause can jeopardize their trust fund. Social Security has its own revenue measure and, by God, we should not touch it.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Speaker, I would like to echo the comments of my dear colleague from the other side of the aisle on the issue of the trust fund being just at that, a trust fund. In California we have had for decades a law that we cannot raid one trust fund and shift it over to other uses.

I guess in Washington it seems very technical on this issue, but I guess I will try to explain it as simply as possible. Social Security is called a trust fund, not a slush fund. It is not a pool of money to be used in any manner that somebody wants to if they can get enough votes.

Maybe that is why the gentleman from Ohio (Mr. TRAFICANT) is right, a lot of us are looking at the issue that there is not enough lock in the lockbox. Let us be brave enough for us to put it before the Constitution. Let us who really stands for protecting the Social Security Trust Fund in the long run.

But this proposal, Mr. Speaker, is the first step. It is the first step in reforming Social Security. If we are not willing to at least vote for a bill that says we are going to start treating it as a trust fund and not a slush fund, if we are not willing to vote for this proposal, for God's sake, how are we going to find the intestinal fortitude to be able to vote for the other ones we all know are coming down the pike?

This is the statement of credibility and a statement of commitment that we need to start with down the long road towards saving Social Security and Medicare as we know it. I ask my colleagues on both sides of the aisle not to find excuses to walk away from this first step, but to start this long journey with this first step of voting for this resolution.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Kansas (Mr. MOORE).

Mr. MOORE. Mr. Speaker, I rise today to discuss H.R. 1259, the Social Security and Medicare Safe Deposit Box Act of 1999.

I want to commend the gentleman from California for his leadership in sponsoring this legislation that will take a step toward protecting the Social Security Trust Fund from being raided by the Congress and to tell the

truth to the American people about the Federal budget.

This legislation would tell the American people that in 1998, instead of a $70 billion surplus we actually had a $29 billion deficit. This legislation would send a signal to this body that we must continue to exercise fiscal discipline; that we cannot afford a 10 percent across-the-board tax cut or new spending programs.

This legislation would prevent, for example, the $13 billion appropriation Congress made from the Social Security surplus just last week to pay for a measure that totaled $15 billion in so-called emergency spending, when we were forced to make a choice between funding our troops and saving the Social Security surplus.

Mr. Speaker, I am committed to the principles underlying this bill. As a Nation, we must adopt and adhere to principles of truth in budgeting and fiscal responsibility. On February 10 I introduced H.R. 685, legislation that would permanently ensure that receipts and expenditures from the Social Security trust funds are not included in the unified budget. That was the idea of our former colleague, Mr. Bob Livingston.

H.R. 685 ensures that the Congressional Budget Office and the OMB stop the practice of publishing confusing aggregate budget numbers that deceive the American people about the true nature of the Federal budget and tempt Congress to continue conducting irresponsible fiscal policy.

Clearly, we all agree that now is the time to keep faith with our constituents, to present Federal budget information in a manner that demonstrates the state of Federal surpluses or deficits without reference to Social Security trust funds. I believed then and I believe now that the honest approach, the correct approach is to permanently sequester the Social Security Trust Fund today, tomorrow and for all time. A trust should be just that, it should not be violated.

While H.R. 1259 is a step in the right direction, it does not get the job done. It permits any spending or tax bill, bills that would be paid for by Social Security Trust Funds, as long as the bill is described as one that would be intended for Social Security reform or Medicare reform. It fails to protect the Social Security Trust Fund from creative legislating. In short, Mr. Speaker, it falls short of the standard of honesty the American people deserve.

I believe that proposals to protect and strengthen Social Security and Medicare deserve careful consideration by this Congress. I oppose this rule because it limits debate. When the time comes today, I urge my colleagues to support the adoption of the Holt-Lucas-Moore language that would protect the on-budget surplus as well as the Social Security surplus from being spent; I repeat, the on-budget surplus as well as the Social Security surplus from being spent. It specifies that only when the trustees' report declares Social Security to be sound for 75 years and Medicare for 30 years can the on-budget surplus be spent.

We will see you, and raise you one. Please join us.

Mr. LINDER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Ohio (Ms. PRYCE).

Ms. PRYCE of Ohio. Mr. Speaker, I thank the gentleman from Georgia for yielding me this time, and I rise in support of the Social Security and Medicare Safe Deposit Box Act. I appreciate the hard work of the gentleman from California (Mr. HERGER), and the part the Committee on Rules played in this I am very proud of.

Mr. Speaker, in 1995 when Republicans took control of Congress, it seemed that budget deficits financed by the Social Security Trust Fund would go on as far as the eye could see. But under Republican leadership, a newfound fiscal discipline contained Congress' penchant for spending and turned things around. Today, we are looking forward to realizing the first Federal budget surplus in decades.

This moment in history presents us with a perfect opportunity to set a new standard by which we will define a true budget surplus. This new definition will ensure that no Social Security money is included in that equation.

For more than 30 years big spenders in Washington have been raiding the Social Security Trust Fund to pay for unrelated programs and pet projects. Even after the Congress claimed that it had put a wall between Social Security and general spending by taking the trust fund off-budget, the big spenders continued to dip into our seniors' retirement savings.

Today, with the passage of this legislation, we will stop the big spenders by locking away 100 percent of our seniors' hard-earned retirement dollars for their Social Security and Medicare benefits. Over 10 years' time this legislation will protect $1.8 trillion, $1.8 trillion, from the greedy grab of those who thrive on immediate spending satisfaction and ignore the long-term consequences.

The Social Security and Medicare Safe Deposit Box Act prohibits the House and Senate from considering any legislation that spends the Social Security surplus, the one exception being legislation that improves the financial health of the Social Security or Medicare programs. This act would provide honesty in Federal budgeting, fiscal discipline and financial security for our Nation's seniors.

I urge my colleagues to vote ''yes'' on this rule and H.R. 1259, in support of a new era in Federal budgeting that honors the social contract among the Federal Government, America's workers, and our Nation's seniors. Let us restore the public's faith in our government as the trustees of our hard-earned dollars by locking them safely away for their golden years.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. KLECZKA).

(Mr. KLECZKA asked and was given permission to revise and extend his remarks.)

Mr. KLECZKA. Mr. Speaker, I thank the ranking member for yielding me this time.

Mr. Speaker, the previous Member of Congress who spoke indicated that the big spenders continue to dip into the Social Security surplus. I ask her who are these big spenders? Point them out. Ask them to stand. Because I will tell my colleague who they are. They are the Members of the majority party who last week took a bill the President introduced for $6 billion and parlayed that into a $15 billion bill. Where does my colleague think that additional $9 billion came from? It came from the Social Security surplus.

These are the same people today who are telling us, let us protect the Social Security surplus. Why did they not bring this bill up 2 weeks ago so that grab of last week would not have been possible? Because they could not satisfy their special interest friends. The bulk of those $9 billion went to the defense contractors, big contributors to the Republican Party. But now, after they have taken the dollars, they come to the floor obsessed with this ''protect Social Security.''

They say for the last 40 years the Democrats have spent it. Where do my colleagues think the dollars came from for the Reagan tax cuts? There was no general revenue surplus during those years. Every dollar of that tax cut came from Social Security surplus. Where do my colleagues think the additional spending during the Bush administration came from for budget purposes? It came from the Social Security surplus.

So let us not go pointing fingers at one side or the other. The Republicans are as good at spending it as we are, as evidenced by their actions last week where they took a $6 billion administration request, parlayed it into $15 billion, $9 billion more, which came from the Social Security surplus.

Now, let us talk about this lockbox. I think the only way we are going to provide solvency to the Social Security System is by a reform bill. Lockboxes, my colleagues, are eyewash. They do not do anything to provide a 75-year window for Social Security recipients in this country.

□ 1600

So take with a grain of salt, my friends, what we hear today, because last week it was okay to raid $9 billion out of the Social Security surplus; and today they are aghast, my God, what is this Congress doing?

And I say to my colleagues, my God, what did they do last week? That was okay spending, because that was for our favorite programs and our favorite special interest group. That is hushagawa. If my colleagues want to know what hushagawa is, call my office.

Mr. LINDER. Mr. Speaker, I yield such time as he may consume to our

friend, the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules.

(Mr. DREIER asked and was given permission to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, I rise in strong support of this rule.

I would like to congratulate my colleague, the gentleman from California (Mr. HERGER), who has worked long and hard on this question, and I believe is on the right track in pursuing this.

Let me state what is our intention as far as management. Based on the proposal that we had from the gentleman from Massachusetts (Mr. MOAKLEY), the distinguished ranking member of the Committee on Rules, I have, per usual, acquiesced to his request; and we will, in fact, have the distinguished chairman of the Subcommittee on Legislative and Budget Process join with me in managing the 40 minutes of debate for the Committee on Rules.

Then we will shift, and under the very able management of the author of the legislation, the gentleman from California (Mr. HERGER), we will see the 40 minutes of the Committee on the Budget consumed.

Then the Committee on Ways and Means, under the leadership of the Subcommittee on Social Security chairman, the gentleman from Florida (Mr. SHAW), will manage it from our side. I can only assume that the ranking members on the minority side will proceed with management in that way.

So I just wanted my colleagues to know that, per usual, the gentleman from Massachusetts (Mr. MOAKLEY) got his way.

Let me say that that measure is, I believe, a very, very important one. If we were to go back to 1937, at the very beginning of Social Security, one has got to look at what its intent was. It was to provide survivors benefits and to supplement retirement. It was never intended to be a sole source of survival for retirement, but it was to provide a supplement.

We have seen the Social Security system grow to some two programs at its high point; and we have, fortunately, made some modifications of it. But the tragedy was that in 1969, and even earlier, we saw this step made towards getting into the Social Security fund for a wide range of other very well-intentioned programs.

That was wrong. It was wrong because American workers are not given any kind of option as to whether or not they pay into Social Security. They are told, very simply, that they have to pay half of that FICA tax and their employer has to pay the other half. Again, it is not an option.

I remember my first job when I was a teenager, and I looked at the amount of money that was being taken out in that FICA tax and I was appalled. And today I continue to be appalled at the high rate of taxation that we have. But then when one looks at the fact that those dollars that were intended to be put aside to provide assistance to supplement retirement, that they all of a sudden were expended for a wide range of other things, it was wrong. It was wrong.

That is why many of us, being led by the gentleman from California (Mr. HERGER) on this issue stepped up and said, when people are forced to pay into the Social Security Trust Fund and Medicare, they should in fact be able to count on those dollars going there.

That is exactly what we are trying to do here. We are trying to say to the American people, the Federal Government tells them that they are going to put their dollars there, and so the Federal Government is going to meet its responsibility to ensure that they have those resources when they are counting on them at their retirement.

And so what we are doing is, we are saying that a point of order can be raised if an attempt to raid that fund is taking place.

Now, the gentleman from New York (Mr. RANGEL), my friend and the ranking minority member of the Committee on Ways and Means, earlier started talking about some back room deal that he said we are going to be getting into. That is not going to happen. Why? Because under the Herger proposal that we have, a point of order must be raised and it takes 218 votes. Every Member of this House will have the opportunity to make a determination as to whether or not we proceed or not.

Now, without getting terribly partisan, and I know we have had finger-pointing, the last speaker talked about the fact that big defense contractors who support the Republican Party were responsible for that $15 billion bill. Well, the fact of the matter is, the President has only deployed 265,000 troops to 139 countries around the world. It seems to me that maybe we should try to pay for that and prepare for challenges that we have got.

So that was not what motivated us on this thing. It was an absolute emergency that needed to be addressed. But to blur that with the issue of trying to preserve Social Security and Medicare is wrong.

So we are taking what is a very measured, balanced step to do our doggonedest to make sure that the American people who put dollars aside for retirement will in fact be able to count on them.

So I congratulate again my friend, the gentleman from California (Mr. HERGER), and I thank the distinguished chairman of the subcommittee and the manager of this measure for yielding me this time.

Mr. MOAKLEY. Mr. Speaker, I yield the balance of the time to the gentleman from New Jersey (Mr. HOLT), the author of the amendment that will be proposed by the Committee on Ways and Means.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from New Jersey (Mr. HOLT) is recognized for 6 minutes.

Mr. HOLT. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. MOAKLEY) for yielding me the time.

Mr. Speaker, I rise today in support of H.R. 1927, legislation that I wrote with my colleagues, the gentleman from Kentucky (Mr. LUCAS) and the gentleman from Kansas (Mr. MOORE), and which will be offered today by the gentleman from New York (Mr. RANGEL) as the motion to recommit.

Our legislation will safeguard two of our Nation's most important programs for the elderly: Social Security and Medicare. The Holt-Lucas-Moore Social Security and Medicare lockbox would require that every penny of the entire Federal budget surplus, not just the Social Security surplus, would be saved until legislation is enacted to strengthen and protect Social Security and Medicare first.

This we need to do. We cut into the surplus as recently as last week's spending bill, which brought forward a new definition of the word ''emergency.'' Any new spending increases would have to be offset until solvency has been extended for Social Security by 75 years and for Medicare by 30 years.

These requirements would be enforced by creating new points of order against any budget resolution or legislation violating these conditions.

Spending any projected budget surpluses before protecting and strengthening Social Security and Medicare would be wrong. We are offering this proposal now because we are concerned about the haste with which some Social Security lockbox proposals are being brought to the floor and, I might add, being brought to the floor without possibility of amendment.

The proposals to protect and strengthen Social Security and Medicare deserve thorough examination and careful consideration. Congress should not take shortcuts when considering changes of these hallmark programs for America's seniors.

The Herger-Shaw lockbox bill attempts to protect Social Security surplus. Merely doing this does nothing to extend the solvency of Social Security and it does nothing at all for Medicare.

The Holt-Lucas-Moore bill is superior to the Herger-Shaw lockbox because our lockbox is more secure and has more money in it. The Holt-Lucas-Moore saves the entire surplus, not just the Social Security surplus, by establishing two new points of order under the Congressional Budget Act. A point of order would lie against any budget resolution that would use any projected surplus. This is defined to mean, in effect, reduce a projected surplus or increase a projected deficit.

Further, a point of order would lie against any legislation that would use any projected surplus. In the Senate, 60 votes would be required to waive either of these points of order.

Holt-Lucas-Moore differs from Herger-Shaw in one important respect.

Holt-Lucas-Moore locks up all projected surpluses: Social Security, Medicare and anything else. Herger-Shaw locks up only Social Security surpluses.

Mr. Speaker, Social Security and Medicare are the most important and successful programs of the Federal Government of the 20th century. We must not forget that they provide vitally important protections for America's seniors.

A majority of workers have no pension coverage other than Social Security, and more than three-fifths of seniors receive most of their income from Social Security. Let us put the needs of America's current and future retirees first.

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

Mr. Speaker, I believe it was the Chinese proverb that says, ''A thousand mile journey begins with a single step.'' This is that step.

For those who say it is not enough, I wonder where they have been for the last 30 years when they could have done more. Nothing like this has been tried before. For those who say it is not enough, I remind them that the Democrats in the Senate killed a tougher one.

We would like it to be more. But it is the first step for doing something that has been long overdue. That is to say, if we make a payment in our payroll taxes for our retirement and our health care in our retirement years, it ought to go there. That is all we are saying. And we are going to see that it does go there.

I expect this to get a very large vote. I urge my colleagues to support this rule, get the debate under way on the lockbox bill.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

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

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 223, nays 205, not voting 6, as follows:

[Roll No. 162]

YEAS—223

Aderholt	Bass	Bonilla
Archer	Bateman	Bono
Armey	Bereuter	Brady (TX)
Bachus	Biggert	Bryant
Baker	Bilbray	Burr
Ballenger	Bilirakis	Burton
Barr	Bliley	Buyer
Barrett (NE)	Blunt	Callahan
Bartlett	Boehlert	Calvert
Barton	Boehner	Camp
Campbell	Hobson	Portman
Canady	Hoekstra	Pryce (OH)
Cannon	Horn	Quinn
Castle	Hostettler	Radanovich
Chabot	Houghton	Ramstad
Chambliss	Hulshof	Regula
Chenoweth	Hunter	Reynolds
Coble	Hutchinson	Riley
Coburn	Hyde	Rogan
Collins	Isakson	Rogers
Combest	Istook	Rohrabacher
Cook	Jenkins	Ros-Lehtinen
Cooksey	Johnson (CT)	Roukema
Crane	Johnson, Sam	Royce
Cubin	Jones (NC)	Ryan (WI)
Cunningham	Kelly	Ryun (KS)
Davis (VA)	King (NY)	Salmon
Deal	Kingston	Sanford
DeLay	Knollenberg	Saxton
DeMint	Kolbe	Scarborough
Diaz-Balart	Kuykendall	Schaffer
Dickey	LaHood	Sensenbrenner
Doolittle	Largent	Sessions
Dreier	Latham	Shadegg
Duncan	LaTourette	Shaw
Dunn	Lazio	Shays
Ehlers	Leach	Sherwood
Ehrlich	Lewis (CA)	Shimkus
Emerson	Lewis (KY)	Shuster
English	Linder	Simpson
Eshoo	LoBiondo	Skeen
Everett	Lucas (OK)	Smith (MI)
Ewing	Maloney (NY)	Smith (NJ)
Fletcher	Manzullo	Smith (TX)
Foley	McCollum	Souder
Forbes	McCrery	Spence
Fossella	McHugh	Stearns
Fowler	McInnis	Stump
Franks (NJ)	McIntosh	Sununu
Frelinghuysen	McKeon	Sweeney
Gallegly	Metcalf	Talent
Ganske	Mica	Tancredo
Gekas	Miller (FL)	Tauzin
Gibbons	Miller, Gary	Taylor (NC)
Gilchrest	Minge	Terry
Gillmor	Moran (KS)	Thomas
Gilman	Morella	Thornberry
Goodlatte	Myrick	Thune
Goodling	Nethercutt	Tiahrt
Gordon	Ney	Toomey
Goss	Northup	Upton
Graham	Norwood	Walden
Granger	Nussle	Walsh
Green (WI)	Ose	Wamp
Greenwood	Oxley	Watkins
Gutknecht	Packard	Watts (OK)
Hansen	Paul	Weldon (FL)
Hastert	Pease	Weldon (PA)
Hastings (WA)	Peterson (MN)	Weller
Hayes	Peterson (PA)	Wicker
Hayworth	Petri	Wilson
Hefley	Pickering	Wolf
Herger	Pitts	Young (FL)
Hill (MT)	Pombo	
Hilleary	Porter	

NAYS—205

Abercrombie	Clyburn	Gejdenson
Ackerman	Condit	Gephardt
Allen	Conyers	Gonzalez
Andrews	Costello	Goode
Baird	Coyne	Green (TX)
Baldacci	Cramer	Gutierrez
Baldwin	Crowley	Hall (OH)
Barcia	Cummings	Hall (TX)
Barrett (WI)	Danner	Hastings (FL)
Becerra	Davis (FL)	Hill (IN)
Bentsen	Davis (IL)	Hilliard
Berkley	DeFazio	Hinchey
Berman	DeGette	Hinojosa
Berry	Delahunt	Hoeffel
Bishop	DeLauro	Holden
Blagojevich	Deutsch	Holt
Blumenauer	Dicks	Hooley
Bonior	Dingell	Hoyer
Borski	Dixon	Inslee
Boswell	Doggett	Jackson (IL)
Boucher	Dooley	Jackson-Lee (TX)
Boyd	Doyle	Jefferson
Brady (PA)	Edwards	John
Brown (FL)	Engel	Johnson, E. B.
Brown (OH)	Etheridge	Jones (OH)
Capps	Evans	Kanjorski
Capuano	Farr	Kaptur
Cardin	Fattah	Kennedy
Carson	Filner	Kildee
Clay	Ford	Kilpatrick
Clayton	Frank (MA)	Kind (WI)
Clement	Frost	Kleczka
Coyne	Gejdenson	Moore
Cramer	Gephardt	Moran (VA)
Crowley	Gonzalez	Murtha
Cummings	Goode	Nadler
Danner	Green (TX)	Napolitano
Davis (FL)	Gutierrez	Neal
Davis (IL)	Hall (OH)	Oberstar
DeFazio	Hall (TX)	Obey
DeGette	Hastings (FL)	Olver
Delahunt	Hill (IN)	Ortiz
DeLauro	Hilliard	Owens
Deutsch	Hinchey	Pallone
Dicks	Hinojosa	Pascrell
Dingell	Hoeffel	Pastor
Dixon	Holden	Payne
Doggett	Holt	Phelps
Dooley	Hooley	Pickett
Doyle	Hoyer	Pomeroy
Edwards	Inslee	Price (NC)
Engel	Jackson (IL)	Rahall
Etheridge	Jackson-Lee (TX)	Rangel
Evans	Jefferson	Reyes
Farr	John	Rivers
Fattah	Johnson, E. B.	Rodriguez
Filner	Jones (OH)	Roemer
Ford	Kanjorski	Rothman
Frank (MA)	Kaptur	Roybal-Allard
Frost	Kennedy	Rush
Gejdenson	Kildee	Sabo
Gephardt	Kilpatrick	Sanchez
Gonzalez	Kind (WI)	Sanders
Goode	Kleczka	Sandlin
Green (TX)	Klink	Sawyer
Gutierrez	Kucinich	Schakowsky
Hall (OH)	LaFalce	Scott
Hall (TX)	Lampson	Serrano
Hastings (FL)	Lantos	Sherman
Hill (IN)	Larson	Shows
Hilliard	Lee	Sisisky
Hinchey	Levin	Skelton
Hinojosa	Lewis (GA)	Slaughter
Hoeffel	Lipinski	Smith (WA)
Holden	Lofgren	Snyder
Holt	Lowey	Spratt
Hooley	Lucas (KY)	Stabenow
Hoyer	Luther	Stark
Inslee	Maloney (CT)	Stenholm
Jackson (IL)	Markey	Strickland
Jackson-Lee (TX)	Martinez	Stupak
Jefferson	Mascara	Tanner
John	Matsui	Tauscher
Johnson, E. B.	McCarthy (MO)	Taylor (MS)
Jones (OH)	McCarthy (NY)	Thompson (CA)
Kanjorski	McDermott	Thompson (MS)
Kaptur	McGovern	Thurman
Kennedy	McIntyre	Tierney
Kildee	McKinney	Towns
Kilpatrick	McNulty	Traficant
Kind (WI)	Meehan	Turner
Kleczka	Meek (FL)	Udall (CO)
Klink	Meeks (NY)	Udall (NM)
Kucinich	Menendez	Velazquez
LaFalce	Millender-McDonald	Vento
Lampson	Miller, George	Visclosky
Lantos	Mink	Waters
Larson	Moakley	Watt (NC)
Lee	Mollohan	Waxman
Levin		Weiner
Lewis (GA)		Wexler
Lipinski		Weygand
Lofgren		Wise
Lowey		Woolsey
Lucas (KY)		Wu
Luther		Wynn
Maloney (CT)		
Markey		
Martinez		
Mascara		
Matsui		
McCarthy (MO)		
McCarthy (NY)		
McDermott		
McGovern		
McIntyre		
McKinney		
McNulty		
Meehan		
Meek (FL)		
Meeks (NY)		
Menendez		
Millender-McDonald		
Miller, George		
Mink		
Moakley		
Mollohan		

NOT VOTING—6

Brown (CA)	Kasich	Whitfield
Cox	Pelosi	Young (AK)

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Mr. BERRY and Mrs. MINK of Hawaii changed their vote from ''yea'' to ''nay.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PARLIAMENTARY INQUIRIES

Mr. CONYERS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman will state his inquiry.

Mr. CONYERS. Mr. Speaker, I understand that S. 254, the Juvenile Justice and Gun Violence bill is at the desk. How would a Member seek to get its immediate consideration?

The SPEAKER pro tempore. The answer to the gentleman's parliamentary inquiry is by demonstration of proper clearance from both sides of the aisle, the floor and committee leadership of the House under guidelines of the Speaker.

Mr. CONYERS. Mr. Speaker, could I make a unanimous consent request that S. 254, dealing with juvenile justice and gun violence, be brought up for immediate consideration?

The SPEAKER pro tempore. Under the Speaker's guidelines, as indicated on page 562 of the Manual, the Chair must decline recognition under unanimous consent for that purpose.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentlewoman will state her inquiry.

Ms. JACKSON-LEE of Texas. Mr. Speaker, is there not precedent for

holding a bill at the desk such as S. 254 and bringing it up on the floor in the nature or in the case of a national emergency or crisis?

We are presently told by parents all over the Nation that school violence, youth violence, is a national crisis, and S. 254 will respond to that.

Is it possible, Mr. Speaker, then that we would bring this in the name of a national crisis and an emergency?

The SPEAKER pro tempore. The gentlewoman has failed to state an appropriate parliamentary inquiry.

The answer, however, is, Senate bills may be held at the desk until such time as there is appropriate clearance within the House, which is not the case at the moment, and the Chair is constrained to decline recognition for that purpose.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Sherman Williams, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 35. Concurrent resolution providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives.

SOCIAL SECURITY AND MEDICARE SAFE DEPOSIT BOX ACT OF 1999

Mr. HERGER. Mr. Speaker, pursuant to House Resolution 186, I call up the bill (H.R. 1259) to amend the Congressional Budget Act of 1974 to protect Social Security surpluses through strengthened budgetary enforcement mechanisms, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 186, the bill is considered read for amendment, and the amendment printed in section 2 of that resolution is adopted.

The text of H.R. 1259, as amended, is as follows:

H.R. 1259

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Social Security and Medicare Safe Deposit Box Act of 1999''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) the Congress and the President joined together to enact the Balanced Budget Act of 1997 to end decades of deficit spending;

(2) strong economic growth and fiscal discipline have resulted in strong revenue growth into the Treasury;

(3) the combination of these factors is expected to enable the Government to balance its budget without the social security surpluses;

(4) the Congress has chosen to allocate in this Act all social security surpluses toward saving social security and medicare;

(5) amounts so allocated are even greater than those reserved for social security and medicare in the President's budget, will not require an increase in the statutory debt limit, and will reduce debt held by the public until social security and medicare reform is enacted; and

(6) this strict enforcement is needed to lock away the amounts necessary for legislation to save social security and medicare.

(b) PURPOSE.—It is the purpose of this Act to prohibit the use of social security surpluses for any purpose other than reforming social security and medicare.

SEC. 3. PROTECTION OF SOCIAL SECURITY SURPLUSES.

(a) POINTS OF ORDER TO PROTECT SOCIAL SECURITY SURPLUSES.—Section 312 of the Congressional Budget Act of 1974 is amended by adding at the end the following new subsection:

''(g) POINTS OF ORDER TO PROTECT SOCIAL SECURITY SURPLUSES.—

''(1) CONCURRENT RESOLUTIONS ON THE BUDGET.—It shall not be in order in the House of Representatives or the Senate to consider any concurrent resolution on the budget, or conference report thereon or amendment thereto, that would set forth an on-budget deficit for any fiscal year.

''(2) SUBSEQUENT LEGISLATION.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report if—

''(A) the enactment of that bill or resolution as reported;

''(B) the adoption and enactment of that amendment; or

''(C) the enactment of that bill or resolution in the form recommended in that conference report;

would cause or increase an on-budget deficit for any fiscal year.

''(3) EXCEPTION.—The point of order set forth in paragraph (2) shall not apply to social security reform legislation or medicare reform legislation as defined by section 5(c) of the Social Security and Medicare Safe Deposit Box Act of 1999.

''(4) DEFINITION.—For purposes of this section, the term 'on-budget deficit', when applied to a fiscal year, means the deficit in the budget as set forth in the most recently agreed to concurrent resolution on the budget pursuant to section 301(a)(3) for that fiscal year.''.

(b) CONTENT OF CONCURRENT RESOLUTION ON THE BUDGET.—Section 301(a) of the Congressional Budget Act of 1974 is amended by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively, and by inserting after paragraph (5) the following new paragraph:

''(6) the receipts, outlays, and surplus or deficit in the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, combined, established by title II of the Social Security Act;''.

(c) SUPER MAJORITY REQUIREMENT.—(1) Section 904(c)(1) of the Congressional Budget Act of 1974 is amended by inserting ''312(g),'' after ''310(d)(2),''.

(2) Section 904(d)(2) of the Congressional Budget Act of 1974 is amended by inserting ''312(g),'' after ''310(d)(2),''.

SEC. 4. REMOVING SOCIAL SECURITY FROM BUDGET PRONOUNCEMENTS.

(a) IN GENERAL.—Any official statement issued by the Office of Management and Budget, the Congressional Budget Office, or any other agency or instrumentality of the Federal Government of surplus or deficit totals of the budget of the United States Government as submitted by the President or of the surplus or deficit totals of the congressional budget, and any description of, or reference to, such totals in any official publication or material issued by either of such Offices or any other such agency or instrumentality, shall exclude the outlays and receipts of the old-age, survivors, and disability insurance program under title II of the Social Security Act (including the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund) and the related provisions of the Internal Revenue Code of 1986.

(b) SEPARATE SOCIAL SECURITY BUDGET DOCUMENTS.—The excluded outlays and receipts of the old-age, survivors, and disability insurance program under title II of the Social Security Act shall be submitted in separate social security budget documents.

SEC. 5. EFFECTIVE DATE.

(a) IN GENERAL.—This Act shall take effect upon the date of its enactment and the amendments made by this Act shall apply only to fiscal year 2000 and subsequent fiscal years.

(b) EXPIRATION.—Sections 301(a)(6) and 312(g) shall expire upon the enactment of social security reform legislation and medicare reform legislation.

(c) DEFINITIONS.—

(1) SOCIAL SECURITY REFORM LEGISLATION.—The term ''social security reform legislation'' means a bill or a joint resolution that is enacted into law and includes a provision stating the following: ''For purposes of the Social Security and Medicare Safe Deposit Box Act of 1999, this Act constitutes social security reform legislation.''.

(2) The term ''medicare reform legislation'' means a bill or a joint resolution that is enacted into law and includes a provision stating the following: ''For purposes of the Social Security and Medicare Safe Deposit Box Act of 1999, this Act constitutes medicare reform legislation.''.

The SPEAKER pro tempore. The gentleman from California (Mr. HERGER), the gentleman from South Carolina (Mr. SPRATT), the gentleman from California (Mr. DREIER), the gentleman from Massachusetts (Mr. MOAKLEY), the gentleman from Florida (Mr. SHAW) and the gentleman from California (Mr. MATSUI) each will control 20 minutes of debate on the bill.

The Chair will exercise discretion to recognize managers from each committee in the following order to control their entire debate time: the Committee on Rules, the Committee on the Budget and the Committee on Ways and Means.

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

GENERAL LEAVE

Mr. DREIER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 1259.

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

There was no objection.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume. I rise first to once again state what you just did so well, and that is that it is

our intention to have the 40 minutes of debate that the Committee on Rules will be handling on this go ahead right now, and then we will have 40 minutes of debate that will be handled by the gentleman from California (Mr. HERGER) representing the Committee on the Budget, and then 40 minutes of debate handled by the gentleman from Florida (Mr. SHAW) representing the Committee on Ways and Means and then the ranking minority members on the opposite side, for our colleagues who would be requesting time on this.

Mr. Speaker, my colleague from Sanibel, Florida, (Mr. GOSS) is chairman of the Subcommittee on Legislative and Budget Process of the Committee on Rules and is going to be managing the time for the Committee on Rules here, but I would like to begin by stating that I believe that this is a very important piece of legislation that we are considering. There has consistently been a high level of frustration over the fact that the Social Security and Medicare Trust Funds have been raided for years for a wide range of well-intended programs, but unfortunately it has jeopardized the solvency of those programs, the Social Security and Medicare programs. So we today are making an attempt to put into place a procedure that will help us keep from moving into those funds at all; and I think it is the right thing to do.

I believe it is the right thing to do because, as I said during the debate on the rule, the American people have been not voluntarily, they have been told that they have to pay into the trust funds through payroll tax withdrawal. The employee puts in one-half, the employer the other half, and yet we, since 1969, have seen these funds raided and used for other programs. That is wrong. The American people know that it is wrong, and we are trying to do our doggonedest to make sure that it does not happen.

Our very good friend from California (Mr. HERGER) has spent a great deal of time working among the three committees of jurisdiction, talking with us, getting cosponsors on his legislation, urging Members of the other body, other side of the aisle, at the White House to support this provision, and I think that he has come forward with what is a very balanced approach.

As my colleagues know, there are people who are saying, oh, we are going to be delving into the Social Security and Medicare Trust Funds. The fact of the matter is a point of order under this Herger bill can be raised, and when it is raised, what happens, Mr. Speaker?

What basically happens is that we have to get 218 Members to cast votes to override that, waive that point of order, and so we are going to work very hard to ensure that we do not, in fact, see a raid on those very important trust funds; and it has been Republican leadership that has stepped up to the plate and acknowledged the responsibility of that under the able direction of the gentleman from California (Mr. HERGER) here.

So, Mr. Speaker, while I am going to be turning this over, as I said, to my good friend from Sanibel, Florida (Mr. GOSS), at this point I yield such time as he may consume to the distinguished gentleman from the big ''D'' in Texas (Mr. ARMEY), our majority leader.

Mr. ARMEY. Mr. Speaker, every time we take on a new legislative issue, bring something to the floor, bring it up in committee or discuss it in leadership, I like to stop and ask for a moment, what is this really all about?

We are going to use a lot of technical talk here, we are going to talk about lockboxes and points of order and so forth, but let me talk for a moment about what it is really all about.

Mr. Speaker, what we are about to do today for the first time ever, ever in the history of Social Security, we are going to pass a resolution that commits this Congress to honor our children as they honor their mothers and fathers.

What do I mean by that? Let me illustrate it with a point.

My young adult daughter, Cathy, in her middle 30s, working hard as a young professional woman oftentimes wears a little button on her lapel. The button says: Who the devil is FICA and why is he taking my money? She represents a lot of pain and difficulty that is experienced by these young people as they pay these very, very difficult payroll taxes; and the young people feel the stress in their own budgets, in their own household budgets as they try to buy their homes, they try to buy braces for their children, as they try to think forward about their own retirement, as they think forward to their own youngsters' college. They know the burden of that tax as well as any other tax.

But do my colleagues know what is beautiful about these children, these young 20- and 30-year-olds, worried as they are about their own retirement security, believing more in UFOs than they believe they will ever see a dime out of Social Security?

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They are not complaining. They feel the pressure, they feel the burden, but they do not complain. Why do they not complain? Because, Mr. Speaker, they exhibit every day a love for grandma and grandpa. And they will tell us when we talk to these young adults, these payroll taxes are killing me, but this is what pays for grandma and grandpa's retirement security, and they are happy to do it.

We ought to listen to that. We ought to appreciate that, and indeed, Mr. Speaker, we ought to applaud the generosity and the love we find in these young people.

Now, imagine the hurt and the disappointment they feel as they have exhibited that faith and that love, for them to now realize that for years, for years much of that payroll tax that they have paid so painfully has not been used for grandma and grandpa's retirement security, has not even been set aside for future needs, but has been spent on other social spending programs.

The young people will tell us, I will take the sacrifice for grandma and grandpa, but I really cannot afford it for all of these other programs. I expect you to keep a faith with me; you call it a ''trust fund.''

So tonight we are going to honor their commitment, we are going to honor their faith and we are going to honor their trust, and we are going to say, Mr. and Mrs. Young Adult, worried as you are about your own retirement security and sacrificing as you do out of love for grandma and grandpa, we honor you, and we make a commitment with this thing called the lockbox to take those payroll taxes that you pay that are not used today for grandma and grandpa's retirement security and lock them away for the future.

So that when we look at that button on my daughter's lapel and it says, ''Who the devil is FICA and why is he taking my money?'' we can say FICA is a program of the Federal Government called a trust fund for Social Security that asks you to pay your share so we can commit and fulfill a commitment to your grandparents. Watch these young people applaud us. Finally, they will say, finally somebody keeps the faith, honors our parents as we do, respects us, and will keep the trust. And to what degree? To the highest possible degree we can manage, every dime we can, if we can manage it.

They should understand this is a bigger, larger, more solid commitment than what the President asked in his budget. He asked for only 77 percent. We are saying to the absolute very best of our ability, we will set aside every bit of that money.

I have to say, Mr. Speaker, I am proud of us. I oftentimes make this point. Grandma and grandpa and the grandkids love each other most of all. The reason to me is obvious: They have a common enemy. Maybe after this vote it will not be we that is the common enemy.

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

Mr. ARMEY. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I understand what the gentleman is saying, so that the surplus would be there. Where would the money go?

Mr. ARMEY. Mr. Speaker, in the interim period the money goes to buying down the national debt, thereby making that burden of debt lower on our children in the future. We, of course, anticipate on our side that the President might make good on his promise to advance a serious legislative proposal to fix Social Security. We have been waiting for two years for the President to take that presidential

leadership. He has not gotten around to doing that yet, but in the meantime that money will, in fact, be committed, as $75 billion is in this fiscal year, to buying down the debt and making it less burdensome for those children.

Mr. HOYER. So essentially, other than the amount of money, the gentleman would adopt the proposal that the President made in his State of the Union?

Mr. ARMEY. Mr. Speaker, essentially what we would do is do what the President has been talking about for two years.

Mr. HOYER. Mr. Speaker, I thank the gentleman.

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

Mr. Speaker, the question before the Congress today is do we want to fix Social Security or not? Do we want to take the first test toward shoring up one of our most important social programs, or do we just want to pretend to do something?

Mr. Speaker, make no mistake about it. Social Security will collapse in the year 2034. Today's workers are paying into a program that is going to collapse just 35 years from now, and it is our job to fix it right now.

But instead of making the tough decision to do something substantial, my Republican colleagues are taking a pass. Instead of acting, they are offering this country this point of order which the Democrats already enacted some 14 years ago and which merely restates congressional policy. In fact, Mr. Speaker, it is weaker than the existing law.

In contrast, Mr. Speaker, the gentleman from New Jersey (Mr. HOLT), along with the gentleman from Oklahoma (Mr. LUCAS) and the gentleman from Kansas (Mr. MOORE), take the first step towards fixing Social Security. The gentleman from New York (Mr. RANGEL), the ranking minority member of the Committee on Ways and Means, will be offering a motion to recommit based on the language of the gentleman from New Jersey (Mr. HOLT) to protect all of the resources we need to fix Social Security and Medicare. The gentleman from New Jersey (Mr. HOLT) says no new tax cuts for the rich and no new spending programs for anyone that are not paid for until Social Security and Medicare are safe.

Unlike the Republican point of order, our motion locks up not only the Social Security surplus but also the budget surplus. Because, Mr. Speaker, until we set about fixing Social Security and Medicare, there is no telling what tools we will need to get the job done. And we cannot sidestep a point of order by simply calling a proposal Social Security or Medicare reform. Unless the Social Security trustees and the Medicare trustees declare their programs financially sound, no money should be spent that is not offset by simultaneous deficit reductions. If our motion to recommit passes, none will.

Mr. Speaker, this is by far the most important issue facing this Congress, and we owe it to the American people to address it. There was a time not too long ago when the elderly constituted a large part of our poor population in this country. Millions of senior citizens did not have enough to eat. They could not pay for rent, they could not afford doctors' visits. But since the advent of Social Security and Medicare, those times have changed.

On August 14, 1935, President Franklin Delano Roosevelt signed the Social Security Act into law. The first Social Security monthly check was made out and sent to Ida May Fuller of Vermont for all of $22.54. Back then there were 7,620 people in the program. This March there are 44,247,000 people on Social Security, which averages over $781 apiece for the retirees.

Since the Social Security program began, 390 million Social Security numbers have been assigned and, Mr. Speaker, each one of them carries a promise to American workers that once they reach that specific age, they can count on Social Security to take care of their bills and they can count on Medicare to take care of their health problems.

Today, Mr. Speaker, the majority of American seniors get most of their income from Social Security, and nearly every single one of them has health insurance, thanks to Medicare. This program is a very essential part of our country's promise to take care of its citizens, and we need to get serious about ensuring its financial health long into the future.

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

Mr. GOSS. Mr. Speaker, could I inquire as to the time remaining?

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from Florida (Mr. GOSS) has 14½ minutes remaining; and the gentleman from Massachusetts (Mr. MOAKLEY) has 16 minutes remaining.

Mr. GOSS. Mr. Speaker, I would be very happy to let the gentleman from the Commonwealth of Massachusetts continue.

Mr. MOAKLEY. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts (Mr. NEAL), a member of the Committee on Ways and Means.

Mr. NEAL of Massachusetts. Mr. Speaker, I thank the gentleman for yielding me this time.

I think on occasions like this it is important to ask ourselves, individually and collectively, how did we get to this moment? As we close the pages on this century, I think it is important to reflect upon two very important votes that were cast in this decade in this House.

In 1991, the majority of Members of the Democratic Party voted for George Bush's budget. In retrospect, I think it is kind of sad that not only did we not have a majority of Republicans, we would have had only a small number who would have supported George Bush's budget. In 1993 we voted for President Clinton's budget, and we ask ourselves tonight, where did we arrive after those two critical votes?

We went from running $300 billion plus deficits in the early part of this decade to projected surpluses in the area, and I emphasize the word ''projected'', of $4.4 trillion. That is what has allowed us to take up this debate.

Now, while I am pleased that the Republican Party has taken this step, I think it is also important to ask, why not tie up or wall off the entire surplus until we fix Social Security and Medicare for the American people?

Mr. Speaker, we sometimes speak in distant terms to our constituents, but we should remind ourselves today that Social Security is not an esoteric issue. It is a lifeline for millions and millions and millions of Americans. And even as I speak and Members sit here today, the ghost of Mr. Roosevelt hovers around this room, because we can take satisfaction from the fact that there has been no greater domestic achievement in this century than Social Security for the American people, and remind ourselves as well that Medicare is but an amendment to the Social Security Act.

Mr. Speaker, I want to say as forcefully as I can that we are headed down the road eventually to another debate over this issue. On the Democratic side, I think our position is fairly clear: Wall off the surplus, do not do anything until we permanently fix Social Security and Medicare.

But I want to predict this evening with certainty that we are going to be back here in the near future voting on a huge tax cut, because that is really where the majority wants to go on this issue. They want to have a massive tax cut for wealthy Americans who, by the way, to their everlasting credit are not even clamoring for a tax cut at this time, and that is where the American people are going to have to watch as to who defends Social Security.

The history of Social Security has been one of initiative by the Democratic Party, and in addition, we have been its chief and sometimes exclusive defenders in this institution, and indeed in this city. We know what Social Security means for millions of widows in this Nation. We know what Social Security means for retirees. It is the difference for many of survival, to have that check from the Federal Government but once a month.

Social Security has worked beyond the expectations of Mr. Roosevelt and Mr. Johnson in terms of Social Security and Medicare, beyond the wildest expectations of those who at the time opposed it.

So keep your eyes on what we are going to do about Social Security in this Congress. Follow this debate with great care. Because I am telling my colleagues, we are coming back to a debate in the near future about a massive tax cut that clearly could undo precisely what we are talking about today.

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Mr. Speaker, there are many of us here in my age group that have already drawn social security benefits, survivor benefits. We know what social security is about. We know how it kept families intact. We know how it allowed millions of Americans to finish high school and to go to college. Social security is a critical issue. It is intergenerational. It is the best guarantee of the whole notion of community.

What do we mean by community? We mean a place where no one is ever to be abandoned and no one is ever to be left behind.

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

Mr. Speaker, I rise on behalf of the Committee on Rules, which shares original jurisdiction over this legislation with the Committee on the Budget and the Committee on Ways and Means. Obviously, I very strongly support this bipartisan procedural mechanism to lock away the social security trust fund. That is what we are here for.

The nuts and bolts of what we are doing here today are actually very simple, but their impact is very, very significant and very reassuring, I think, to our senior citizens and to our younger workers.

What this bill says is that we will completely wall off the social security trust fund, so much so that we will not allow a deficit to be created in the rest of the budget. That is a major departure from where the rules leave us currently. It is big progress.

The not-so-secret secret about the Federal budget is that when there is overspending in the nonsocial security part of the budget, then the social security part of the budget is automatically, automatically tapped to cover the shortfall. That is how it is. That is how it is not going to be anymore, because we are going to fix that.

This social security lockbox says that from now on, this activity will be forced out into the open and will be prohibited by our rules. In order to break the lock on the lockbox, Congress is going to have to explicitly vote to do so in a publicly-recorded vote. In the other body, where recent history suggests to some that spending may indeed be out of control, a three-fifths vote will be needed.

This procedural firewall will remain in effect at least until legislation expressly for the purpose of reforming both the social security and the Medicare programs is enacted. It is important to note that we have taken the extra steps of including Medicare reform in the mix. We are opting to err on the side of caution with this added cushion to make sure we take care of both programs crucial to the retirement security of all Americans.

In addition to the new point of order created by this proposal, there is also the new requirement that the Office of Management and Budget, OMB, as we know it here, the Congressional Budget Office, CBO, and any other government agency must exclude social security receipts in their displays of budget totals.

Currently we allow for two sets of totals to be displayed, one with and one without counting the social security reserves. That current practice in my view and in the view of many others creates the temptation for overlap between the general fund and social security. I must say, that appears to be a temptation that the Democrat majority of the past 40 years could not resist.

This legislation is designed to remove that temptation once and for all. No more raiding social security. Mr. Speaker, to me this is as much about accountability and coming clean with the American people as it is about locking away social security.

For too long the Federal bureaucracy has been able to have its cake and eat it, too; to talk about social security off-budget, but still using the trust fund as a soft landing pillow for the overspending free fall.

Mr. Speaker, the Committee on Rules is the keeper of the gate when it comes to our budget process. We manage the points of order that are designed to constrain our actions in the budget process. H.R. 1259 adds an additional restriction and forces Congress and the President to be accountable for locking away the social security trust fund.

When we passed our budget resolution this spring, we pledged that we were going to implement a real lockbox for social security. Now we are here. We are delivering on our promise. That is very good news for our seniors, and frankly, it is about time. This is bipartisan and I think it deserves our support.

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

Mr. MOAKLEY. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. BENTSEN).

(Mr. BENTSEN asked and was given permission to revise and extend his remarks.)

Mr. BENTSEN. Mr. Speaker, let me say at the outset that I have nothing but respect for the authors of this legislation, but I do have some problems with it. I am going to vote for it at the end if the Democratic substitute is not adopted, but this bill really should have gone through the committee process, because I think there are a number of things that could have been corrected.

Let me go through just a few points. First of all, this bill, as I said, is part problematic and part semantical as well.

There is one thing we should remember. This bill does not create new obligations to social security. Social security, the social security surplus, is protected in U.S. Treasury bonds backed by the full faith and credit of the government. We have never, the U.S. government has never defaulted on our Treasury bonds since Alexander Hamilton became the first Secretary of the Treasury. God help us in the day that we do default.

I think that is one thing we have to get across. Second of all, I am afraid that this bill sets us up, perhaps inadvertently, for the stage of breaking the pay-go rules and the caps that got us into the better fiscal condition that we are today.

Finally, I am afraid that this bill is not constructed in the way that even the balanced budget amendment that many of the proponents had endorsed would deal with economic downturns.

I know a lot of us think that the economy is so good now that we are not going to see another economic downturn, or that the Clinton recovery is going to continue on for many, many years. But I think at some point in the future we may get to the end of the business cycle and we will see unemployment go up.

But this bill would put us back to where the Congress was in the early 1990s when we were in a deep recession, and the Bush administration was opposing extending the unemployment compensation. This bill would put that opposition in the hands of 41 Members of the other body. I do not think that is something that we really want to do.

Mr. Speaker, let me talk a little bit about the pay-go situation. This bill inadvertently, I believe, while walling off the off-budget, the social security and Medicare surpluses, would I think put the on budget surplus, to the extent it exists, out there for the taking.

We have already seen a budget passed by this Congress that would impose an $800 billion tax cut on a 10-year projection at great risk to the future stability of the economy, and in fact not pay down nearly as much debt as the Democrats proposed in their budget, which would be probably the best thing we could do for the economy and for social security right now.

So I think this is the first step to getting us back down the road to the failure of Gramm–Rudman-Hollings and more debt and deficit spending. Finally, this budget, this plan, really does not do anything for social security or Medicare.

As I pointed out, the obligation to the trust funds is real. It is backed by the full faith and credit of the government; again, a credit that we have never defaulted on. This does nothing to extend social security. It does nothing to extend Medicare. It creates no legal obligation to the extension of those programs.

What it does do is it creates a huge trap door in the future, because it contains a sentence that says that you can get out of this lockbox. ''For purposes of the Social Security and Medicare Safe Deposit Act of 1999, this Act constitutes social security reform legislation.''

That is a fairly broad term with no definition, so whoever the majority might be in the future if this were to become law could make anything that

they wanted to be so-called social security reform legislation and get into it.

I presume Members could take a bill that the Republican majority in both the House and Senate, like the supplemental appropriations that started out at about $6 billion when it came from the White House and ended up at about $15 billion, and say it included something to do with social security reform, and pass it and eat into the social security trust fund.

This is well-intentioned, it is probably good for press releases, but it does not do a whole lot.

Mr. GOSS. Mr. Speaker, I am pleased to yield 1½ minutes to the distinguished gentlewoman from North Carolina (Mrs. MYRICK).

Mrs. MYRICK. Mr. Speaker, I rise today in support of this commonsense legislation. It is that. This is the effort to protect social security.

We have made a promise to every American that social security is going to be there for them. It is a promise that many of them do not think we will ever keep. My own children are in that group. They say to me every day, sure, mom, give me a break. It is not going to be there for me. I have to take care of myself.

I understand why they think that way, because Congress has continued just over all the years to raise social security to pay for pork barrel projects and even transportation projects, just spending. It has been an easy pot of money to go to whenever we needed a little extra.

It is time to stop the foolishness. We are supposed to be responsible and dependable, and we are supposed to be here to protect the future of our seniors and our kids. This is a real important step in making sure that that happens. It is time that social security taxes are used for social security.

We have not been truthful. We are not being truthful if we say we are balancing the Federal budget, and it is not balanced because we continue to borrow from social security. Let us not pretend that it is. It is time for us to exercise true fiscal discipline. We need to pass the bill and guarantee that this Congress keeps its promises to save social security.

I strongly support the bill offered by the gentleman from California (Mr. HERGER), and urge my colleagues to do the same.

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

Mr. RYUN of Kansas. Mr. Speaker, I rise in support of the Social Security and Medicare Safe Deposit Box Act of 1999; I like to call it, the ''Put the Social Security Money Where Your Mouth is Act.''

As I travel through the Second District of Kansas, there is a lot of skepticism that we in Washington will not be able to actually keep our fingers out of the social security cookie jar. They are asking for proof, not just political rhetoric.

That is why I support this bill. It requires us to talk about budget numbers and surpluses without using social security money to balance the ledger. It also goes beyond mere truth in budgeting. The bill puts enforcement mechanisms into place to prevent future Congresses from raiding social security without any accountability.

Mr. Speaker, the debate on this issue cannot be more timely, considering the current debate surrounding the appropriations process.

In April, we passed a budget resolution. We stood in the well of this House, in the very place that I am standing now, and we gave our word to the American people that beginning with next year's appropriations, we would no longer spend social security money.

We must keep our word to the people we represent. There are some very real structural reforms that we can make that will help support and bring about the changes for social security and Medicare. This Congress must exercise the fiscal discipline to set aside this money for requirement security only. We cannot, and I repeat, we cannot commit these scarce dollars to new spending or we will never be able to make the reforms that are necessary.

I trust that the leadership on both sides of the aisle will agree to move forward with the debate on these critical reform issues in the very near future. Mr. Speaker, I encourage each of my colleagues to support the Safe Deposit Box Act, and it is my hope that the other body and the President will do the same.

Mr. GOSS. Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from Missouri (Mr. BLUNT).

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

Mr. Speaker, I rise in strong support of this very important legislation. We are well beyond the time to think about the future of social security. We are well beyond the time to determine if we can do the very first thing that determines whether we are in fact serious about the future of social security.

We hear about having a plan in place. We hear about the importance of knowing what we are going to do in 2024 or 2035, or whenever it might be.

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The key thing we need to be able to do right now is make a commitment to stop spending the Social Security funds that come to the Federal Government. That is pretty easy for us to say, but it is awfully hard for us to do. In fact, it is so hard for us to do, we have not saved a single penny of Social Security until last year for the last 2 years.

If we cannot put the money aside, if we cannot hold on to those resources, it does not matter what kind of reform plan we come up with.

Our first challenge is this challenge. Our first challenge is to stop spending the money. It is to stop calculating the money in the funds available to the Federal Government for general spending.

An important part of this whole concept is quickly moving away from even calculating the Social Security funds coming in as income, to stop calculating them as income, to stop calculating them as funds available to be spent, to truly take them off the table.

We are not just going to lock them in a box that does not pay interest. We are not going to lock them away and not use them in the way that we should use those funds for the future of Social Security. We are going to lock them away from the spenders in Washington, D.C. who have enjoyed the ability since 1969 to spend this money, who have enjoyed the ability to make the deficit appear that much smaller, who have enjoyed the ability to come up with new programs on top of the programs we have had, to act like we had the money available to pay those, to not be willing to go to the American people and say we are spending your Social Security funds because we were counting those funds just like we count any other funds that come in to the Federal Government.

These are not like any other funds. They are Social Security funds. They are about the future of this system. They need to be set aside for the future of this system. We need to take a critical step to do that today. I urge support of this legislation.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. LEVIN).

(Mr. LEVIN asked and was given permission to revise and extend his remarks.)

Mr. LEVIN. Mr. Speaker, let us get to the reality here. The majority party has passed a budget resolution that places this Congress in a box, and they do not know how to get out of it.

So what is the tactic today? It is to bring the so-called lockbox here. As to Social Security funds, that is easy to get out of. All anybody has to do is bring a bill up here and put a label on it that it is Social Security reform, and the lockbox is unlocked.

The gentleman before me talked about, we must not spend Social Security surplus monies. What did my colleagues do within the last few weeks? The majority party here loaded onto an emergency bill provisions unrelated to emergencies. Where did the money come from? From Social Security surplus funds.

So why are my colleagues so blatant 1 week and so pious the next week? The public wants some consistency. That is what it wants. What it wants is reform, not a bunch of rhetoric. What it wants is something palpable, not political. They will see through this.

I mean, sure, we are going to vote for this, because this is an effort to try to get us into a position of appearing to be preserving Social Security, though it really does not do it very well. I heard a previous speaker talk about Medicare and how important it was to

preserve Medicare funds. This lockbox does not do it. When we look inside, there is no Medicare money in it, with or without a key.

So this is the challenge to the majority, to try to get out of the box that the resolution on the budget placed us in and to do something real about Social Security reform, get a bill in front of the Committee on Ways and Means that has the support of the majority leadership, not its covert effort to undermine Social Security reform, and let us get with it and let us do the same as to Medicare. Let us get with it.

People do not want devices like boxes, with or without keys. What they want is legislation. Let us get with it. Let us do away with the tricks, and let us get on with concrete legislation, to do what the American people want, preserve Social Security for 75 years, and reform Medicare so that my kid and my grandchildren know it will be there for them.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Speaker, I thank the gentleman from Florida for yielding me the time.

Mr. Speaker, I would like to address some of the misguided criticisms that we have heard from the previous speaker and from speakers prior to that one. One, they mentioned that we passed the budget resolution that places us in a box. We did pass a budget resolution that places us in a box. We did this intentionally. It placed us in a box because we said we did not want to see one penny of Social Security dollars going to other government programs. We wanted to see every penny of Social Security going into Social Security. We passed a budget resolution that said we would do just that.

We are following up now with a lockbox bill, the first step in our lockbox efforts to do just that, to stop the phony accounting here in Congress that hides the budget deficits by masking the size of the budget deficits, by covering it up with the Social Security surpluses.

This lockbox bill also says this: We are going to make it tougher for Congress to pass legislation that raids Social Security. Now we think we can go farther, and we in fact want to go farther with this legislation. Unfortunately, the White House and the members of the other body from the other party are against that. We cannot get it passed into law. So we are going as far as we possibly can.

Another criticism we have been hearing from the other side of the aisle is that there is a trap door in this lockbox, that there are some keys that magically unlock these funds for use for other purposes. The prior speaker also said we need to reform Social Security and Medicare. We need comprehensive language to reform Social Security. But before we do that, we have got to stop raiding the trust fund, and that is exactly what this legislation does.

So there is no trap door. What this legislation does is say, stop raiding the trust fund, put Social Security dollars aside; then we can use those Social Security dollars for a comprehensive plan to save Social Security. That is the intent of this legislation, stop raiding the trust fund, put the money aside. Then after we have stopped that raid, we can use those dollars to save Social Security. That is not a trap door. That is a lockbox.

Mr. Speaker, I rise today in support of this ''Lock box'' legislation and congratulate my friend from California for his work on this issue. I am a cosponsor of this bill and am glad to be a part of this effort to protect the Social Security Trust Fund.

For years, the Federal government has been raiding Social Security to pay for other government programs and to mask the true size of the federal deficit. Bringing this to an end is one of my highest priorities in Congress.

Earlier this year, I introduced similar ''Lock box'' legislation that would establish a point of order against any future budget resolutions which would dip into the Social Security Trust Fund to pay for non-Social Security programs. I was pleased that my language was included in the FY 2000 budget resolution.

H.R. 1259 expands this point of order to apply to any bill, considered in either House, which would dip into Social Security. In addition, it prohibits reporting federal budget totals that include Social Security surpluses.

I am committed to exploring every legislative option available to protect Social Security. I, along with the chairman of the House Budget Committee, Mr. KASICH, have introduced additional ''Lock box'' legislation which would establish even more protections for the Social Security Trust Fund by implementing new enforceable limits on the amount of debt held by the public.

It is important to note that neither the bill we are considering today, nor the bills I just spoke about, will affect current Social Security benefits. These bills simply protect the money each taxpayer pays into the Social Security Trust Fund.

H.R. 1259 has the support of various outside groups including: the Alliance for Worker Retirement Security; the American Conservative Union; the U.S. Chamber of Commerce; and Citizens Against Government Waste.

It is my firm conviction that we must take the first step of protecting the Social Security Trust Fund before we can move to make wholesale improvements to the system. For those of my colleagues who oppose this legislation, I ask you, if we cannot protect the trust fund now, how can we expect to make the necessary reforms to the system for future generations? Join me in voting yes for this ''Lock box'' legislation.

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

Mr. BENTSEN. Mr. Speaker, let me just say to the gentleman from Wisconsin (Mr. RYAN) that one of the points he made is, we can then use this money for Social Security. The problem is this money is already obligated to Social Security. So we are not saving Social Security with something that we already have.

As I think the gentleman knows, virtually every plan that has come out, even the plan by the distinguished chairman of the full Committee on Ways and Means, assumes not only the obligated Social Security Trust Fund, but additional funds, general revenues, for their Social Security plan.

So it is a little semantical to say we can use it later to save it, because we are already obligated to pay it. This is a little bit what we would call belts and suspenders. Sounds good. Again, I am going to vote for it, but I do not think it does a whole lot.

Mr. RYAN of Wisconsin. Mr. Speaker, if the gentleman will yield, I agree with much of what the gentleman just said.

This money is obligated to Social Security. Money coming from FICA taxes is supposed to go to Social Security. The problem is, we spend it on all of these other government programs. We have got to stop Congress and the President from spending FICA tax surpluses on other government programs. That is precisely why we are trying to pass this lockbox legislation.

Mr. BENTSEN. Mr. Speaker, reclaiming my time, two things though, again, as I pointed out, these funds are still obligated. They are still backed by the full faith and credit of the U.S. Government, as the gentleman knows. It is a macroeconomic question of how one constructs fiscal policy and what is the future ability of how one divides the Federal pie as structured.

But the other point that the gentleman raised had to do with the budget that passed. I think our real problem with that is, on the one hand, my colleagues passed a budget that would, in effect, consume through tax cuts all of the on-budget surplus going forward for the next 10 years predicated on 10-year projections, which may well not turn out to be true, and at the same time, block anything to do, if they miss on their projections.

So, my colleagues, you put yourself in a real bind at that point in time and probably drive up publicly held debt, which I do not think, again, is what either party really wants to do.

Mr. GOSS. Mr. Speaker, may I inquire how much time is remaining on both sides.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from Florida (Mr. GOSS) and the gentleman from Massachusetts (Mr. MOAKLEY) each have 3 minutes remaining.

Mr. GOSS. Mr. Speaker, I am happy to yield 30 seconds to the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Speaker, just to make one final point, the gentleman from Texas (Mr. BENTSEN) makes good legitimate points. Our budget achieves this; remember, in Washington, we are about to see two budget surpluses, one coming from Social Security, one coming from a large income tax overpayment.

What our budget achieves is setting all of the Social Security surplus aside for Social Security and, in the meantime, paying down that publicly held debt that we both seek to pay down.

Our budget actually pays down $450 billion more in publicly held debt than the President's budget. On the on-budget surpluses, the income tax overpayment, we think people should get their money back.

Mr. MOAKLEY. Mr. Speaker, I yield 30 seconds to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, let me just tell the gentleman from Wisconsin (Mr. RYAN), our budget pays down even more debt than their budget by, I think, $200 billion over time. So it is not really about Republicans versus the President.

The budget is drawn up here in the House and in the other body, and we offered a budget that did more. As the gentleman recalls, in fact, I offered an amendment in the committee that would have given all of the unified surplus, which may be out, we may not be able to say that in the future if this becomes law, but both the on-budget and off-budget surplus to paying down debt, staying within the pay-go rules. That was defeated overwhelmingly in the committee by Members on both sides of the aisle.

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

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

(Mr. GOSS asked and was given permission to revise and extend his remarks and include extraneous material.)

Mr. Speaker, first I include for the RECORD the following letter:

COMMITTEE ON RULES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 24, 1999.

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

DEAR MR. SPEAKER: I ask that the Committee on Rules be discharged from further consideration of H.R. 1259, the Social Security and Medicare Safe Deposit Box Act of 1999. As you know, the bill was sequentially referred to the Rules Committee on March 24, 1999.

Specifically, Section 3 (Protection of Social Security Surpluses), among other things, establishing Budget Act points of order against consideration of a budget resolution, an amendment thereto or any conference report thereon and any bill, joint resolution, amendment, motion or conference report that would cause or increase an on-budget deficit for any fiscal year. The provisions of this section fall primarily within the jurisdiction of the Rules Committee.

It is my understanding that the Leadership has scheduled the bill for floor consideration the week of May 24. To accommodate the schedule, I agree to waive the Rules Committee's jurisdiction over consideration of this legislation at this time. However, in order to assist the Chair in any rulings on these new points of order, I will be submitting an analysis of them into the Congressional Record during the floor consideration of this bill. I have included a copy of this analysis with this letter.

Although the Rules Committee has not sought to exercise its original jurisdiction prerogatives on this legislation pursuant to clause 1(m) and 3(i) of House rule X, I reserve the jurisdiction of the Rules Committee over all bills relating to the rules, joint rules and the order of business of the House, including any bills relating to the congressional budget process. Furthermore, it would be my intention to seek to have the Rules Committee represented on any conference committee on this bill.

Sincerely,

DAVID DREIER.

ANALYSIS OF THE PROVISIONS OF H.R. 1259, THE SOCIAL SECURITY AND MEDICARE SAFE DEPOSIT BOX ACT OF 1999, HOUSE COMMITTEE ON RULES

For the purposes of section 3(a) relating to ''Points of Order to Protect Social Security Surpluses,'' the Chair should use the following information in interpreting these new points of order.

The new section 312(g)(1) of the Budget Act creates a point of order against consideration of any concurrent resolution or conference report thereon or amendment thereto that would set forth an on-budget deficit for any fiscal year. For the purposes of this section the deficit levels are those set forth in the budget resolution pursuant to section 301(a)(3) of the Budget Act.

The new section 312(g)(2) of the Budget Act creates a point of order against consideration of any bill, joint resolution, amendment, motion, or conference report if the enactment of that bill or joint resolution as reported; the adoption and enactment of that amendment; or the enactment of that bill or joint resolution in the form recommended in that conference report; would cause or increase an on-budget deficit for any fiscal year. For the purposes of this section, the Chair should utilize the budget estimates received by the Committee on the Budget (pursuant to section 312(a) of the Budget Act) in determining whether a bill, joint resolution, motion, amendment or conference report would cause or increase an on-budget deficit for any fiscal year. This point of order applies to amendments to unreported bills and joint resolutions.

Mr. Speaker, I will just make a couple of closing remarks. I think that what we have heard here in this opening session of the Committee on Rules, to be followed now by the Committee on Budget and then the Committee on Ways and Means, 40-minute blocks on this bill, that we are trying to proceed in good faith to provide the reassurances that is being asked to protect Social Security and Medicare.

We have heard a lot of discussion that there may be a better way to do this, that there are other things that may come down the road. But there are a couple of facts here that are sort of poignant.

First of all, we are living up to the promise that we made to make a good-faith attempt to protect Social Security and Medicare. That is a fact.

Secondly, this is not just a procedure. This is going to be a law; it is going to have to be obeyed. It is not just something that is going to disappear when we want it to.

It is, I think, a serious effort; and I honestly believe that if we look over the past 40 years, the temptations were too great on spending, and Congress overspent. I think we know that. I think in the consequence of that overspending, we saw that taxes went up, and there are some who say benefits went down.

So the concern I have as I listen to the distinguished gentleman from Massachusetts (Mr. MOAKLEY) describe a motion to recommit, which we may or may not hear later, is that sometime in the next 75 years, there is going to be reform enacted.

But until that time, in order to get along with the proposal to protect Social Security, they are going to have to raise taxes, or they are going to have to cut benefits.

I cannot honestly believe that anybody on either side of the aisle wants to be involved with programs such as their motion to recommit, if they offer it, will include, raising taxes and cutting benefits.

We are not involved in raising taxes on hardworking Americans, and we certainly are not involved in trying to take away benefits from our seniors. In fact, what we are trying to do is protect them.

So I would suggest that even though my colleagues may not agree this is the most perfect legislation, it is good, bipartisan legislation that protects Social Security and Medicare. It makes it law. It provides the reassurances that people want. I believe that this is a very good-faith effort on both sides of the aisle.

I congratulate again the gentleman from California (Mr. HERGER) and the gentleman from Minnesota (Mr. MINGE) for the fine work that they have done, and many others, the committee work that has gone on on this subject generally. I urge support for this legislation.

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

The SPEAKER pro tempore. All time allocated under the rule to the Committee on Rules has expired.

It is now in order to proceed with the time allocated to the Committee on the Budget. The gentleman from California (Mr. HERGER) will be recognized for 20 minutes, and the gentleman from South Carolina (Mr. SPRATT) will be recognized for 20 minutes.

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

☐ 1730

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

Mr. Speaker, protecting Social Security is one of the most important challenges this Congress will face. Social Security is facing a crisis. By the year 2014, the amount of benefits provided to our seniors will exceed the amount of payroll taxes taken in.

Mr. Speaker, current and future beneficiaries, after years of hard work, deserve the independence that comes from financial security, and that financial security ought to be the one thing they can count on. Every penny that is taken out of Americans' paychecks for Social Security should be locked up so it can only be used to pay for Social

Security benefits. This legislation will help ensure precisely that.

This legislation represents a continuation of our commitment to save Social Security as outlined in the budget resolutions passed by both the House and the Senate last month. This lockbox legislation that is shown here will protect the Social Security surpluses through several mechanisms.

First, H.R. 159 protects Social Security surpluses by blocking the consideration of any budget resolution or legislation that dips into Social Security. This bill creates a new point of order in the House and requires a supermajority for passage in the Senate for measures that attempt to use Social Security surplus funds.

Secondly, it ends the deceptive practice of masking deficits and inflating surpluses by prohibiting the Congressional Budget Office and the President's Office of Management and Budget from reporting Federal budget totals that include Social Security surpluses. This bill stops this budget shell game and allows only non-Social Security surpluses or deficits to be reported.

Thirdly, H.R. 1259 locks up the Social Security surpluses and only allows them to be used for Social Security and Medicare reform.

The first step toward saving Social Security is to stop spending it on nonrelated government programs. Once this legislation does that, we as a Congress can continue to move forward on real Social Security and Medicare reform, and may use the money in the Social Security Trust Fund only to accomplish that goal.

Mr. Speaker, the House of Representatives has a unique opportunity to help protect Social Security and place ourselves on the path to substantial Social Security and Medicare reform. I urge my colleagues to join me in voting for this most important legislation.

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

Mr. SPRATT. Mr. Speaker, I yield 3 minutes to the gentleman from Kentucky (Mr. LUCAS).

Mr. LUCAS of Kentucky. Mr. Speaker, the people sent us here to do a job. They sent us here to preserve Social Security and Medicare, and that is exactly what the Social Security and Medicare Lockbox Act of 1999 seeks to do.

The lockbox raises the bar for protecting Social Security and the Medicare trust funds. The bill requires that all spending be fully offset until solvency has been extended for Social Security by 75 years and Medicare by 30 years. We must save Social Security and Medicare first, before squandering any of the Social Security surplus, the Medicare surplus, and any other government surplus.

The Social Security and Medicare lockbox is the only alternative that seeks to extend the life of the Medicare trust fund. The Holt-Lucas-Moore lockbox is the only measure that locks the safe and throws away the key. The lockbox requires that all surpluses be reserved until solvency has been extended by 75 years for Social Security and by 30 years for Medicare.

Paying down the Federal debt is the truly greatest gift that we can give our children and our grandchildren. Paying down the Federal debt means lower interest for our working families, more capital available for small businesses and a brighter future for our children.

Social Security and Medicare are vital for protecting the quality of life of our senior citizens. More than three-fifths or 60 percent of senior citizens depend on Social Security for a majority of their income. Social Security is not just retirement. For some families it is insurance that many of the disabled, the widows and the elderly of our community depend on just to get by.

With something this important, we simply cannot afford sleight-of-hand tricks from Washington. For too long we have promised to save Social Security and Medicare. To my colleagues I say it is time we put our money where our mouths are. It is time to support the Social Security and Medicare Lockbox Act of 1999.

Mr. HERGER. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. GARY MILLER).

(Mr. GARY MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GARY MILLER of California. Mr. Speaker, I rise in favor of H.R. 1259, the Social Security and Medicare Safe Deposit Box Act of 1999.

First, I want to thank my fellow committee member and fellow colleague, the gentleman from California (Mr. HERGER) for his tireless work to protect the Social Security Trust Fund.

One of the previous speakers said people do not want devices like boxes. I disagree. Obviously, some people would prefer to continue using illusion. It is time to stop the campaign rhetoric. We need to make sure no one, I repeat, no one, not the President, not the Congress, not anyone steals the Social Security money in the future.

I urge all the Members of the House to join us in protecting Social Security by supporting this safe deposit box. The safe deposit box follows up on the commitment this House made with the budget resolution by walling off Social Security from the rest of the United States budget.

It prohibits future budget resolutions by allowing spending that would dip into Social Security. It prohibits that. It blocks legislation that would spend Social Security surpluses and requires the Office of Management and Budget and the Congressional Budget Office to report Social Security revenues separate, not included in the budget, as we have done in the past.

If we really want Social Security trust funds to be off budget, if we want the Social Security Trust Fund to be protected, if we want to put aside the entire $1.8 trillion for Social Security and Medicare over the next 10 years, if we want Social Security to be there when current and future seniors need it, if we are serious about Social Security reform, then we will pass this Social Security measure, and I encourage everybody to vote for it.

Mr. SPRATT. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, Social Security is a bedrock on which more than 40 million Americans rely. We have an opportunity in this Congress to make it more secure than ever. It is an opportunity that we have not had in the past because in the past we have had annual deficits, and over the last 10 years we have been able to eradicate those deficits. We have positioned ourselves now to where we can deal finally with the security of Social Security.

We had a proposal in our budget resolution which would have created a lockbox for Social Security, would have required the treasurer to do what he does today; every time he gets excess payroll taxes, to remit those funds to the Social Security administrator in the form of bonds issued by the Treasury, and then to take the proceeds and not spend them, not use them to offset tax cuts, but buy up outstanding public debt so that we buy down the public debt, and therefore make the Treasury more solvent and able in the future to meet the obligations of the Social Security System. It was rejected by the majority when we brought our budget resolution to the floor.

What the other side has brought here is weaker than existing law. It huffs and it puffs. It talks about Social Security, but in the end, the product it presents is weaker than existing law.

What does it provide for enforcement? A point of order. If we send up here something that breaches the provisions of this bill, there is a point of order. We all know in the House, although they may not know in the rest of the country, that points of order are mowed down by the Committee on Rules in this House every week; waived all the time.

Because they are so routinely waived by Rules, when we passed the unfunded mandates bill several years ago we said at least to have a mandate pass that will be incumbent upon local government and will increase their obligations, at least we should have a vote on the House floor, an overt vote. A Member has to go out and declare themselves ready to override the mandate. This rule does not even do that. It allows the rule to include a waiver of the point of order. Nobody will know it. It will be completely swept out of the way.

So this is a sham when it comes to a rule, but it even goes further. As if the overriding of a point of order was too much, it provides in section 5 a waiver. And that waiver says if we get the magic words right, if we say this bill is about the reform of Social Security,

this bill is about the reform of Medicare, abracadabra, all of the restrictions in this bill disappear. This lockbox falls apart. It does not even apply any more.

This is absurd. A lot of us will vote for this because we do not want to explain why we did not vote for something like this, but we can do something better. We offer something better in the form of our motion to recommit. If Members are really serious about a lockbox, vote for the motion to recommit.

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

It is really incredibly misleading, if not completely incorrect, to say that this legislation is weaker than current legislation. That is clearly not the fact. The budget resolution that passed is only for this budget. What we are doing is putting into law the fact that we cannot spend this; that before we do, Members are going to be held accountable in their districts for knowing that they actually spent Social Security.

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. TOOMEY), a member of the Committee on the Budget.

Mr. TOOMEY. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise today as a proud cosponsor of this legislation.

Mr. Speaker, all across Pennsylvania's Lehigh Valley where I come from, I have heard one message loud and clear, and that is to stop spending our Nation's Social Security funds on other programs, and this is the measure that will enable us to do just that.

My constituents are right, and they are right for many reasons but I want to emphasize two. The first is that this is the honest thing to do in budgeting. And let us face it, Congress has been engaged in misleading and deceptive budgeting for decades. The American people are told their payroll tax goes to Social Security. In fact, it goes to many other places as well.

Now, some Members of Congress want to oppose this, and they, like the President, would rather be able to grab some of that Social Security money and spend it on other programs. And I would suggest if these other programs are so important, so vitally important that they are worth spending Social Security for, then I suggest that my colleagues make the case for these programs to the taxpayers and raise the taxes necessary to fund them. If that fails, I would suggest rethinking the programs and the overall level of spending. The American taxpayers deserve honest, transparent, straightforward budgeting, and this helps us to get there.

The second reason, Mr. Speaker, is that the retirement security of baby boomers, my generation, my kids and my grandchildren, absolutely depends on saving this money. Social Security, as currently structured, is simply not sustainable. The system is fundamentally flawed and it will go bankrupt if we do not make fundamental reforms and restructuring.

We need to give workers the freedom to take a portion of their payroll taxes and invest that money so that it will grow and provide a retirement benefit and security greater than what Social Security promises. But the fact is, Mr. Speaker, that transition to that system will cost money. The sooner we start, the less it will cost.

But whenever we start, it will cost the Social Security surplus. So we cannot squander those funds on anything other than providing the retirement benefits to the seniors that we have promised and providing for a retirement future for future generations.

Mr. DAVIS of Florida. Mr. Speaker, I yield 4 minutes to the gentleman from Wisconsin (Mr. KLECZKA), a member of the Committee on Ways and Means.

☐ 1745

Mr. KLECZKA. Mr. Speaker, a lot of my colleagues have come to the floor and indicated that, Well, friends, last week it was okay to spend $9 billion for an emergency supplemental bill out of the Social Security trust fund. But now we have got religion today and, my Lord, what we did last week, it was wrong. We should have never done it.

But none of the Republicans would admit to that. I have yet to hear one of my colleagues from the majority party say, ''Yes, that was wrong. We should not have done it. But now we are going to amend our ways.''

The difference there, my friends and colleagues, is last week's $9 billion was for defense. Okay? And that is not spending. That is okay. But now we have to stop what is going on.

Let me back up and share with the House what the current system is. Right now, and since 1983, we are collecting more in Social Security receipts than we need for benefits. So what do we do with it? Do we give it to the Secretary of the Treasury to put under the mattress? No. Those excess dollars are invested in treasuries, interest-bearing treasuries. The interest income goes back into the trust fund.

It is just like us taking our dollars, our hard-earned dollars, and putting them in a bank. We can go back the next day and say, ''I want to see those dollars again that I deposited'' and the bank is going to say, ''they are not there anymore.''

Did they squander them? No. They lent them out. That is what banks do. And anytime we come to withdraw those funds, the bank will have other revenues, other mortgage payments, other loan payments to give us our money back. And that is what the current system is doing.

Should we deficit spend? Clearly not. To say those treasuries that are in the Social Security trust fund are worthless, that is false. If they are worthless, every savings bond this Government has ever issued is worthless, all the public debt held by corporations and institutions and individuals is worthless. And that is not the case.

The truth of the matter is the full faith and credit is behind that debt to the Social Security trust fund, as well as all other debt.

How does this lock box work? Before I came down here, I went to the Republican side and I said, I need a lock box. Do you have one hanging around? And thank God they did. Here is a Social Security lock box. And here is what this proposal would do.

We are going to collect surplus Social Security trust fund money and we are going to put it into the box. Well, when the majority leader was talking earlier in the debate, the gentleman from Maryland (Mr. HOYER) said, Well, what are they going to do with this money. Just let it sit around? Are they going to invest it. What are they going to do with it? The majority leader indicated, we are going to take this money and pay off a part of the national debt.

So now, after we go through hours of debate how Congress is stealing the money blind, how the administration is spending it, we are going to find out at the end of the day that this is the lock box. My friends, the money is gone. It went back to pay off the national debt.

Mr. Speaker, this is what the lock box is all about. The money is going to come in, the money is going to drop out to go pay the national debt. When we need the money because these folks before me are going to retire, we are going to use other revenues coming into the Government. Hopefully, and I think we all are going to work to that, there are going to be surplus revenues. But the money is not going to sit around under someone's mattress.

This is the lock box we are talking about. Talk about trap doors. Talk about phoney issues. This is one of them, my friends.

Mr. HERGER. Mr. Speaker, I yield 30 seconds to the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Speaker, I thank the gentleman from California for yielding me the time.

Mr. Speaker, I have to take issue with my friend and colleague from the great State of Wisconsin. That is simply not the case. The debt we owe to Social Security is also a part of our national debt.

What our budget resolution does is take Social Security dollars away from Social Security and put it towards Social Security by buying down debt. What happens when those Social Security IOUs come due is that that debt is converted into national publicly held debt.

What our lock box does is pay off the publicly held debt so we can pay the Social Security bills.

Mr. HERGER. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. CHAMBLISS), the distinguished vice chairman of the Committee on the Budget.

(Mr. CHAMBLISS asked and was given permission to revise and extend his remarks.)

Mr. CHAMBLISS. Mr. Speaker, throughout my home State of Georgia and all cross America there is a common concern among many citizens. Apparently, my friend from Wisconsin who just spoke really does not understand this concern. But the concern is that Social Security is not going to be there for them when they retire. And that concern is real. It is not unfounded, as American seniors have witnessed the raiding of Social Security over the last several generations.

I have got two children. One of them is in the workforce as we speak. The other one just graduated from college and is going into the workforce. I also have got the pleasure of having two beautiful grandchildren. I want to make sure that Social Security is going to be there for those children and grandchildren when they become of age.

After years of hard work, the independence that comes from financial security ought to be one thing that our Nation's seniors and our Nation's young people can count on. The Social Security and Medicare safe deposit box to be considered by the House today goes a long ways towards restoring that ideal.

Every penny that is taken from the paychecks of America's hard-working men and women should be locked away and can be locked away in a safe deposit box and used only for retirement benefits. And that is what this bill does. Quite simply stated, it is the right thing to do.

Social Security and Medicare safe deposit boxes before us establishes honesty and accountability in the Federal budget process and takes the next step in securing and ensuring retirement security, not just for this generation but for generations to come.

I congratulate my colleague and friend from California, who is a member of the Committee on the Budget along with me, for his tireless efforts for promoting honest budgeting and encourage my colleagues to support this common sense legislation.

Mr. DAVIS of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. STENHOLM).

(Mr. STENHOLM asked and was given permission to revise and extend his remarks.)

Mr. STENHOLM. Mr. Speaker, I rise in support of this legislation. This bill before us endorses a position that we have been advocating for years.

I have come to this well many times to argue that we should not even talk about budget surpluses until we truly have taken Social Security off budget and balance the budget without counting the Social Security surplus. For the last several years, I have joined with my Blue Dog colleagues to offer budgets that incorporate that philosophy.

Thus, I congratulate the House leadership for seeing the wisdom of the Blue Dogs' position on this issue today. Although I must say, I wish they had seen the light a little earlier and supported some of our budgets over the last 2 or 3 years, particularly the last budget a little earlier when we had an opportunity to pass a real budget which would have actually helped us do that which we talk about today.

I am glad, though, to see that we have reached a point where everyone agrees with the principle that we should wall off Social Security. The real test will be whether we can follow through with our rhetoric as we go through appropriations and tax cutting processes. I hope we can do so, but history is not encouraging.

The budget which we passed just a few weeks ago set up a virtual guarantee of failure because of its unrealistic numbers. Already, with this year's first appropriations bill, the Agriculture Appropriation has been on the floor for 2 days and we have seen nothing constructive happening. The victim of this unreasonable budget is not only inadequate agriculture funding but also funding for other programs and ultimately Social Security. The pressure created by an unrealistic budget translates into vulnerability for Social Security.

If the House had shown the foresight to follow a path more along the lines of the Blue Dog budget, we would have invested in priority programs such as defense, agriculture, veterans, education, and health. At the same time, our budget did protect all of the Social Security surplus fund over a 5-year period while using 50 percent of the on-budget surpluses to reduce our debt and 25 percent to provide a tax cut. This plan reflected a reasonable balance, but that is not what we passed.

Last year the majority, though, passed an $80 billion tax cut that would have been funded entirely from the Social Security trust fund that we lock up today. And just last week, we voted to spend $15 billion from the Social Security trust fund, we did that, by the same folks that today say this is going to be a magic bullet and is going to save Social Security.

We should not kid ourselves and pretend that this legislation does anything to deal with the long-term problems of Social Security. Walling off Social Security surplus is a good start, and that is why I support it. But it is not a solution. A true solution will require us to roll up our sleeves and do some heavy lifting to deal with the tough choices facing Social Security. It would be a terrible mistake if we let passage of this legislation be the end of the discussion of Social Security. Our vote today should be the beginning of a bipartisan process to honestly address financial problems facing Social Security.

Mr. HERGER. Mr. Speaker, may I inquire as to how much time is remaining?

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from California (Mr. HERGER) has 10½ minutes remaining. The gentleman from Florida (Mr. DAVIS) has 7½ minutes remaining.

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

Mr. Speaker, I would like to comment that while the party of my good friend from Texas was in control for some 40 years before we took over, there was not a single dime of Social Security that was saved. At least now we are taking that first step to begin saving Social Security. And it is something that I would urge all of us to begin doing.

Mr. Speaker, I yield 1½ minutes to the gentleman from Kentucky (Mr. FLETCHER), my good friend, a member of the Committee on the Budget.

Mr. FLETCHER. Mr. Speaker, I rise to speak in support of this resolution. I thank the gentleman from California for the work he has done on the Committee on the Budget.

I stand amazed that we hear such criticism from the other side when they have had 40 years previously to do this very thing that we have done here this day. And I find a great deal of hypocrisy when my colleague stands up and talks about a box that came from a Republican that really will not hold the money when we are here to secure with a lock box the Social Security money that has been paid in FICA taxes by the people of the United States.

So finally, after 30 years of spending Social Security for more and bigger Government, we are locking away the Social Security and protecting both Social Security and Medicare. I am proud to play a role in securing and guaranteeing retirement and Medicare security for our seniors.

The Social Security and Medicare lock box law will lock away $1.8 trillion of the budget surplus to pay down the national publicly held debt. I support this resolution because it really stops the raid on Social Security that puts the burdens of IOUs on our children's and our grandchildren's back. We need to stop that, and this is an important move to begin in that direction.

This lock box provision prohibits the passage of future budgets that will raid Social Security and Medicare fund. It blocks the passage of legislation including spending initiatives or tax cuts that would spend the people's Social Security money. And it requires all budgets from the President and Congresses to include the Social Security surplus from budget totals and it unlocks the funds only for the purpose of Social Security and Medicare preservation legislation.

Mr. DAVIS of Florida. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Mrs. THURMAN).

Mrs. THURMAN. Mr. Speaker, I thank the gentleman from Florida (Mr. DAVIS), my colleague, for yielding me the time.

I want to take a little bit of exception to the fact that some people think we are just kind of up here giving them

a hard time about this. Quite frankly, I am going to support this legislation. I do not think it does a whole lot. It does not take a rocket scientist, at least from my standpoint. Every month out of my paycheck my employer and myself send up 12.4 percent into the Federal Government. It is going to be saved for me.

Quite frankly, we have not not paid a Social Security check. We have expanded and extended Social Security to 2034. I mean, everything is kind of going along. It is just that we are getting into this debate over the surplus. The fact of the matter is I am going to support this. I think we ought to lock this up. I think that is what we should have been doing anyway.

But on the other side of this, I want to make it clear that we are doing something I think to this country and scaring people. This floor is talking about, oh, we are going to not pay our debts on Social Security. We are not going to have the money. That is not so. We are solvent until 2034.

I would say to my colleagues, though, on the other side, they have an opportunity to do something beyond just this lock box. They have an opportunity to secure not only the Social Security surplus but the non-Social Security surplus until we can make sure that the system is solvent.

□ 1800

That is what we have all been working for. The gentleman from Florida (Mr. SHAW) has a piece of legislation that says he thinks we can do that for 75 years. Let us have that discussion. Let us lock this all up until we get to that solvency of 75 years, or whatever year we come to. I think that is very important.

Mr. CALLAHAN. Mr. Speaker, will the gentlewoman yield?

Mrs. THURMAN. I yield to the gentleman from Alabama.

Mr. CALLAHAN. I agree with what the gentlewoman is saying. I certainly support the lockbox, but with all of you people who are working so hard to develop this, would you sometime during this process work to find a solution to the notch baby problem?

Mrs. THURMAN. I would be glad to do that. I probably have more notch baby folks in my district than you do.

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

Responding to the comments of the gentlewoman from Florida, her comment was that Social Security is good until the year 2034. The fact is we begin losing money, we begin spending, paying out in Social Security more than we are bringing in, in the year 2014. Not 2034, but 2014. After that, we begin pulling out the IOUs that have been written, the bonds that have been written. How is that paid? That is not money off a tree. That comes from taxpayers. Our young people are going to have to pay for that.

So we are in a problem, and we are beginning to address it. This is only the first step. As you mentioned, we have other steps we are going to have to take after that.

Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Mr. Speaker, we teach our children about the story of the ant and the grasshopper, in which the ant works hard in the summer laying up supplies for the winter while the grasshopper plays the summer away. Come winter, the ant is warm and well fed, but the grasshopper has no food and starves.

While we expect our children to understand the moral of this story, the government itself cannot seem to set the example of saving for the future, which is why I strongly support the Social Security and Medicare Safe Deposit Act, legislation which locks away 100 percent of the budget surplus attributed to Social Security and Medicare to ensure the long-term solvency of these two vital programs.

Passage of this legislation represents a commitment to today's workers that tax dollars being set aside for Social Security and Medicare will be there for them when they retire. It also represents a commitment to older Americans that their golden years will be marked by peace of mind, not uncertainty, when it comes to the future of Social Security and Medicare.

The wisdom of the ant and the irresponsibility of the grasshopper teach our children an important lesson, Mr. Speaker. I hope Congress will have the wisdom to embrace the fable's meaning and pass this legislation.

Mr. DAVIS of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New Jersey (Mr. HOLT), who is the prime sponsor of the motion to recommit on the bill.

Mr. HOLT. Mr. Speaker, I thank my good friend from Florida for yielding me this time. I would like to talk about the importance of the motion to recommit. We are talking about the fundamental programs of Social Security and Medicare, the two great accomplishments of the Federal Government in the 20th century that have removed the fear of destitution from old age and have made a major difference in the lives of the people of this country. We have before us now a lockbox that we cannot debate fully and that is imperfect, with a hole in the bottom.

The gentleman from Kentucky (Mr. LUCAS), the gentleman from Kansas (Mr. MOORE) and I have proposed a stronger lockbox that would preserve Social Security and Medicare. Let me point out that I have just received, addressed to the gentleman from Kentucky Kentucky, the gentleman from Kansas and to me a letter from the Concord Coalition saying, and I quote:

''The Concord Coalition,'' watchdogs of budgetary sanity, ''is pleased to endorse the motion to recommit on H.R. 1259 which would add to that bill the protections of your bill''—that is, our bill—''H.R. 1927. With this bill you have raised an important issue in today's Social Security lockbox debate.''

They go on to say:

''The Concord Coalition is very concerned that these 'on-budget' surpluses, which are now mere projections, will be squandered before they even materialize.

''Doing so would waste an important opportunity to prepare for the fiscal burdens of the baby boomers' retirement by increasing savings, that is, paying down our national debt. Worse, it would risk a return of economically damaging deficits if the hoped-for surpluses fail to materialize.

''The nature and extent of the surpluses to be locked in the box is thus a very necessary debate and we commend you for raising it in the form of your motion to recommit.''

That, I say to my colleagues, would give us an opportunity to really accomplish what my colleagues say they want to accomplish, and that is to really preserve Social Security and, I would add, Medicare.

Mr. HERGER. Mr. Speaker, in response to the gentleman from New Jersey, who mentioned how the Concord Coalition was endorsing his legislation, I would like to mention that the Concord Coalition is also endorsing this piece of legislation as well.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Michigan (Mr. SMITH), a member of the Committee on the Budget.

Mr. SMITH of Michigan. Mr. Speaker, this is a very serious occasion. Somehow I wish we could holler a little louder and shout about the fact that there is a greater interest in saving Social Security.

I brought with me three bills, one from 1995, one from 1997 and one from 1999, all of which take Social Security off the budget. That is what this bill does, too. I think that is a good point. I hope your recommit bill does the same thing and says from now on at least we are not going to talk and use the Social Security surplus to mask the deficit, because that is what we have been doing. For most every year for the last 40 years, we have been spending the Social Security surplus and in our eagerness to brag about a balanced budget, we have used Social Security to mask the deficit.

At least this is a beginning. This is saying we are not going to do it anymore, we are going to make an effort to say that we are going to take the surpluses, that amount that is coming in from the Social Security tax that is in excess of what is needed for Social Security benefits and we are going to put it aside.

This side has said, ''Well, look. It's not perfect.'' That is right. Fifty perecent of the Members can change the rule. It is all going to depend on how much guts we have got. It is going to depend on how much intestinal fortitude we have to say, ''Look. We're going to live within our means. We're not going to spend Social Security for

other government programs and expand the size of government.''

I compliment the gentleman from Florida (Mr. SHAW), I compliment the gentleman from California (Mr. HERGER), the gentleman from Texas (Mr. STENHOLM), an early mover in trying to solve Social Security. The fact is that this does not solve the Social Security problem, but it gets a little more public awareness.

If we can pass this legislation and stick to it, if we can say, look, we are not going to spend the Social Security surplus for other government programs. And if there are things that are so blasted important, we are going to either cut down on other spending someplace else or we are going to increase taxes. Let us not pretend anymore by spending the Social Security surplus, but, look, let us decide here and now that we have got the will power to move ahead with real solutions for Social Security.

Mr. DAVIS of Florida. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Wisconsin (Mr. KIND).

Mr. KIND. I thank my friend from Florida for yielding me this time.

Mr. Speaker, I am going to vote for this resolution today even though I'm not convinced it is needed. Early this morning many of us got up and we had a nice early morning meeting with outgoing Secretary of the Treasury Robert Rubin. He has been showered in recent weeks with accolades, given his impending retirement, based on his management over the years of our economy and how well it has been going.

He gave us one piece of advice that he drove home so clearly today as policymakers. If we do one thing in this United States Congress to ensure long-term prosperity for this country, it is to use the projected budget surpluses to download our $5.6 trillion national debt. We do not need gimmicks and fake legislation like we have here today to do that. What is required is some fiscal discipline and coming together in a bipartisan fashion to maintain fiscal discipline and download the debt, instead of dipping into the Social Security Trust Fund for new spending programs as what happened last week with the supplemental appropriation bill, or by offering fiscally irresponsible, across-the-board tax cuts.

That is the same message that Alan Greenspan, Chairman of the Federal Reserve, delivers to us every day. We do not need legislation like this. What we need is political courage to do it.

I have two sons, Mr. Speaker, Johnny and Matthew who are probably going to be living throughout most of the 21st century. If there is anything that we can do to ensure a bright and prosperous economic future for these two little boys, it is by delivering some political courage, practicing some fiscal discipline, making the tough choices that we are capable of making to preserve Social Security, Medicare and pay down our national debt instead of offering legislative gimmicks like the one we are debating here today.

Mr. HERGER. Mr. Speaker, I yield myself such time as I may consume. This is not a gimmick. I guess the question is, why have we not done something before? Is this going to solve the whole problem? No. But at least it is a beginning. It is a first step.

I also have a picture I just pulled out of my eight children, I care about them, one grandchild. This is really for those who are coming after us as well as those who are seniors today. We have to begin sometime. Why not now?

Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. RYAN), my good friend on the Committee on the Budget.

Mr. RYAN of Wisconsin. I thank the gentleman for yielding me this time.

Mr. Speaker, I would like to wrap up this issue. We have heard from a lot of Members from both sides of the aisle, from Members on this other side of the aisle that although they have all these criticisms, they are going to end up voting for this bill.

We can work together on this. I do believe that this should be a bipartisan issue, not a partisan issue. We have heard a lot of partisan spats back and forth. We have heard a lot of criticisms. At the end of these criticisms just about every speaker has said, ''But I'll be voting for the bill.''

Let us work together on this thing. We all are saying we want to stop the raid on Social Security. We all are saying we believe FICA taxes should go to Social Security, period, end of story. So let us put this partisan talk aside and work on this.

This legislation is necessary. If we thought the discipline was there to make sure that all FICA taxes went to Social Security, we would not need this legislation. However, for over 30 years Congress and the White House, Republicans and Democrats, have been raiding Social Security. That is a fact. That is why we are addressing this issue with this lockbox legislation.

This legislation gives us the necessary tools to fight in Congress for stopping the raid on Social Security. It empowers us with the ability to, when any piece of legislation comes up which seeks to raid Social Security, it gives us the ability to stop that legislation. That is what this legislation achieves. It also stops the smoke and mirrors accounting by stopping from masking the deficit with Social Security trust funds.

Can we go farther? Absolutely. Will we go farther? I hope so. But is this a gimmick? Absolutely not. This is real legislation that helps us stop the raid on the Social Security Trust Fund. This is a bipartisan issue. We should work on this together. We should stop these partisan spats. Because if you are going to go vote for the bill, then applaud the bill.

Mr. DAVIS of Florida. Mr. Speaker, I yield 1 minute to the gentlewoman from Michigan (Ms. STABENOW).

Ms. STABENOW. I appreciate my colleague yielding me the time.

Mr. Speaker, we all support protecting Social Security. I totally support placing Social Security outside of the budget process. But the larger issue is how we are going to strengthen Social Security and Medicare for the future.

Unfortunately, this lockbox becomes a gimmick when it does not add one dime to the Social Security Trust Fund or one day to the solvency of the Social Security Trust Fund, let alone Medicare. It becomes an empty box without a commitment to have the entire surplus focused on strengthening Social Security and Medicare for the future. That is what we are talking about.

The motion to recommit really does the job. That is what we really want to have from our colleagues, is a commitment that we will join together to strengthen Social Security and Medicare for the future. Without that commitment, we do not in fact have anything but a gimmick.

Mr. HERGER. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from California is recognized for 2 minutes.

Mr. HERGER. Mr. Speaker, we have to work together. As the gentlewoman from Michigan said, the only way we are going to solve this problem is by both sides of the aisle working together. I would like to urge us today to allow this to be the first step in doing that, in working together on this. Could we do more? Sure. But this is a first step and the next step will be a little more.

☐ 1815

Mr. Speaker, this debate is very simple. This House has an opportunity today to make it much more difficult to spend the Social Security surplus. We have a choice before us. We can take the almost $1.8 trillion of Social Security surplus and spend it as we have been doing for the last 40 years, or we can take that same $1.8 trillion and protect it, put it in a lockbox so it can only be used to save Social Security and Medicare.

No matter what some of my colleagues from the other side of the aisle may say about this bill, they would be hard pressed to say it does not make it dramatically more difficult to spend Social Security surpluses. Let us lock it away as a first step. Then we can move on to reform Social Security and Medicare.

Mr. Speaker, I urge my colleagues to support this very important first step of saving and preserving Social Security.

The SPEAKER pro tempore (Mr. LATOURETTE). All time allocated under the rule to the Committee on the Budget having expired, it is now in order to proceed with the time allocated to the Committee on Ways and Means. The gentleman from Florida (Mr. SHAW) and the gentleman from California (Mr. MATSUI) each will control 20 minutes.

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

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

Mr. Speaker, I appreciate the opportunity today to express my support for H.R. 1259, the Social Security and Medicare Safe Deposit Act of 1999.

Today Social Security protects 44 million Americans. Social Security's core features: risk-free, lifetime benefits, progressivity, inflation protection and family and disability benefits are particularly important to women and to our lower-income people.

In fact, Social Security is the main and only source of income for about one in three seniors today. Thanks mostly to Social Security, poverty among seniors has dropped 69 percent since 1959, making seniors today the least likely group in America to be poor.

Yet despite its success, Social Security will not be able to pay promised benefits in the future. The reasons are simple. We are living longer and retiring sooner and having fewer kids. By 2014 Social Security will spend more than it receives in taxes. That is right, by 2014. By 2034, the trust fund will be empty, and only about two-thirds of the benefits will be payable.

In the past the answer has always been to cut benefits or raise payroll taxes, but today these traditional fixes are not acceptable. Social Security is the largest tax most workers pay today, and we must not increase that burden. We must avoid benefit cuts like COLA cuts and retirement age hikes that harm today's seniors or tomorrow's seniors.

That means our only choice is to save and invest, to save Social Security as provided in the Social Security Guarantee Plan the gentleman from Texas (Mr. ARCHER) and I have proposed. This plan converts Social Security surplus into personal retirement savings for every American worker to help save Social Security. At retirement, workers' savings guarantee full Social Security benefits and are paid without cuts or payroll tax hikes. The plan even creates new inheritable wealth for many workers who die before retirement after ensuring that full survivor benefits are paid. And the plan eliminates the Social Security earnings limit so seniors can work without further penalties.

But most importantly the Social Security Guarantee Plan saves Social Security for all time. Full promised benefits are paid, and the Social Security trust funds never go broke. In fact, the Social Security Administration has said the guarantee plan eliminates Social Security's long-range deficit and permits payment of full benefits through 1973 and beyond, and that is a quote. In the long run there are budget surpluses and the first payroll tax cuts in the program's history.

Passing H.R. 1259, the Social Security and Medicare Safe Deposit Act of 1999 will be a first critical step in this progress. This legislation, for the first time in history, locks away Social Security surpluses in a safe deposit box, only to be opened to save Social Security and Medicare.

Today there are no rules to protect the Social Security surplus. In contrast, H.R. 1259 sets new rules to protect those surpluses. If a measure does not pay for itself, either the House Committee on Rules or a supermajority of 60 Senators will have to agree to use Social Security surplus to pay for it.

So while the budget resolution made it out of order for the Congress to spend Social Security surpluses this year, this bill goes further to protect Social Security surpluses for as long as it takes to save Social Security and Medicare.

Consider what a difference that will make. For 30 years Federal budgeteers have included Social Security surpluses in their reporting to cover up what was really going on in the rest of the Federal budget. This safety deposit box stops the government from hiding behind Social Security surpluses to claim that its budget is balanced. In the future, all official budget documents must include the Social Security surplus in determining the government's budgetary bottom line. That is a solid foundation for legislation that will finish the job and really save Social Security for 75 years and beyond.

I encourage all Members to support this bill, and I must say this bill does not include the remedy to save Social Security for all time. It puts in place a discipline upon this House of Representatives, upon the Senate and upon the White House to live within our means without raiding the Social Security Trust Fund.

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

Mr. MATSUI. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, as my colleagues know, it was about January or February of this year that we had a resolution offered by the gentleman from Wisconsin (Mr. RYAN), a new Member of Congress, who spoke earlier. In that resolution he basically said we should save Social Security. We all voted for that. That was about 5 months ago. And now we have this proposal, this so-called lockbox proposal.

We have been debating this now for about 4 hours. Mr. Speaker, do our colleagues not think it would be better if we just went to a markup and starting marking up a piece of legislation?

We have a real problem on our hands with respect to Social Security. Over the next 35 years benefits paid out will exceed revenues coming in by 25 percent even if the Social Security money is set aside. We have to come up with a solution. We should not be playing around with resolutions and with little gimmicks about setting aside money. We should go to a markup.

And I have to say, the gentleman from Florida (Mr. SHAW), the chairman of the Subcommittee on Social Security, and the gentleman from Texas (Mr. ARCHER) are really trying. They have come up with a bill that maybe I might disagree with, but it is credible. Why do they not just go to a markup with that bill? Why do they not put it in legislation?

The problem is that their Republican leadership and Mr. LOTT on the Senate side do not support it, and as a result of that, we are now playing around. We are not going to come to any resolution of this this year because the polling data that the Republicans showed says that we should not do Social Security because it is too difficult.

But I tell my colleagues the American public wants Social Security done, but if we are going to do a lockbox, we ought to do it right because the legislation of the gentleman from Florida (Mr. SHAW) and the gentleman from Texas (Mr. ARCHER) does a deal with just 62 percent of the Social Security surplus. They actually use general fund surpluses in order to make sure that the benefits in this, revenues coming in on Social Security over the next 35 years, balance out.

So what we are going to do is we are going to say, ''You have got to set aside the Social Security surplus, but the surplus that is on budget we can spend. Well, in the Archer-Shaw bill, one has to use that to save Social Security, so there is an inconsistency in what we are doing now.

I just want everyone to know that we are going to vote for this, but we are going to vote for this on the basis that, why not, it does not do any harm, just like the gentleman from Wisconsin's resolution earlier in the year did no harm. But I have to say that when the day is over, we are not going to extend Social Security by 1 day, or we are not going to actually increase any more revenues or cut expenditures on Social Security. We are not going to do anything.

We are really misleading the American public and pretending, and this Congress has to finally come to grips with the fact that we have been brought here to do the people's business. We probably will not even get an appropriations bill out this week. We will probably leave for the Memorial Day recess without getting one appropriations bill out, even though three were promised, and now we are talking about Social Security on Wednesday night after 3 hours, and we are not going to do anything. It is not going to make one senior citizen or one member of the work force feel any better.

And so let us not kid ourselves. Let us pass this, but let us not tell anybody that this is really going to save Social Security. It is going to set aside money, it is not going to do anything; and we know it and you know it and everyone else knows it as well.

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

Mr. SHAW. Mr. Speaker, I yield myself 1 minute.

I would answer the gentleman from California (Mr. MATSUI), who is the

ranking member on the Subcommittee on Social Security, that I look forward to working with him. We do need legislation that is actually drawn up so we can actually look at it. Our conceptual model has been out there for some time, and people are looking at it, and I know the gentleman from California has just recently reviewed this, reviewed the documents that we have supplied, and is becoming knowledgeable and becoming familiar with what it is that we are trying to do.

I also understand that the President will be submitting some legislative language, and this is a positive step. So we do need to get together. This has to be a bipartisan solution, and this is what I think is so important in this whole process.

The gentleman is right. This lockbox is not the solution, but this lockbox does make it more difficult for this Congress to go ahead and continue to raid the Social Security Trust Fund surplus, and that is a fact of life, and that is what this does, and this is why I am supporting this particular bill.

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

Mr. SHAW. I yield to the gentleman from California.

Mr. MATSUI. Mr. Speaker, this is just for a question, because if he plans to do this this year, why do we need a lockbox? We can just do it. I mean, we only have 3 more months in the year. Why do we not try to get this done?

Mr. SHAW. Reclaiming my time, both processes are going forward, and this lockbox simply puts an impediment in front of the Congress to continue to raid the Social Security Trust Fund while we are trying to come together on a solution.

I may be one of the few Members of this House on Capitol Hill that really believes we are going to produce something this year, but I do, I have confidence in the process, I have confidence that the President wants to cooperate, I have confidence that there are a sufficient number of Democrats and Republicans that want to get together and put together a good bill that will solve the situation, and I am confident that we will do it.

But in the meantime, as we are going through the appropriation process, as we will be going through tax cuts and what not, I think that the decision has been made to hold this money aside, this surplus aside, and I think it is a positive step.

Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. HOUGHTON), a member of the Committee on Ways and Means.

(Mr. HOUGHTON asked and was given permission to revise and extend his remarks.)

Mr. HOUGHTON. Mr. Speaker, it is good to be here talking about this issue.

I really do not think it is playing around. This is an honest debate, and it is a good debate, and I applaud the basic concept of the lockbox. Since Vietnam, we have been digging into the Social Security fund. It does not make any sense. It is not right. It has got to be stopped. This is one method to stop it.

I just do not happen to agree with it, and I know my associate on the other side of the aisle says, we are going to vote for it. But why not? I think there is a real distinction here, and I would like to tell my colleagues why I am going to vote against the bill.

The goal is valid, and we have got to reach that goal, but we have got to reach it honestly. The thing I fear is that we are so driven by a concept that we will not think through what it means, and this is a pretty exact piece of legislation. It requires that all Social Security receipts, all of them in excess of cost, paying Social Security checks, be set forth separately and immediately into the House and Senate budget resolution.

□ 1630

There are no exceptions for emergencies, and it requires a point of order in the House, and 60 votes of the Senate to act otherwise.

Now, there is going to be a surplus, but there is not a surplus now, and with the supplemental emergency dollars just approved for Kosovo and the military buildup and other natural disasters, we are, as we have in the past, using a part of that Social Security excess.

Now, if we do not, then we have to borrow that money because we do not have that money, and we all want to stop that practice. Now, we have borrowed enough, so all we need to do is to avoid borrowing, or if we do not want to do that, we can wean ourselves away from using Social Security funds.

These are worthy goals. We are within sight of achieving both of them, but we are not there yet, and I think we will be in three years, but we are not today.

So if we insist on passing this lockbox legislation, I predict with almost certainty that before the year is out we will be violating our promise. I cannot believe this is a sound way of approaching our budget and, therefore, I am going to vote against the measure.

Mr. MATSUI. Mr. Speaker, I yield 5½ minutes to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, I thank my friend from California for yielding me this time. I agree with the point that the gentleman made, and that is that it would be a lot better if we were talking about a bill that would actually help the people on Social Security, that would extend the solvency of the program. We have been here now for many months, and it is time for us to use the regular legislative process of committee hearings and markup to start taking up legislation.

So rather than spending so much time on this lockbox, I wish we would spend the time debating how Social Security should be strengthened and how we should deal with the long-term solvency.

I also agree with the gentleman from California (Mr. MATSUI) in that this bill is one that we should vote for because it does contain some provisions that, if we adhere to them, would be good. Why am I skeptical about that? Because we have current budget rules in effect that do pretty much everything that is in this bill, but every time we waive those rules or find ways of getting around it. Just look what we did with emergency spending. We found ways to get around the budget rules. I am afraid that what is contained in this particular legislation, it will be very easy for Congress to get around it.

Mr. Speaker, let me tell my colleagues my problems, though, with the lockbox itself. We normally think of a lockbox that we put in there what we need in order to deal with the problem and we have a strong lock on it in order to make sure it is only used for that purpose. Well, that is not the case in the legislation we have before us. We have not put into this lockbox what we should; that is, all the surplus. We should not be spending the surplus until we have fixed Social Security first. I thought that was the commitment that we made on both sides of the aisle, that both leaderships said we are going to fix Social Security first. Yet, we do not put into the lockbox the resources that will be needed in order to deal with that. That is the first major flaw.

But perhaps even more significant is that there is no lock on this lockbox. All we need to do is pass legislation that says that we fixed the problem and we can spend the money. Let me read the language in the bill. I know we rarely do that around this place, but let me read what we are asked to vote on.

It says the term ''Social Security reform legislation'' means a bill or a joint resolution that is enacted into law and includes a provision stating the following: ''For the purposes of the Social Security and Medicare Safe Deposit Box Act of 1999, this act constitutes Social Security reform legislation.''

Mr. Speaker, there is no lock on this lockbox. There is no requirement that we extend solvency of Social Security even one day before we can spend the money that we say that we are locking up for Social Security.

Now, Mr. Speaker, we are going to have an opportunity to cast a really significant vote, and that significant vote will be on the Holt-Lucas-Moore proposal. It will be in the motion of the gentleman from New York (Mr. RANGEL) to recommit. That will be a real vote. Why do I say that?

First, it will put into a lockbox all of the surplus and say that we cannot spend that until we have dealt with Social Security and Medicare. But it goes a second step and puts a lock on the lockbox. It puts a lock on the lockbox

by defining what is Social Security reform, defining what is Medicare reform.

We do not do that in the legislation before us. We do not even allow an amendment for the legislation before us. We have a closed rule. We cannot even bring forward suggestions to improve the bill. That is not the democratic process and the bipartisan cooperation that my colleagues are asking for, when they will not even give us a chance to really debate the issue before us today.

But the motion to recommit, the Holt-Lucas-Moore proposal actually does define what we need to do in order to be able to spend the money in the lockbox: seventy-five year solvency for Social Security. We all agree on that. Let us put it in the bill. We do not do that. But we will have a chance.

Vote for the motion to recommit. It does not delay the process. It brings the resolution immediately back for passage, but says that we have to deal with the 75-year solvency of Social Security, which we should do. And then on Medicare we say we have to have at least 30-year solvency in Medicare. That makes sense. Then we would really be putting this money aside and putting a real lock on the lockbox to make sure the money, in fact, is not spent until we have, in fact, dealt with the solvency of both Medicare and Social Security.

So, Mr. Speaker, we are being asked for bipartisan cooperation. We agree with that. We do not have any chance to amend the bill. Vote for a motion to recommit so that we can have a true lockbox.

Mr. SHAW. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. ENGLISH), a member of the Committee on Ways and Means.

Mr. ENGLISH. Mr. Speaker, I rise in very strong support of this legislation. Its time has come. This is legislation that is a seminal first step in ensuring that Social Security's retirement safety net will be there for our seniors when they need it. By putting all of the Social Security surpluses into a lockbox, we ensure that Social Security surpluses are not diverted into new spending or new programs by Congress.

Under this legislation Congress could only use non-Social Security surpluses, real surpluses, for spending increases and tax cuts. In effect, it ends the smoke and mirrors of the budget process by not allowing the Social Security surpluses to be invaded.

This legislation commits Congress to setting aside $1.8 trillion for Social Security and Medicare over the next 10 years. These resources are an essential component of any viable proposal to rescue Social Security. I urge the passage of this legislation.

Mr. MATSUI. Mr. Speaker, I yield 4½ minutes to the gentleman from California (Mr. BECERRA).

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

Mr. Speaker, I find some difficulty in this debate in that evidently this House is planning to adjourn after this vote takes place and leave for the Memorial Day weekend and recess. It seems odd that we would be leaving, having heard that in the Senate chamber, after a great deal of debate and quite a bit of strenuous deliberation, the Senate passed legislation that would deal with crime issues. Whether we agree with every aspect of it or not is not the point. The fact remains that there is a bill on the Senate side sitting, waiting for House action, that would deal with the issue of crime and youth violence, and there it sits.

Here on the House side, we bring up legislation that talks about a so-called lockbox, legislation that did not go through committee, because the people that are debating and sitting on the Committee on Ways and Means, including the Members that are here right now, the committee that has jurisdiction, and asked for a chance to have this bill debated to get the substance out, to really discuss what could be done on Social Security, and, in fact, if we could improve it, to add amendments to it, but rather than go through the normal legislative process where we would have a hearing in committee to discuss and debate the merits of the proposal, we are going straight to the floor of the House, never having gone through the committees of jurisdiction.

We could do that with this bill. And, as we have heard, the bill really does not do anything, because current law already requires that we do these things. But yet legislation that would deal with crime and youth violence and try to address the concerns of many Americans when it comes to the safety of their children in schools, sits right now awaiting action on the part of the House, and yet we are getting ready to adjourn without having taken any action on that crime legislation. Yet we are willing to pull something straight out from earth without ever having given it a chance to be debated and heard and the merits be discussed in committee the way we would normally do so on something as important as crime.

Why is it that on crime we have to let it sit and go through the whole committee process and wait who knows how many months before it can come to the House when the Senate has already passed it, when on Social Security, when we are not doing anything that is not already in existing law, we have to rush it through? I do not understand, but let us continue with the debate.

On the merits of this legislation, one, as we have heard, we could do nothing with this bill and the law would require we do what this bill claims it does, and that is to reserve Social Security surpluses for Social Security. Secondly, if we truly intend to send a message to the American people that we want to act on Social Security, then we would do as others have said as well. We would really lock up the surpluses, because everyone knows that if we lock up just what is considered a surplus in the Social Security fund, that that will not be enough to resolve the issues of long-term solvency for 75 years.

But this bill does not do it, nor are we being given a chance to amend the legislation to allow it to do that, so we really can send a meaningful message to the American people that we really want to do something on Social Security.

If this is all we are going to do on Social Security for the year or for the term, we are in real trouble, because at the end of the day we can tell the American people we did nothing more than already existed in current law. We could have been absent for the entire two-year session as Members of Congress, and Social Security would be in as good a shape as if this bill passed and quite honestly as bad a shape as it could be if we do not do anything over the next two years.

So here we are in a situation where we are being told this is a way to remedy part of the Social Security problem. In a way, it is a feel-good proposal that maybe makes people believe that we are going to now begin to lock monies up. So in that sense, okay, let us vote for this thing. But the reality is, if we are going to deal with the long-term solvency issues of Social Security, we have to deal with what the President said.

The difficult question is to get us the last 20 or so years of 75 years worth of solvency. This does not do any of that. This does not even come close to doing what the President said would be the easy part of saving the Social Security surpluses, because at the end of the day the President committed that we save part of our surpluses for Medicare. This does not help in that regard.

We really need to get to work. If we are going to do something, let us make it meaningful, and certainly if we are going to rush it through, then let us deal with the crime bill as well, because that is just as important as this because this does not really get us anywhere.

I urge the Members to consider doing something meaningful before we move on.

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

I would say to the gentleman from California, who I do not believe was here when his party was in the majority, that it was rare that a motion to recommit was offered to the minority side when the Republicans were in the minority. So I think this is a very Democratic process. The gentleman can come forward with his bill. Many of his Members have already argued in favor of his motion to recommit, so I think the process going forward is very good.

I would also remind the gentleman that but for the grace of God and six Members, you would be in the majority

today. Nothing is precluding the gentleman and Members from his side from coming forward with their own plan. As a matter of fact, I think we are also looking for one from the White House, and I think there is a certain amount of cooperation.

So I am not slamming this side for it, but I think also when the gentleman from Texas (Mr. ARCHER) and I have come forward with a plan before the Committee on Ways and Means and are working that plan and talking to the Members, briefing the Members, and the gentleman from California was at the briefing that we had the day we unveiled it, I think this is important progress. We are making progress. However, it is a slow process.

Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank my friend from Florida (Mr. SHAW) for yielding me this time.

It is interesting to listen, and our goal is, of course, a bipartisan solution to this challenge of Medicare, and this lockbox simply sets aside all of the funds designated for Medicare and Social Security to that purpose. It is different, if we want to get technical, from what was done in 1990 that dealt with direct reductions.

What we have heard throughout our districts, whether we are Republicans or Democrats, and I know there is a temptation to deride any effort made in good faith as some sort of gimmick, but what we have heard, not as Republicans or as Democrats but as Americans, is that we need to deal with this problem, devote Social Security surpluses to Social Security, keep the trust fund intact.

I listened with interest to my friend the ranking member from California, who encouraged our side to bring forth legislation, and of course my good friend from Florida, the chairman of the full committee, had brought forward a plan; others folks have, too.

□ 1845

Mr. Speaker, in fairness, my friend, the gentleman from California, also asked that the Treasury Secretary designee, Mr. Summers, where the administration plan was.

I think it is important that we work on this. As we know, a journey of a thousand miles begins with a single step. This is a profound step. It is not a gimmick.

The motion to recommit will be akin to double secret probation. The other side is entitled to do that, but Americans want a rational, reasonable response, and locking up of this fund. That is what it does. It is simple. It is practical. This House should do it.

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

I would just point out to the gentleman from Arizona that even though the gentleman only has a 6-vote majority, he is a majority. We cannot bring a bill to the floor of the House, we cannot bring a bill to the committee and get it marked up. Only the people in the majority can.

The gentleman's side is in the majority. They have the obligation to mark up a piece of obligation. We are 6 months into this year without it.

Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, let me introduce myself. My name is Hillary Clinton. I say that because I see that we have a bill before us today which says that a bill may in the future declare itself to be whatever it wishes to declare itself. I thought since the majority seems to take that seriously, I would see how seriously they took me if I introduced myself as Hillary Clinton.

Let me simply say that if Members look at this bill, what it says is that no point of order will lodge against a bill if it declares itself to be social security or Medicare reform. Boy, there is really some protection, is there not?

I remember that their leader 2 years ago said that social security should be allowed to wither on the vine. I know that their existing floor leader has said that, as far as he is concerned, there should be no room for a program like Medicare in a free society.

I would simply say that letting legislation written by people like that self-declare itself to be reform legislation is a little like asking John Dillinger to pretend that he is Mother Teresa. It may be believable to some people, but it certainly would not be believable to me.

What this bill says, and man, it has muscle, what it says is this Congress will put every dollar on the books into social security unless it votes not to. That is what this wonderful lockbox says. It is just wonderful, what the Congress can do to pass its time when it is not being serious about real legislation.

I would simply suggest to my friends on the majority side of the aisle that if they are serious about saving social security, then I would urge the Members to quit promising the American public that we can provide $1.7 trillion in tax cuts in the next 15 years and still protect social security and still protect Medicare. We all know that that is not possible, and we can get on with serious legislation as soon as everybody in this place admits it.

I have a simple suggestion. We were sent here not to adopt gimmicks, we were sent here to deal with our problems in serious legislative ways. If Members want to save social security, bring out a bill that saves social security. Do not bring out something which ought to be labeled the number one legislative fraud of the year.

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

Mr. Speaker, I would say to my friend, the gentleman from Wisconsin (Mr. OBEY), I know Hillary Clinton, and he is not Hillary Clinton.

Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. WELLER), a member of the Committee on Ways and Means.

(Mr. WELLER asked and was given permission to revise and extend his remarks.)

Mr. WELLER. Mr. Speaker, I thank the chairman for yielding time to me, and for the opportunity to say a few words in support of this important legislation.

Mr. Speaker, let me ask this House a very basic question. My friends on the other side of the aisle have been claiming that existing rules and existing laws already protect the social security trust fund.

If that is the case, then, let me ask Members of this House, why do the social security trustees report that this Congress over the last 30 years and the President have raided the social security trust fund to the tune of $730 billion?

Obviously, the so-called protections that they claim are in place are not really there. That is why this legislation is so important as we take the steps to save social security for future generations, not just today but for the next three. The first step, the important step, is to lock away 100 percent of social security for social security; not part of social security, but all of social security.

I represent a diverse district, the South Side of Chicago, the south suburbs, in Cook and Will counties, a lot of bedroom and rural communities. Whether I am at the union hall, the VFW, the grain elevator, the local coffee shop on Main Street, I am often asked a pretty basic question: When are you guys, when are you politicians in Washington, going to stop raiding the social security trust fund? Because they have been watching Congress and the President do that now for 30 years, to the tune of $730 billion.

This legislation is important because we set aside $1.8 trillion of social security revenues, 100 percent of these revenues, for social security and Medicare. That is a big victory, because when we compare that with the alternative, and I point out, this is an important first step as we work to save social security for the long-term.

I would like to point out the alternative here. If we look at why this is the centerpiece of this year's budget, 100 percent of this is for social security.

On this chart I have here, in this coming year $137 billion is the projected social security surplus. With the lockbox, we set aside $137 billion, the entire social security surplus, over the next year. The Clinton-Gore Democrat alternative sets aside only 62 percent, continuing the raid on social security. In fact, the Clinton-Gore budget would spend $52 billion of the social security surplus on other things.

That is why this legislation is so important. We want to wall off the social security trust fund. We need measures that work. Obviously the current rules, the current laws, do not protect the social security trust fund. That is why

the Medicare, social security and Medicare safe deposit box is so important.

Let us give it bipartisan support. Let us take this important first step as we work to save social security.

Mr. SHAW. Mr. Speaker, I yield 30 seconds to the gentleman from Florida (Mr. STEARNS).

(Mr. STEARNS asked and was given permission to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, rarely has a government program caused so much confusion and misled so many people and perhaps bedeviled so many of us here in Congress, so it is appropriate tonight that we establish this lockbox and go ahead and pass this legislation.

I might point out to my colleagues who are complaining that this did not go through a committee, I have been here 10 years. As the gentleman from California (Mr. MATSUI) knows, there are often times that the Democrats brought legislation that was good without going through the subcommittee or the full committee.

So I think this has wide support. It will pass. I think it is appropriate that we bring this before the committee.

Lastly, I would say that it is a great accommodation for us to be debating and completing this tonight.

Mr. Speaker, the legislation before us would create a lockbox to ensure that Social Security surpluses be dedicated solely for the purpose they were intended to pay seniors their benefits.

Today we can make history by standing up for not only what we believe to be right but what is absolutely necessary. If we are to make good on our promise to our country's seniors that we will protect the Social Security program, this can be achieved by putting future surpluses into a lockbox that could not be used to perpetuate the tax and spend policies of the past. In other words, the Social Security surpluses could not be used to pay for new spending projects or for tax cuts.

Right now the Social Security Trust Fund is running a 126,000,000,000 surplus and it is used to mask the deficit. The Social Security Trust Fund's surplus shouldn't be used to fund other programs. And it should not be used to mask our Nation's deficit.

Added to that is the irony that this very same fund is scheduled to go bankrupt soon after the baby boomers start to retire.

And so this trust fund which will soon go bankrupt is now in surplus, hiding the true state of the Federal budget.

Rarely has a Government program caused so much confusion, mislead so many people, and bedeviled so many policy makers.

We have been very zealous in cutting wasteful spending and reducing the size of our Government's bureaucracy. We should keep up our efforts and continue to cut out unnecessary spending. Whatever surplus we may have is a result of lower taxes and less government spending.

What would happen if the economy should start to falter? How would that affect the budget process if the surplus were to shrink—keeping in mind that the true state of our budget surplus is dubious at best.

We can through the passage of H. R. 1259—finally stop this practice which started when President Johnson unified the budget in 1969. It was then that Social Security, and the other Federal trust fund programs, were first officially accounted for in the Federal budget.

The ''Safe Deposit Box Act'' establishes the submission of separate Social Security budget documents by excluding outlays and receipts of the Old-Age, Survivors, and Disability Program under the Social Security Act thereby preventing Social Security surpluses being used for any purpose other than for retirement benefits.

Mr. SHAW. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. PORTMAN), a member of the Committee on Ways and Means and a valued member of the Subcommittee on Social Security.

Mr. PORTMAN. Mr. Speaker, I thank the chairman of the Subcommittee on Social Security for yielding time to me.

I want to also commend the gentleman from California (Mr. WALLY HERGER) for bringing this legislation before us tonight. It is my view that the next logical step toward fiscal sanity in this town. The first step was through a Republican majority to actually get a balanced budget in terms of a unified budget, all the receipts in, income taxes, payroll taxes, other fees, and all payments out of the Federal Government; for the first time in 30 years, we now have a unified balanced budget.

But it is time now to ensure the integrity of the social security system by taking those payroll taxes and requiring that they indeed go to the trust fund and to the social security system. That is what this does, by walling it off. It is not the last step. It is the next logical step.

The next step is actually to take those funds and put them to work for the American people so that financial security and retirement is ensured. That is why I want to compliment the chairman of the subcommittee, the gentleman from Florida (Mr. SHAW) and the gentleman from Texas (Mr. ARCHER) for coming forward with a plan that does that over the requisite 75-year period.

That is the challenge of this Congress. It does not mean this step is not important, because it is the foundation upon which real social security reform must be built.

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

Mr. Speaker, I would like to commend the gentleman from Florida (Mr. SHAW), because I think he and the gentleman from Texas (Mr. ARCHER) have attempted to come up with a piece of legislation conceptually that at least deserves not only a hearing, but perhaps even a markup.

What I really would suggest we do now is go to a markup. We are 6 months into this year. We had a White House summit or conference last December. It appears to me now that now is the time to mark up a bill.

We have essentially 3 months left, probably 25 to 30 legislative days left this year, and if we run out of time we are going to get into the year 2000, and everyone can see we probably will not take social security up in an election year, Democrats and Republicans. It is not a partisan observation.

So we have a slight window. That means this window is probably within the next 20 or 30 days at the very most, and this issue is too critical to put off with resolutions, as we saw in January, or this so-called lockbox, which will do no harm but do no good.

As a result of that, we should begin the markup. We are going to be 25 percent short of paying out benefits over the next 35 years, 25 percent short. As a result of that, we have an obligation to deal with this problem now. We should not be fooling around with gimmicks like lockboxes and resolutions. We should take this issue seriously.

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

Mr. SHAW. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I would like to say, I compliment the gentleman from California (Mr. MATSUI), the ranking member on the Subcommittee on Social Security of the Committee on Ways and Means, and I take what he says as reaching out to Republicans and wanting to work together to solve this terrible problem that we have.

Mr. Speaker, we talk about the year 2035. The real problem is going to start in 2014, when the fund starts to run out of money. That means that the FICA taxes will not be sufficient to take care of the benefits. That means that those baby-boomers that are getting into the retirement system at that time are going to require either a decrease in their benefits, which would be terrible, or an increase in the payroll taxes for the people that are already overtaxed, and particularly the people of low income.

That would be terrible to do that. So let us not kid ourselves, we do not have until 2035. The problem starts at 2015, and the disaster happens at 2035.

Just 2 weeks ago our ninth grandchild was born to Emily and to me, little Casey Carter, a beautiful little girl. And I cannot help but think, and all of us think as we look into our children's eyes, our grandchildren's eyes, just go out front and look into the eyes of the young people around this Capitol, we are handing them a hand grenade, pulling the pin, and say you hold it, it is your problem.

We can solve it now, and we do need to solve it now. If we do not solve it now, it would be the biggest, biggest curse on this House and the Senate and the White House.

We can work together. There is a way to do it. We have put down a plan. The President is going to be putting down a plan. I hope the Democrats will come out with a plan that they can support. We need to work together. We need to come together and solve this situation.

We can do it now without in any way interfering with the benefits that our

seniors rely upon and without increasing the taxes on our kids and our grandkids. But this may be the last Congress that can do this with as little pain as we can put into it.

So let us work together, and I think this has been a very constructive, constructive session. I accept a lot of the criticism that has been given, and I hope that Members will accept a lot of the criticism that has come from this side. Together we can work together to solve the social security crisis in this country.

Ms. ROYBAL-ALLARD. Mr. Speaker, today I will reluctantly vote in favor of the Republican ''lock box'' proposal. I do so with reluctance because Democrats were not allowed to offer a far better alternative which would have truly extended the life of both Social Security and Medicare.

I am disappointed that, for all their rhetoric, the Republican leadership cannot come up with a real Social Security reform proposal that truly protects and extends the life of our nation's retirement security program.

H.R. 1259 fits into a pattern of Republican-controlled congresses to pass harmless legislation that make political points instead of taking the tough steps necessary to solve our nation's problems. The bill in front of us was not even considered by the committees that have jurisdiction over Social Security. We need real action on Social Security and Medicare, not just procedural bills that do not address the heart of the matter.

The heart of the matter is that 44 million people currently receive Social Security benefits, and Social Security has kept millions of our seniors out of poverty. Without Social Security, a staggering 42% of our seniors would be in poverty. But now due to the pending retirement of the baby boom generation and the very positive fact that people are living longer today, we need to take steps to provide for the long-term health of Social Security.

Democrats are very clear about this—we want to reserve the budget surplus for the long-term health of both Social Security and Medicare. We have a basic difference of opinion with Republicans, who would like to use a significant percentage of the budget surplus for tax cuts which would benefit the richest Americans at a time when the economy is performing superbly.

So while the bill today does no harm, neither does it do any good. Let's take the politics out of this debate about Social Security, roll up our sleeves, and get down to work on realistic and lasting reforms that will extend the life of Social Security and Medicare for generations to come.

Mr. STARK. Mr. Speaker, I rise today in support of the Democratic motion to recommit H.R. 1259 so that it can go through the normal Committee process and we can actually save the budget surplus for Social Security and Medicare.

This bill appears to protect Medicare and Social Security from the cavalier spending of Congress, but it merely creates shelter for Congress when our constituents ask us why Social Security and Medicare are facing financial failure. Let's be honest with the American people. We must devise an honest approach to financing and strengthening the two systems.

This bill did not go through the normal legislative process so it does not have the enforcement provisions it could have had if the Ways and Means Committee was allowed to debate and amend it. Furthermore, we must stop blaming the President and take responsibility for enacting—or avoiding—responsible legislation. Not one dollar of taxpayer funds can be spent by the President unless Congress approves it. Finally, we must take this opportunity as a first step in real debate to strengthen Social Security and Medicare.

I. LET'S TAKE A LOOK AT PROCESS SO FAR WITH H.R. 1259

H.R. 1249 did not go through the regular Committee process. It was pulled from the Committees with jurisdiction and brought directly to the House floor without any normal deliberation.

The Republicans avoided sending H.R. 1259 through Ways & Means so the Committee was not able to debate or amend the bill prior to coming to the floor.

Had we used the normal legislative process, today's bill might have the enforcement measures needed to address Medicare and Social Security's insolvency problems. The Speaker promised to meet us half way when he took office. He also promised to play by the rules. Neither promise has been honored in this case. Clearly, we will move back to regular order only when it is convenient to do so.

Had the Ways and Means Committee considered the bill, I would have offered an amendment to more clearly define what would qualify as ''Medicare reform''. H.R. 1259 makes the ''lockbox'' provisions of the bill effective until Medicare and Social Security are saved. However, it does not define ''saved.'' This allows Congress to raise the age of eligibility, to force people into HMOs, and to reduce benefits as the means of ''extending'' the financial life of the program. Medicare is a vital program for our nation's seniors and disabled populations. In my mind, reform cannot include reductions in benefits like some would like to achieve. Some Members may believe that this is an adequate definition of ''saved'' but I don't. We cannot sacrifice the health and well-being of the American workers for the sake of balancing the books.

II CONGRESS—NOT THE PRESIDENT—RAIDS THE TRUST FUNDS

I might point out that Social Security has already been taken ''off-budget'' by three separate public laws: by the Social Security Amendments of 1983; by the Balanced Budget and Emergency Deficit Control Act of 1985; and once more by the Budget Enforcement Act of 1990. If Congress has been able to circumvent the spirit of the law for this long, what makes us believe that anything will change this time around?

The GOP has been blaming the President for raiding the Social Security trust funds. This is simply not the case. This body is responsible for passing all spending bills. Just last week, we spent $12 billion for Kosovo in the Emergency Supplemental bill. Congress spent twice as much as the President requested for a war that the GOP refused to authorize.

This is a clear case of hypocrisy. On the one hand, Congress doesn't want to authorize the war, but on the other hand they'll spend an exorbitant amount on pork for the mission. On the one hand, Congress claims they want to save the budget surplus for Medicare and Social Security but right after, they spend it on a war they don't support.

Let's be honest. Congress controls the spending and we have always been able to control whether it goes for needed programs like Social Security and Medicare or programs like the National Missile Defense system.

III. STRENGTHEN SOCIAL SECURITY AND MEDICARE

I agree that there should be a lockbox for Social Security and Medicare. But I want all surpluses to be used for these programs. First and foremost we must strengthen Social Security and Medicare and ensure their solvency. Before any tax bills are brought to the floor of the House, we must guarantee the American people that their Old Age, Survivors and Disability Insurance is as strong as they need it to be for a happy and healthy retirement. We must guarantee them that their health care needs will be met with quality in their golden years.

We must lock up all of the budget surpluses until these two systems are strengthened through bipartisan legislation. The big tax cut for the wealthy must be postponed until the American worker is assured that his or her health and retirement insurance is safe for years to come.

The only way to do this is by giving this bill some teeth. We must send this bill back to committee and give it the enforcement provisions it needs. Let's really lock up the surplus until Medicare and Social Security are solvent for the long-term.

Mr. FORBES. Mr. Speaker, the best way to stop the politicians from spending the taxpayers' money is to take it away from them before they can waste it. Today we have the chance to take Social Security and Medicare's money away from the politicians.

The Congressional Budget Office has projected a surplus of $1.55 trillion over the next ten years. Of that amount, $1.52 trillion—98 percent—is Social Security reserves, which consist of the payroll tax payments made by employees and employers during the next decade and interest earned on the Social Security Trust Fund during that period.

Clearly, the surplus is not extra money which Congress can spend on any worthy cause. Every one of those dollars will be needed to honor our commitment to future retirees. Social Security is sound today, but we in Congress have a responsibility to worry about tomorrow.

We must ensure that Social Security and Medicare will continue to provide the benefits promised to those who have paid into the system. No one should have to worry that one day Social Security will not be there for them. Our children and our grandchildren deserve to know that Social Security and Medicare will be there when they need it. We can give them that guarantee by voting for H.R. 1259, the ''Social Security and Medicare Safe Deposit Box Act.''

This bill:

Removes Social Security surpluses from all budget totals used by Congress or the President, so they can no longer be used to mask deficits or inflate overall budget surpluses.

Blocks budgets that spend excess Social Security money by requiring a supermajority (60) in the Senate for passage and allows for a point of order against any legislation in the House—including all spending initiatives or tax cuts.

Creates a safe deposit box shielding Social Security surpluses that can only be opened for Social Security and Medicare reform.

Using Social Security dollars to pay for anything other than retirement benefits would be

an act of political larceny. The victims would be those hard-working men and women who are counting on Social Security to protect them in their retirement years.

Save Social Security and Medicare for future generations, vote for this bill.

Mr. BARTLETT of Maryland. Mr. Speaker, I rise today to express my deep concerns about the rhetoric that surrounds this bill. I am deeply concerned that some members have stated that this budget will ''lock away the Social Security and Medicare surplus.'' I am puzzled as to what this means. Is the money going to be stuffed under a mattress at the Department of Treasury. Will there be a huge safe with armed guards at the Bureau of Public Debt stuffed full of stacks of cash? Obviously not.

When you peel back the rhetoric, you find out that what the bill really does is to use the Social Security Trust Fund Surplus to pay down publicly held debt. This does absolutely nothing to address the long-term problems of Social Security. As a matter of fact, if Congress leaves current law as it is, all of the surplus from all of the trust funds, and any unified budget surplus, will be used to pay down the publicly held debt. When was the last time you heard seniors in your district telling you that they want FICA taxes to be used to pay for Congress' voracious spending during the 1980's and 90's?

While paying down the publicly held debt may be a laudable goal, let's not say it does something to ''Save Social Security.'' All paying down the publicly held debt does is allow the government to pay down publicly held debt now, so that when all of the IOU's in the Social Security Trust Fund come due in 2014 we can take out more debt. I am puzzled why it is good policy to pay down debt now so that we can take out massive amounts of debt in the future.

My colleague, Mr. MARKEY, and I have introduced legislation which will actually do something to save Social Security. Our legislation will add six years to the solvency of the Social Security Trust Fund. Our bill does this by authorizing the investment of a portion of the Social Security Trust Fund in broad-based index stock funds, just like every pension manager in the country does. We have included extensive provisions to protect the fund from political manipulation. By having a private sector fund managers invest in the market, our bill will finally get a portion of the trust fund out of the hands of a spend-happy Congress in Washington, and simultaneously grow the assets in the trust fund. This is almost identical to the investment strategy that has been employed by the highly successful Thrift Savings Plan. Most importantly though, our bill will add at least six years to the solvency of the Social Security Trust Fund.

Whie I intend to vote for this bill, let's be honest with the American people. This bill does nothing to ''Save Social Security.'' And if we tell the taxpayer otherwise we are doing them a disservice.

Mr. WELDON of Florida. Mr. Speaker, I am pleased to rise in support of H.R. 1295, the Social Security and Medicare Safe Deposit Box Act of 1999. We must move this bill forward. For decades politicians in Washington have voted to spend the Social Security surplus on new and larger government programs.

When Republicans took control of the Congress in 1994, we promised to put a cap on government spending and to protect Social Security. We were submitted to a relentless attack by those who wanted to expand the size and scope of government. But our efforts have paid off and the American people are better off because we have a real balanced budget for the first time in decades. When we take all of the Social Security Surplus money and set it aside in the lock-box, we still have a few dollars left over.

Social Security is much safer today that it was four years ago because we have balanced the budget. Had we not presevered in our efforts to balance the budget no one would be here today talking about a Social Security Trust Fund lock-box. This debate would be impossible.

I am pleased that the Republican Budget Resolution that we passed earlier this year committed us to passing a lock-box. We are doing that today with the passage of H.R. 1295.

The greatest objections to this bill are coming from those who have voted over the past years to use the Social Security Trust Fund money to pay for larger government. They know that after today it will be more difficult to do so because they can no longer secretly dip their hand into the Trust Fund to pay for their new program.

The bill will force fiscal discipline on Washington. In order to create a new federal program, politicians who propose new Washington programs will have to say how they are going to pay for their new program because they can no longer dip into Social Security for the money.

Mr. CAMP. Mr. Speaker, I rise in strong support of H.R. 1259, the Social Security Lock Box bill. For too long, our Nation's seniors—and tomorrow's seniors—have been faced with uncertainty. It's an uncertainty about the promises they've been made, that the Social Security benefits they earned will be there for them when it's time for retirement.

Our legislation locks away 100 percent of all Social Security surpluses. It locks them away from Congressional big spenders who'd rather break tomorrow's promises and fill the Social Security Trust Fund with IOUs, to spend for budget-busting federal spending today. With passage of our bill today, we can ensure that any new federal spending does not come at the expense of Social Security beneficiaries.

Today, we make the guarantee for future beneficiaries and current Social Security recipients, that their benefits will be there. When they step toward retirement, they won't find IOUs in their Social Security accounts. Instead, they'll find their full benefits, and a promise kept.

Let's put ''security'' back in Social Security. Support the Social Security Lock Box bill.

Mr. SHAW. Mr. Speaker, I urge passage of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. All time has expired. Pursuant to House Resolution 186, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. RANGEL

Mr. RANGEL. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. RANGEL. Yes, in its present form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. RANGEL moves to recommit the bill H.R. 1259 to the Committee on Ways and Means with instructions to report the same back to the House forthwith with the following amendments:

Redesignate sections 4 and 5 as sections 5 and 6, respectively, and insert after section 3 the following new section:

SEC. 4. SURPLUSES RESERVED UNTIL SOCIAL SECURITY AND MEDICARE SOLVENCY LEGISLATION IS ENACTED.

(a) IN GENERAL.—Section 312 of the Congressional Budget Act of 1974 (as amended by section 3) is further amended by adding at the end the following new subsection:

''(h) SURPLUSES RESERVED UNTIL SOCIAL SECURITY AND MEDICARE SOLVENCY LEGISLATION IS ENACTED.—

''(1) IN GENERAL.—Until there is both a social security solvency certification and a Medicare solvency certification, it shall not be in order in the House of Representatives or the Senate to consider—

''(A) any concurrent resolution on the budget, or conference report thereon or amendment thereto, that would use any portion of the baseline budget surpluses, or

''(B) any bill, joint resolution, amendment, motion, or conference report if—

''(i) the enactment of that bill or resolution as reported,

''(ii) the adoption and enactment of that amendment, or

''(iii) the enactment of that bill or resolution in the form recommended in that conference report,

would use any portion of the baseline budget surpluses.

''(2) BASELINE BUDGET SURPLUSES.—

''(A) IN GENERAL.—For purposes of this subsection, the term 'baseline budget surplus' means the sum of the on- and off-budget surpluses contained in the most recent baseline budget projections made by the Congressional Budget Office at the beginning of the annual budget cycle and no later than the month of March.

''(B) BASELINE BUDGET PROJECTION.—For purposes of subparagraph (A), the term 'baseline budget projection' means the projection described in section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 of current year levels of outlays, receipts, and the surplus or deficit into the budget year and future years; except that if outlays for programs subject to discretionary appropriations are subject to statutory spending limits then these outlays shall be projected at the level of any applicable statutory discretionary spending limits. For purposes of this subsection, the baseline budget projection shall include both on-budget and off-budget outlays and receipts.

''(3) USE OF PORTION OF THE BASELINE BUDGET SURPLUSES.—For purposes of this subsection, a portion of the baseline budget surpluses is used if, relative to the baseline budget projection—

''(A) in the case of legislation affecting revenues, any net reduction in revenues in the current year or the budget year, or over the 5 or 10-year estimating periods beginning with the budget year, is not offset by reductions in direct spending,

''(B) in the case of legislation affecting direct spending, any net increase in direct spending in the current year or the budget year, or over such 5 or 10-year periods, is not offset by increases in revenues, and

''(C) in the case of an appropriations bill, there is a net increase in discretionary outlays in the current year or the budget year when the discretionary outlays from such bill are added to the discretionary outlays from all previously enacted appropriations bills.

''(4) SOCIAL SECURITY SOLVENCY CERTIFICATION.—For purposes of this subsection, the term 'social security solvency certification' means a certification by the Board of Trustees of the Social Security Trust Funds that the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are, taken together, in actuarial balance for the 75-year period utilized in the most recent annual report of such Board of Trustees pursuant to section 201(c)(2) of the Social Security Act (42 U.S.C. 401(c)(2)).

''(5) MEDICARE SOLVENCY CERTIFICATION.—For purposes of this subsection, the term 'Medicare solvency certification' means a certification by the Board of Trustees of the Federal Hospital Insurance Trust Fund that such Trust Fund is in actuarial balance for the 30-year period utilized in the most recent annual report of such Board of Trustees pursuant to section 1817(b) of the Social Security Act.''.

(b) SUPER MAJORITY REQUIREMENT.—(1) Section 904(c)(1) of the Congressional Budget Act of 1974 (as amended by section 3) is further amended by inserting ''312(h),'' after ''310(g),''.

(2) Section 904(d)(2) of the Congressional Budget Act of 1974 (as amended by section 3) is further amended by inserting ''312(h),'' after ''310(g),''.

□ 1900

Mr. RANGEL (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the Chair recognizes the gentleman from New York (Mr. RANGEL) for 5 minutes in support of his motion.

Mr. RANGEL. Mr. Speaker, this is merely a parliamentary maneuver. It does not mean too much as it relates to whether or not this Congress or this House deals with Social Security. It takes the so-called Social Security surplus, puts it into a lockbox, and gives the key to that lockbox to the majority.

I suppose that this is supposed to send a positive message to America that we do recognize the serious nature of the crisis that will face the next generation as they look forward to receiving the benefits that they rightly deserve.

We on this side say that the President has tried to put pressure on the Congress by saying, let us do Social Security first. Let us do Medicare first.

In order to put additional pressure on us, it is suggested, not only by the President, but by this stronger lockbox provision, which is identical to H.R. 1927 introduced by the gentleman from New Jersey (Mr. HOLT), the gentleman from Kentucky (Mr. LUCAS), and the gentleman from Kansas (Mr. MOORE), that says why restrict ourselves just to the Social Security surplus? Why not take the on-budget surplus? Why not take the monies that we will have, and as some people say, while the sun is shining, that is the time to fix the roof?

Why not say that we are going to attempt to work in a bipartisan way, not to see who can outscore each other on points? Because when this motion is analyzed by those who study the work of the Committee on Ways and Means, it is going to be clear to everybody that we have not locked anything in. As long as there is a majority in this House, that box can be unlocked. There is no lock on it.

But if we did say that we were going to work together, not as Democrats and Republicans, but as committed Members of this House, it would seem to me that we would start now in trying to cooperate with each other and not bring motions out on the floor without having full debate in the Subcommittee on Social Security and the Committee on Ways and Means.

No one has worked harder to achieve a bipartisan approach to this than the gentleman from Florida (Mr. SHAW). I think that our chairman and my President would like to be able to say that on their watch, they have been able to tackle this very serious problem.

But this problem is not going to be resolved by Republicans, and it is not going to be resolved by Democrats. It is not going to be resolved by demagoguery. It is not going to be resolved by rhetorical motions and amendments.

It can only be done when the leadership of this House decides that it is going to talk with the leadership on the other side, and they agree that we are going to work together, not to make points, but to make history.

These things could have been discussed in the committee, but then again, if we do that, we have debate, and God knows we do not want any of that anymore.

It seems to me that now is the time for the leadership to be a little more outspoken, not in terms of lockboxes, but in terms of leadership in saying that they have met, they have decided, and they have talked with the President, and they would like to resolve this problem. That way, we will not spend a lot of time pointing at each other for what we have not done, but we can spend more time taking care of the people's business.

This motion to recommit, those who are voting for it are saying we make this a priority. If it is going to be a lockbox, let us lock up the leadership of the Republicans and Democrats and put them in a room and say they cannot get out of that room until they come up with a Social Security reform package. But my colleagues know and I know, if this is not done this year, it is not going to be done in this session.

So we can bring out these amendments, we can talk about it, and we can move to recommit, but so far, we have no bill.

I just want to thank the gentleman from Florida (Mr. SHAW) for having the courage to put his name at least on the talking paper when his colleagues could not see fit to put their name on a bill.

Mr. HERGER. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from California (Mr. HERGER) is recognized for 5 minutes.

Mr. HERGER. Mr. Speaker, it is important to understand what is going on here. H.R. 1259 saves 100 percent of the Social Security surplus, $1.8 trillion over the next 10 years or $100 billion more than the President proposed in his budget for saving Social Security and Medicare.

Under our safe deposit box, none of that money can be spent on anything else until we actually save Social Security and Medicare. For those who say that is not enough, Mr. Speaker, not enough, the gentleman from Texas (Chairman ARCHER) and the gentleman from Florida (Chairman SHAW) have already offered a proposal to save Social Security for 75 years and beyond, that costs far less than the $1.8 trillion over the next decade, leaving hundreds of billions of dollars for Medicare reform.

But in their zeal to prevent any tax relief for American people, the Democrat proposal would also freeze budget surpluses that have nothing to do with Social Security and Medicare. Apparently what that means is that the fiscal policy of the House Democrat leadership is that hard-working Americans who have paid too much in income taxes cannot get any of their money back. It all has to stay trapped in Washington until the government agrees on how to save Social Security and Medicare. The longer that takes, the less money there is to return to the taxpayers.

This proposal does not just prevent excess taxes from being returned in the form of income tax cuts, it also blocks the money from being spent on building a stronger military, improving public schools, or protecting the environment.

The President said in his State of the Union address, we need to use the surplus wisely, including for such purposes. Is the Democrat leadership now telling the country those important goals do not matter? Or are the Democrats saying that, to the degree that issues other than Social Security and Medicare matter, we have to raise taxes to pay for them? Or are they suggesting we cut current government spending to pay for any new spending?

I seriously doubt it.

Finally, the Democrats' motion states any legislation opening the safe deposit box must save Social Security for at least 75 years. I welcome their use of this standard which the Social Security Administration says the Archer-Shaw plan achieves. Since the President's plan the Democrats are

drafting falls short of this 75-year standard, saving Social Security for only about 55 years, I look forward to hearing how the Democrats would fill in those final 20 years.

Until then, we should defeat the Democrat motion and get on with saving the Social Security surplus, to strengthen Social Security and Medicare without tying the rest of the government in knots.

In closing, our H.R. 1259 saves $100 billion more than under the President's budget for Social Security and Medicare. My colleagues from the other side of the aisle were in power here in the House for 40 years, and guess how much money was set aside for Social Security? Zero. Nada. Not a single penny.

Mr. Speaker, this lockbox in H.R. 1259 is good legislation. It is good for Social Security. That is why H.R. 1259 is supported by the United Seniors Association, the Seniors Coalition, the 60 Plus Association, the Concord Coalition, and the U.S. Chamber of Commerce.

Mr. Speaker, last month the House and Senate passed the fiscal year 2000 budget resolution which committed to locking up 100 percent of Social Security. Now it is time to put that commitment into law.

I urge my colleagues to vote no on this motion to recommit and vote yes on H.R. 1259 and lock up Social Security for current and future generations.

Mr. MOORE. Mr. Speaker, I rise in support of the motion to recommit with instructions. The language contained in the instructions, which was introduced yesterday by my colleagues, Mr. HOLT, Mr. LUCAS, and me, offers the strongest lockbox of the proposals before us today.

The Holt-Lucas-Moore language improves upon H.R. 1259 in two respects. First, it protects all unified budget surpluses, not just those attributed to Social Security. Second, it allows the Trustees of the Social Security and Medicare programs to be the arbiters of those programs' long term stability, not Congress and the White House.

Mr. Speaker, we need to protect all budget surpluses until we've solved the problem of Social Security and Medicare solvency. The Clinton Administration and Congress, throughout this decade, have worked hard to bring us to the verge of a budget surplus. H.R. 1259, however, would allow us to exploit the surpluses through a loophole described as Social Security or Medicare ''reform.'' But the word ''reform'' is never defined. Let the Trustees of the Social Security and Medicare programs make these decisions—not Congress. We cannot allow politics to wreck Social Security and Medicare.

Don't just take my word for it, though. I am including in the RECORD a statement released today by the nonpartisan Concord Coalition. These budget watchdogs ''give extra credit to Congressmen RUSH HOLT, KEN LUCAS, and DENNIS MOORE for their proposal to protect the entire budget surplus, over and above the Social Security surplus, until real entitlement reform is enacted.''

Many of us are in Congress today because we pledged to our constituents that we would make the tough choices necessary to preserve and protect Social Security and Medicare. I made the same promise and adoption of the motion to recommit is an essential step toward keeping our faith with our constituents. Our responsibility to future generations of Americans remains.

Mr. Speaker, I urge my colleagues to support this motion to recommit, and I thank Mr. RANGEL for offering it on our behalf.

THE CONCORD COALITION

CONCORD COALITION APPLAUDS SOCIAL SECURITY LOCK BOX PROPOSALS BUT WARNS THEY ARE NOT TAMPER PROOF

WASHINGTON.—The Concord Coalition today commended the sponsors of Social Security lock box proposals, specifically bills H.R. 1259 and H.R. 1927, for their efforts to lock away the Social Security surplus.

''Both bills would make it more difficult for Congress to pay for new spending or tax cuts by dipping into the Social Security surplus. While structured somewhat differently, either bill would provide an extra measure of protection for the Social Security surplus. I applaud the sponsors of both bills for their commitment to this issue and give extra credit to Congressmen Rush Holt, Ken Lucas and Dennis Moore for their proposal to protect the entire budget surplus, over and above the Social Security surplus, until real entitlement reform is enacted,'' said Concord Coalition Policy Director Robert Bixby.

While encouraged by the lock box proposals, the Concord Coalition cautioned that their enforcement measure—a budget point of order—is not tamper proof. ''Both lock box proposals make attacking the Social Security surplus subject to a budget point of order requiring additional votes. However, we only have to look at the number of yes votes for last week's emergency supplemental legislation to see that this enforcement mechanism is not tamper proof,'' Bixby said.

For example, the Senate requires a supermajority of 60 votes to override a budget point of order. Last week's emergency spending legislation received 64 votes, more than enough votes to waive a budget point of order.

''The Social Security lock box proposals have raised the important question of how we can best preserve budget surpluses for entitlement reform. However, we cannot let these proposals overshadow the need for real reform. We hope Congress and the President will turn to this task next,'' Bixby said.

Mr. STARK. Mr. Speaker, I rise today in support of the Democratic motion to recommit H.R. 1259 so that it can go through the normal Committee process and we can actually save the budget surplus for Social Security and Medicare.

This bill appears to protect Medicare and Social Security from the cavalier spending of Congress, but it merely creates shelter for Congress when our constituents ask us why Social Security and Medicare are facing financial failure. Let's be honest with the American people. We must devise an honest approach to financing and strengthening the two systems.

The bill did not go through the normal legislative process so it does not have the enforcement provisions it could have had if the Ways & Means Committee was allowed to debate and amend it. Furthermore, we must stop blaming the President and take responsibility for enacting—or avoiding—responsible legislation. Not one dollar of taxpayer funds can be spent by the President unless Congress approves it. Finally, we must take this opportunity as a first step in real debate to strengthen Social Security and Medicare.

I. LET'S TAKE A LOOK AT PROCESS SO FAR WITH H.R. 1259

H.R. 1259 did not go through the regular Committee process. It was pulled from the Committees with jurisdiction and brought directly to the House floor without any normal deliberation.

The Republicans avoided sending H.R. 1259 through Ways & Means so the Committee was not able to debate or amend the bill prior to coming to the floor.

Had we used the normal legislative process, today's bill might have the enforcement measures needed to address Medicare and Social Security's insolvency problems. The Speaker promised to meet us halfway when he took office. He also promised to play by the rules. Neither promise has been honored in this case. Clearly, we will move back to regular order only when it is convenient to do so.

Had the Ways and Means Committee considered the bill, I would have offered an amendment to more clearly define what would qualify as ''Medicare reform''. H.R. 1259 makes the ''lockbox'' provisions of the bill effective until Medicare and Social Security are saved. However, it does not define ''saved.'' This allows Congress to raise the age of eligibility, to force people into HMOs, and to reduce benefits as the means of ''extending'' the financial life of the program. Medicare is a vital program for our nation's seniors and disabled populations. In my mind, reform cannot include reductions in benefits like some would like to achieve. Some Members may believe that this is an adequate definition of ''saved'' but I don't. We cannot sacrifice the health and well-being of the American workers for the sake of balancing the books.

II. CONGRESS—NOT THE PRESIDENT—RAIDS THE TRUST FUNDS

I might point out that Social Security has already been taken ''off-budget'' by three separate public laws: by the Social Security Amendments of 1983; by the Balanced Budget and Emergency Deficit Control Act of 1985; and once more by the Budget Enforcement Act of 1990. If Congress has been able to circumvent the spirit of the law for this long, what makes us believe that anything will change this time around?

The GOP has been blaming the President for raiding the Social Security trust funds. This is simply not the case. This body is responsible for passing all spending bills. Just last week, we spent $12 billion for Kosovo in the Emergency Supplemental bill. Congress spent twice as much as the President requested for a war that the GOP refused to authorize.

This is a clear case of hypocrisy. On the one hand, Congress doesn't want to authorize the war, but on the other hand they'll spend an exorbitant amount on pork for the mission. On the one hand, Congress claims they want to save the budget surplus for Medicare and Social Security but right after they spend it on a war they don't support.

Let's be honest. Congress controls the spending and we have always been able to control whether it goes for needed programs like Social Security and Medicare or programs like the National Missile Defense system.

III. STRENGTHEN SOCIAL SECURITY AND MEDICARE

I agree that there should be a lockbox for Social Security and Medicare. But I want all surpluses to be used for these programs. First

and foremost we must strengthen Social Security and Medicare and ensure their solvency. Before any tax bills are brought to the floor of the House, we must guarantee the American people that their Old Age, Survivors and Disability Insurance is as strong as they need it to be for a happy and healthy retirement. We must guarantee them that their health care needs will be met with quality in their golden years.

We must lock up all of the budget surpluses until these two systems are strengthened through bipartisan legislation. The big tax cut for the wealthy must be postponed until the American worker is assured that his or her health and retirement insurance is safe for years to come.

The only way to do this is by giving this bill some teeth. We must send this bill back to committee and give it the enforcement provisions it needs. Let's really lock up the surplus until Medicare and Social Security are solvent for the long-term.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

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

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

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the question of passage.

The vote was taken by electronic device, and there were—yeas 205, nays 222, not voting 6, as follows:

[Roll No. 163]

YEAS—205

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Goode
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McIntosh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sanchez
Sanders
Sandlin
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NAYS—222

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (OK)
Manzullo
McCollum
McCrery
McDermott
McHugh
McInnis
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanford
Saxton
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Upton
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (FL)

NOT VOTING—6

Brown (CA)
Kasich
Pelosi
Sawyer
Scarborough
Young (AK)

□ 1930

Messrs. HORN, RAHALL, and SMITH of Michigan changed their vote from ''yea'' to ''nay.''

Mr. Peterson of Minnesota and Mr. BLUMENAUR changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LATOURETTE). The question is on passage of the bill.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 12, not voting 6, as follows:

[Roll No. 164]

YEAS—416

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons

Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—12

Dingell
Filner
Frank (MA)
Houghton
McDermott
Mollohan
Murtha
Nadler
Olver
Owens
Rahall
Sabo

NOT VOTING—6

Brown (CA)
Kasich
Pelosi
Scarborough
Weldon (PA)
Young (AK)

☐ 1940

Mr. FRANK of Massachusetts changed his vote from ''yea'' to ''nay.''

Ms. LOFGREN changed her vote from ''nay'' to ''yea.''

So the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. WELDON of Pennsylvania. Mr. Speaker on rollcall No. 164, I was inadvertently detained. Had I been present, I would have voted "yea."

CONDITIONAL ADJOURNMENT OR RECESS OF SENATE FROM MAY 27, 1999 TO JUNE 7, 1999, AND CONDITIONAL ADJOURNMENT OF HOUSE FROM MAY 27, 1999 TO JUNE 7, 1999

The SPEAKER pro tempore laid before the House the following privileged Senate concurrent resolution (S. Con. Res. 35) providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 35

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Thursday, May 27, 1999, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, June 7, 1999, or until such time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Thursday, May 27, 1999, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 12:30 p.m. on Monday, June 7, 1999, for morning-hour debate, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

☐ 1945

The SPEAKER pro tempore (Mr. LATOURETTE). The resolution is not debatable.

PARLIAMENTARY INQUIRY

Mr. GEORGE MILLER of California. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GEORGE MILLER of California. Mr. Speaker, my parliamentary inquiry is, the vote that is before us is the adjournment resolution.

Does the passage of this resolution mean that we will not be able to address the school violence issue before we adjourn?

The SPEAKER pro tempore. The concurrent resolution is self-explanatory. When the House adjourns on tomorrow's legislative day, it will reassemble on June 7, 1999.

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

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

Mr. GEORGE MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 249, nays 178, not voting 7, as follows:

[Roll No. 165]

YEAS—249

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dingell
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
Kind (WI)
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher

Ros-Lehtinen	Skeen	Thornberry
Roukema	Skelton	Thune
Royce	Smith (MI)	Tiahrt
Ryan (WI)	Smith (NJ)	Toomey
Ryun (KS)	Smith (TX)	Traficant
Salmon	Smith (WA)	Turner
Sandlin	Souder	Upton
Sanford	Spence	Walden
Saxton	Stearns	Walsh
Sensenbrenner	Stenholm	Wamp
Sessions	Stump	Watkins
Shadegg	Sununu	Watts (OK)
Shaw	Sweeney	Weldon (FL)
Shays	Talent	Weldon (PA)
Sherwood	Tancredo	Weller
Shimkus	Tauzin	Whitfield
Shows	Taylor (MS)	Wicker
Shuster	Taylor (NC)	Wilson
Simpson	Terry	Wolf
Sisisky	Thomas	Young (FL)

NAYS—178

Abercrombie	Gutierrez	Nadler
Ackerman	Hastings (FL)	Napolitano
Allen	Hill (IN)	Neal
Andrews	Hilliard	Oberstar
Baird	Hinchey	Olver
Baldacci	Hinojosa	Ortiz
Baldwin	Hoeffel	Owens
Barcia	Holden	Pallone
Barrett (WI)	Holt	Pascrell
Becerra	Hooley	Pastor
Bentsen	Hoyer	Payne
Berkley	Inslee	Pomeroy
Berman	Jackson (IL)	Price (NC)
Berry	Jackson-Lee (TX)	Rahall
Bishop	Jefferson	Rangel
Blagojevich	John	Reyes
Blumenauer	Johnson, E. B.	Rivers
Bonior	Jones (OH)	Rodriguez
Borski	Kanjorski	Roemer
Brady (PA)	Kaptur	Rothman
Brown (FL)	Kennedy	Roybal-Allard
Brown (OH)	Kildee	Rush
Capps	Kilpatrick	Sabo
Capuano	Kleczka	Sanchez
Cardin	Klink	Sanders
Carson	Kucinich	Sawyer
Clay	LaFalce	Schaffer
Clayton	Lantos	Schakowsky
Clement	Lee	Scott
Clyburn	Levin	Serrano
Condit	Lewis (GA)	Sherman
Conyers	Lofgren	Slaughter
Coyne	Lowey	Snyder
Crowley	Luther	Spratt
Cummings	Maloney (CT)	Stabenow
Davis (FL)	Maloney (NY)	Stark
Davis (IL)	Markey	Strickland
DeFazio	Martinez	Stupak
DeGette	Mascara	Tanner
Delahunt	Matsui	Tauscher
DeLauro	McCarthy (MO)	Thompson (CA)
Deutsch	McCarthy (NY)	Thompson (MS)
Dicks	McDermott	Thurman
Dixon	McGovern	Tierney
Doggett	McKinney	Towns
Dooley	McNulty	Udall (CO)
Doyle	Meehan	Udall (NM)
Engel	Meek (FL)	Velazquez
Eshoo	Meeks (NY)	Vento
Etheridge	Menendez	Visclosky
Evans	Millender-McDonald	Waters
Farr	Miller, George	Watt (NC)
Fattah	Minge	Waxman
Filner	Mink	Weiner
Ford	Moakley	Wexler
Frank (MA)	Mollohan	Weygand
Frost	Moore	Wise
Gejdenson	Moran (VA)	Woolsey
Gephardt	Nadler	Wu
Gonzalez	Napolitano	Wynn

NOT VOTING—7

Brown (CA)	Pelosi	Young (AK)
Edwards	Radanovich	
Larson	Scarborough	

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So the Senate concurrent resolution was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 902

Mr. PHELPS. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor to H.R. 902.

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

There was no objection.

PERSONAL EXPLANATION

Mr. CROWLEY. Mr. Speaker, on May 24, 1999, I was unavoidably detained in New York due to poor weather conditions. The weather delays caused me to miss Rollcall Votes 145 and 146, and had I been present, I would have voted in the affirmative on both Rollcall Vote No. 145 and Rollcall Vote No. 146.

PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to indicate that yesterday, on May 25, I was in the district on official business, and I would like to record in the RECORD the rollcall votes that I missed and how I would have voted.

On Rollcall Vote No. 157, if I had been here, I would have voted no. On Rollcall Vote No. 156, I would have voted no; Rollcall Vote 155, no; Rollcall Vote 154, no; 153, no; Rollcall Vote 152, no.

And on the suspensions, if I had been present on Rollcall No. 150, I would have voted yea; on Rollcall No. 149 I would have voted yea, and 148, I would have voted yea.

PERSONAL EXPLANATION

Ms. DELAURO. Mr. Speaker, on Monday, May 24, a storm in Connecticut kept me from returning from official business in my congressional district. As such, I was unavoidably detained on rollcall votes Nos. 145 and 146. Had I been present, I would have voted yea on both.

NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—(H. DOC. NO. 106–73)

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

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c) and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12170 of November 14, 1979.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 26, 1999.*

NATIONAL EMERGENCY WITH RESPECT TO BURMA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106–74)

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

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c) and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to Burma that was declared in Executive Order 13074 of May 20, 1997.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 26, 1999.*

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, May 25, 1999.

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

DEAR MR. SPEAKER: Under Clause 2(g) of Rule II of the Rules of the House of Representatives, in addition to Gerasimos C. Vans, Assistant to the Clerk, I herewith designate Daniel J. Strodel, Assistant to the Clerk, in lieu of Daniel F.C. Crowley who resigned, to sign any and all papers and do all other acts for me under the name of the Clerk of the House which he would be authorized to do by virtue of this designation, except such as are provided by statute, in case of my temporary absence or disability.

This designation shall remain in effect for the 106th Congress or until modified by me.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

(Mr. BROWN of Ohio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. DIAZ-BALART) is recognized for 5 minutes.

(Mr. DIAZ-BALART addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. RUSH) is recognized for 5 minutes.

(Mr. RUSH addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

WHY I AM A REPUBLICAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, many times when my colleague, the gentlewoman from Wyoming (Mrs. CUBIN), and I are back in our districts, we have constituents who ask us, ''Why are you a Republican?'' Tonight the gentlewoman from Wyoming and I are going to address that question.

For me as a hispanic woman who is a refugee from Communist Cuba, I know that our Republican party is the party which is most likely to stand up for individual liberty both abroad and here at home. But the fact is that our party's message of smaller government, of less bureaucratic regulation and lower taxes has got to get through to the individuals that it will help the most, small business owners, women and minorities.

This vision, which is shared by the vast majority of Republicans, is simply one of practical, commonsense, limited government which has made our country the beacon of liberty to the world. It is based on simple principles, simple principles that say that government cannot solve all of our problems, that individuals need to be held accountable for their actions and for their choices in life, that Washington does not always know best, principles that say that the free market is the greatest engine of prosperity in the history of the world, that no Nation in history can be successful without strong families and strong values, a principle which says that peace is best preserved by a strong national defense, that America must stand up against Communist tyranny and refuse to accommodate evil regimes which extinguish the freedom and the hope of their people.

Mr. Speaker, a great number of my constituents know about having their freedom extinguished, about having their hopes destroyed and their lives held in bondage based on their personal experiences with totalitarian regimes from Castro's Cuba, to Cedras' Haiti, to Hitler's Europe. The thousands of people, for example, who have fled Fidel Castro's Communist regime are in little doubt about the nature of his lies. Where I come from there is not much confusion about the false promise of socialism, the reality of a one-party State or the empty slogans mouthed by leaders who use words to hide their true agenda. We are under few allusions, and we have little tolerance for those who are apologists for corrupt and dictatorial Communist regimes.

So for me the choice to become a Republican was easy. The Republican party prides itself in its realistic world view, a world view that is not given to pie in the sky schemes to manipulate human nature, to make everyone fit a cookie cutter mold or to blame others for our failures. No, our vision is simply one given to us in the Constitution and in our Bill of Rights.

Taking the Constitution as our framework and trusting experience over the social experiments dreamed up by Washington bureaucrats, I stand today for the same principles that I have been standing for my entire adult life. I think that average Americans are overtaxed, that the middle class, hard-working Americans are not getting their tax dollar's worth. I think that small businesses are the backbone of America and that entrepreneurs should be encouraged, not penalized, and certainly not demonized for the so-called crime of creating jobs and for producing prosperity.

The facts show that small business have always provided the best way for women, for minorities and for immigrants to achieve the American dream. I think that our public educational system is nearly broken, but I do not think that what ails schools today can be fixed in Washington, D.C. If it could, I think that we would have done it long ago and many billions of dollars and thousands of bureaucrats ago. I think that Social Security and Medicare are vital programs for millions of seniors who depend on them but that we will be shortchanging our current and future seniors if serious reforms are not enacted soon.

I would also like to add that I supported our successful effort to balance the budget so that long-term solvency of these programs will be insured and that we will have a retirement system that will protect seniors into the next century.

I think that Ronald Reagan was right, that military strength, not fine words or unwise arms control agreements with evil regimes, is the key to preserving the peace, and I think that we should not take our freedoms for granted, a freedom that is all too rare in the world, a freedom that does not exist in Cuba or China or in North Korea and so many other lands which are untouched by the democratic spirit.

Mr. Speaker, that is what I stand for, and that is why I stand before my colleagues today as a proud Republican and a proud citizen of the greatest country on this earth, and that is why I know that the Republican party is going to grow and grow because it stands for the very principles that founded our great country.

The SPEAKER pro tempore (Mrs. WILSON). Under a previous order of the House, the gentlewoman from California (Ms. MILLENDER-MCDONALD) is recognized for 5 minutes.

(Ms. MILLENDER-MCDONALD addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

WHY I AM A REPUBLICAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Wyoming (Mrs. CUBIN) is recognized for 5 minutes.

Mrs. CUBIN. Madam Speaker, as a Member of Congress and a woman, I am frequently asked why I am a Republican. After all, we all know about the gender gap. As a woman, a wife and a mother of two sons, my values and beliefs are the beliefs that are mirrored in the traditional ideals of individual freedom and personal responsibility. The Republican party best reflects my values and opinions.

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I believe the strength of our Nation lies with the individual, and each person's dignity, freedom, ability and responsibility must be honored. I believe in equal rights, equal justice and equal opportunity for all; that every single child has a right to live in an environment where they can achieve their fullest potential. I believe that free enterprise and the encouragement of individual initiative have brought prosperity, opportunity and economic growth to our country. I believe that the government must practice fiscal responsibility and allow individuals to keep more of the money that they earn.

I believe that the proper role of government is to provide for people only those functions that they cannot perform for themselves, and that the best government is that which governs the least. I believe the most effective, responsible and responsive government is the best for the people and closest to the people.

I believe Americans must retain the principles that have made us strong

while developing new and innovative ideas to meet the challenges of a changing world. I do believe that Americans value and should preserve our national strength and pride, while working to extend peace, freedom and human rights throughout the world. Finally, I believe that the Republican Party is the best vehicle for translating these ideas into positive and successful principles of government.

As America faces tragedies like the shootings that we have seen across the country in the last few months, I remain even more convinced that a return to traditional values and personal responsibility that made this country great are absolutely essential. I think President Reagan said it best when he said, We must reject the idea that every time a law is broken, society is guilty rather than the lawbreaker. It is time to restore the American precept that each individual is accountable for his actions.

As a wife, a woman, a mother of two sons, I believe that only a return to values and personal responsibility will end this sort of violence. That is why I am a Republican.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. WILSON). The Chair will remind all persons in the gallery that they are here as guests of the House, and that any manifestation of approval or disapproval of the proceedings or other audible conversation is in violation of the Rules of the House.

FULLY FUND THE E-RATE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. CROWLEY) is recognized for 5 minutes.

Mr. CROWLEY. Madam Speaker, I rise this evening to talk about E-Rate. I strongly urge my colleagues to fully fund the Universal Service Fund program for schools and libraries, commonly called the E-Rate. The E-Rate has successfully helped provide equal access to opportunity and education for school children and the public at large.

In just 18 months, the E-Rate has connected over 600,000 classrooms in over 80,000 schools and libraries across this great Nation. At a recent roundtable discussion that I held in my district with educators, I asked principals and superintendents in my 7th congressional district, what is the one thing I can do right now in Congress to help education, and unanimously they said, continue the E-Rate program. Do not let the E-Rate program die, do not let it diminish. It is effective, it is working. It is connecting our schools to the future.

Most importantly, the E-Rate program enables all schools and libraries to provide Internet access to children, regardless of their means. For most schools and libraries, the cost of both telephone and Internet access is cut in half, and for some of our most poorest schools, access will be almost free, almost free.

The E-Rate is helping to close the digital divide. Children in the most isolated inner city or rural town will have access to the same expansive knowledge and technology as a child in the most affluent suburbs.

This House supported this program in 1996 and should continue to support this program today, especially because of the scope and influence of the Internet on our children's lives.

Recently, surveys have shown that the American public strongly supports the introduction of information technology into our Nation's schools and libraries. A nonpartisan poll was commissioned by EdLiNC and conducted by Lake, Snell, Perry and Associates and the Tarrance Group. The results of this poll are impressive and send a clear signal that the American people support the concept of the E-Rate.

Madam Speaker, 87 percent of Americans support providing discounts to schools and libraries. Eighty-three percent of Americans think that access to the Internet in schools and libraries will improve educational opportunities for all Americans. Eighty-seven percent of Americans support continuing discounts for libraries and schools. Seventy-nine percent of Americans believe that PCs are an effective alternative for teaching subjects such as math and reading.

Tomorrow the FCC will vote on the funding level for the Universal Service Fund for America's schools and libraries for the year beginning July 1, 1999. I urge every member of this House to lend their support to fully funding the E-Rate program.

JOHN HART: ONE OF AMERICA'S TREASURES

Mr. CROWLEY. Madam Speaker, I just want to shift gears for a moment. We all know there is a very, very important weekend coming up and that is Memorial Day weekend where we celebrate and commemorate all of those who fought for the saving of this country in all our world wars. In particular, I just want to mention a good friend of mine, a neighbor, a mentor of mine as I was growing up, Mr. John Hart, actually my next door neighbor. I am proud to say that this weekend John Hart will be the grand marshal of the Woodside, Queens Memorial Day Parade.

John Hart is one of America's treasures. He served our country in World War II and saw action in Europe. He came back from that war and he and his wife, Pat, raised four children in the community of Woodside. John, like so many other Americans who gave of themselves that we might be free, is still alive today and is having an opportunity to walk amongst his fellow citizens in Woodside so that they can show their appreciation to John and men and women like him.

So when my colleagues are eating hot dogs and hamburgers and having corn on the cob this weekend, think of John Hart and think of all of those men and women who gave so much of themselves so that we today are free.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Idaho (Mrs. CHENOWETH) is recognized for 5 minutes.

(Mrs. CHENOWETH addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. HOLT) is recognized for 5 minutes.

(Mr. HOLT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

UNITED STATES' NATIONAL SECURITY COMPROMISED BY CHINESE ESPIONAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. FOSSELLA) is recognized for 5 minutes.

Mr. FOSSELLA. Madam Speaker, I would like to compliment my colleague and friend from New York (Mr. CROWLEY) and congratulate Mr. Hart as well. Memorial Day is I think too often taken for granted in this country, and it is an opportunity, however, for most of us to appreciate and demonstrate our support for our veterans who were willing to give their lives for our country, too many of whom made the supreme sacrifice, physically, mentally scared for life. So I compliment those in Woodside, Queens and of course in Staten Island where I live. I think it is an appropriate opening to what I wanted to talk about tonight.

I will read my colleagues a little clause here. ''The People's Republic of China has stolen classified design information on the United States's most advanced thermonuclear weapons. The stolen United States' nuclear secrets give the People's Republic of China design information on thermonuclear weapons on par with our own.''

So begins the United States national security and military commercial concerns of the People's Republic of China from the Select Committee, commonly known now as the Cox Report that was declassified in the last couple of days.

Madam Speaker, we talk about a lot of things here in Washington, and clearly, many of them are important and affect everybody across this country. But I think to me and so many others here, there is nothing more vital than protecting our national security. Frankly, I think if any American can, they should read the Cox report. What I am going to do is just read some outtakes from this.

''The stolen information includes classified information on seven U.S. thermonuclear warheads, including every currently deployed thermonuclear warhead in the United States

ballistic missile arsenal. The stolen information also includes classified design information for enhanced radiation weapons, commonly known as the neutron bomb, which neither the United States nor any other Nation has yet deployed. The People's Republic of China has obtained classified information on the following United States thermonuclear warheads, as well as a number of associated reentry vehicles, the hardened shell that protects the thermonuclear warhead during reentry.''

Might I add, this Cox Committee was a bipartisan committee, Democrats and Republicans in the House of Representatives, and clearly demonstrates, for example:

''The People's Republic of China has stolen United States design information and other classified information for neutron bomb warheads. China has stolen classified U.S. information about the neutron bomb from a U.S. national weapons laboratory. The United States learned of the theft of this classified information on the neutron bomb in 1996,'' and practically nothing was done.

''The Select Committee judges that if the People's Republic of China were successful in stealing nuclear test codes, computer models and data from the United States, it could further accelerate its nuclear development. By using such stolen codes and data in conjunction with the high performance computers already acquired by the People's Republic of China, the PRC could diminish its needs for further nuclear testing to evaluate weapons and proposed design changes.''

The small warheads that we talk about, multiple warheads, will make it possible for the People's Republic of China to develop and deploy missiles with multiple reentry vehicles. Multiple reentry vehicles increase the effectiveness of a ballistic missile force by multiplying the number of warheads, and a single missile can carry as many as tenfold.

Multiple reentry vehicles also can help to counter missile defenses. For example, multiple reentry vehicles make it easier for the People's Republic of China to deploy penetration aids with its ICBM warheads in order to defeat antimissile defenses.

At the beginning of the 1990s, the People's Republic of China had only one or two silo-based ICBMs capable of attacking, attacking the United States. Since then, the People's Republic of China has deployed up to two dozen additional silo-based ICBMs capable of attacking the United States. That is 24 additional silo-based ICBMs; has upgraded its silo-based missiles and has continued development of three mobile ICBM systems and associated modern thermonuclear warheads, something they never had.

Even though the United States discovered in 1995, in 1995, that is almost four years ago, that the People's Republic of China had stolen design information on the W–88 Trident D–5 warhead and technical information on a number of U.S. thermonuclear warheads, the White House has informed in response to specific interrogatories propounded by the committee that the President was not briefed about the counterintelligence failures until 1998.

Madam Speaker, this is just a disgrace, and unless something happens, we should not be here today discussing anything else until our national security is protected.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BECERRA) is recognized for 5 minutes.

(Mr. BECERRA addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

WHY I BECAME A REPUBLICAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Mrs. FOWLER) is recognized for 5 minutes.

Mrs. FOWLER. Madam Speaker, I became a Republican because of the party's long-held principles. The Republican Party was founded on two fundamental issues: free land and abolishing slavery. Since that day, the party embraced the role of leader and never shied away from taking the challenge of taking an unpopular and difficult stance. From striving successfully to abolishing slavery to being the vanguard in the struggle for women's right to vote, the Republican Party has constantly forced all Americans to reevaluate the role of individuals and the role of the government.

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The Republican party has always believed in individuals. We have an abiding faith in the idea that individuals and local communities can accomplish more than a distant Federal Government, a government that tends to become large, bloated, and wasteful, as ours has.

As the great Republican statesman, Abraham Lincoln, said, ''The legitimate object of government is to do for a community of people whatever they need to have done but cannot do at all, or cannot so well do, for themselves in their separate and individual capacities. In all that people can individually do as well for themselves, government ought not to interfere.''

There is an important role for the government. Imagine an individual trying to build a freeway alone. But it is a role that should be limited.

Republicans believe the most effective government is closest to the people. After all, who knows more about educating our children, us and our child's teacher, or a distant bureaucracy across the country in Washington, D.C.?

I chose the Republican party because I believe that each American citizen can be trusted. I believe that they know best and that they will make the best decision for themselves, and they will make the wisest choices. Whether it is how to spend their hard-earned money or how to spend their time, they should be in charge.

The Republican party's economic policies of lower taxes and less government have reduced interest rates and sent the stock market soaring, yet inflation has remained stable. Thanks to these smart policies, every one of us is enjoying the largest sustained peacetime expansion ever.

Our commonsense agenda and leadership has produced a healthy and strong economy. Job opportunities have increased significantly, unemployment is down, the budget is balanced, and because of our welfare reform, tens of thousands have moved from the welfare rolls to the payrolls.

I have to say, while I firmly believe that all issues are women's issues, and I resist the popular tendency to view women as a monolithic group in politics or anything else, I still must emphasize the Republican party's accomplishments with regard to women in politics.

I want to take Members back to 1896, when it was the Republican party who became the first major party to officially favor Women's Suffrage. That year Senator A.A. Sargent, a Republican from California, introduced a proposal in the Senate to give women the right to vote. It was defeated four times by a Democratic Senate, and it was not until the Republicans would gain control of Congress that it was finally passed in May of 1919.

The first woman to serve in Congress was a Republican, Jeanette Rankin of Montana.

In 1940, the Republican party became the first major political party to endorse an Equal Rights Amendment for women in its platform.

In 1953, Republican President Eisenhower appointed the first woman Secretary of the Department of Health, Education, and Welfare, and the first woman ambassador to a major power.

In 1964, Republicans were the first major American party to nominate a woman for president, Senator Margaret Chase Smith of Maine.

In 1981, Republican President Reagan appointed the first woman Supreme Court Justice and the first woman U.S. representative to the United Nations.

In 1983, Republican President Reagan had three women serving concurrently in his cabinet, the first time in the history of this country.

Currently, Republican women chair a record seven House subcommittees and three Senate subcommittees. I serve as a deputy majority whip, along with two other women, and as a newly elected Vice Chairman of the Republican conference, I am now the highest ranking woman in the House elected leadership. The gentlewoman from Ohio (Ms. DEBORAH PRYCE) serves as Conference Secretary.

In the 106th Congress, Democrats have no woman in their elected leadership.

We are working hard to ensure that each American has a safe, secure, and positive future.

The SPEAKER pro tempore (Mrs. WILSON). Under a previous order of the House, the gentlewoman from New York (Mrs. KELLY) is recognized for 5 minutes.

(Mrs. KELLY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

ASTHMA AWARENESS MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland (Mrs. MORELLA) is recognized for 5 minutes.

Mrs. MORELLA. Madam Speaker, I am a Republican woman Member of the House, and I want to associate myself with the comments made by my colleague, the gentlewoman from Florida (Mrs. FOWLER).

But tonight I want to address this body with regard to something that is nonpartisan that requires bipartisan support, and that is asthma awareness.

This is Asthma Awareness Month, and I want to focus attention on the asthma epidemic in our country today. This is an epidemic that cannot be cured, but through better education and awareness, it can be a manageable part of one's life.

More than 14 million people in the United States have asthma, and of these, almost 5 million are children. One in every three children with asthma had to go to an emergency room because of an asthma attack in the past year.

Asthma is a problem among all races, but the asthma death rate and hospitalization rate for African Americans are three times the rate of white Americans. Asthma is a serious lung disease. Forty-one percent of all asthma patients, an estimated 6 million Americans, were hospitalized, treated in emergency rooms, or required other urgent care for asthma in the last year.

Madam Speaker, this Nation is falling far short of meeting new government guidelines for asthma care. Failure to meet these basic guidelines means that a generally controllable disease quickly spirals out of control. Asthma cannot be cured. Having asthma is a part of one's life. However, with proper medical care, one can control one's asthma and become free of symptoms most of the time.

But asthma does not go away. We must renew our commitment to our national goals for asthma care, goals established by the National Heart, Lung, and Blood Institute at the National Institutes of Health.

These goals include:

No missed school or work because of asthma. Forty-nine percent of children with asthma and 25 percent of adults with asthma missed school or work due to asthma last year;

No missed sleep because of asthma. Almost one in three asthma patients, 30 percent, is awakened with breathing problems at least once a week;

Maintain normal activity levels. Forty-eight percent say that asthma limits their ability to take part in sports and recreation, 36 percent say it limits their normal physical exertion, and 25 percent say it interferes with social activities.

All too often the severity of asthma is ignored or goes undiagnosed. When this happens, adults as well as children find themselves rushing to the hospital and many times having to give up activities they love. They do not understand how treatable asthma is. We must increase awareness, education, and most of all, communication on how to best control the disease and how to control those things that make asthma worse.

Proper asthma care is crucial. America needs better asthma education and treatment, and especially in the hardest hit inner cities. We must all work together as parents, teachers, and public officials to ensure that all Americans, especially our children, have a basic knowledge and understanding of how to diagnose and how to control asthma before it becomes a life-threatening condition. We should do no less.

A CRISIS IN AGRICULTURE, AND THE NEED FOR BUDGET REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Dakota (Mr. THUNE) is recognized for 5 minutes.

Mr. THUNE. Madam Speaker, agriculture is in incredible crisis. Earlier today we voted on a number of amendments to the agricultural appropriations bill, and the bill funds programs that are very important to my constituency, programs that provide credit, dollars for conservation, income support for our farmers and ranchers.

For that reason, I have been very frustrated as I have watched this process and the tactics that have been employed here on the floor to try and slow this process down. It is a bill that is important to me, it is important to those I serve, and so I would hope that we can move this bill forward in a timely way.

Even though the spending does not take effect until October 1, the next fiscal year, we need to get these appropriation bills done. It is the work that the American people sent us here to do.

I appreciate what the gentleman from Oklahoma (Mr. COBURN) is trying to do. I do not believe he is taking issue with the agriculture bill itself, with the spending in the agriculture bill, as much as he is with the process by which we accomplish our work here.

On that point, I believe he happens to be right. We need budget process reform here in Washington. This process is an embarrassment to the people of this country. It is an embarrassment to me, and it ought to be an embarrassment to every Member who serves here in the House or in the Senate.

There is a bias in the budget process toward higher spending. I want Members to think about what the current budget process has given us. We have $5.5 trillion in debt, or $20,000 for every man, woman, and child in America today.

In fact, people have a hard time grasping what $1 trillion is. We are $5.5 trillion in debt. If you started a business on the day that Christ was born and lost $1 million every day, every day up until the present, you would not even have lost $1 trillion. We are $5.5 trillion in debt. That is what this budget process has gotten us.

The other thing it has gotten us is a $1.7 trillion annual budget because of a Washington gimmick known as baseline budgeting, where every year we have increases that are built into the budget. Nobody else in America has to get the budget that way, but here in Washington, that is what we do.

The tax burden in this country is at the highest level since any time since 1945, where every American essentially works 2 hours and 51 minutes of every working day just to pay the cost of government.

Last fall we had a debate here as we got to the end of the year, and of course, as usual, we had not done our work. We had not completed the appropriations process, so everything was wrapped into this huge omnibus continuing resolution which was some $600 billion, a bill most of us had not even seen, let alone read, done in the middle of the night with a handful of people, and we are asked to vote on it.

This is a process which begs and cries out for reform. We are the guardians here of the public trust in Washington. This is a national tragedy. The American people ought to get engaged on this issue, because there is nothing that we could do that would more fundamentally change the way Washington operates and the way the taxpayer dollars are spent than for us to reform the budget process.

The American people need to be engaged, because it is their money we are talking about. We go about it with the process that we have in place today, and frankly could make the argument that if we had the political courage to make the hard decisions we could get it down, and we could.

But the fact of the matter is that the process lends itself to the very worst instincts I think of all of us here in Washington. There is a bias towards higher spending.

There is a proposal on the table this year to reform the budget process. The gentleman from Iowa (Mr. NUSSLE), this is a bipartisan bill, and the gentleman from Maryland (Mr. CARDIN) have come up with a proposal to reform the budget process. Last year I was a cosponsor of the bill of the gentleman from California (Mr. CHRIS COX) that would do the same thing.

But we need safeguards that protect the American people. We need to see that we have an emergency reserve contingency fund, so we do not end up at the end of every year having to come up with an omnibus emergency disaster bill and not get the process done or the bills done in a timely and orderly way.

We need to have some enforcement in the budget process, so that when we pass the resolution, that it is binding, not only upon us but upon the administration.

We need to have this debate about the budget earlier in the process, so we do not end up at the end of the year with all this pressure and with nowhere to go but to get into a bidding war, where we continue to spend more and more and more of the American people's money.

We need budget reform in this town more than just about anything else that I can think of. Watching the debate today reaffirmed in my mind how important it is that we deal with this issue now, we do it this year.

I urge all my colleagues to get on board and the American people to get on board with this issue.

CALLING ON LEADERSHIP TO BRING UP HMO REFORM LEGISLATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Madam Speaker, it is very important that we keep up the pressure in this House to pass HMO reform.

Despite the overwhelming support among the American people for HMO or managed care reform, the Republican leadership continues to let the issue languish. We still have no indication when or even if they will allow the Patients' Bill of Rights to come to the House floor for a vote.

□ 2045

The reason for this activity is the same as it was last year. The Republican leadership cannot figure out how they can pass a good managed care bill without alienating the insurance agency.

So instead of doing what is right and best for the American people, they are once again appeasing the insurance industry and hoping an answer to this problem will magically fall from out of the sky.

Unfortunately, Madam Speaker, as the leadership sits and waits and does nothing, the shortcomings of the system continue to forever change the lives of countless Americans. We need only to turn on the TV or open the newspaper to see this.

I would like to use one example here tonight, and that is the issue of emergency room care. Earlier this month, USA Today ran an editorial on this issue. It was called ''Early Last Year'' starts the editorial.

It mentions that a Seattle woman began suffering chest pains and numbness while driving. The pain was so severe that she pulled into a fire station seeking help only to be whisked to the nearest hospital where she was promptly admitted.

To most, that would seem a prudent course of action, but not to her health plan. It denied payment because she did not call the plan first to get preauthorized, according to an investigation by the Washington State Insurance Commissioner.

I mentioned this editorial, Madam Speaker, as an example of the problems people have with their HMOs in terms of access and paying to for emergency room care.

Let me just go on to talk about this editorial again. The editorial says that this incident is typical of the enumerable bureaucratic hassles patients confront as HMOs and other managed care companies attempt to control costs.

But denial of payment for emergency care presents a particularly dangerous double-whammy. Patients facing emergencies might feel they have to choose between putting their health at risk and paying a huge bill they may not be able to afford.

The editorial in USA Today goes on to suggest a solution to the problem, noting that a national prudent layperson standard law covering all health plans would help fill in the gaps left by the current patchwork of State and Federal laws.

Democrats have been basically making this point about managed care for a long time. We know that people have had problems with their HMOs if they need to use an emergency room either because they are told to go to a hospital emergency room a lot further away from where they live or where the accident occurred, or, as in this case that I just mentioned, the actual payment afterwards is denied because they did not seek preauthorization, which seems nonsensical certainly in the context of emergency room care.

One only goes to an emergency room if it is an emergency. If one has to get preauthorization for it, it really is not an emergency. That is the dilemma that more and more Americans face, that their HMO plan does not cover emergency room care.

The Democrats, in response to this, have introduced a bill called the Patients' Bill of Rights. Basically what we do in the Patients' Bill of Rights is say that the prudent layperson's standard applies.

In other words, if the average person, the average, prudent person, if you will, decided that they had chest pains or they had a problem that necessitated going to the local emergency room, then they can go to the emergency room that is closest by, and the HMO has to pay, has to compensate for that care, has to pay for that emergency room care.

In the last Congress, we, the Democrats, tried to bring up the Patients' Bill of Rights. The Patients' Bill of Rights provides a number of patient protections, not just the emergency room care, but access to specialists.

It basically applies the principle that says, if particular care is necessary, medically necessary, and in the opinion of one's doctor is medically necessary, then it is covered; and the HMO has to cover that particular type of care.

In the last Congress, the Republican leadership did not hold a single hearing on the Patients' Bill of Rights or even on an alternative managed care bill that they had proposed.

So what we had to do, basically, was to seek what we call a discharge petition. We had to have a number of our colleagues come down to the well here and sign a discharge petition that said that the Patients' Bill of Rights should be allowed to come to the floor.

As we reached the magical number that was necessary in order to bring the Patients' Bill of Rights to the floor, the Republican leadership finally decided that they would bring their own managed care reform bill to the floor. In the context of that, we were allowed to bring up the Patients' Bill of Rights.

I think we are going to have to be forced to do that again. Basically in this session of Congress, even though the Patients' Bill of Rights have been reintroduced and even though there are some Republican managed care reform proposals, so far, the Republican leadership has refused to bring up HMO reform, either their bill, which is not as good, or the Patients' Bill of Rights, the Democratic bill.

So what we have had to do again, and starting tomorrow, is to file a rule allowing for a discharge petition to be brought up and have as many Members of Congress come down to the well again in a couple of weeks and sign this discharge petition in order to force the Republican leadership to bring the Patients' Bill of Rights to the floor.

It should not be that way. It should not be necessary that, in order to achieve HMO reform, that we have to sign a petition as Members of Congress to bring it up. It simply should be brought up in committee. There should be hearings. It should be voted on in committee to come to the floor. But so far, we have nothing but stalling tactics from the Republican leadership.

I mentioned the example of emergency room care. But there are a lot of other examples that we can mention about why we need patient protections, why we need the Patients' Bill of Rights.

Let me just give my colleagues another example, though. We have a Democratic Task Force on Health Care, which basically put together the Patients' Bill of Rights. We had some hearings on the Patients' Bill of Rights in the context of our Democratic Health Care Task Force because we could not get hearings in the regular

committees of the House because of the opposition from the Republican leadership.

I just wanted to mention another example because I think it is one of the most egregious that came before us when we had this hearing. We invited a Dr. Charlotte Yeh, who is a practicing emergency physician at the New England Medical Center in Boston, to the hearing that we had. She provided a number of examples of the effects that the managed care industries approach to emergency room care is having on patients, including one from Boston.

She told our task force about a boy whose leg was seriously injured in an auto accident. At a nearby hospital in Boston, emergency room doctors told the parents he would need vascular surgery to save his leg and that a surgeon was ready at that hospital to perform the operation.

Unfortunately for this young man, his insurer insisted he be transferred to an in-network hospital for the surgery. His parents were told, if they allowed the operation to be done anywhere else, they would be responsible to the bill. They agreed to the move. Surgery was performed 3 hours after the accident. By then, it was too late to save the boy's leg.

Dr. Yeh went on to express her very strong support to making the prudent layperson's standard the national standard for emergency room care. As I said before, basically the prudent layperson's standard says, if one does go to the emergency room to seek treatment under conditions that would prompt any reasonable person to go there, one's HMO would pay for it.

But in addition to the prudent layperson's standard, Dr. Yeh also emphasized the need to eliminate restrictive prior authorization requirements and the establishment of post-stabilization services between emergency physicians and managed care plans.

The Patients' Bill of Rights includes all of these types of provisions. If I could for a minute, Madam Speaker, just run through some of the protections that are included in the Patients' Bill of Rights, it guarantees access to needed health care specialists, very important. It provides, as I said, access to emergency room services when and where the need arise. It provides continuity of care protections to assure patient care if a patient's health care provider is dropped.

It gives access to a timely internal and independent external appeals process. Let me mention that for a minute. If one is denied care right now because one's HMOs decides that they will not pay for it, one of the things that my constituents complain to me about is that they have no way to appeal that decision other than internally within the HMO.

So if the HMO decides, for example, that a particular type of treatment is not medically necessary or that one does not have to stay in the hospital a couple more days, even though one's doctor thinks that one should be staying there, or a number of other things that they consider not medically necessary, well, most of the times, under current law, there is no appeal other than to the HMO itself; and they of course routinely deny the appeal because, for them, it is largely a cost issue.

What we are saying in the Patients' Bill of Rights is that that person should be able to go to an external appeal, someone outside the HMO, or a panel outside the HMO that would review the case and decide whether or not that care should be provided and paid for by the HMO.

In addition, what we say is that, if one has been damaged for some reason, God forbid, that one needed some kind of procedure or one needed to stay in the hospital a few more days and the HMO refused to allow that and, as a result, one suffered injury and damage, then one should be able to bring suit in a court of law and recover for those damages.

Most people do not realize that option does not exist today for a lot of people who are in HMO plans because the Federal Government has said that, in the case of people covered by a Federal plan or where the Federal Government has usurped or preempted the State law for those who are mostly self-insured by their employer, that there is no recourse to seek damages in a court of law.

That is not right. It is not right. Someone should be able to sue for damages and sue the HMO if they have been denied care and if they have been hurt or damaged as a result of that.

Just to mention a couple more things, we also have in the Patients' Bill of Rights, we assure that doctors and patients can openly discuss treatment options, because, oftentimes, HMOs tell the doctors they cannot tell about treatment options that are not covered, the so-called gag rule.

We assure that women have direct access to an OB/GYN. As I said, we provide an enforcement mechanism that ensures recourse for patients who have been maimed or die as a result of health plan actions.

There are a lot more things that we can go into, and we will tonight; but I yield to the gentlewoman from Texas (Ms. JACKSON-LEE), who has been outspoken on this issue and has oftentimes talked about how in her own State of Texas a lot of these protections exist. They exist in Texas. They should exist nationally.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from New Jersey (Mr. PALLONE) for his persistent leadership on the issue.

He is very right. Some two sessions ago, the legislative team or the legislative body and houses of the State of Texas passed a bipartisan Patients' Bill of Rights and one that has been effective in assisting the individuals of my State in better health care. We can always do better, however.

I think to follow up on the gentleman's line of reasoning about the discharge petition, I think it is important to note just what that means. The discharge petition is something that most Members would rather not have to procedurally utilize. It is really a cry of anguish and frustration as well as an emphasis on the national, if you will, priority that the issue deserves.

We have done it with campaign finance reform, which the American people over and over again have indicated that it is high time to get special interests out of politics. We are now doing it and have done it in the past with the Patients' Bill of Rights because we have seen the response by the American people.

In fact, I just recently saw, about 2 weeks ago, a poll done that indicated the high level of frustration with HMOs by the American people, just an enormous amount of frustration, not with the physicians who have already said get the business or the insurance companies out of my hypocritic oath, if I have it correct in their phraseology, let me be a physician, a nurturer.

But the American people have now spoken. So this discharge petition is a response to the fact that we have a crisis. We have a road of no return. We have no light at the end of the tunnel.

The American people are over and over speaking about the need to be able to make personal decisions about their health care with their physicians. We already understand the value of efficiency. We already under the value of making sure that we do not wastefully spend monies that are not necessary, unnecessary procedures, or unnecessary equipment, if you will. I can think of a box of tissues that showed up on a bill more than 10 times or so. We have already gone through that.

I think the American people, the Congress has addressed the question of waste. So waste is not the issue. The issue is what kind of care are we giving our patients and those who work every day and deserve health care.

I think that there is something so pivotal to the relationship and the confidence that people would have in their HMOs and their health care; and that is to be able to go somewhere and say, ''Doctor, I have a pain'', to the emergency room, ''I have a severe pain'', and being considered legitimate in one's expression.

☐ 2100

The Democratic Patients' Bill of Rights allows for severe pain to be established as a legitimate reason to be able to go to the emergency room.

Why is this so very important? My colleague already evidenced where there was a situation where there was an accident and a tragedy occurred where a young man's leg could have been saved if they only had not shipped him from one place to the other 3 hours later.

What about a situation where it is not visible that there is something

very tragic happening? My example that I offer to my colleagues is not the same. But a very outstanding member of our committee, someone who did not think that they were sick and went with their spouse to the emergency room, drove themselves and walked up to the emergency room, which was not a familiar emergency room, not one maybe in their neighborhood, experiencing pain, and they had to sit down.

Now, this is not directly. But it shows what happens when we have delayed circumstances with hospitals because they are checking on their HMO rather than the ability to go to the nearest emergency room because of an expressed pain. And of course, they had to take time checking whether they were at the right place.

Lo and behold, that individual had a massive cardiac arrest and did not survive. The tragedy of the family having to be delayed with paperwork, ''where is your identification? do you belong here?'' realizing that they had some coverage but they had to detail whether they were at the right location.

The Patients' Bill of Rights that we, as Democrats, are offering deals with these kinds of delays because it provides them the opportunity to be at almost any emergency room if they have a severe pain and they can be covered.

I listened as there were discussions on the floor of the House earlier about the values between the Democrats and the Republicans, more particularly the Republican Party. I want to remind the gentleman from New Jersey (Mr. PALLONE) that we are always to be counted upon, I believe, when there are crises around survival.

I am reminded of Franklin Delano Roosevelt and Social Security. Social Security now is the infrastructure, is the backbone of survival for our senior citizens. I am very proud that a Democratic president saw that it was crucial to deal with this issue. And it has survived.

Lyndon Baines Johnson saw the great need in providing senior citizens with a basic kind of coverage so that they would have the ability to have good health care, Medicare. And although we are in the midst of trying to fix and extend Social Security and Medicare, those two entities have withstood the test of time.

Unfortunately, the Republican bill dealing with the Patients' Bill of Rights does not allow people with chronic conditions to obtain standing referrals. Our Patients' Bill of Rights does. The Republican bill purports to prohibit gag clauses but in reality does not do such things, and that is that they cannot have the ability of doctors talking with doctors about their health care and, therefore, keeping information away from both the patients and another doctor about what is transpiring with their condition.

The Republican bill does not require plans to collect data on quality. Our Patients' Bill of Rights does. And the Republican bill does not establish an ombudsman program to help consumers navigate their way through the confusing array of health options available to them.

The other thing that is so very important to many women who I have met in my district is that it does not, whereas ours does, the Republican bill does not allow women to choose their OB–GYN as their primary care provider. That is key in the private relationship between physician and patients.

Let me say, as well, in closing to my friend from New Jersey, I would like to again thank him for consistent and persistent leadership dealing with getting this bill to the floor. It is important to let the American people know that we do not bypass procedures.

I remember 2 or 3 or 4 years ago having hearings out on the lawn about Medicare. We were so serious about the issue that we decided, if we could not get hearings here in the Congress, that we as Democrats would be out on the front lawn. We may be relegated to this.

I know there have been a number of hearings dealing with this particular issue. But we have been bogged down by the allegations that we have lifted up this right to sue and medical necessity and that these are issues that are maybe holding us back. And I think people should understand that this is not an issue of attack, this right to sue. This is not to encourage frivolous litigation.

But even the physicians who two-to-one have supported and are supporting the Democratic Patients' Bill of Rights have said, ''We are sued. Sometimes we are blocked from giving good health care or providing a specialist because someone far away with a computer is saying 'you cannot do it'.''

Why should they be vulnerable and the actual decision was made by an HMO, an insurance company, or someone looking at the bottom line and not looking at good health care?

I think America deserves better. And I would just simply say that all the people who have been injured, all the people who have suffered, the loved ones, because of countless deaths, my fear of an injury being in the United States Congress, why should I be in fear? Because it still happens to any one of us that would be confronted with the choices of an emergency room that would say they are not eligible to come in here. This is a fear that happens more to our constituents that have no other options.

I think it is high time that we take the time out as we are moving to discuss passing gun safety laws that should be passed this week. I voted against adjourning because we have so many things to be doing. It is important that we get the Patients' Bill of Rights here to the floor of the House with a vigorous debate.

I am convinced that we will draw many of our colleagues on the other side of the aisle when they see the reasoning of our debate on this issue that a Patients' Bill of Rights is only fair for all Americans. Because we deserve and they deserve and frankly this Nation deserves the best health care we can possibly give.

We have got all the talent, but we do not have the procedures to allow them to have it. I hope our colleagues will sign the discharge petition. It is not something we do lightly. But we have a problem here. American people are losing faith, and I think now is the time for us to respond to that.

Mr. PALLONE. Madam Speaker, I want to thank the gentlewoman and particularly emphasize again what she said about the extraordinary nature of this procedure of the discharge petition. And it is unfortunate.

As my colleague mentioned, there are major differences between the Democrats' Patients' Bill of Rights and the Republican leadership bill, which we know is really defective in terms of providing patients' protections compared to what the Democrats have put forward.

The bottom line is that the Republican leadership refuses to bring any bill up. So it is not even a question, as my colleague pointed out, whether this is a good bill or bad bill. They just refused to bring the issue up and let us have a debate on the floor of the House of Representatives.

We had the same problem last year. We had to use this discharge petition. As my colleague knows, back a month ago, I guess in April around the time of Easter and Passover, we actually had the President going to Philadelphia with a number of us and start this whole national petition drive on the Internet to show how many people supported bringing up the Patients' Bill of Rights.

Since that time, a number of us on the Committee on Commerce, and I see my colleague the gentleman from Texas (Mr. GREEN) is here, also on the Committee on Commerce, have pleaded and sent letters to the Republican leadership and our committee asking that they have hearings and mark up this legislation or any legislation related to HMOs, managed care reform.

So far, we have been told we will have hearings sometime this summer. Well, that is a long time. That brings us into the fall. And if there is no action on this because we are having hearings all summer, that is not going to solve the problem. So we have no recourse, essentially, other than to go to this petition route. That is why we are doing it. And it is extraordinary.

Ms. JACKSON-LEE of Texas. Mr. Speaker, if the gentleman would yield, I am glad he reminds me. While he was in Philadelphia, as he well knows, we agreed, if you will, to not go just upon our position or our opinion and a lot of us were in our districts.

So I do want to share with my colleague that I was at the Purview A&M School of Nursing; and two-to-one, the nursing staff professional staff, students, joined in in signing on-line for

the Patients' Bill of Rights. I understand that all over the country people joined voluntarily to say that we needed to pass this.

I think that was a very important point that my colleague made. So we are not just here speaking on our personal behalf or we are not trying to get a discharge petition because we are over anxious for personal legislation to pass.

But I tell my colleagues, everywhere I go in my district, and I have talked to my colleagues, people are talking about getting some fair treatment with HMOs and needing our assistance, and I think that is important to bring to the floor's attention.

Mr. PALLONE. Mr. Speaker, I yield to the gentlewoman from North Carolina (Mrs. CLAYTON), who is one of the co-chairs of our Health Care Task Force.

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman for yielding.

I want to thank him also for the leadership. And I like the word that the gentlewoman from Texas (Ms. JACKSON-LEE) used, his ''persistent'' leadership, his dogged persistent leadership, his patient leadership. It takes all of that to get an issue of this magnitude in the consciousness of us. So I want to thank him for that.

Madam Speaker, when a child suffers with a disease that can be cured, should that decision on whether to provide the needed treatment be made by a doctor or the child's parents or by a bureaucrat who is counting dollars and dimes?

When a wife and mother undergo surgery for a mastectomy and the anesthesia has yet to wear off, should she be forced to leave the hospital that very day because of a rigid routine that puts saving money and sparing pain and suffering?

When a husband and father forced to go to the emergency room is unable to get approval from his insurance provider, the very provider he pays for insurance, should he be required to pay the medical bill himself?

When a grandfather is stricken with a life-threatening stroke, should those transporting him to the hospital emergency care be forced to pass one hospital to go to one farther away because narrow thinking people are more interested in crunching numbers and saving lives?

These are not rhetorical questions. They are not even hypothetical situations. These are real-life examples of what can happen to anyone, in fact what is happening all too often across this country under the current Federal law.

So that is the reason we need the Patients' Bill of Rights. The Patients' Bill of Rights effectively provides basic and fundamental rights to patients. The Patients' Bill of Rights provides real choice because patients are entitled to choose their health care provider and treatment decisions are made by the patient's doctor and not the insurance company bureaucrat.

The Patients' Bill of Rights that we are talking about provides real access. Managed care plans are required to ensure timely and necessary care. Patients would also have the right to go to the emergency room when they need to without prior authorization.

The Patients' Bill of Rights actually provides open communication between their doctor and the patient. Physicians are free to discuss any and all aspects of their care with the patient. That is what we are trying to guarantee in the Patients' Bill of Rights. That is why we need health care now and we need health care protected by the Patients' Bill of Rights.

This is not an isolated issue. This is a national challenge. However, our national challenge does not stop here. We have an even deeper-rooted problem. Approximately 45 million Americans are uninsured. The numbers of Americans without health insurance has grown by nearly 10 million over the past decade.

A smaller share of Americans have health insurance today through their jobs than 10 years ago. And even more would be uninsured if it were not for the extension of eligibility under the Medicaid program.

In 1997, almost one-third of non-elderly adults were uninsured at times in a two-year period. Of these, over 40 percent were uninsured over 2 years.

Why are these persons without insurance? Because, simply, it is too expensive or their employers do not provide it. And even though the Medicaid expansion in the 1980s and the 1990s lowered the number of uninsured children, why does it remain almost one out of ten Americans are uninsured? Because job-based insurance coverage is decreasing while the cost of working families is increasing. And, therefore, we have a real serious problem.

We heard reference to the April event when we were announcing our intentions about the Patients' Bill of Rights. I sponsored an April event in the First Congressional District at my community college where I engaged nurses. In fact, I had a town hall meeting through the information highway where we were in four locations.

□ 2115

In addition to that, we went out into the community and got people to sign up. All too often what I found, many of these individuals were not indeed insured by anyone. Therefore, the Patients' Bill of Rights petition that they signed, they wanted for themselves, they were not eligible. Too many of my constituents do not even have the opportunity of being insured. However, if they were insured, indeed they would need the protection that the Democratic Patients' Bill of Rights would provide for them.

Therefore, Madam Speaker, we must focus on two issues in health care reform. First, to reform the Patients' Bill of Rights, and, second, we must protect the right of uninsured persons to get health insurance. Again, I want to say that when we are asked to find opportunities for the Patients' Bill of Rights to ensure those of us who are fortunate enough to have insurance, we cannot forget the millions of individuals and families who are not insured at all.

I thank the gentleman for providing the leadership on the Patients' Bill of Rights and just say that we are approaching tomorrow one phase of our national crisis but not the total phase of it. I am pleased that we will indeed do that. I agree with my colleague who said that the discharge procedure indeed is a radical method that we have to undertake simply because we are denied an opportunity to discuss it in the formal legislative processes that are available to us. We are using this process because that is the only way we can get it as a full debate. I think on tomorrow the American people will understand the difference between our commitment to health care and certainly our commitment to have a Patients' Bill of Rights that protects those who are not insured.

But I want to say, I am further committed, our goal is even greater than just protecting those who have insurance. Our goal must be to provide health coverage for all those who need health coverage.

Mr. PALLONE. I want to thank the gentlewoman. I think it is very important as she did to point out that as much as we support the Patients' Bill of Rights and we want to bring it up, that we also need to address the problems of the uninsured and the fact that the numbers are growing. Of course part of our Democratic platform that has been pushed, also, by President Clinton is to address some of the problems of the uninsured.

Of course, a few years ago, our health care task force worked on the Kennedy-Kassebaum bill which allows people to take their insurance with them if they lose their job or they go from one job to another, and then we moved on the kids health care initiative which is now insuring a lot of the children who were uninsured, and, of course, the President and the Democrats had the proposal for the near elderly where people who are between 55 and 65, depending on the circumstances, can buy into Medicare.

But the gentlewoman is right. We are trying to address those issues but the larger issue of the uninsured also needs attention.

Mrs. CLAYTON. I would just say that the gentleman is absolutely correct. We tried to address this large, pressing issue, I guess, about 6 years ago. At that time we had 40 million who were uninsured, where it is reported now we may have 45 to 46 million who are uninsured. As we try to address this issue, the pool is getting larger and a larger number of individuals are falling through the cracks.

Now, I am very pleased the effort we indeed did make and were successful as

it related to children. I am also very pleased that we were able to have portability and remove the barrier of preexisting conditions as a means of eligibility for coverage. All of those enabled us to expand the coverage in a meaningful way. But I would be remiss if I ignore the suffering, and we are talking about the working poor, who are just not able to buy into insurance and they need it desperately.

I just want to commend the gentleman for what he is doing on the Patients' Bill of Rights. I think it will be a great first step tomorrow and we will push to make sure that this is successful, but we also have a higher goal, to make sure that those who are unfortunate enough to have no insurance whatsoever, indeed we are speaking for the poorest of the poor as well as for those who are fortunate enough to have insurance.

Mr. PALLONE. I agree and I appreciate the gentlewoman bringing it up. We can also continue to address and find ways of providing coverage as part of our health care task force which the gentlewoman cochairs.

I yield to the gentleman from Texas (Mr. GREEN). He is the second Texan we have had tonight. I think part of the reason is because he has had a very successful type of patients' bill of rights passed in Texas that applies statewide.

One of the things we have been pointing out tonight is that even States like Texas that have gone very far in providing these kind of patient protections that we would like to see done nationally, because of the Federal preemption that exists for those where the employer is self-insured, the Texas law in many cases does not apply. That is why we need Federal legislation.

Mr. GREEN of Texas. I would like to thank my colleague again for this special order like my other friends, and neighbors even, because to talk about managed care reform is so important, and also in light of the filing of the rule for a discharge petition, which is a major step in the legislative process.

I am proud to serve on the Committee on Commerce. It took me a couple of terms to get there. I would like for the Committee on Commerce, both Democrats and Republicans, to be able to deal with this bill. The last session we were not. The bill was actually drafted by a health care task force of the Republican majority and written in the Speaker's office. It was placed here on the floor that we could not amend except we had one shot at it. We came close, lost by six votes, it went to Senate and died which it should have because it actually was a step backward in reform.

I am glad you mentioned Texas, New Jersey and other States have passed managed care reform that affect the policies that are issued under State regulation. But in Texas, I think the percentage is about 60 percent of the insurance policies are interstate and national in scope, so they come under ERISA.

A little history. ERISA, I understand, was never intended to cover health insurance, it was really a pension protection effort. But be that as it may, that is why we have to deal with it in Congress to learn from what our States have done and to say, ''Okay, let's see what we can do to help the States in doing it.'' The State of Texas now has had the law for 2 years. I know there is some concern about the additional cost, for example, that these protections would provide, emergency, without having to drive by an emergency room, to go to the closest emergency room, outside appeals process, accountability and eliminate the gag rules. In Texas it is very cheap. In fact there was only one lawsuit filed, and that was actually by an insurance company challenging the law that was passed. Now, maybe there have been other ones recently, but it is not this avalanche of lawsuits, suing, whether it be employers or insurance companies or anything else. And so it has worked in a State the size of Texas, a large State, very diverse population, both ethnically and racially but also with a lot of rural areas and also some very urban areas.

In fact, my district in Houston, Houston and Harris County, is the fourth largest city in the country. So you can tell that it is a very urban area and it is providing some relief, but again only for about 40 percent of our folks. So we need to pass real managed care reform. And we need to deal with it in the committee process, not like we did last session. And the discharge petition that I hope would be available by the middle of June, and both Democrats and Republicans hopefully will sign that petition to have us a hearing on it and to have the bill here so we can debate, so we can benefit those folks.

The reason I was late tonight, I take advantage of the hour difference in Texas and try to return phone calls. A young lady called my office and was having trouble with her HMO. She was asking us to intervene. We have done that. We have sent letters to lots of individual HMOs. Frankly they are responsive to the Members of Congress oftentimes, but we each represent approximately 600,000 people, and how many of those folks call their Member of Congress to have that intervention? We need to structuralize it where people can do it. The outside appeals process, timely appeals, not something that will stretch out, because again health care delayed is health care denied.

If, for example, you have cancer, then you want the quickest decision by the health care provider that you can. That is why it is important. I am looking forward to being able to work on the bill, whether it be through our committee or on the floor of the House and send to the Senate real managed care reform. We cannot eliminate managed care, and I do not think I want to. What I want to do is give the managed care companies some guidelines to live by, just like all of us have in our businesses, or in our offices and individual lives. We just need to give them some parameters and say, ''This is the street you have to drive on. You can't deviate. You can't deny someone access to some of the cutting-edge technology that's being developed around the country for health care.'' We just want to give them that guideline and go their merry way and make their money but also provide the health care.

Let me tell the gentleman a story. My wife and I are fortunate, our daughter just completed her first year of medical school. Last August, she had just started, and I had the opportunity to speak to the Harris County Medical Society and talk about a number of issues. During the question and answer session, the President of the Harris County Medical Society, the first question is, when I explained that I am a lawyer, and normally legislators and Democrats do not speak to medical societies in Texas. He congratulated me on my daughter who had been in medical school all of 2 weeks.

And so I joked. I said, ''She's not ready for brain surgery yet.'' The President of the medical society said, ''You know, your daughter after 2 weeks of medical school has more knowledge than who I call to get permission to treat my patients.'' That is atrocious in this great country. That is, that it is affecting your and my constituents and all the people in our country. Sure, we want the most reasonable cost health care and I think we can get it. We are doing it in Texas, at least for the policies that come under State law. But we also want to make sure we have some criteria there so our constituents will be able to know the rights they have.

Let me just touch lastly on accountability. At that same discussion, the physician said, they are accountable for what they do. That if they make a mistake, they can go to the courthouse. And in Texas we have lots of different ways. You do not necessarily go to the courthouse. You can go to other alternative means, instead of filing lawsuits, to have some type of resolution of the dispute. But accountability is so important, because if that physician calls someone who has less than a 2-week training in medical school, that decision that that person makes, that doctor has to live with.

That doctor has to say, ''Well, I can't do that.'' Or hopefully they would say that. But that accountability needs to go with the decision-making process. If that physician cannot say, ''This is what I recommend for my patient who I see here, I've seen the tests, and I'm just calling you and you're saying no, we can't do that.''

We have lots of cases in our office, and I think all Members of Congress do, where, for example, someone under managed care may have a prescription benefit but their doctor prescribed a certain prescription, but the HMO says, ''No, we won't do that, we'll give you something else.'' I supported as a State

legislator generic drugs if they are the same component, but oftentimes we are seeing the managed care reform not agree to the latest prescription medication that has the most success rate that a lot of our National Institutes of Health dollars go into research, and they are prescribing something or saying, no, we will only pay for something that maybe is 5 or 10-year-old technology. Again, that is not what people pay for. They want the latest because again the most success rate. And it ought to be in the long run cheaper for insurance companies to be able to pay up front instead of having someone go into the hospital and have huge hospital bills because maybe they did not provide the most successful prescription medication.

There are a lot of things in managed care reform, antigag rules, and I know some managed care companies are changing their process and they are changing it because of the market system. That is great. I encourage them to do it. But city councils, State legislators and Members of Congress, we do not pass the laws for the people who do right, we do not pass the laws for the companies who treat their customers right. We have to pass the laws for the people who treat their customers wrong. That is why we have to pass this and put it in statute and say even though XYZ company may allow doctors to freely discuss with their patients potential medical services, or they may have an outside appeals process, a timely outside appeals process, but we still need to address those people who are not receiving that care.

I can tell you just from the calls and the letters we get in our own office, without doing any scientific surveys, we get a lot of calls from people, partly because I talk about it a lot not only here but in the district. But people need some type of reform.

☐ 2130

Mr. Speaker, I hope this Congress will do it timely. When the gentleman mentioned a while ago that he heard our committee may conduct hearings all summer, that is great. I mean I would like to have hearings in our committee, but we got to go to mark up what we learn from our committee. We have to make the legislative process work, the committee process work. We will put our amendments up and see if they work, and maybe they are not good, and we can sit down with the Members of the other side.

But that is what this democracy and this legislative process is about, and last session it was terminated, it was wrong, and we saw what happened. We delayed, and there was no bill passed. It did not even receive a hearing in the Senate because it actually was a step backward in changing State laws like in Texas.

So I would hope this session, maybe with the discharge rule being filed tomorrow, we will see that we are going down that road, but maybe we can actually see maybe hearings in June when we come back after celebrating Memorial Day, and with a short time we can, a lot of us have worked on this issue. So, sure, I would like to have some hearings, but maybe we could have a markup before the end of July or June or mid July, something like that, so we could set it on a time frame where we would vote maybe before the August recess on this floor of the House for a real managed care reform, and when we vote on the House floor, let us not just come out with a bill and say, ''Take it or leave it.'' As my colleagues know, let us have the legislative process work within reason and so we can come up with different ideas on how it works and the success.

So again I thank the gentleman for taking the time tonight and my colleagues here, and particularly glad we had the first hour.

Mr. PALLONE. I want to thank the gentleman from Texas (Mr. GREEN). He brought up a number of really good points, if I could just, as my colleague knows, comment on them a little bit.

I mean first of all I think it is important to stress that with this discharge petition, we are not doing it out of spite or disrespect or anything like that. We just want this issue brought to the floor, and as my colleague said, as my colleagues know, having hearings all summer does not do the trick. So far we have not gotten any indication from the Republican leadership or the committee leadership that there is any date certain to mark up this bill in committee and to bring it to the floor, and that is why we need to go the discharge petition way.

The other thing the gentleman said I think is so important is he talked about how the Texas law, which does apply to a significant number of people in Texas, even not everyone, that both the cost issue and the issue of the fear, I guess, of frivolous lawsuits has so far proven not to be the case. In other words, the, as my colleagues know, one of the criticisms of HMO reform or Patients' Bill of Rights that the insurance companies raise unfairly is the fact that it is going to cost more, and in fact in Texas it has been found that the cost, there is practically no increased costs whatsoever. I think it was a couple of pennies or something that I read about.

And in terms of this fear that there are going to be so many lawsuits and everybody is going to be suing, actually there have been very few suits filed, and the reason I think is because when we put in the law that people can sue the HMO, prevention starts to take place. They become a lot more careful about what they do, they take preventive measures, and the lawsuits do not become necessary because you do not have the damages that people sue for. So I think that is a very important point.

The other point the gentleman made that I think is really crucial is the suggestion that somehow because of the debate and because of the pressure that is coming from, as my colleagues know, the talk that is out there, that somehow many; some HMOs I should say; are starting to provide some of these patient protections, and the gentleman's point is well taken, that even though some of them may be doing it, and there are not really that many that are, but even though some of them are doing it, that does not mean that we do not need the protections passed as a matter of law for those, as my colleagues know, bad actors, if you will, who are not implementing these Patients' Bill of Rights.

So there needs to be a floor. These are nothing more than commonsense proposals that are sort of a floor of protections. They are not really that outrageous, they are just, as my colleagues know, the commonsense kind of protections that we need.

So I think that our time is up, but I just wanted to thank my colleague from Texas. We are going to continue to push. Tomorrow the gentleman from Michigan (Mr. DINGELL) is going to file the rule for this discharge petition, and we are going to get people to sign it so we can bring up the Patient Bill of Rights.

RECESS

The SPEAKER pro tempore (Mrs. Wilson). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 9 o'clock and 35 minutes p.m.), the House stood in recess subject to the call of the Chair.

☐ 0033

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 12 o'clock and 33 minutes a.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1401, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 106–166) on the resolution (H. Res. 195) providing for consideration of the bill (H.R. 1401) to authorize appropriations for fiscal years 2000 and 2001 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal years 2000 and 2001, and for other purposes, which was referred to the House Calendar and ordered to be printed.

SENATE BILLS AND JOINT RESOLUTIONS APPROVED BY THE PRESIDENT SUBSEQUENT TO SINE DIE ADJOURNMENT

The President, subsequent to sine die adjournment of the 2nd Session, 105th Congress, notified the Clerk of the

House that on the following dates he had approved and signed bills and joint resolutions of the Senate of the following titles:

November 10, 1998:

S. 459. An act to amend the Native American Programs Act of 1974 to extend certain authorizations, and for other purposes.

S. 1364. An act to eliminate unnecessary and wasteful Federal reports.

S. 1718. An act to amend the Weir Farm National Historic Site Establishment Act of 1990 to authorize the acquisition of additional acreage for the historic site to permit the development of visitor and administrative facilities and to authorize the appropriation of additional amounts for the acquisition of real and personal property, and for other purposes.

S. 2241. An act to provide for the acquisition of lands formerly occupied by the Franklin D. Roosevelt family at Hyde Park, New York, and for other purposes.

S. 2272. An act to amend the boundaries of Grant-Kohrs Ranch National Historic Site in the State of Montana.

S. 2375. An act to amend the Securities Exchange Act of 1934 and the Foreign Corrupt Practices Act of 1977 to improve the competitiveness of American business and promote foreign commerce, and for other purposes.

S. 2500. An act to protect the sanctity of contracts and leases entered into by surface patent holders with respect to coalbed methane gas.

November 12, 1998:

S. 759. An act to amend the State Department Basic Authorities Act of 1956 to require the Secretary of State to submit an annual report to Congress concerning diplomatic immunity.

S. 1132. An act to modify the boundaries of the Bandelier National Monument to include the lands within the headwaters of the Upper Alamo Watershed which drain into the Monument and which are not currently within the jurisdiction of a Federal land management agency, to authorize purchase or donation of those lands, and for other purposes.

S. 1134. An act granting the consent and approval of Congress to an interstate forest fire protection compact.

S. 1408. An act to establish the Lower East Side Tenement National Historic Site, and for other purposes.

S. 1733. An act to amend the Food Stamp Act of 1977 to require food stamp State agencies to take certain actions to ensure that food stamp coupons are not issued for deceased individuals, to require the Secretary of Agriculture to conduct a study of options for the design, development, implementation, and operation of a national database to track participation in Federal means-tested public assistance programs, and for other purposes.

S. 2129. An act to eliminate restrictions on the acquisition of certain land contiguous to Hawaii Volcanoes National Park.

S.J. Res. 35. Joint Resolution granting the consent of Congress to the Pacific Northwest Emergency Management Arrangement.

November 13, 1998:

S. 191. An act to throttle criminal use of guns.

S. 391. An act to provide for the disposition of certain funds appropriated to pay judgement in favor of the Mississippi Sioux Indians, and for other purposes.

S. 417. An act to extend certain programs under the Energy Policy and Conservation Act and the Energy Conservation and Production Act, and for other purposes.

S. 1397. An act to establish a commission to assist in commemoration of the centennial of powered flight and the achievements of the Wright brothers.

S. 1525. An act to provide financial assistance for higher education to the dependents of Federal, State, and local public safety officers who are killed or permanently and totally disabled as the result of a traumatic injury sustained in the line of duty.

S. 1693. An act to provide for improved management and increased accountability for certain National Park Service programs, and for other purposes.

S. 1754. An act to amend the Public Health Service Act to consolidate and reauthorize health professions and minority and disadvantaged health education programs, and for other purposes.

S. 2364. An act to reauthorize and make reforms to programs authorized by the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965.

S. 2432. An act to support programs of grants to States to address the assistive technology needs of individuals with disabilities, and for other purposes.

BILLS AND JOINT RESOLUTIONS APPROVED BY THE PRESIDENT SUBSEQUENT TO SINE DIE ADJOURNMENT

The President, subsequent to sine die adjournment of the 2nd Session, 105th Congress, notified the Clerk of the House that on the following dates he had approved and signed bills and joint resolutions of the following titles:

November 10, 1998:

H.R. 378. An act for the relief of Heraclio Tolley.

H.R. 379. An act for the relief of Larry Errol Pieterse.

H.R. 1794. An act for the relief of Mai Hoa ''Jasmin'' Salehi.

H.R. 1834. An act for the relief of Mercedes Del Carmen Quiroz Martinez Cruz.

H.R. 1949. An act for the relief of Nuratu Olarewaju Abeke Kadiri.

H.R. 2744. An act for the relief of Chong Ho Kwak.

H.R. 3633. An act to amend the Controlled Substances Import and Export Act to place limitations on controlled substances brought into the United States.

H.R. 3723. An act to authorize funds for the payment of salaries and expenses of the Patent and Trademark Office, and for other purposes.

H.R. 4501. An act to require the Secretary of Agriculture and the Secretary of the Interior to conduct a study to improve the access for persons with disabilities to outdoor recreational opportunities made available to the public.

H.R. 4821. An act to extend into fiscal year 1999 the visa processing period for diversity applicants whose visa processing was suspended during fiscal year 1998 due to embassy bombings.

November 11, 1998:

H.R. 4110. An act to amend title 38, United States Code, to improve benefits and services provided to Persian Gulf War veterans, to provide a cost-of-living adjustment in rates of compensation paid to veterans with service-connected disabilities, to enhance programs providing health care, compensation, education, insurance, and other benefits for veterans, and for other purposes.

November 12, 1998:

H.R. 1023. An act to provide for compassionate payments with regard to individuals with blood-clotting disorders, such as hemophilia, who contracted human immunodeficiency virus due to contaminated antihemophilic factor, and for other purposes.

H.R. 2070. An act to amend title 18, United States Code, to provide for the testing of certain persons who are incarcerated of ordered detained before trial, for the presence of the human immunodeficiency virus, and for other purposes.

H.R. 2263. An act to authorize and request the President to award the Congressional Medal of Honor posthumously to Theodore Roosevelt for his gallant and heroic actions in the attack on San Juan Heights, Cuba, during the Spanish-American War.

H.R. 3267. An act to direct the Secretary of the Interior, acting through the Bureau of Reclamation, to conduct a feasibility study and construct a project to reclaim the Salton Sea, and for other purposes.

H.R. 4083. An act to make available to the Ukrainian Museum and Archives the USIA television program ''Window on America''.

H.R. 4164. An act to amend title 28, United States Code, with respect to the enforcement of child custody and visitation orders.

November 13, 1998:

H.R. 633. An act to amend the Foreign Service Act of 1980 to provide that the annuities of certain special agents and security personnel of the Department of State be computed in the same way as applies generally with respect to Federal law enforcement officers, and for other purposes.

H.R. 2204. An act to authorize appropriations for fiscal years 1998 and 1999 for the Coast Guard, and for other purposes.

H.R. 3461. An act to approve a governing international fishery agreement between the United States and the Republic of Poland, and for the other purposes.

H.R. 4283. An act to support sustainable and broad-based agricultural and rural development in sub-Saharan Africa, and for other purposes.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. YOUNG of Alaska (at the request of Mr. ARMEY) for today and the balance of the week on account of official business.

Mr. SCARBOROUGH (at the request of Mr. ARMEY) after 6:30 p.m. today and Thursday, May 27, on account of family matters.

Mr. UNDERWOOD (at the request of Mr. GEPHARDT) for today and Thursday, May 27, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FOSSELLA) to revise and extend their remarks and include extraneous material:)

Mr. JONES of North Carolina, for 5 minutes, May 27.

Ms. ROS-LEHTINEN, for 5 minutes, today.

Mrs. CUBIN, for 5 minutes, today.

Mrs. CHENOWETH, for 5 minutes, today.

Mr. FOSSELLA, for 5 minutes, today.

Mrs. FOWLER, for 5 minutes, today.

Mrs. KELLY, for 5 minutes, today.

Mr. THUNE, for 5 minutes, today.

Mrs. MORELLA, for 5 minutes, today.

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Ms. NORTON, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. RUSH, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mr. CROWLEY, for 5 minutes, today.

Mr. HOLT, for 5 minutes, today.

Mr. BECERRA, for 5 minutes, today.

Mr. PALLONE, for 60 minutes, today.

Mr. FILNER, for 60 minutes, today.

ADJOURNMENT

Mrs. MYRICK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 34 minutes a.m.), the House adjourned until tomorrow, Thursday, May 27, 1999, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2353. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Spinosad; Pesticide Tolerance [OPP–300864; FRL–6081–8] (RIN: 2070–AB78) received May 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2354. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Tebuconazole; Pesticide Tolerance for Emergency Exemption [OPP–300855; FRL–6079–1] (RIN: 2070–AB78) received May 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2355. A letter from the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting the Service's final rule—Secondary Direct Food Additives Permitted in Food for Human Consumption [Docket No. 98F–0342] received May 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2356. A letter from the Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers [Docket No. 91F–0399] received May 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2357. A letter from the Attorney Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Seat Belt Assemblies [Docket No. 99–5682] (RIN: 2127–AG48) received May 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2358. A letter from the Attorney Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Theft Prevention Standard; Final Listing of Model Year 2000 High-Theft Vehicle Lines [Docket No. NHTSA–99–5416] (RIN: 2127–AH36) received May 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2359. A letter from the Attorney Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting the Department's final rule—Consumer Information Regulations; Uniform Tire Quality Grading Standards [Docket No. 99–5697] (RIN: 2127–AG67) received May 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2360. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants: Oil and Natural Gas Production and National Emmission Standards for Hazardous Air Pollutants: Natural Gas Transmission and Storage [AD–FRL–6346–8] (RIN: 2060–AE34) received May 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2361. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants for Steel Pickling—HCl Process Facilities and Hydrochloric Acid Regeneration Plants [IL–64–2–5807; FRL–6344–5] (RIN: 2060–AE41) received May 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2362. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants: Pesticide Active Ingredient Production [AD–FRL–6345–5] (RIN: 2060–AE83) received May 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2363. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Accidental Release Prevention Requirements: Risk Management Programs Under Clean Air Act Section 112(r)(7); Amendments to the Worst-Case Release Scenario Analysis for Flammable Substances [FRL–6348–2] received May 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2364. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants for Primary Lead Smelting [AD–FRL–6345–8] (RIN: 2060–AE97) received May 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2365. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants for Source Categories; Portland Cement Manufacturing Industry [FRL–6347–2] (RIN: 2060–AE78) received May 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2366. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants for Source Categories; Wool Fiberglass Manufacturing [FRL–6345–3] (RIN: 2060–AE75) received May 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2367. A letter from the Director, Office of Congressional Affairs, Office of Nuclear Materials Safety and Safeguards, Nuclear Regulatory Commission, transmitting the Commission's final rule—NRC Generic Letter 99–01: Recent Nuclear Material Safety and Safeguards Decision on Bundling Exempt Quantities—received May 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2368. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

2369. A communication from the President of the United States, transmitting a report as part of his efforts to keep the Congress fully informed, consistent with the War Powers Resolution; (H. Doc. No. 106–72); to the Committee on International Relations and ordered to be printed.

2370. A letter from the Under Secretary for Export Administration, Department of Commerce, transmitting notification of certain foreign policy-based export controls which are being imposed on Serbia; to the Committee on International Relations.

2371. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on ''Economic and Political Transition in Indonesia''; to the Committee on International Relations.

2372. A letter from the Director, Administrative Office of the United States Courts, transmitting the actuarial reports on the Judicial Retirement System, the Judicial Officers' Retirement Fund, the Judicial Survivors' Annuities System, and the Court of Federal Claims Judges' Retirement System for the plan year ending September 30, 1996, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform.

2373. A letter from the Chairman, Federal Maritime Commission, transmitting the Commission's Inspector General Semiannual Report for the period October 1, 1998–March 31, 1999, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2374. A letter from the Director, Office of General Counsel and Legal Policy, Office of Government Ethics, transmitting the Office's final rule—Amendments to the Office of Government Ethics Freedom of Information Act Regulation (RIN: 3209–AA22) received May 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

2375. A letter from the Attorney General, transmitting the Triennial Comprehensive Report on Immigration; to the Committee on the Judiciary.

2376. A letter from the Assistant Secretary (Civil Works), Department of the Army, transmitting a final response to a resolution adopted by the House Committee on Public Works and Transportation on August 25, 1960; to the Committee on Transportation and Infrastructure.

2377. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29570; Amdt. No. 1930] received May 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2378. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29571; Amdt. No. 1931] received May 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2379. A letter from the Administrator, General Services Administration, transmitting an information copy of the alteration prospectus for 1724 F Street, NW, Washington, DC, pursuant to 40 U.S.C. 606(a); to the Committee on Transportation and Infrastructure.

2380. A letter from the Director, National Science Foundation, transmitting a report on Women, Minorities, and Persons with Disabilities in Science and Engineering: 1998, pursuant to 42 U.S.C. 1885d; to the Committee on Science.

2381. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—June 1999 Applicable Federal Rates [Rev. Rul. 99–25]—received May 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2382. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Guidance Regarding 664 Regulations [Notice 99–31]—received May 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Filed on May 27 (Legislative day of May 26), 1999]

Mrs. MYRICK: Committee on Rules. House Resolution 195. Resolution providing for consideration of the bill (H.R. 1401) to authorize appropriations for fiscal years 2000 and 2001 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal years 2000 to 2001, and for other purposes (Rept. 106–166). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CRANE (for himself, Mr. DREIER, Mrs. JOHNSON of Connecticut, and Ms. DUNN):

H.R. 1942. A bill to encourage the establishment of free trade areas between the United States and certain Pacific Rim countries; to the Committee on Ways and Means.

By Mr. SHADEGG:

H.R. 1943. A bill to amend the Internal Revenue Code of 1986 to treat for unemployment compensation purposes Indian tribal governments the same as State or local units of government or as nonprofit organizations; to the Committee on Ways and Means.

H.R. 1944. A bill to approve a mutual settlement of the Water Rights of the Gila River Indian Community and the United States, on behalf of the Community and the Allottees, and Phelps Dodge Corporation, and for other purposes; to the Committee on Resources.

H.R. 1945. A bill to amend the Internal Revenue Code of 1986 to provide tax credits for Indian investment and employment, and for other purposes; to the Committee on Ways and Means.

H.R. 1946. A bill to amend the Internal Revenue Code of 1986 to provide for the issuance of tax-exempt bonds by Indian tribal governments, and for other purposes; to the Committee on Ways and Means.

By Mr. SHUSTER (for himself and Mr. OBERSTAR) (both by request):

H.R. 1947. A bill to provide for the development, operation, and maintenance of the Nation's harbors, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. RUSH (for himself, Mr. HILLIARD, and Mr. TOWNS):

H.R. 1948. A bill to amend the Communications Act of 1934 to prohibit the discrimination, in the purchase or placement of advertisements for wire or cable communications, against minority owed or formatted communications entities, and for other purposes; to the Committee on Commerce.

By Mr. BECERRA:

H.R. 1949. A bill to suspend temporarily the duty on Rhinovirus drugs; to the Committee on Ways and Means.

By Mr. FARR of California (for himself, Mr. GILCHREST, Mr. CONDIT, and Mr. BOEHLERT):

H.R. 1950. A bill to amend the Federal Agriculture Improvement and Reform Act of 1996 to improve the farmland protection program; to the Committee on Agriculture.

By Mr. BECERRA:

H.R. 1951. A bill to suspend temporarily the duty on HIV/AIDS drugs; to the Committee on Ways and Means.

H.R. 1952. A bill to suspend temporarily the duty on HIV/AIDS drugs; to the Committee on Ways and Means.

By Mrs. BONO (for herself and Mr. THOMPSON of California):

H.R. 1953. A bill to authorize leases for terms not to exceed 99 years on land held in trust for the Torres Martinez Desert Cahuilla Indians and the Guidiville Band of Pomo Indians of the Guidiville Indian Rancheria; to the Committee on Resources.

By Mr. BRYANT (for himself, Mr. OXLEY, Mr. BURR of North Carolina, Mr. LARGENT, Mr. SHADEGG, Mr. PICKERING, and Mr. COBURN):

H.R. 1954. A bill to regulate motor vehicle insurance activities to protect against retroactive regulatory and legal action and to create fairness in ultimate insurer laws and vicarious liability standards; to the Committee on Commerce.

By Mr. CAMPBELL:

H.R. 1955. A bill to amend the Internal Revenue Code of 1986 to exempt certain transactions at fair market value between partnerships and private foundations from the tax on self-dealing and to require the Secretary of the Treasury to establish an exemption procedure from such taxes; to the Committee on Ways and Means.

By Mr. DAVIS of Illinois (for himself, Mr. GILCHREST, Mr. SHAYS, Mr. SENSENBRENNER, Mr. GUTIERREZ, Mrs. CHRISTENSEN, Mr. MCHUGH, Mr. MCNULTY, Mr. SCHAFFER, Mr. CANADY of Florida, Mr. TRAFICANT, Mr. HOLDEN, Ms. WOOLSEY, Mr. CLEMENT, Mrs. MORELLA, Mr. MOORE, Mr. ENGLISH, Mr. FRANKS of New Jersey, Mr. SESSIONS, Mr. FARR of California, Mrs. KELLY, Mr. ACKERMAN, and Mr. SHIMKUS):

H.R. 1956. A bill to prohibit the Department of State from imposing a charge or fee for providing passport information to the general public; to the Committee on International Relations.

By Mr. DAVIS of Illinois:

H.R. 1957. A bill to provide fairness in voter participation; to the Committee on the Judiciary.

By Mr. ENGLISH (for himself, Mr. WELDON of Pennsylvania, Mr. SOUDER, Mr. TRAFICANT, Mr. WELLER, and Mr. HOLDEN):

H.R. 1958. A bill to establish the Fort Presque Isle National Historic Site in the Commonwealth of Pennsylvania; to the Committee on Resources.

By Mr. GONZALEZ:

H.R. 1959. A bill to designate the Federal building located at 743 East Durango Boulevard in San Antonio, Texas, as the ''Adrian A. Spears Judicial Training Center''; to the Committee on Transportation and Infrastructure.

By Mr. CLAY (for himself, Mr. KILDEE, Mr. MARTINEZ, Mr. OWENS, Mr. PAYNE, Mrs. MINK of Hawaii, Mr. ANDREWS, Mr. ROEMER, Mr. SCOTT, Ms. WOOLSEY, Mr. ROMERO-BARCELO, Mr. FATTAH, Mr. HINOJOSA, Mr. TIERNEY, Mr. KIND, Ms. SANCHEZ, Mr. FORD, Mr. KUCINICH, Mr. HOLT, and Mr. WU):

H.R. 1960. A bill to amend the Elementary and Secondary Education Act of 1965, to reauthorize and make improvements to that Act, and for other purposes; to the Committee on Education and the Workforce.

By Mr. HOEFFEL (for himself, Mr. WELDON of Pennsylvania, Mr. MURTHA, Mr. BORSKI, Mr. GREENWOOD, Mr. HOLDEN, Mr. PETERSON of Pennsylvania, Mr. FATTAH, Mr. ENGLISH, Mr. BRADY of Pennsylvania, Mr. SHERWOOD, Mr. KANJORSKI, Mr. GOODLING, Mr. KLINK, Mr. PITTS, Mr. DOYLE, Mr. GEKAS, Mr. MASCARA, Mr. SHUSTER, Mr. COYNE, and Mr. TOOMEY):

H.R. 1961. A bill to designate certain lands in the Valley Forge National Historical Park as the Valley Forge National Cemetery; to the Committee on Resources, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HUNTER:

H.R. 1962. A bill to prohibit the export of high-performance computers to certain countries until certain applicable provisions of the National Defense Authorization Act for Fiscal Year 1998 are fulfilled; to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. JOHNSON of Connecticut:

H.R. 1963. A bill to suspend until December 31, 2002, the duty on triacetonamine; to the Committee on Ways and Means.

By Mr. LAZIO (for himself, Mrs. KELLY, Mr. GILCHREST, Mr. HORN, and Mrs. WILSON):

H.R. 1964. A bill to empower our educators; to the Committee on Education and the Workforce.

By Mrs. LOWEY (for herself and Mr. BARTON of Texas):

H.R. 1965. A bill to provide the Secretary of Health and Human Services and the Secretary of Education with increased authority with respect to asthma programs, and to provide for increased funding for such programs; to the Committee on Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MILLENDER-MCDONALD (for herself, Ms. BROWN of Florida, Mr. BROWN of California, Mr. CAPUANO, Ms. CARSON, Mrs. CHRISTENSEN, Mr. CLYBURN, Mr. CUMMINGS, Ms. DANNER, Mr. FROST, Mr. GREEN of Texas, Mr. HASTINGS of Florida, Mr. HILLIARD, Ms. NORTON, Ms. HOOLEY of Oregon, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Mr. KENNEDY of Rhode Island, Ms. KILPATRICK, Ms. LEE, Ms. MCCARTHY of Missouri, Ms. MCKINNEY, Mrs. MEEK of Florida, Mrs. MINK of Hawaii, Mrs. MORELLA, Mr. OWENS, Ms. PELOSI, Ms. ROYBAL-ALLARD, Mr. RUSH, Ms. SANCHEZ, Mr. SERRANO, Mr. THOMPSON of Mississippi, Mr. TOWNS, Mrs. JONES of Ohio, Mr. WEYGAND, and Mr. WYNN):

H.R. 1966. A bill to authorize the Secretary of Health and Human Services to carry out

programs regarding the prevention and management of asthma, allergies, and related repiratory problems, to establish a tax credit regarding pest control services for multifamily residential housing in low-income communities, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHOWS (for himself, Mr. THOMPSON of Mississippi, Mr. BARCIA, Mr. BISHOP, Mr. BONIOR, Mr. BOUCHER, Mr. BROWN of Ohio, Mr. BOYD, Mrs. CLAYTON, Ms. CARSON, Mr. CRAMER, Ms. DANNER, Mr. DUNCAN, Mr. EVANS, Mr. GONZALEZ, Mr. GOODE, Mr. GREEN of Texas, Mr. HALL of Texas, Mr. HAYES, Mr. HILLIARD, Mr. HINCHEY, Mr. HINOJOSA, Mr. HOLDEN, Mr. JOHN, Ms. KAPTUR, Mr. KLECZKA, Mr. KUCINICH, Mr. LATOURETTE, Ms. LEE, Mr. LEWIS of Kentucky, Mr. MCGOVERN, Mr. MCHUGH, Mr. MCINTYRE, Mrs. NAPOLITANO, Mr. NEY, Mr. NORWOOD, Mr. PICKERING, Mr. REYES, Mr. RILEY, Ms. ROYBAL-ALLARD, Ms. SANCHEZ, Mr. SANDLIN, Mr. TAYLOR of Mississippi, Mrs. THURMAN, Mr. WHITFIELD, Mr. WISE, and Mr. WU):

H.R. 1967. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives and job training grants for communities affected by the migration of businesses and jobs to Canada or Mexico as a result of the North American Free Trade Agreement; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK:

H.R. 1968. A bill to amend title XVIII of the Social Security Act to provide for additional benefits under the Medicare Program to prevent or delay the onset of illnesses, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUMP:

H.R. 1969. A bill to authorize the Secretary of Agriculture to convey certain administrative sites in national forests in the State of Arizona, to convey certain land to the City of Sedona, Arizona for a wastewater treatment facility, and for other purposes; to the Committee on Resources.

By Mr. UDALL of New Mexico:

H.R. 1970. A bill to designate the Galisteo Basin Archaeological Protection Sites, to provide for the protection of archaeological sites in the Galisteo Basin of New Mexico, and for other purposes; to the Committee on Resources.

By Mr. WATKINS (for himself, Mr. JOHN, and Mr. WATTS of Oklahoma):

H.R. 1971. A bill to amend the Internal Revenue Code of 1986 to encourage domestic oil and gas production, and for other purposes; to the Committee on Ways and Means.

By Mr. FRANKS of New Jersey (for himself, Mr. LOBIONDO, Mr. SMITH of New Jersey, Mr. FRELINGHUYSEN, Mr. SAXTON, Mr. ROTHman, Mr. PAYNE, Mr. PASCRELL, Mr. PALLONE, Mr. MENENDEZ, Mr. ANDREWS, and Mrs. ROUKEMA):

H. Con. Res. 119. Concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued in honor of the U.S.S. New Jersey and all those who served aboard her; to the Committee on Government Reform.

By Mr. GEJDENSON (for himself, Mr. ABERCROMBIE, Mr. ADERHOLT, Mr. ALLEN, Mr. BARRETT of Wisconsin, Mr. BALDACCI, Mr. BALLENGER, Mr. BARRETT of Nebraska, Mr. BATEMAN, Ms. BERKLEY, Mr. BERMAN, Mr. BILBRAY, Mr. BOEHLERT, Ms. BROWN of Florida, Mr. BROWN of California, Mr. BUYER, Mr. CANADY of Florida, Mr. CAPUANO, Mr. CARDIN, Mrs. CHRISTENSEN, Mrs. CLAYTON, Mr. CLEMENT, Mr. COOK, Mr. COSTELLO, Mr. CRAMER, Mr. CRANE, Mr. CUMMINGS, Mr. CUNNINGHAM, Ms. DELAURO, Mr. DEUTSCH, Mr. DINGELL, Mr. DOYLE, Mr. EHLERS, Mr. ENGLISH, Ms. ESHOO, Mr. EVANS, Mr. FOSSELLA, Mr. FRANK of Massachusetts, Mr. FRANKS of New Jersey, Mr. FROST, Mr. GIBBONS, Mr. GRAHAM, Ms. GRANGER, Mr. GUTIERREZ, Mr. HAYWORTH, Mr. HILL of Indiana, Mr. HINCHEY, Mr. HOLDEN, Mr. HORN, Mr. HUTCHINSON, Mr. JEFFERSON, Mr. JENKINS, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JOHNSON of Connecticut, Ms. KAPTUR, Mrs. KELLY, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Mr. KIND, Ms. KILPATRICK, Mr. KING, Mr. KLECZKA, Mr. KLINK, Mr. LAHOOD, Mr. LAMPSON, Mr. LARSON, Mr. LATOURETTE, Mr. LEWIS of Georgia, Mr. LEVIN, Mr. LOBIONDO, Mr. MALONEY of Connecticut, Mrs. MCCARTHY of New York, Mr. MCDERMOTT, Ms. MCKINNEY, Mr. MCKEON, Mr. MCNULTY, Mr. MENENDEZ, Ms. MILLENDER-MCDONALD, Mrs. MINK of Hawaii, Mrs. NORTHUP, Ms. NORTON, Mr. OLVER, Mr. PICKETT, Mr. PITTS, Mr. REYES, Mr. ROMERO-BARCELO, Ms. SANCHEZ, Mr. SCHAFFER, Mr. SHAYS, Mr. SHOWS, Mr. SHUSTER, Mr. SISISKY, Mr. SKELTON, Mr. SNYDER, Mr. SPRATT, Mr. SPENCE, Mr. STUMP, Mr. SUNUNU, Mr. TALENT, Mrs. TAUSCHER, Mr. TAYLOR of North Carolina, Mrs. THURMAN, Mr. TIERNEY, Mr. WEXLER, Mr. WEYGAND, Mr. WEINER, Mr. WOLF, and Ms. WOOLSEY):

H. Con. Res. 120. Concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued honoring the United States Submarine Force on its 100th anniversary; to the Committee on Government Reform.

By Ms. CARSON:

H. Res. 191. A resolution recognizing and honoring Medal of Honor recipients for their selfless acts for our Nation, and commending IPALCO Enterprises for its contributions to honor each these American heroes; to the Committee on Armed Services.

By Ms. DEGETTE (for herself, Mr. BLAGOJEVICH, and Ms. CARSON):

H. Res. 192. A resolution providing for consideration of the bill (H.R. 1037) to ban the importation of large capacity ammunition feeding devices, and to extend the ban on transferring such devices to those that were manufactured before the ban became law; to the Committee on Rules.

H. Res. 193. A resolution providing for consideration of the bill (H.R. 902) to regulate the sale of firearms at gun shows; to the Committee on Rules.

H. Res. 194. A resolution providing for consideration of the bill (H.R. 515) to prevent children from injuring themselves with handguns; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mrs. CUBIN introduced A bill (H.R. 1972) for the relief of Ashley Ross Fuller; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 44: Mr. ETHERIDGE, Mr. LUCAS of Kentucky, and Mr. HOSTETTLER.

H.R. 65: Mr. ETHERIDGE.

H.R. 90: Mr. BONIOR, Ms. LOFGREN, Mr. CROWLEY, Mr. SHOWS, Mr. HASTINGS of Florida, Mr. BERMAN, Mrs. MCCARTHY of New York, Mr. VISCLOSKY, Mr. GUTIERREZ, Mr. KLINK, Mr. LUTHER, Ms. SLAUGHTER, Ms. SCHAKOWSKY, Mr. HOEFFEL, Mr. STRICKLAND, and Mr. RANGEL.

H.R. 170: Mr. CAMP and Ms. WOOLSEY.

H.R. 271: Mr. ENGLISH.

H.R. 303: Mr. MOLLOHAN.

H.R. 306: Mr. COYNE, Ms. VELAZQUEZ, Mr. NEAL of Massachusetts, Ms. ROS-LEHTINEN, Mr. PHELPS, and Mr. WICKER.

H.R. 315: Ms. SLAUGHTER.

H.R. 383: Mr. DAVIS of Illinois.

H.R. 434: Ms. EDDIE BERNICE JOHNSON of Texas and Ms. MILLENDER-MCDONALD.

H.R. 483: Mr. COYNE.

H.R. 486: Mr. DICKEY, Mr. GORDON, Mr. THORNBERRY, Mr. RUSH, Mr. RILEY, Mr. RADANOVICH, Mr. THOMPSON of Mississippi, Ms. SLAUGHTER, Mr. GONZALEZ, Mr. BAKER, Mr. COBURN, and Mr. COYNE.

H.R. 489: Mr. JEFFERSON, Mr. LAFALCE, Mr. NEAL of Massachusetts, Mr. CROWLEY, and Mr. BOEHLERT.

H.R. 515: Mr. ENGEL, Mr. WAXMAN, Mr. CROWLEY, Mr. BROWN of California, Mr. HASTINGS of Florida, Mr. PAYNE, Ms. VELAZQUEZ, Mrs. MCCARTHY of New York, Mrs. MALONEY of New York, Mrs. LOWEY, Ms. BROWN of Florida, Mr. LIPINSKI, and Mr. RANGEL.

H.R. 518: Mr. HEFLEY.

H.R. 583: Mr. MORAN of Virginia, Mr. HOLDEN, Mr. COYNE, and Mr. BACHUS.

H.R. 586: Mr. TIAHRT.

H.R. 592: Mr. JEFFERSON.

H.R. 597: Mr. JACKSON of Illinois, Mr. TIERNEY, Mr. ENGEL, Ms. DANNER, Mr. KUYKENDALL, Ms. ROYBAL-ALLARD, and Ms. STABENOW.

H.R. 599: Mr. METCALF.

H.R. 673: Mr. ROS-LEHTINEN.

H.R. 692: Mr. PACKARD and Mr. JONES of North Carolina.

H.R. 701: Mr. NEY, Mr. FROST, Mr. BOYD, and Mr. THOMPSON of Mississippi.

H.R. 721: Mr. HERGER.

H.R. 732: Mr. INSLEE, Mrs. JONES of Ohio, and Mr. GORDON.

H.R. 745: Mr. MEEHAN.

H.R. 750: Ms. PRYCE of Ohio.

H.R. 773: Mr. NUSSLE, Mr. KUYKENDALL, and Ms. MCKINNEY.

H.R. 783: Mr. LAMPSON and Mr. GOSS.

H.R. 784: Mr. LATHAM, Mr. LOBIONDO, Mr. SPENCE, Mr. JEFFERSON, Mr. GOODE, and Mr. TRAFICANT.

H.R. 789: Mr. MCHUGH and Mr. FRANK of Massachusetts.

H.R. 815: Mr. RUSH.

H.R. 827: Mr. MCGOVERN, Mr. THOMPSON of California, Ms. SCHAKOWSKY, Mr. NADLER, and Mr. GUTIERREZ.

H.R. 850: Mr. KENNEDY of Rhode Island.

H.R. 860: Mr. ORTIZ.

H.R. 875: Mr. GONZALEZ and Ms. ROYBAL-ALLARD.

H.R. 886: Ms. LEE and Mr. ABERCROMBIE.
H.R. 895: Mr. EDWARDS and Mr. HASTINGS of Florida.
H.R. 896: Mr. ISTOOK.
H.R. 899: Mr. FORBES, Mr. KING, Mr. WALSH, Mr. WEINER, Mr. ROTHMAN, Mr. FRELINGHUYSEN, Mr. MENENDEZ, Mr. PALLONE, and Mr. SMITH of New Jersey.
H.R. 925: Mr. BOUCHER and Mr. THOMPSON of Mississippi.
H.R. 953: Ms. SLAUGHTER, Mr. ABERCROMBIE, Ms. DEGETTE, Mr. NEAL of Massachusetts, Mr. KENNEDY of Rhode Island, Mr. STRICKLAND, and Mrs. MINK of Hawaii.
H.R. 960: Ms. VELAZQUEZ.
H.R. 986: Mr. JEFFERSON.
H.R. 987: Mr. THUNE, Mr. JONES of North Carolina, and Mr. KINGSTON.
H.R. 997: Mrs. JONES of Ohio and Mr. MEEHAN.
H.R. 1008: Mr. JEFFERSON.
H.R. 1046: Mr. OBERSTAR, Mr. BERRY, Mr. FRANK of Massachusetts, and Mr. ABERCROMBIE.
H.R. 1064: Mr. FORBES.
H.R. 1071: Mr. REYES.
H.R. 1080: Mr. ANDREWS and Mr. CLAY.
H.R. 1111: Ms. BERKLEY, Mr. MALONEY of Connecticut, and Mrs. MINK of Hawaii.
H.R. 1163: Mr. BLAGOJEVICH.
H.R. 1202: Mrs. CAPPS and Mr. WHITFIELD.
H.R. 1213: Mr. STARK.
H.R. 1238: Ms. SCHAKOWSKY.
H.R. 1244: Mr. BARRETT of Nebraska, Mr. SHAYS, Mr. WICKER, and Mr. CUMMINGS.
H.R. 1256: Mr. SAM JOHNSON of Texas and Mr. GILLMOR.
H.R. 1260: Mr. BAIRD, Mr. HASTINGS of Washington, and Mr. MOAKLEY.
H.R. 1265: Mrs. MALONEY of New York, Mr. SAWYER, Mr. SERRANO, Mr. DOYLE, Mr. BOSWELL, Ms. KAPTUR, Mr. MCNULTY, Mr. WISE, Mr. KUCINICH, Mr. MCGOVERN, Mr. HOEFFEL, Mr. BRADY of Pennsylvania, Mr. KLINK, Mr. BARCIA, Mr. MURTHA, Mr. KANJORSKI, Mr. PASCRELL, Mrs. MINK of Hawaii, Mr. GEORGE MILLER of California, Mr. BARRETT of Wisconsin, Mr. BROWN of Ohio, and Mr. MORAN of Virginia.
H.R. 1285: Mr. QUINN, Ms. NORTON, Ms. WATERS, and Mrs. JONES of Ohio.
H.R. 1291: Mr. HORN, Mr. HILL of Montana, Mr. BARTON of Texas, Mr. MILLER of Florida, Mr. DREIER, Mr. BORSKI, Mrs. FOWLER, Mr. BARTLETT of Maryland, Mr. TIAHRT, Mr. SHAYS, and Mr. HALL of Texas.
H.R. 1292: Mr. DEUTSCH and Mr. FORBES.
H.R. 1300: Mr. BURTON of Indiana, Ms. SLAUGHTER, and Mr. SWEENEY.
H.R. 1320: Mr. LUTHER.
H.R. 1326: Mr. SPENCE, Mr. SISISKY, Mr. BATEMAN, Mr. ROMERO-BARCELO, and Mr. PICKETT.
H.R. 1342: Ms. MILLENDER-MCDONALD, Ms. PELOSI, and Ms. CARSON.
H.R. 1348: Mr. HEFLEY, Mr. SHADEGG, Mr. WATKINS, Mr. MILLER of Florida, Mr. WOLF, Mr. SHIMKUS, Mr. HUTCHINSON, Mr. HERGER, and Mr. GILCHREST.
H.R. 1349: Mr. GIBBONS.
H.R. 1355: Mr. CONYERS.
H.R. 1358: Mr. INSLEE and Mr. POMBO.
H.R. 1366: Mr. HAYWORTH, Mr. TANCREDO, and Mr. SANDLIN.
H.R. 1476: Ms. WOOLSEY.
H.R. 1478: Mr. INSLEE.
H.R. 1483: Mr. NUSSLE, Mr. NEAL, of Massachusetts, Mr. JEFFERSON, Mr. MATSUI, and Mr. MCNULTY.
H.R. 1484: Ms. WOOLSEY.
H.R. 1485: Mr. LEWIS of Georgia.
H.R. 1494: Mr. BAKER.
H.R. 1495: Ms. BERKLEY, Mrs. CHRISTENSEN, Mr. ABERCROMBIE, and Mr. GUTIERREZ.
H.R. 1523: Mr. GOODLATTE.
H.R. 1525: Mr. KUCINICH, Mr. FARR of California, Mr. MCNULTY, and Mr. GREEN of Texas.
H.R. 1546: Mr. NETHERCUTT and Mr. ENGLISH.
H.R. 1591: Mr. UDALL of New Mexico, Mr. BAIRD, Mr. DICKS, Ms. BALDWIN, Mr. MCGOVERN, and Mr. JACKSON of Illinois.
H.R. 1593: Mr. HILL of Montana.
H.R. 1598: Mr. CALLAHAN.
H.R. 1602: Mr. FOLEY.
H.R. 1607: Mr. GARY MILLER of California and Mr. ISAKSON.
H.R. 1623: Mrs. CLAYTON, MR. WU, Mr. GEJDENSON, Mr. CONYERS, Mr. ETHERIDGE, Mr. SAWYER, Mr. SANDERS, Mr. WAXMAN, Mr. BROWN of Ohio, Mr. OWENS, Mrs. MINK of Hawaii, Ms. DELAURO, Ms. KILPATRICK, Mr. MCDERMOTT, Mr. FRANK of Massachusetts, Mr. FROST, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. UDALL of New Mexico, Mr. CUMMINGS, Mr. CROWLEY, Mr. BORSKI, Mr. BONIOR, Mr. PRICE of North Carolina, Mr. FILNER, Mr. FATTAH, Mr. GREEN of Texas, Mr. BRADY of Pennsylvania, Mr. TIERNEY, Ms. ROYBAL-ALLARD, Mr. BARRETT of Wisconsin, Mr. KUCINICH, Mr. FORD, Mr. NADLER, Ms. WOOLSEY, Ms. WATERS, Mr. MENENDEZ, Mr. MALONEY of Connecticut, Mr. ABERCROMBIE, Mr. WEYGAND, Mr. WEINER, Mr. PAYNE, Mr. ANDREWS, Mr. HOLT, Ms. SCHAKOWSKY, Ms. LOFGREN, Mr. FALEOMAVAEGA, Mr. HINCHEY, Ms. BALDWIN, Mr. ROMERO-BARCELO, and Mr. SCOTT.
H.R. 1630: Mrs. JONES of Ohio.
H.R. 1660: Mr. DAVIS of Florida, Mr. FORD, Mr. NADLER, Mr. ENGEL, Ms. VELAZQUEZ, Mr. OWENS, Mr. MENENDEZ, Mr. MEEHAN, Mr. CUMMINGS, Mr. DOYLE, Mr. TOWNS, Mr. ANDREWS, Mr. WU, Ms. BALDWIN, Mr. BROWN of Ohio, Mr. BRADY of Pennsylvania, Mr. PASCRELL, Mr. RAHALL, Mr. GUTIERREZ, Mr. MEEKS of New York, Mr. PALLONE, Mr. PASTOR, Mr. UDALL of New Mexico, Ms. LOFGREN, Mr. BOUCHER, Ms. WATERS, Ms. HOOLEY of Oregon, Mr. SHERMAN, Mr. DAVIS of Illinois, and Mr. BARCIA.
H.R. 1684: Mr. GONZALEZ, Ms. NORTON, Mrs. JONES of Ohio, Mr. DAVIS of Illinois, and Mr. TOWNS.
H.R. 1703: Mr. MATSUI.
H.R. 1707: Mr. UDALL of Colorado.
H.R. 1710: Mr. SOUDER.
H.R. 1713: Mr. ENGLISH.
H.R. 1723: Mr. WISE.
H.R. 1746: Mr. PICKERING, Mr. GREEN of Wisconsin, Mr. SMITH of Michigan, Mr. DEAL of Georgia, and Mr. EWING.
H.R. 1747: Mr. HALL OF TEXAS, MR. HASTINGS of Washington, Mr. FORBES, Ms. RIVERS, and Mr. BASS.
H.R. 1764: Ms. WOOLSEY.
H.R. 1777: Mr. RANGEL.
H.R. 1791: Mr. GOODE and Mr. SAXTON.
H.R. 1798: Mr. MCGOVERN.
H.R. 1812: Mr. UNDERWOOD.
H.R. 1839: Mr. HINCHEY, Mr. BISHOP, Mr. REYES, and Mr. NEAL of Massachusetts.
H.R. 1842: Mr. ABERCROMBIE, Mr. BARRETT of Nebraska, Mr. BISHOP, Mr. COSTELLO, Mr. FROST, and Mr. TERRY.
H.R. 1848: Mrs. JOHNSON of Connecticut, Mr. GUTIERREZ, Mr. LANTOS, Mr. MEEHAN, Mr. BARRETT of Wisconsin, and Mr. ABERCROMBIE.
H.R. 1849: Mr. KENNEDY of Rhode Island.
H.R. 1862: Mr. EVANS.
H.R. 1885: Mr. BAKER, Mr. STRICKLAND, Mr. STARK, and Mr. BARRETT of Wisconsin.
H.R. 1895: Mr. GEJDENSON, Ms. WATERS, Mr. DIXON, Ms. MCCARTHY of Missouri Ms. SCHAKOWSKY, Mr. LEWIS of Georgia, Mr. BROWN of California, Mr. PASTOR, and Mr. CUMMINGS.
H.R. 1912: Mr. DAVIS of Virginia.
H.R. 1923: Mr. RANGEL.
H.R. 1926: Mr. TANCREDO and Mr. TALENT.
H.R. 1941: Mr. INSLEE, Mr. THOMPSON of California, Mr. CAPUANO, Mr. NADLER, and Mr. BONIOR.
H.J. Res. 25: Mr. JEFFERSON.
H.J. Res. 41: Mr. PALLONE and Mr. NADLER.
H.J. Res. 55: Mr. CAMPBELL.
H. Con. Res. 8: Ms. BERKLEY.
H. Con. Res. 22: Mr. SESSIONS.
H. Con. Res. 25: Mr. JEFFERSON.
H. Con. Res. 30: Mr. KINGSTON.
H. Con. Res. 62: Mr. HOLDEN and Mr. WATT of North Carolina.
H. Con. Res. 64: Mr. GARY MILLER of California, Mr. PAYNE, Mrs. CUBIN, Mr. BRADY of Pennsylvania, Mr. CANADY of Florida, and Ms. VELÁZQUEZ.
H. Con. Res. 78: Mr. BARRETT of Wisconsin, Mrs. MINK of Hawaii, and Mr. WATT of North Carolina.
H. Con. Res. 94: Mr. GOODE, Mr. CHABOT, and Mr. CRANE.
H. Con. Res. 100: Mr. ACKERMAN, Mrs. MYRICK, Mr. WEYGAND, Mr. LEWIS of Georgia, Mr. FRANKS of New Jersey, Mr. TOWNS, Ms. ROS-LEHTINEN, Mr. DOYLE, Mr. SUNUNU, Mr. KENNEDY of Rhode Island, Mr. LEWIS of California, Mr. FORBES, Mr. DEUTSCH, Mr. NEY, Mr. GEKAS, Mr. KUCINICH, and Mrs. MORELLA.
H. Con. Res. 106: Mrs. MINK of Hawaii.
H. Con. Res. 107: Mr. MANZULLO.
H. Con. Res. 113: Mr. BOSWELL, Mr. SHOWS, Mr. SNYDER, and Mr. OBERSTAR.
H. Con. Res. 118: Mr. WOLF.
H. Res. 41: Mr. ORTIZ, Mr. TANNER, Mr. WELLER, Mr. CRAMER, and Mr. QUINN.
H. Res. 89: Ms. SANCHEZ.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 902: Mr. PHELPS.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 1401

OFFERED BY: MR. SOUDER

AMENDMENT NO. 7. Strike section 1006 (page 270, line 20, through page 271, line 9) and insert the following new section:

SEC. 1006. PROHIBITION ON USE OF FUNDS FOR MILITARY OPERATIONS IN FEDERAL REPUBLIC OF YUGOSLAVIA.

None of the funds appropriated or otherwise available to the Department of Defense for fiscal year 2000 may be used for military operations in the Federal Republic of Yugoslavia.

United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE *106th* CONGRESS, FIRST SESSION

Vol. 145 WASHINGTON, WEDNESDAY, MAY 26, 1999 *No. 77*

Senate

The Senate met at 9:32 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Our loving, heavenly Father, as we approach the Memorial Day recess, we pause gratefully to remember those who gave their lives for our Nation. ''Greater love has no one than this, than to lay down one's life for his friends.''—John 15:13. Help us never to forget their sacrifice in defense of our Nation and democracy. May we be a nation worthy of their dedication to the cause of freedom which cost them their lives.

Along with the heroes of the past we also remember our loved ones and friends who have graduated to heaven. Thank You for overcoming our fear of death with the sure conviction that this life is but a small part of the whole of eternity and death is a transition and not an ending. Help us to know You and love You in this life so that worry over death will be past. Thank You for the gift of eternal hope. Through our Lord and Savior. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

ORDER FOR MORNING BUSINESS

Mr. ALLARD. Mr. President, I ask unanimous consent that there be a period of morning business until 10:15 this morning with Senators to speak for up to 10 minutes each.

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

SCHEDULE

Mr. ALLARD. This morning, at 10:15, the Senate will resume consideration of the Department of Defense authorization bill and begin debate on amendments to the bill. Senator BROWNBACK is expected to offer an amendment regarding Pakistan, which will be followed by an amendment by Senator KERREY of Nebraska regarding strategic nuclear development systems. Under a previous consent, at 11:45 the Senate will resume consideration of the BRAC amendment. At least one vote will occur in relation to the BRAC amendment at 1:45 p.m. Therefore, Senators can expect the first vote for today to occur at approximately 1:45 p.m. Senators who have amendments to S. 1059 should contact the bill managers so action on this bill can be completed prior to the scheduled Memorial Day recess.

MEASURE PLACED ON CALENDAR

Mr. ALLARD. I understand there is a joint resolution at the desk due for its second reading.

The PRESIDENT pro tempore. The clerk will read the measure for the second time.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 26) expressing the sense of the Congress with respect to the court-martial conviction of the late Rear Admiral Charles Butler McVay III, and calling upon the President to award a Presidential Unit Citation to the final crew of the U.S.S. *Indianapolis*.

Mr. ALLARD. I object to further proceedings on this matter at this time.

The PRESIDENT pro tempore. The measure will be placed on the calendar.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

The PRESIDING OFFICER. There will now be a period of morning business until 10:15. The Senator from Kansas is recognized.

LIFTING OF ECONOMIC SANCTIONS ON INDIA AND PAKISTAN

Mr. BROWNBACK. Mr. President, today we had this time reserved to discuss an amendment that I was planning to offer dealing with the lifting of economic sanctions on India and Pakistan. I did so in the belief, actually in the hope, that the bilateral relationship between India and Pakistan had improved in the wake of the Lahore summit. The summit seemed to imply that. Unfortunately, I was wrong.

According to Indian news agencies Indian helicopter gun ships, backed by MiG–17 fighter aircraft from India's air force bombed the troubled state of Kashmir, marking the most serious escalation of tensions on the Indo-Pakistani border in the last several years. As a result, I have reconsidered the wisdom of offering my amendment on India and Pakistan at this time.

It is important that I note here today that I strongly believe in the long term importance of easing economic sanctions on both of these nations. I also believe that the United States ignores at its peril these two vital countries. That reality is highlighted all the more by yesterday's release of the Cox report on China which, if nothing else, has clearly shown that China is a serious threat in South Asia—not to speak of a threat to our fundamental values around the world—and that we need to broaden our relationship with India in the South Asian subcontinent.

I hope to revisit this issue in the near future. Let me emphasize that I will not feel comfortable doing so until there is a serious de-escalation of tension on the subcontinent.

I just wanted to point this out and to enter into the RECORD an Associated

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

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Press story about India launching airstrikes into Kashmir against infiltrators. I think we have a lot to learn yet about what specifically took place. Those details are sketchy and not coming in at the present time.

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

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

INDIA LAUNCHES AIR STRIKES IN KASHMIR AGAINST INFILTRATORS

(By Arthur Max)

DRAS, INDIA (AP).—Indian air force jets and helicopters fired on suspected guerrillas in the disputed Kashmir province today, marking the most serious escalation of fighting in the region since India and Pakistan tested nuclear weapons last year. Pakistan charged that Indian aircraft bombed its territory in the raids today and an army spokesman said the country is ready for ''all eventualities.''

''We think it is a very grave escalation and Pakistan armed forces reserves the right to respond,'' said Brigadier Rashid Quereshi, a military spokesman told The Associated Press. India said the attacks occurred solely on its own territory and that they were aimed at what it called Afghan mercenaries supported by Pakistani forces. The forces had moved into the Indian-controlled Himalayan region earlier this month and posed a threat to Indian supply lines in the Himalayan state, Indian officials said.

''This is the start of operations and they will continue until our defense forces reoccupy our territories. Any escalation of this conflict will be entirely the responsibility of Pakistan,'' the Defense Ministry said in a statement in New Delhi.

Pakistani Foreign Minister Sartaj Aziz said that Pakistan knew nothing about the infiltrators. ''No one knows where they come from and who they are,'' he said.

Quereshi said the army rejected Indian claims. He said the Pakistan army suspects India wants to occupy Pakistan territory in that area.

India and Pakistan have fought two of their three wars over Kashmir, which is divided between them by a U.N.-monitored cease-fire line. More than 15,000 people have been killed in fighting between rebels and security forces in Indian-held Kashmir in the last 10 years.

Pakistan and India, which were partitioned when they gained independence from Britain in 1947, tested nuclear weapons in May 1998, prompting fears of a nuclear arms race in the subcontinent. Both countries claim all of Kashmir. India accuses Pakistan of sending militants across the border.

A Pakistani army spokesman said the Indian allegations that elite troops were aiding militants was ''complete rubbish.''

Indian Maj. Gen Joginder Jaswant Singh told reporters in New Delhi that the infiltrators have taken up positions four miles inside India in the Dras, Batalik, Kaksar and Mashkok mountains of northern Kashmir.

Intelligence reports, backed by photos taken by Indian satellites, showed at least 600 infiltrators, Singh said. The reports also said they have anti-aircraft missiles, radar, snowmobiles and sophisticated communications equipment.

The air force joined the operation because the infiltrators had occupied positions at altitudes of up to 16,000 feet, said Air Commodore Subash Bhojwani, director of offensive operations.

In Dras, 100 miles from the state capital of Srinagar, Indian army officers said the target of today's attack was some 70 infiltrators who had entrenched themselves on the slopes of the snowcapped hills, looking down at Indian army convoys, 2,700 feet below.

Their command of the heights handicapped Indian soldiers trying to evict them, officers told The Associated Press.

Army officers in the area said the infiltrators must have taken months to occupy the posts. They said Indian forces could take three to six months to clear them.

The attacks were carried out within Indian-occupied regions, Indian Brig. Mohan Bhandari said. Troops were expected to take over the intruders' positions once they retreat, officials said.

The exchange of mortar and heavy artillery fire in the Kargil and Dras regions has left at least 160 people dead, Bhandari said. Thousands of residents of the region have fled to safe villages along the Suru River.

The attack came a day after Prime Minister Atal Bihari Vajpayee said all steps including airstrikes would be taken to push back the infiltrators. Vajpayee said he warned his Pakistani counterpart, Nawaz Sharif, to withdraw the intruders in a telephone conversation Monday.

Mr. BROWNBACK. Mr. President, I want to simply note again that we held a hearing yesterday on what is taking place in India and on military and political issues. The United States needs to broaden its relationship with India. We have a broad-based relationship with China which has been strained and stressed. China is an authoritarian country. India is a democracy. There are a number of places that we are sanctioning India where we don't sanction China at all. Yet these are comparable-sized countries. One has a democratic tradition, the other an authoritarian. There are a number of problems in China that we aren't experiencing with India.

We need to broaden this relationship with India and with Pakistan. It is just that at the present time, given what has just taken place in the escalating of tension in this subcontinent by Indian military forces, I don't feel comfortable offering this amendment.

I look forward to working in good faith with all of my colleagues to address the United States-South Asian relationship. I note to Members of the Senate that we will be holding hearings in the Foreign Relations Committee to look further into what we need to do in building this stronger relationship.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, I ask unanimous consent that I have 10 minutes in morning business.

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

HUMAN TRAFFICKING FOR FORCED LABOR IN AN AMERICAN COMMONWEALTH

Mr. AKAKA. Mr. President, I rise today to call your attention to a scandal in an American commonwealth. It is a scandal that involves forced labor and sex trade workers. It's not a pretty picture. It is a picture of a tropical paradise destroyed by greed and corruption.

In the Commonwealth of the Northern Mariana Islands, foreign workers have been imported in mass to assemble goods for export to the United States. Taking advantage of loopholes in our immigration and labor laws, foreign businessmen use the Mariana Islands as a base to export garments to the United States. These foreign businessmen pay no export taxes, and their goods are not subject to textile quotas. Their workers are paid below minimum wage levels, if paid at all, and often live in deplorable conditions.

Women from Asia and Russia are imported with the promise of high paying jobs in the United States only to find themselves marooned with no means of escape, forced to work as prostitutes in the booming Mariana sex trade.

This long-running scandal has been exposed once again by the Global Survival Network. This American-based nongovernmental organization which uncovers human rights violations sent an undercover team to the CNMI to gather evidence on the continued use of forced labor in the commonwealth. They have just issued their report which was the subject of an ABC News segment on ''20/20.'' If you did not see the television broadcast, please read the report which I am sending to every Senator.

Entitled ''Trapped: Human Trafficking for Forced Labor in The Commonwealth of The Northern Mariana Islands (a U.S. Territory),'' the report demonstrates in disturbing detail the continued trafficking of humans for indentured labor in factories and sex trade emporiums in the Marianas. Implicating organized crime groups from the People's Republic of China, South Asia, and Japan, the report estimates that there are about 40,000 indentured workers in the CNMI, earning about $160 million in profits for criminal syndicates.

Indentured workers are being used to manufacture ostensibly as ''Made in the USA'' garments for export to the United States. None of these goods are required to be shipped to the U.S. on U.S.-flag ships in accordance with the Jones Act. This duty-free, quota-free zone in which foreign workers produce high value goods at below minimum wage is an entirely legal scheme for Chinese and other foreign manufacturers to bypass American textile quotas.

The report also graphically details the increasing use of CNMI's loose immigration standards to make this former tropical paradise a major center for the booming Asian sex trade. Women from Asia and Russia are being lured to the Northern Marianas with promises of work opportunities in the United States only to find themselves imprisoned on islands from which there is no escape unless they agree to their employer's demands that they become prostitutes and sex hostesses. This sick trade in prostitution must be stopped.

Loopholes in the Immigration and Nationality Act and the Fair Labor Standards Act of 1938 need to be

plugged as soon as possible. I hope you will join me in ending this deplorable situation in which men and women are being used virtually as slaves on an American commonwealth.

Their report makes many important recommendations. Let me call your attention to four key issues which the Congress could and should act upon this year:

Extend the Immigration and Nationality Act to the CNMI;

Extend the Fair Labor Standards Act of 1938 to the CNMI;

Revoke the CNMI's ability to use the ''Made in the USA label'' unless more than 75 percent of the labor that goes into the manufacture of the garment comes from U.S. citizens and/or aliens lawfully admitted to the U.S. for permanent residence, and other appropriately legal individuals; and

Revoke the CNMI's ability to transport textile goods to the United States free of duties and quotas unless the garments meet the above criteria.

This week's report prepared by the Global Survival Network is not the first analysis raising concerns about conditions in the CNMI. In recent years, a chorus of criticism has surfaced about the Commonwealth.

For example, the Immigration and Naturalization Service reports that the CNMI has no reliable records of aliens who have entered the Commonwealth, how long they remain, and when, if ever, they depart. A CNMI official testified that they have ''no effective control'' over immigration in their island.

The bipartisan Commission on Immigration studied immigration and indentured labor in the CNMI. The Commission called it ''antithetical to American values,'' and announced that no democratic society has an immigration policy like the CNMI. ''The closest equivalent is Kuwait,'' the Commission found.

The Department of Commerce found that the territory has become ''a Chinese province'' for garment production.

The CNMI garment industry employs 15,000 Chinese workers, some of whom sign contracts that forbid participation in religious or political activities while on U.S. soil. China is exporting its workers, and its human rights policies, to the CNMI. Charges of espionage by China and security lapses in U.S. nuclear weapons labs have justifiably raised serious concerns in Congress. Every Member of Congress should be equally concerned with the imposition of Chinese human rights standards on American soil.

The CNMI is becoming an international embarrassment to the United States. We have received complaints from the Philippines, Nepal, Sri Lanka, and Bangladesh about immigration abuses and the treatment of workers.

Despite efforts by the Reagan, Bush and Clinton administrations to persuade the CNMI to correct these problems, the situation has only deteriorated.

After years of waiting for the CNMI to achieve reform, the time for patience has ended. Conditions in the CNMI are a looming political embarrassment to our country.

I urge the Senate to respond by enacting S. 1052, bipartisan reform legislation introduced by my colleagues on the Senate Energy and Natural Resources Committee, Chairman MURKOWSKI and Senator BINGAMAN.

I urge the Senate to move on this measure as quickly as we can.

Ms. COLLINS addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine is recognized.

(The remarks of Ms. COLLINS pertaining to the introduction of S. 1124 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, are we in morning business, and are there time limits?

The PRESIDING OFFICER. The Senate is in morning business until 10:15. The Senator is authorized to speak for up to 10 minutes.

Mr. GORTON. I thank the Chair.

MICROSOFT VERSUS DOJ

Mr. GORTON. Mr. President, what a difference a year makes. One year ago last week, the United States Government filed a Sherman Antitrust lawsuit against the Microsoft Corporation. This anniversary is a good time to review that lawsuit and to see how radically the universe of competition has changed in just twelve months.

I am not at all unbiased. I believe that the Government was dead wrong in bringing this lawsuit. I believe that the lawsuit is bad for consumers, bad for technological innovation, and bad for a marvelous company that is headquartered in my State.

But even an independent analysis would conclude that the case that the Clinton administration brought twelve months ago bears little resemblance to the case it now argues. Since then the Government's case hasn't been tried in the courthouse as much as on the courthouse steps, bypassing the law and aimed directly at public opinion through a national media that delights in highlighting any Microsoft misstep even though it has no relation to any harm to consumers.

The administration pursues this case for ideological reasons. This administration is filled with people who are offended by anyone or any company that is too successful. They believe that it is fundamentally unfair that Microsoft does so well. Much of the national media seems to share this view.

The administration has, however, miscalculated the views of a majority of Americans. Despite the Government's attempts to turn the public against Microsoft, it continues to be one of the most respected companies in America, and a majority of Americans believe Microsoft is right and the Government is wrong in this current lawsuit.

In a recent poll conducted by Citizens for a Sound Economy, 82% of those polled responded that Microsoft is good for American consumers. This survey also found that seven-out-of-ten American consumers feel that technology companies, not the Federal Government, should determine what features and applications are included in the software that consumers use with their computers.

Most Americans understand the value that Microsoft has brought. Microsoft products make nearly every business in America more competitive. The technology revolution fueled by Microsoft has made Americans secure in their jobs and made more families secure in their future.

Microsoft has also helped usher in the most important change occurring on earth: today the power of information has been taken from a few large centralized institutions and put directly into the hands of people in every town and village across our globe via the Internet.

The explosive growth of the Internet will eventually have a fundamental impact on every aspect of American life. A recent Newsweek article describes what it calls the ''New Digital Galaxy'' which allows consumers to operate devices from coffee-makers to dishwashers via Internet access. This will introduce a vastly different landscape in high-technology than exists today. Users will not necessarily use stationary Personal Computers to access information, but instead rely on Web phones, palmtop computers and similar technology that is advancing at an exponential rate.

The Internet has had the fastest adoption rate of any new medium in history. Over 50 million users were connected in the first five years. To reach the 50 million user milestone, it took 38 years for radio, 13 years for television, and 10 years for cable. On top of this initial growth, the number of users continues to increase by an astounding 37% per year. It is projected that 200 million people worldwide will be connected to the web in 1999, and half a billion by 2003. To handle the volume, the backbone of the Internet now doubles in capacity every 100 days.

Not only is the number of users increasing exponentially, but the amount of information available to them is also growing at an unprecedented level. The International Data Corporation estimates the number of web pages on the World Wide Web at 829 million at the end of 1998, and projects that the number grow by 75 percent to 1.45 billion by the end of 1999. By 2002, according to IDC, there will be 7.7 billion web pages.

What does this mean to the future of global commerce? Considering that 18 million consumers made purchases on the Internet in 1997, and that number is projected to increase to 128 million by 2002, the possibilities are limitless. In

real dollars, this translates into $200 billion in Net-based commerce by 2000, and $1 trillion by 2003.

We can't begin today fully to understand the scope of freedom for people that this information revolution will bring. And all the while Microsoft and its competitors continue to bring better products at lower prices to all consumers.

While this case has been in the court, we have heard almost no discussion about whether the dramatic changes of the last year have rendered this case moot. I believe they do, and here's why.

In the presence of a company exerting real monopoly power, competitors would be stifled, prices would rise, choices would be curtailed, consumers would be harmed. In fact, in the last twelve months the real world for consumers has improved by all of these measures. Competition in the technology industry is alive and well and nipping at the heels of Microsoft—all great news for consumers. Prices are down, choices are up, innovation is rampant.

The U.S. software industry is growing at a rate more than double that of the rest of the economy. The number of U.S. software companies has grown from 24,000 in 1990 to an estimated 57,000 in 1999. The number of U.S. software industry employees has grown from 290,000 in 1990 to an estimated 860,000 in 1999, with an average rate of growth of 80,000 per year from 1996 to 1999. Do these growth figures sound like they come from an industry that is dominated by a Monopoly player?

Mr. President, the bottom line is that the industry is thriving. It shows that we do not need the government picking winners and losers. While the nature of the government's case has been forced to change in the last year, the administration seems determined to punish this successful company and to use the power of the government to reward Microsoft's competitors. These are the very competitors whose alliances have radically changed the competitive landscape of the Information Technology industry in just the last few months.

When the case began, AOL and Netscape were two large successful companies. Today they're gigantic, teamed with Sun and ready to compete in the next frontier of the Information Technology industry—the Internet.

When the case began, MCI Communications and WorldCom were two separate companies, as were Excite and @Home. Yahoo hadn't yet bought GeoCities and Broadcast.com.

When the case began AT&T was a long distance company. Today, AT&T could influence more than 60% of cable systems in the United States.

Microsoft has continued to excel, in spite of simultaneously fighting off the government and its competitors. But, far from being stifled, Microsoft's competitors and potential competitors also have increased their market value by dizzying percentages over the last year:

AOL—up 555 percent;
Amazon—up 838 percent;
Sun Microsystems—up 209 percent;
IBM—up 91 percent; and
Yahoo—up 455 percent.
Microsoft is up 83 percent.

To me that's good news, and I hope it happens again this year. But that success leads me to wonder: if these competitors are so injured by Microsoft, why is the Dow Jones Industrial Average up 20% and the more technologically driven NASDAQ up a more startling 40% since the trial began?

A May 7 article in the Washington Post outlines the previously undisclosed lobbying activity on the part of a multi-billion dollar coalition of Microsoft competitors, consisting of Netscape and AOL, as well as ProComp, Sun and Oracle, who collectively have outspent the Redmond-based software firm by almost $4 million. The Post story made clear that Microsoft has been scrambling just to catch-up.

Economist Milton Friedman recently warned about the possible impacts of the suit on the high-technology industry as a whole. He pointed out the obvious flaw in the competitors' strategy, which is involving government regulators. Mr. Friedman states, ''Silicon Valley is suicidal in calling government in to mediate in disputes among some of the big companies in the area and Microsoft . . . once you get the government involved, it's difficult to get it out.'' I couldn't agree more.

Mr. President, with the Sherman antitrust action by the government against Microsoft entering its second year, the only question that remains is why this lawsuit continues. I urge my colleagues to join me in seeking an answer to that question.

CONCLUSION OF MORNING BUSINESS

Mr. LOTT. Mr. President, I believe the morning hour has expired. I move for the regular order.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000

The PRESIDING OFFICER (Mr. BROWNBACK). Under the previous order, the Senate will resume consideration of S. 1059, which the clerk will report.

The legislative assistant read as follows:

A bill (S. 1059) to authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

McCain/Levin amendment No. 393, to provide authority to carry out base closure round commencing in 2001.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I see no other Senator here at this moment. I believe there is another Senator who will be here at about 10:30 to offer another amendment, but I would like to submit an amendment for consideration at this point.

AMENDMENT NO. 394

(Purpose: To improve the monitoring of the export of advanced satellite technology, to require annual reports with respect to Taiwan, and to improve the provisions relating to safeguards, security, and counterintelligence at Department of Energy facilities)

Mr. LOTT. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 394.

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

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

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

Mr. LOTT. Mr. President, I am pleased to offer this amendment on behalf of myself, and Senators WARNER, SHELBY, MURKOWSKI, DOMENICI, SPECTER, THOMAS, KYL, and HUTCHINSON.

This package is the product of the serious investigative and oversight work performed by the relevant committees and other Senators who have devoted considerable attention to the issues of satellite exports, Chinese espionage, lax security at DOE facilities, foreign counterintelligence wiretaps, and more. I commend my cosponsors and others for their helpful efforts in this regard.

I have stated that the damage to U.S. national security as a result of China's nuclear espionage is probably the greatest I have seen in my entire career. And, unfortunately, the administration's inattention to—or even hostility towards—counterintelligence and security has magnified this breach.

It is simply incredible that China has acquired sensitive, classified information about every nuclear warhead in the U.S. arsenal. But this apparently is precisely what happened.

It is simply incredible that American companies illegally provided information to the Chinese that will allow them to improve their long-range missiles aimed at American cities. But this apparently is exactly what happened.

It is simply incredible that American exports were delivered to certain Chinese facilities that will assist their weapons of mass destruction program. But this apparently is exactly what happened.

It is simply incredible that it took this administration 2 years from the date the National Security Adviser was

first briefed by DOE officials on the problem of Chinese espionage at the nuclear weapons laboratories, to sign a new Presidential directive to strengthen counterintelligence at the labs and elsewhere. But this apparently is exactly what happened.

And, after all this, it is simply incredible that the President would claim that all this damage was a result of actions of previous administrations and that he had not been told of any espionage that had occurred on his watch. But this is exactly what the President said in a mid-March press conference.

As I have stated previously, the Congress must take several steps to better understand what happened and how it happened, and to lessen the likelihood of a recurrence of such events in the future.

First, we must aggressively probe the administration to determine the facts. We know much of what happened. But we don't have all the facts, and we certainly don't know why certain events unfolded the way they did. We need to get to the bottom of that.

Several committees are exploring aspects of this scandal, and it is multifaceted: DOE security; whistleblower protections; counterintelligence at the FBI; CIA operations; export controls; illegal campaign contributions; the Justice Department; the Foreign Intelligence Surveillance Act, FISA; DOD monitoring of satellite launches in China; waivers of laws for companies under investigation for illegal activities; and much, much more.

Second, we must take all reasonable steps now to remedy problems we have identified to date. Does this mean that the actions recommended in this bill, or in this amendment, will solve the problem of lab security for all time? Of course not. But they do represent important first steps in addressing the myriad problems that have emerged during the various on-going investigations.

For example, we know that security and counter-intelligence at the labs was—and is—woefully inadequate. We can take steps to begin to fix that problem.

We know that the Clinton Commerce Department failed miserably to adequately control and protect national security information as it relates to commercial communications satellites and rocket launchers. We took steps last year in the Defense authorization bill to help protect national security by transferring from Commerce to State the responsibility for reviewing license applications for such satellites.

Third, we must hold appropriate executive branch officials accountable for their actions. This means we need to understand why certain Clinton administration officials acted the way they did. Why, for example, were DOE intelligence officials told they could not brief the Congress on aspects of this espionage investigation and its implications? Why did the Reno Justice Department refuse to approve a wiretap request? Why was a certain suspect's computer not searched much, much earlier when, in fact, the suspect had agreed several years earlier to such a search? And why was a waiver granted for the export of a satellite built by an American company that was under investigation by the Department of Justice and whose head was the single largest individual contributor to the Democratic National Committee?

In posing these and other questions, does this mean the Senate is on some partisan witch-hunt? Absolutely not. I recognize that a full understanding of this issue requires going back decades.

For example, the reports recently issued by the Senate Intelligence Committee and the Cox Committee in the House reviewed documents from prior administrations.

But simply saying that errors were made in previous administrations cannot and does not absolve this President and this administration from responsibility. In fact, this administration's record in the area of security and counter-intelligence, in its relations with China, and in several other areas, leaves much to be desired.

As I said before, there are some steps we can and should take now. For example, the Defense authorization bill before us now proposes several important measures regarding Department of Energy security and counterintelligence. Likewise, the intelligence authorization bill includes several legislative proposals on this topic as well.

My amendment is entirely consistent with, and indeed builds upon, those two vital legislative measures. Allow me to describe what this amendment proposes to do.

First, it seeks to address the Loral episode, wherein the President approved a waiver for the export of a Loral satellite for launch on a Chinese rocket at the same time Loral was under investigation by the Justice Department for possible criminal wrongdoing.

This amendment requires the President to notify the Congress whenever an investigation is undertaken of an alleged violation of U.S. export control laws in connection with the export of a commercial satellite of U.S. origin.

It also requires the President to notify the Congress whenever an export license or waiver is granted on behalf of any U.S. person or firm that is the subject of a criminal investigation.

I am absolutely convinced that had these ''sunshine'' provisions been in effect at the time of the Loral waiver decision, I doubt very seriously that the President would have issued his decision in favor of Loral.

Second, the amendment requires the Secretary of Defense to undertake certain actions that would significantly enhance the performance and effectiveness of the DOD program for monitoring so-called ''satellite launch campaigns'' in China and elsewhere.

For instance, under this amendment, the DOD monitoring officials will be given authority to halt a launch campaign if they felt U.S. national security was being compromised. In addition, the Secretary will be obligated to establish appropriate professional and technical qualifications, as well as training programs, for such personnel, and increase the number of such monitors.

Furthermore, to remove any ambiguity as to what technical information may be shared by U.S. contractors during a launch campaign, the amendment requires the Secretary of Defense to review and improve guidelines for such discussions. Finally, it requires the Secretary to establish a counter intelligence program within the organization responsible for performing such monitoring functions.

Third, my amendment enhances the intelligence community's role in the export license review process. This responds to a clear need for greater insight by the State Department and other license-reviewing agencies into the Chinese and other entities involved in space launch and ballistic missile programs. In this regard, it is worth noting that the intelligence community played a very modest role in reviewing the license applications for exports that subsequently were deemed to have harmed national security.

This section also requires a report by the Director of Central Intelligence on the efforts of foreign governments to acquire sensitive U.S. technology and technical information.

Fourth, based on concerns that China continues to proliferate missile and missile technology to Pakistan and Iran, this amendment expresses the sense of Congress that the People's Republic of China should not be permitted to join the Missile Technology Control Regime, MTCR, as a member until Beijing has demonstrated a sustained commitment to missile nonproliferation and adopted an effective export control system. Any honest appraisal would lead one to the conclusion, I believe, that China has not demonstrated such a commitment and does not have in place effective export controls.

Now we know, from documents released by the White House as part of the Senate's investigation, that the Clinton administration wanted to bring the PRC into the MTCR as a means of shielding Beijing from missile proliferation sanctions laws now on the books. This section sends a strong signal that such an approach should not be undertaken.

Fifth, the amendment expresses strong support for stimulating the expansion of the commercial space launch industry here in America. As we have seen recently with a number of failed U.S. rocket launches, there is a crying need to improve the performance of U.S.-built and launched rockets. This amendment strongly encourages efforts to promote the domestic commercial space launch industry, including through the elimination of legal or regulatory barriers to long-term competitiveness.

The amendment also urges a review of the current policy of permitting the export of commercial satellites of U.S. origin to the PRC for launch and suggests that, if a decision is made to phase-out the policy, then launches of such satellites in the PRC should occur only if they are licensed as of the commencement of the phase-out of the policy and additional actions are taken to minimize the transfer of technology to the PRC during the course of such launches.

Sixth, the amendment requires the Secretary of State to provide information to U.S. satellite manufacturers when a license application is denied. This addresses a legitimate concern expressed by U.S. industry about the current export control process.

I not that each of these recommendations was included in the Senate Intelligence Committee's ''Report on Impacts to U.S. National Security of Advanced Satellite Technology Exports to the PRC and the PRC's Efforts Influence U.S. Policy.'' That report was approved by an overwhelmingly bipartisan vote, so there is nothing partisan whatsoever in these recommendations.

My amendment also requires the Secretary of Defense to submit an annual report on the military balance in the Taiwan Straits, similar to the report delivered to the Congress earlier this year. That report, my colleagues may recall, was both informative and deeply troubling in its assessment that the PRC has underway a massive buildup of missile forces opposite our friend, Taiwan.

Annual submission of this report will assist the Congress in working with the administration in assessing future lists of defense articles and services requested by Taiwan as part of the annual arms sales talks between the U.S. and Taiwan.

Eighth, the amendment proposes a mechanism for determining the extent to which then-Secretary of Energy Hazel O'Leary's ''Openness Initiative'' resulted in the release of highly-classified nuclear secrets. We already know, for example, that some material has been publicly-released that contained highly-sensitive ''restricted Data'' or ''Formerly Restricted Data.''

While we are rightly concerned about what nuclear weapons design or other sensitive information has been stolen through espionage, at the same time we must be vigilant in ensuring that Mrs. O'Leary's initiative was not used, and any future declassification measures will not be used, to provide nuclear know-how to would-be proliferators in Iran, North Korea, and elsewhere.

Ninth, the amendment proposes putting the FBI in charge of conducting security background investigations of DOE laboratory employees, versus the Office of Personnel Management as is currently the case. I applaud the Armed Services Committee for including additional funds in their bill for addressing the current backlog of security investigations.

Tenth, and lastly, the amendment proposes increased counterintelligence training and other measures to ensure classified information is protected during DOE laboratory-to-laboratory exchanges, should such exchanges occur in the future. For example, having trained counter-intelligence experts go along on any and all visits of lab employees to sensitive countries, is a small but useful step in the direction of enhanced security.

Mr. President, I readily concede that this package of amendments will not solve all security problems at the Nation's nuclear weapons laboratories. Nor will it solve the myriad problems identified to date in the Senate's ongoing investigation of the damage to U.S. national security from the export of satellites to the PRC or from Chinese nuclear espionage.

These are, as I mentioned before, small but useful steps to address known deficiencies. Most of these recommendations stem from the bipartisan report issued by the Intelligence Committee.

I strongly urge my colleagues to support this important amendment.

In summary, good work has been done by the Cox committee in the House of Representatives. They should be commended for the work they have done in this critical area. They should be commended for the fact that it has been bipartisan. It would have been easy for them to veer into areas or procedures that would have made it very partisan. They did not do that.

The same thing is true in the Senate. The Senate has chosen so far not to have a select committee or a joint committee. The Senate has continued to try to do this in the normal way.

We have had hearings by the Intelligence Committee. They have done very good work. Chairman SHELBY has been thoughtful and relentless, and he continues in that way. The Armed Services Committee, under Senator WARNER, the Energy Committee, under Senator MURKOWSKI, Foreign Relations, Governmental Affairs—all the committees with jurisdiction in this area have been having hearings, they have had witnesses, and they have been coming up with recommendations.

As a matter of fact, some of the recommendations that have been developed are included in this Department of Defense authorization bill. I understand other proposed changes to deal with these security lapses and with counterintelligence will be included in the intelligence authorization bill that will come up in early June.

I do not believe we should rush to judgment. We should make sure we understand the full ramifications of what has happened. We should not say it has been just this administration or that administration or the other administration. This is about the security of our country. I agree with Congressman DICKS when he quoted former Senator Henry Jackson about how, when it comes to national security, we should all just pursue it as Americans.

This amendment I have just sent to the desk is a further outgrowth of some of the information we have found through some of the hearings that have occurred. There were some provisions in it that I am sure would have evoked some criticism, and we have taken those out, so that we can take our time and deal more thoughtfully with it over a period of time.

We are going to have to deal with the Export Administration and the fact that law was allowed to lapse back in 1995. But there are some things we can do now. To reiterate, this is what this amendment will do:

First, it requires the President to notify the Congress whenever an investigation is undertaken of an alleged violation of U.S. export control laws in connection with the export of a commercial satellite of U.S. origin.

It will also require the President to notify the Congress whenever an export license or waiver is granted on behalf of any U.S. person or firm that is the subject of a criminal investigation.

Second, the amendment requires the Secretary of Defense to undertake certain actions that would significantly enhance the performance and effectiveness of the DOD program for monitoring so-called satellite launch campaigns in China and elsewhere.

Third, the amendment will enhance the intelligence community's role in the export license review process and requires a report by the DCI on the efforts of foreign governments to acquire sensitive U.S. technology and technical information.

Fourth, the amendment expresses the sense of Congress that the People's Republic of China should not be permitted to join the Missile Technology Control Regime as a member until Beijing has demonstrated a sustained commitment to missile nonproliferation and adopted an effective export control system.

The amendment expresses strong support for stimulating the expansion of the commercial space launch industry in America. This amendment strongly encourages efforts to promote the domestic commercial space launch industry. That is why we have seen more of this activity occur in other countries, particularly China and even Russia, because we do not have that domestic commercial space launch capability here. We should eliminate legal or regulatory barriers to long-term competitiveness.

The amendment also urges a review of the current policy of permitting the export of commercial satellites of U.S. origin to the PRC for launch.

The amendment requires the Secretary of State to provide information to U.S. satellite manufacturers when a license application is denied.

The amendment also requires the Secretary of Defense to submit an annual report on the military balance in the Taiwan Straits, similar to the report developed earlier this year and was delivered to the Congress.

The amendment proposes a mechanism for determining the extent to

which classified nuclear weapons information has been released by the Department of Energy. It proposes putting the FBI in charge of conducting security background investigations of DOE Laboratory employees versus OPM. It seems to me that really is beyond the capabilities of the Office of Personnel Management. Surely, the FBI would be better conducting the security background investigations. This does not call for putting the FBI totally in charge of security at our Labs, for instance. That is something we need to think about more. I had thought the FBI should be in charge, and there are some limitations in that area. That is an area we should think about a lot more. We should work through the committee process. We should think together in a bipartisan way about how to do it.

Clearly, the security at our Laboratories has to be revised. We have to have a much better counterintelligence process, and our committees are working on that.

Last, the committee proposes increased counterintelligence training and other measures to ensure classified information is protected during DOE Laboratory-to-Laboratory exchanges.

These are pieces that I think Senators can agree on across the board. They are targeted at dealing with the problem, not trying to fix blame, not claiming that this is going to solve all the problems. But these are some things we can do now that will help secure these Laboratories in the future and get information we need and give enhanced capabilities to the intelligence communities.

I urge my colleagues to review it. It has been, of course, considered by the committees that have jurisdiction. We have provided copies of it to the minority, and we invite their participation. I believe this is something that can be bipartisan and can be accepted, after reasonable debate, overwhelmingly. I certainly hope so. I appreciate the opportunity to offer this amendment. I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I commend the distinguished majority leader for this initiative. We have had in his office a series of meetings with the chairmen, as he enumerated, and this piece of legislation has been very carefully crafted drawing from each of the committees the work they have done thus far.

The Senate Armed Services Committee, as the majority leader has said, has taken an active role in addressing the issues. I refer colleagues to page 462 of our report, which is on each desk. In there, we have a subtitle (D) related to this subject. We are bringing this together.

I thought it was important—and I consulted with the majority leader this morning—to lay this down so all Senators have the opportunity to view it. Our distinguished colleague, the ranking member, has sent it out to the various Departments and agencies of the Federal Government for comment. In the course of the day, as I am sure my colleague from Michigan will agree, we will basically try to allow Senators at any time to address this particular amendment by Senator LOTT and, indeed, the provisions that we have in our bill.

This is an important subject. It is a timely subject. All Senators hopefully will strive to achieve bipartisanship because we recognize that this problem goes back several administrations, although I have my own personal views that this administration must account for some actions which I find very disturbing—in other words, why corrective measures were not brought about more expeditiously. But time will tell.

Also, I believe it is important to recognize that the United States of America in the next millennium will be faced with an ever-growing and ever-important nation, China. We as a nation must remain engaged with China, whether it is on economic, political, human rights, or security issues. China and the United States are the two dominant leaders, together with Japan and, indeed, I think South Korea, in that region to bring about the security which is desperately needed.

So let us hope that in due course we can, on this bill, put together a bipartisan package. We already have one amendment in there, and it passed our committee with bipartisan support.

Mr. LEVIN. Would the Senator yield while the majority leader is on the floor so I could give a 30-second comment?

Mr. WARNER. Absolutely.

Mr. LEVIN. We welcome the proposal of the majority leader. We have worked very closely, on a bipartisan basis, on the committee on what is in the bill already and to which the majority leader has made reference. We will continue and look forward to working with the majority leader, on a bipartisan basis, on his proposal. The committees of jurisdiction and I are reviewing that. We got it last night. We welcome very much these kinds of suggestions and will address them in the same kind of bipartisan approach that the good Senator from Virginia, our good chairman, has just made reference to.

Mr. LOTT. Mr. President, if the Senator would yield?

Mr. WARNER. Of course.

Mr. LOTT. I just say, I appreciate your comments and your attitude. If we have problems, we can address those problems in a bipartisan way to deal with the future. And that is my intent. I will be glad to work with you. Thank you for your comments.

Mr. LEVIN. I thank the chairman for yielding.

Mr. WARNER. I thank my distinguished colleague.

If I may note, with a sense of humility, Senator LEVIN and I are now entering the third day on this bill. To the best of my recollection—which is 21 years that we have been working together on authorizations bills—we may have set a record thus far. That record is not necessarily owing to the efforts of the ranking member and myself but all Senators in cooperating in moving this bill along; the record being we only had one quorum call, this being the third day.

We started on a Monday, when ordinarily things do not move as quickly; but we had one single quorum call, I think, for about 3 or 4 minutes on Monday. Yesterday, throughout, we stayed here until close to 9 o'clock last night working on amendments. So I thank the Senator, my colleague, my friend from Michigan. I thank all Senators.

We just had another Senator come on the floor in a timely way. He is right on the split second of when he is due to bring up his amendment.

So with the cooperation of other Senators, I am hopeful we can finish this bill tonight. I have discussed that with the majority leader, and he is going to give us total support. We will just drive this engine, hopefully into the early hours of the evening, and complete it.

But I do bring to the attention of Senators that I will place on the majority leader's desk here, as I manage the bill, three pages of amendments. There they are. We have to work our way through these today. My colleague, Mr. LEVIN, and I will be here throughout the day to assist Senators in accommodating them with their desire regarding these amendments.

Mr. LEVIN. If the chairman would just yield for a comment?

Mr. WARNER. Yes.

Mr. LEVIN. I commend him for his leadership, which made our good progress possible. When he points out how few quorum calls we have had on this bill, the only suggestion I have in addition to the ones he has made is that there is a lot of wood around here to knock on, and we need to knock on wood that this will continue along the lines it has with very few quorum calls and significant progress.

I do see the Senator from Nebraska on the floor. We look forward to his offering that amendment. Then I believe at 11:45, under the current unanimous consent agreement, we are going to return to the BRAC amendment and then have a vote on that. That would be the first vote, as I understand the UC.

Mr. WARNER. Mr. President, the Senator is correct.

Mr. LEVIN. That would be at 1:45.

Mr. WARNER. Mr. President, on the subject of BRAC, again, the distinguished Senator from Michigan, the distinguished Senator from Arizona, Mr. MCCAIN, the distinguished Senator from Rhode Island, Mr. REED, the distinguished Senator from Maine—my recollection is there was one other Senator who spoke last night in the debate on the BRAC process, so we have had a considerable amount of debate. There are 2 hours allocated. I am not certain that all 2 hours will be needed. But I urge Senators to come over as quickly

as possible when that amendment comes up on the schedule, and we can hopefully move through that debate and on to other matters.

I yield the floor.

Mr. President, I ask unanimous consent that the pending amendment be laid aside.

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

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

AMENDMENT NO. 395

(Purpose: To strike section 1041, relating to a limitation on retirement or dismantlement of strategic nuclear delivery systems)

Mr. KERREY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment of the Senator from Nebraska.

The legislative assistant read as follows:

The Senator from Nebraska [Mr. KERREY] proposes an amendment numbered 395.

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

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

The amendment is as follows:

On page 357, strike line 13 and all that follows through page 358, line 4.

Mr. KERREY. Mr. President, first of all, let me say that this piece of legislation being considered right now, in my view, of all the laws we write and all the laws we consider, is the one that is most vital. If we do not have a defense that is able to defend not just the United States of America but our interests, all the rest of it is secondary, in my view.

I am very impressed—I came to this Senate in 1989, and I came to the Senate without the experience of having gone to law school. I was trained in other matters. The longer I am here, the more impressed I am both with the law itself and the power of this law. I cannot help but, as I begin to describe my own amendment, take a little bit of time to describe the connection between the law and things people see in their lives that they may not see as having been caused by the law itself.

We do not have an Army, Air Force, Navy, Marine Corps without this piece of legislation, which is, I think—I don't know—500-and-some pages long, with a report with it as well. This law creates our military. It authorizes appropriations to be made. It authorizes us to go out and recruit people to serve in our Armed Forces.

We are going into the Memorial Day weekend during which I guess many, if not most, of us are going to be called upon to comment upon the meaning of Memorial Day—what does this day mean to us in our lives.

For me, it is a time to reflect and say that these 1,360,000 men and women who are currently serving our Nation, and the half million Reserve and Guard men and women who are out there as well, are part of a long tradition of American men and women who have given up their freedom, because in the military they have a different code than we have in the private sector. The standards of justice are different. The expectations are different.

In the military, the command structure is such that if I have command—which I did many, many years ago—if I have command and do well, I get a medal. But if I do poorly, my fitness report will be so bad I will be looking for a private sector opportunity. We have a responsibility we cannot delegate. That imposes upon an individual who is in the military real burdens that are different from what we have in the private sector—real responsibilities that are completely different.

A man or woman who serves us today, who serves the cause of freedom today in our Armed Forces, does something that is much different from most private sector citizens. I begin my comments on this amendment by saluting them, by thanking them for taking what, unfortunately, today is almost a nonmainstream action, and that is based upon their love of country and their love of freedom, saying: We're willing to sacrifice our freedom; we're willing to give up rights that most private sector citizens have.

Furthermore, nobody should doubt that in normal training operations it is possible to be injured or to even lose your life. A lot of these training operations are dangerous. So they are risking their lives on a day-to-day basis. Obviously, they are involved today in Kosovo; they are involved in the Balkans; they are involved with containing Saddam Hussein; they are involved on the Korean peninsula; they are forward deployed in areas around the world where we have interests, not just interests that are only of the United States, but interests in values that we hope will spread worldwide.

All of us had the opportunity—I did; I took advantage of the opportunity—to sit and listen to Presidents Kim Dae-jung of South Korea and Vaclav Havel of the Czech Republic and Nelson Mandela of South Africa when each spoke at a joint session of Congress across the way in the House of Representatives, and looked down to every representative of the people and said: Thank you, American people. You put your lives on the line, and we are free in South Korea today as a consequence. You put your lives and resources on the line, and we are free in the Czech Republic because of it. You have put your lives and resources on the line in South Africa, and we are free there as well. Your efforts enabled us to be free, these three individuals said. Many others have said the same thing.

It is not a cliche that freedom is not free. This piece of legislation, this important piece of legislation, has us supporting 1,360,000 men and women in the military, and half a million Reserve and Guard people who are actively involved in the cause of defending freedom in the United States of America and throughout the world. This is an extremely important piece of legislation. I argue if we don't get this one right, all the rest of it is secondary. If this piece of legislation, if this law is not written correctly, all the rest of it doesn't matter.

I begin my comments this morning praising Chairman WARNER and the ranking member, Senator LEVIN, who have led the Armed Services Committee to give us this piece of legislation. They understand this piece of legislation keeps America safe. This is about security. We can't cut corners. We can't scrimp. We can't say we will just go partially there. We have to answer the question: What do we need to do to keep the people of the United States safe? How do we keep them secure and try to write laws that accomplish that objective?

With great respect to the committee, there is one provision in subtitle D called ''Other Matters'' on page 357 that I am proposing to strike. That language provides a 1-year extension of a requirement that I think causes the United States of America to be less safe than it would without this provision. Let me get to it specifically.

What this provision does is say that the United States of America must maintain a nuclear deterrent that is at the START I levels, that we have to have warheads deployed, land, sea, air, that are at START I levels; that the President of the United States cannot go below those START I levels. In the cold war, perhaps even a few years after the cold war was ended, when we were trying to err on the side of safety, this made sense because the No. 1 threat then was a bolt out of the blue, an attack by the Soviet Union that might occur when we least expected it. We had to maintain an active deterrence and prevent that. The capacity to survive that bolt-out-of-the-blue attack and counterattack was an essential part of our strategy.

Today, the No. 1 threat is not a bolt-out-of-the-blue attack. The No. 1 threat today is an accidental launch, a rogue nation launch, or a sabotage launch of a nuclear weapon. One of the things that causes me a great deal of concern in this new era of ours is that I think we in Congress and the American people as well have forgotten the danger of these nuclear weapons. We have been talking about new threats to America. We have a threat in the form of chemical weapons, a threat in the form of biological weapons, a threat in the form of cyber warfare, lots of others things like that, terrorism, that cause people to be very much concerned.

My belief is that the only threat out there that can kill every single American, and thus the threat that ought to be top on our list of concerns is nuclear weapons. The nation that possesses the

greatest threat of all in terms of an accidental launch, a rogue nation launch, or a sabotage launch is Russia.

I appreciate the fine work that Congressman COX and Congressman DICKS did. They presented a report yesterday. I think they have laid out a roadmap that will enable us to change our laws and increase security at the Labs, increase the security of the satellite launches and increase the security, in general, with the transfer of technology through export licenses. I think they gave us a good roadmap, but one of the concerns I have with the report—I think it is unintentional—strike ''I think.'' It is unintentional—it has left the impression that China is a bigger threat to the United States in terms of nuclear weapons than Russia is. Nothing can be further from the truth.

In China, they prevent the possibility of an accidental launch by saying we are not going to put our warheads on the missile. According to published reports, it would take at least 24 hours and probably a minimum of 48 hours, from the moment an order was given to launch, to put the warheads on the missiles. In China they have no more, according to published reports, than 13 weapons headed in our direction. They are categorized as city busters. They are not as accurate as the Russians are. They are not as deadly as the Russians are. They are not as likely, as a consequence of organized systems, to be launched in an accidental fashion. Even though they can reach us, even though China is a serious threat as a consequence of their behavior in the proliferation area—and we should not have trimmed in areas of export licenses or satellite launches on Long March or the operations of our Laboratories or other areas that would put America at risk—the threat assessment today says that the No. 1 threat to us is the threat that is posed by Russia as a consequence of their having strategic weapons that could reach the United States in a matter of hours and could reach the United States in a devastating fashion not through intentional launch but accidental launch, rogue nation launch or sabotage launch.

I think that part of the problem in all of this is, again, that we have been lulled into a false sense of security that, well, maybe these nuclear weapons aren't that big of a problem. Let me say that in the former Soviet Union, that may have been the case, because their economy was much stronger than it is today. They had a much greater capacity to control those weapons systems that they have.

One of the reasons, the biggest reason that I want to change this is that I believe we are forcing Russia today to maintain a level of nuclear weapons beyond what their financial system will allow them to maintain. They are currently required at START I levels to have 6,000 strategic warheads. Again, according to published accounts from their own military people, they would prefer to be at a level of 1,000 or lower, because they simply don't have the resources. I can go into some rather startling problems that are created as a consequence of that inability, but they simply don't have the ability, the resources to allocate to maintain those 6,000 warheads as we do. Ours are safe. Ours are secure. We have redundant switching systems and all kinds of other protections to make certain that we don't have an accidental launch, to make certain that there is no rogue transfer, to make certain that there is no terrorism that could take over one of these sites and be used either against the United States itself or against some other country.

One of the baseline problems that we have as Americans is that we are the most open society on earth. We are the most successful society measured by our economy, measured by our military, measured by even our democracy, which can be a bit frustrating from time to time. We take sides on issues worldwide, which I think we have to do if we want to continue to fight for the freedom of people throughout this world. But as a consequence of all those things, there are lots of people on this Earth who hate Americans, who have in their hearts a desire to do significant damage to us. It is a problem created from our own success. So as we try to decide how we are going to keep our country safe, one of the things that I believe we need to think about when it comes to Russia is, is it possible for somebody who hates America, who is willing to do damage to America and willing to die in the act of doing it—what kind of risk is there as a consequence of a policy under law that requires Russia to maintain a nuclear force that is higher than either they can afford or they want to maintain?

Well, I will describe a couple of scenarios in length here, but many years ago, sort of a Stone Age time for me, I was trained in the U.S. Navy SEAL team. I do not argue that I was an exemplary special operations person. I had a relatively short experience in the war before I was injured, so I didn't have enough time on task to become really good at it. But you always have these sort of imaginary fantasies that you are still 25 years of age, and there are times when you sort of think that way.

I believe it is possible for somebody who is well trained and well organized to raid a silo site of a Russian missile in the Russian wilderness and take that site over. You will have a scenario on the opposite side that says that it can't be done. I believe it can be done.

One of the things that you have to do when you are planning, writing a law to defend the people of the United States of America, is you have to think about that small possibility and you have to plan for it. We didn't expect that the Russians were high probability going to come through the Fulda Gap during the 40-plus years of the cold war, but we defended against it, and it was an expensive defense because it was possible that it could happen.

Mr. President, I believe it is possible for a small band of discontents or terrorists to raid a silo site of a Russian missile in the Russian wilderness. I believe that there are soldiers today in Russia who are poorly trained, who are sparsely equipped, and who are irate at not having been paid in well over a year in some cases. I think they are vulnerable and easily overtaken, and as a consequence, willing to cooperate in things that would put the United States of America at risk.

What you have to do is sort of then say to yourself: What would happen? Imagine what would happen if that were to occur.

Well, I again have to underscore with a story why I think we are lulled to sleep by nuclear weapons. In the Senate Select Committee on Intelligence, on which I have the honor of serving as a result of Senator DASCHLE appointing me to that and serving on behalf of the Senate, I once asked some analysts of the CIA to tell me what the impact would be of a single missile being launched and hitting a U.S. city. The answer was we are really not sure. We haven't thought it through lately. We don't put it up on our radar screen as being the sort of thing to worry about.

I find that not only alarming but illustrative of the general problem. We are not thinking about this threat.

We are not imagining what could happen in a worse case scenario and, as a consequence, we are sort of allowing ourselves to be dragged along with yesterday's policy, not thinking about how we can do this differently to substantially reduce the threat to the people of the United States of America, and I believe, by the way, in the process, freeing up resources that could be used on the conventional side where there is much more likely scenarios where American men and women are going to be called on to defend the cause of freedom and fight for the cause of freedom.

A single Russian rocket could be launched over the top of the world from the north, and it would go across the Arctic pole, and in less than an hour it could be in over Chicago. On a bad day, it might come within 100 yards of its target. On a good day, it would probably come within 10 to 15 yards of its target. I am talking about something about which, again, people will say this is alarmist.

It is not an alarmist scenario. This is what nuclear weapons do. We have sort of forgotten that, in my view. Back in the 80s, during the cold war, all of us understood the danger of nuclear weapons, but today I don't think we do. I think we have forgotten what kind of damage they can do.

A single nuclear weapon would vaporize everything. The surrounding air is instantaneously heated to a temperature of 10 million degrees Celsius. It

looks brighter than the sun and shoots outward at a few hundred kilometers per second. It would be sufficient to set fire to anything in Chicago that is combustible at a distance of 14 kilometers. Anybody within 80 kilometers would be blinded as a consequence of the blast.

After the fireball, the blast effect force follows, traveling out from ground zero. Those within 3 kilometers, who had not already been killed, will die from the percussive force. At 8 kilometers, 50 percent of the people will be killed, and every building within 2 kilometers will be completely destroyed. Major destruction of homes, factories, and office buildings would extend out to 14 kilometers.

In the farthest reaches of the immediate blast zone—encompassing everything in Chicago—structures would be severely damaged, and 15 percent of the people in Chicago would be dead, 50 percent would be injured, and most survivors would suffer second- and third-degree burns.

This is the damage that would be done from a single Russian nuclear weapon exploded above an American city. This is just one city.

Again, I point this out not to be alarmist but to say that this is a real threat. This is not an imaginary threat. This weapons system exists. There are 6,000 of these in Russia today that were needed in the cold war; they were needed in a deterrent strategy that the Russians had developed. We have drawn down, and they have drawn down to the 6,000 level—a bit higher than that still today. They are drawing down to that 6,000 level.

But, again, if you ask either our intelligence or the Russians directly, they will tell you they don't have the resources to maintain even 1,000. They don't have the resources to maintain 1,000, let alone 6,000-plus, and in the kind of secure environment the people of the United States of America will need in order for themselves to be safe and secure as a consequence.

I tell the story out of what I think is a loss of focus on the danger of nuclear weapons. I am very concerned that the American people have been lulled into a false sense of security as a consequence of our elected leaders repeatedly telling them the threat no longer exists. In the Presidential campaign of 1996, the President correctly kept saying that for the first time in the history of the Nation we are not targeting the Russians and they are not targeting us.

Well, you can retarget in a couple of minutes, max. This retargeting task is a fairly simple task. Critics of the President pointed that out, and I think correctly. It caused people to be sort of lulled into a sense that, gee, this wasn't a problem. If we are not targeting them and they are not targeting us, this is great news, so we don't have to worry about this threat any longer; thus, we can sort of stop worrying about nuclear weapons. We can worry about other threats that we have to the United States.

Again, I am calling my colleagues' attention to this problem not because I believe there is going to be a deliberate nuclear attack from Russia, because I don't think that is likely, or even plausible. Indeed, Russia has made extraordinary progress in their effort to transform their economy and political system. Though they have a long way to go to complete the transition, they need to be applauded for it. But this transition is going to take decades—back, forward, stop, go. It is going to take a fair amount of time to transition from an old command economy to a market economy. In the meantime, they are finding it increasingly difficult to maintain the military infrastructure they inherited from the collapse of the Soviet Union, including, dare I say, their stockpile of thousands of nuclear weapons—estimated to be close to 7,000 on the strategic side and a comparable amount on the tactical side. There are 14 storage facilities, according to published reports, where they store fissile material. We don't know what is going on inside those buildings. It is a serious problem that our former colleague, Sam Nunn, has said is a threat not coming from Russia's might but from its military weakness.

If a single one doesn't bother you, there was an incident that occurred recently on September 11, 1998. I appreciate that some will say that KERREY is dreaming, this isn't a real danger. I don't think there is a greater danger than an accidental launch of a nuclear weapon at the United States of America. I think it is the most dangerous problem we face, and it is a scenario that could happen. If it happens, I believe we are going to regret not having developed a different strategy than the old arms control strategy that we have had in the past. I am not going to describe an alternative strategy. I think one is needed, and I think one is more likely to occur if we strike this language from the defense authorization bill and allow the President to go below 6,000, similar to what President Bush did in the early 1990s, getting a reciprocal response from Russia as a consequence.

Let me describe a real time scenario, a situation that happened on the 11th of September—does the Senator want to say something?

Mr. WARNER. I didn't mean to interrupt the Senator, but I am hopeful that we can listen to the important debate. I would like to have the opportunity to respond to the Senator so that Senators following this debate can have framed in their minds where we have a difference of views, and I would like to complete this by 11:45 so we can keep on our schedule. I hope our colleague will try to accommodate as best he can.

This is a very important subject. I share some of the views that he has made. I think what he said is a very important reminder to Senators on this subject. It has somewhat drifted from the minds of the Senators given that, regrettably, this stalemate thus far in Russia could move to ratification. Let us proceed, hopefully, in a timely way.

Mr. KERREY. Mr. President, let me describe an event that occurred on September 11, 1998. Maybe colleagues didn't notice it; it was written up with a fairly small amount of attention. There was an 18-year-old Russian sailor who seized control of a Russian nuclear submarine near Murmansk. He killed seven fellow crewmembers and held control of the submarine for 20 hours. Russian authorities say that there were no nuclear weapons aboard the submarine. But it would not be difficult to imagine a scenario in which a similarly distraught member of the Russian navy might choose to express his frustration by seizing control of a submarine loaded with long-range, nuclear-tipped missiles. It is widely recognized that command and control of weapons on Russian submarines is much more problematic than even with their ground-based forces.

There was a recent article in the New England Journal of Medicine, which conducted an analysis of the effects of an unauthorized launch against the United States from a—and I emphasize just one—Russian Delta IV submarine. This submarine is capable of carrying 16 SS–N–23 missiles. Each of these missiles is equipped with four 100-kiloton warheads. The study examined the consequences of 48 warheads being detonated over eight major U.S. cities. It is likely that this scenario may not be right. It is likely that they would say we have 64 warheads and will put one in each State in the United States of America—that leaves me 14 more—and they will put a couple in New York, a couple in Florida, a couple in other States. Imagine 64,000 kiloton weapons being detonated within a couple of hours in the United States. That is a scenario that could be very real.

Is such a scenario likely to happen? It is less likely to happen than the sun coming up tomorrow, but it could happen. It is a scenario that we need to think about as we think about the danger of these nuclear weapons. And because we don't think about them, it is not likely that we will consider an amendment like this terribly important. We will sort of drift along, as I think we are doing now, saying we are going to wait for the Duma to ratify START II. They are threatening not to ratify for every possible reason. I don't know what the next anger point is going to be. I personally don't believe that the ratification of START II by the Duma is necessarily terribly important.

That we need to look for an alternative way to reduce these threats, to me, is painfully obvious if you examine the danger that this threat poses to us.

When you think about the danger of an accidental or a rogue nation or a

sabotage launch, I think you come immediately to the conclusion that, my gosh, we have far more than we need to keep America safe, and the Russians clearly have far more than they need not only to keep their country safe but to reduce this risk of accidental launch. They do not control their weapons in the same way that we do. They don't have the capacity to control them in the same way that we do, as well.

Imagine, I ask my colleagues; put it on your radar screen. You have a Delta IV submarine with 64 100-kiloton weapons that could be in the United States in 2 hours. They are not like the Chinese nuclear weapons. The Chinese nuclear weapons take several days to get together. Again, part of the published reports is that they have 13 or so aimed at the United States—aimed at our cities. They are nowhere near as accurate as the Russians, or as deadly as the Russians, and nowhere near as likely to be launched either through an accidental launch or through an organized effort to come through sabotage and take over a single facility, or to take over one of these submarines that are much more at risk as a consequence of their lax security.

If you do not think the scenario is possible, I would like to quote the words of former a Russian Navy captain following this particular incident with the Russian sailor that I described earlier on the 11th of September 1998. He said, ''It is really scary that one day the use of nuclear arms may depend on the sentiments of someone who is feeling blue, who has gotten out of bed on the wrong side and who does not feel like living.'' The probability of this today is higher than ever before.

The news has been filled recently with stories regarding nuclear weapons. Unfortunately, the stories have been causing us to be concerned about our security relative to the Nation of China. The findings that China, over the past 20 years, has methodically stolen U.S. nuclear secrets from our National Laboratories are very disturbing, to put it mildly. We were very lax in our security in our Laboratories. We are very lax in our security with our export control licenses. We are very lax in our security in monitoring satellites that are being launched on the Long March system of the Chinese, and as a consequence, the United States of America suffers. There is no question that is true. But U.S. security has suffered against a nation with considerably less capability than Russia and considerably less risk of an accidental launch as a result of the way the two nations organize their weapon systems.

In the uproar surrounding this story, I fear that we may be losing touch with reality concerning the size of the threat we face in China relative to the far greater Russian nuclear threat. Press accounts indicate that China may have no more than 20 land-based nuclear missiles capable of reaching the United States.

Also, again, according to the media, as I said, Chinese nuclear weapons aren't kept on continual alert. Their nuclear warheads and liquid fuel tanks are stored separate from their missiles. Again, it would take them a considerable amount of time to fuel, to arm, and to launch these weapons. That just one of these weapons would cause immense pain and devastation to the United States of America ought to be obvious. But, again, it is a much smaller threat than the threat of an accidental rogue nation, or a sabotage takeover of a Russian site that could be launched with a devastating impact against the United States of America and would put our people at considerable risk.

As of January 1999, my colleagues, with reference to this issue—I remember campaigning for the Senate in 1988. In 1988, you had to know all of this stuff. You had to know all of these in numbers, because arms control advocates were asking you, and opponents of arms control were asking. The freeze was going on. The MX missile was being debated. It was a hot issue in 1988.

In 1999, it is not a hot issue. It is not on the radar screen. You have to hunt around to find someone who cares about it and asks you about it and express a concern about what I, again, consider to be the most dangerous threat to the people of the United States of America.

I repeat that this is the only threat that could kill every single American. Just a single Delta IV submarine that I talked about earlier—you put 64 100-kiloton weapons on top of 64 sites in the United States of America, and you are no longer the strongest economy on Earth.

We would have considerably more, to put it mildly, than 4.2 percent unemployment. We would not be screaming along with an economic recovery. The stock market would react, I would hazard a guess, rather adversely to that piece of news. There would be devastation and destruction and considerable loss of life, and the United States of America would be set back a considerable amount of time. We would not be as safe and as secure as we once were, and the world, as consequence, would suffer the loss of our leadership.

A single Delta IV submarine owned by the Russians in a very insecure environment, in my judgment, would set the U.S. back considerably.

I keep citing it only because I believe that we have taken nuclear weapons, unfortunately, off our radar screen, and we don't think about this much. I say to the distinguished chairman and to the ranking member, Senator LEVIN, and Senator SMITH, who is the chairman of the Strategic Subcommittee, that I know each of you are very concerned about this. I am talking about the general population. I would hazard a guess that if one of these news media outlets that does polls all the time did a poll and asked the question about whether the Chinese nuclear threat is a greater threat to the United States of America than the Russian nuclear threat, it is likely to be that a large number of the people would say yes, given what they have heard recently in the news.

China may evolve into a serious military threat to the United States in the future. They are unquestionably a proliferator of weapons, and all of us should be dismayed and angry at the lax security that we have discovered through the Cox report and other reports over the last 20 years, and should move with legislation and action to tighten up and make sure that we reduce that threat. But the Chinese threat is nowhere near the danger that the Russian nuclear threat poses to the people of the United States of America.

What I am attempting to do with this amendment by striking the floor that we have imposed for 3 years in a row in the defense authorization bill—this provision that prohibits the United States from going below START I force levels until START II enters into force—is that I am suggesting that this floor increases the threat to the United States of America because we are waiting for the Russian Duma to ratify START II. We are still, in my view, in the old way of thinking about how to deal with nuclear weapons and how to reduce the threat of nuclear weapons and keep the people of the United States of America safe.

Let me provide a little bit of history of arms control.

Again, the chairman of the committee asked for some time to respond. Earlier, I was asked if I was going to wrap this thing up at 11:45. I say to my friend from Virginia that I had much more to say on this matter, and it may be that I am not able to agree to a time agreement and have the vote at 11:45. I would like to be able to do that. Maybe what I should try to do is abbreviate my comments and give the chairman a chance to respond briefly, if he chooses to do so.

I see the chairman of the subcommittee is here. He may have some opposing points of view that he would like to offer. I want to give him a chance to do that. I think it is highly unlikely that I will be able to agree to a vote immediately after the BRAC vote at 11:45.

Mr. WARNER. Mr. President, we are under a time agreement, are we not?

The PRESIDING OFFICER. There is no time agreement.

Mr. WARNER. That is correct. We want to give the Senator as much latitude as we can. We will find such time as I believe the Senator desires. I am just anxious to frame this issue, because the Senator has given a brilliant speech, as he always does. I do not say that facetiously. I enjoy listening to my good friend and colleague and fellow naval person. But I was listening, and he is making a good speech for ballistic missile defense, which is splendid. I hope that we are going to draw

on this RECORD for future debates on ballistic missile defense systems. I take note of Senator COCHRAN's bill now that has become law.

But the point I wish to make is that this provision, which the Senator wishes to strike, has been in five successive defensive bills. It is in there in accordance with the administration's wishes to try to show to Russia that we mean business about getting START II ratified. Were we to strike it, it is this Senator's opinion—I think it is shared by the Secretary of Defense, and others—it would weaken the efforts to get START II ratified.

We have here the distinguished chairman of the Subcommittee on Strategic Forces. All I would ask is, if we could just have a few minutes to frame the debate into a focus of Senators following it, I think they can come to some sort of closure in their own minds on this issue.

Mr. KERREY. Mr. President, I appreciate that. Why don't I take another 5 or 10 minutes here.

Mr. WARNER. We interrupted the Senator. Would he yield for an additional question on procedure?

Mr. KERREY. Yes.

Mr. LEVIN. I believe this debate will take longer than 35 minutes, and there is no time agreement on this debate. There are others who want to speak on both sides.

I address this to the chairman, because this seems to me likely to take more than 35 additional minutes. Since the debate is scheduled to restart on BRAC at 11:45, I wonder whether the chairman might want to delay that for perhaps 15 minutes or half an hour.

Mr. WARNER. Fifteen minutes. We had such great cooperation from all. We have a string of Senators ready to be here at 11:45. Let's say we will conclude at 12 noon; is that agreeable?

Mr. LEVIN. I am not suggesting we have a time limit of 12 noon. I am suggesting if we delay the beginning of the BRAC debate until noon, there is at least a chance that this debate could conclude by then. If it does, we could vote on this amendment immediately after BRAC.

I don't think the Senator from Nebraska is willing or should be willing to agree to a time agreement yet because he has not heard the debate on the other side.

I suggest the debate on BRAC begin at noon—we change the unanimous consent—instead of 11:45, and hope that at least there is a chance that this debate could in 35 minutes be completed but not ''bake'' that into the unanimous consent.

Mr. WARNER. I want to accommodate our distinguished colleague. If we don't proceed, I say to my copartner, in getting time agreements, we are likely to get this whole bill slowed down.

I wonder if we could just enter into a time agreement to debate on this amendment, that it would conclude at 12 noon.

Mr. KERREY. I would very much like to accommodate and do that, but my problem is——

Mr. WARNER. Let me help. The distinguished chairman of the subcommittee says 10 minutes; I may take 2 minutes. That is 12 minutes. The Senator would have a full half hour left.

Mr. LEVIN. Before the Senator from Nebraska answers, if he yields, I will speak for perhaps 5 or 10 minutes on the subject. I know the Democratic leader wants to speak on this amendment, I believe, if possible, around 11:30. There may be others, too. We ought to find out if there are others before any such agreement is propounded.

Mr. KERREY. Again, I appreciate very much what the chairman is trying to do. I certainly have no intent to sit out here forever talking. Eventually I will agree to a time agreement. I am not willing to do that at the moment. I am beginning to lay out a case that has not been laid out before.

Mr. WARNER. We will continue with the debate and hope we can begin to bring this thing to some proportion of closure. We will take a relatively short time on our side, because it is a bill provision; the Senator is on a motion to strike. It is very clear what we are trying to do on this side, to help this administration get ratification, help America get ratification of START II.

That is the sole purpose for this provision. It has been in there 5 years for that purpose.

I yield the floor.

Mr. KERREY. Mr. President, again I am not trying to make an argument here for or against strategic defense. I will work with Senator COCHRAN to try to fashion some assistance to bring additional Democrats. I supported what Senator COCHRAN was trying to do.

The problem is, missile defense is not prepared today. The problem is, we don't have missile defense today. We are not sure when we will have it. I don't want to get into necessarily arguing that. I am saying that within a matter of hours it is possible for the United States of America to suffer an attack the likes of which I think very few people are imagining.

It is a real threat. It is not an imaginary threat. It is a real threat, and it is a threat that is getting larger, not a threat that is getting smaller. It is not the old threat. The old threat—and I appreciate what I think the administration's stated policy says. They prefer repealing the bill's general provisions that maintain this prohibition first enacted in 1998, but maybe the administration supports this amendment and maybe they don't support the amendment.

I believe this floor makes it less likely that we will consider an alternative to arms control as a method to reduce this threat. I am willing to look at alternatives such as star wars for which I voted. The strategic defense system is not in place today. I don't know when it will be in place.

In the meantime, the capacity to control Russia's nuclear system is declining and putting more and more Americans at risk as a consequence.

This is the third year, as I understand it, that this provision has been here.

Let me talk about strategic arms reduction. It has been the leading edge of our effort to try to reduce the threat. Back in the cold war, it was considered to be the only way that we will do it. I am not going to go through all the details of the history, but the Strategic Arms Reduction Treaty was signed between the United States and the Soviet Union, START I, in 1991 and entered into force in 1994. It commits both sides to reducing their overall force level to 6,000 deployable warheads by December of 2001. Both sides are well on the way to meeting this deadline. The START II treaty signed in January 1993 and requires both the United States and Russia to deploy no more than 3,500 warheads by no later than December of 2007. The Senate ratified START II in 1996, but the Russian Duma has yet to take up the treaty.

Section 1041 of this authorization bill extends for another year the limitation on retirement or dismantlement of strategic nuclear weapon systems until the START II treaty enters into effect. Let me put this another way: The bill we are debating allows a foreign legislative body the final say on U.S. nuclear force levels. I do not believe this is how we should set our defense policies. Our military decisions should be based solely on what we need to protect and maintain our national security interests.

While I understand this provision was originally intended to encourage Russian ratification of START II, I think it is time to begin to rethink our strategy. For the foreseeable future, START II is dead. We can all make the case that the Duma should have acted, that ratification was more in their interests than in ours, or that the reason it failed was domestic Russian politics. All that is true. But we now need to begin to ask ourselves if the current policy of waiting for Russian action on START II is the best way to confront the dangers presented by the Russian nuclear arsenal.

I believe the answer is emphatically no. The provision in this bill I am trying to strike is forcing the United States to maintain an unnecessarily large nuclear arsenal. By keeping more weapons than we need to defend ourselves, we are encouraging the Russians to keep more weapons than they can control. That is the heart of the argument that I am making.

We are keeping more in our arsenal than we need, and as a consequence, forcing the Russians to keep more in their arsenal than they can control, increasing the risk of an accidental launch, a rogue nation launch, or a launch that comes as a consequence of an act of sabotage.

The determinant of adequate U.S. force levels should be left up to the men and women who are in charge of protecting the United States. While Pentagon officials have said they have

no plans to go below START I levels during fiscal year 2000, they have clearly stated their preference for lifting these artificial restrictions. In the recent testimony before the Senate Armed Services Committee, the current commander in chief of the Strategic Command, Adm. Richard Mies, said:

We believe that we ought to report to you on an annual basis on exactly what we plan to do, but we would prefer not to have the specific mandating of the force levels by delivery systems.

Our Armed Forces are more than capable of protecting U.S. national security with significantly fewer strategic nuclear weapons. In fact, Gen. Eugene Habiger, former commander of STRATCOM, said: ''There is no reason to stay at the START I level from a military perspective.'' Our nuclear policy has become completely detached from the military requirements of defending America, and is now being used simply as a bargaining chip with Russian politicians.

Ironically, this is occurring at a time in which the Russian military is having problems maintaining its current force levels. The Russians foresee a time, in the near future, when drastic cuts will have to be made. In fact, Russian Defense Minister Igor Sergeyev has said publicly he sees the future Russian strategic nuclear arsenal in terms of hundreds, not thousands, of warheads. There are even some U.S. analysts who have calculated within 10 to 15 years Russia will be able to maintain a force no longer than 200 warheads.

I believe it is clearly in the Russian interest to work with the United States to achieve reciprocal reductions in forces, and I am disappointed the Russian Duma has chosen domestic politics over its best interests. However, it is just as clear that it remains in our interests to work with Russia to find new ways to reduce the number of nuclear weapons in a parallel, reciprocal, and verifiable manner.

We have a historical precedent to show that an adjustment in our nuclear forces, based solely on an evaluation of our defense needs, can help achieve the goal of reducing nuclear dangers. There is a precedent for this. On September 27, 1991, then President George Bush announced a series of sweeping changes to our nuclear force posture. After assessing our national security needs, Bush ordered all strategic bombers to stand down from their alert status, he de-altered all ICBMs scheduled for deactivation under START I, and he canceled several strategic weapons development programs.

On October 5—just one week later—President Gorbachev responded with reciprocal reductions in the Soviet arsenal.

President Bush acted, not out of altruism, but because it increased U.S. national security. In his announcement, he said:

If we and the Soviet leaders take the right steps—some on our own, some on their own, some together—we can dramatically shrink the arsenal of the world's nuclear weapons. We can more effectively discourage the spread of nuclear weapons. We can rely more on defensive measures in our strategic relationship. We can enhance stability, and actually reduce the risk of nuclear war. How is the time to seize this opportunity.

I believe the same is true today in 1999. The longer we wait to act—the more years in which we extend this legislative restriction—the more likely it is one of these weapons will fall into the hands of a person willing to use it to kill American citizens.

In addition to endangering the safety of the American people, our continued insistence on staying at START I levels is costing the American taxpayer. They are paying more to be less safe.

Estimates on the annual cost of maintaining our nuclear arsenal vary widely. The Pentagon contends the total cost is in the neighborhood of $15 billion a year. A more inclusive figure would put the cost in the area of $20 to $25 billion. This represents a significant portion of our yearly national security spending. For now, it continues to be necessary to maintain an effective, reliable nuclear force—a force capable of deterring a wide array of potential adversaries.

But if, as our military leaders have indicated, we can maintain that deterrent capability at much lower force levels, I am concerned we are wasting precious budgetary resources. The Congressional Budget Office recently conducted a study in which it found we could have between $12.7 billion and $20.9 billion over the next ten years by reducing U.S. nuclear delivery systems within the overall limits of START II. Both the Pentagon and the Armed Services Committee have already recognized that potential savings exist in this area. The bill before us allows the Defense Department to decrease the number of Trident Submarines from 18 to 14—producing a significant cost savings in our deterrent.

I am sure further savings could be realized with further cuts. I am certain our military has the ability to determine the proper formula in which we can reduce our nuclear arsenal, save money, and still maintain a healthy triad of delivery systems that will maintain our deterrent capabilities. I am confident much of this planning has already occurred.

I am also confident the distinguished members of the Armed Services Committee would be able to find ways in which to redirect these savings into other defense priorities such as preventing the proliferation of weapons of mass destruction, combating terrorism and narco-trafficking, or improving the readiness of our conventional forces to confront the challenges of the 21st century.

My amendment does not mandate any reductions in the U.S. strategic nuclear arsenal. Rather, it simply eliminates the provision in this bill requiring us to maintain our forces at START I levels—a level that is unnecessarily high.

The greatest danger facing the American people today is Russian nuclear weapons. We have been given a moment in history to reduce this threat. Rather than acting on this opportunity, we are preparing once again to tie our own hands. The rapid pace of change in Russia and around the world will not wait for us in the United States Senate to debate for another year whether or not to seize this opportunity. We know what our relationship with Russia is today, We can predict, but we cannot know what it will be like in a year, or two, or ten. Circumstances may never again be this favorable for reducing the threat posed by nuclear weapons. We must act. If we do not, history may judge us harshly for our failure.

I see the distinguished Senator from New Hampshire is here, the chairman of the subcommittee. I think what I will do is yield the floor and allow my friend to speak for a while, and listen to what is likely to be his considered and well-spoken words.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I thank my colleague. I indicated I am more than happy to have the Senator from Nebraska finish his remarks, but if he chooses to have me proceed now, I will be happy to do that.

Section 1041 of this bill, which is in question here in the amendment of Senator KERREY, does prohibit the retirement of certain strategic delivery systems unless START II enters into force. The amendment by the Senator from Nebraska just strikes that entire section, section 1041.

For the last several years, the Defense Authorization Act has included a provision limiting the retirement of strategic delivery systems. Recently, it has specifically prohibited reductions below 18 Trident submarines, 500 Minuteman III ICBMs, 50 Peacekeeper ICBMs, and 71 B–52s. This year the provision has been modified to allow the Navy to reduce the number of Trident submarines from 18 to 14. This change was made after close consultation with U.S. Strategic Command, the Navy, and the Office of the Secretary of Defense. On April 14, 1999, the Strategic Subcommittee conducted a hearing on this matter. We did agree to reduce the number of Tridents from 18 to 14, with my support.

The overall intent of the provision is to send a signal to Russia, that if they want the benefits of START II, then they ought to ratify the treaty. I think this is where I part ways, respectfully, with my colleague. This really is a unilateral implementation of START II—or to make even deeper reductions that would fundamentally undermine the arms control process and our national security.

I believe I am correct, the Senator supported START II. If he is going to make unilateral reductions as part of our policy, I do not think it leaves much incentive for the Russian side to do what they have to do to get to START II.

But section 1041 is a very flexible provision. Since it must be renewed each year, there is ample opportunity to take into consideration proposals by the administration and to make our force structure adjustments as necessary.

This was demonstrated this year in the way the Armed Services Committee responded to the Navy's proposal, which was to retire four of the oldest Trident submarines.

With all due respect, the adoption of the Senator's amendment I believe could be interpreted as a sign that Congress no longer supports the policy of remaining at START I levels until START II enters into force. It seems to me the Senator is advocating that explicitly, but I could be wrong. I note that the administration does not support such a change in policy and, indeed, the administration's budget request fully funds the forces at the levels specified in the section in question that the Senator wishes to strike, section 1041.

The provision does not preclude the administration from making any changes in U.S. force structure that it is currently planning to make. Section 1041 does not require the administration to retain any strategic delivery system that it otherwise would retire. It is clear that the principal objective of this amendment is to encourage unilateral arms reductions outside the framework of existing arms control agreements.

My concern is this is a very dramatic departure from existing U.S. policy. Essentially, this approach would amount to an abandonment of, or certainly a significant deviation from, the formal arms control process.

I may support a change in U.S. policy that would base our strategic force posture on a unilateral definition of U.S. military requirements rather than on the arms control framework, but I believe that as long as formal arms control agreements govern our force posture, we ought to adhere to a policy of not unilaterally implementing such agreements.

Also, just as a bit of a side discussion here, the issue of what has happened now with China may also sound an alarm bell that these agreements with the Russians—were the Soviets, now the Russians—may not be the major issue before us if things keep going.

One has to remember that an agreement, START I, START II agreements with the then Soviets, now Russians, for arms control reductions between two countries in a bilateral world, could very well now expand to something beyond just the bilateral agreements with the Russians to the Chinese and perhaps to Syria and Libya and even Iran, or some other nice countries out there that are now, thanks to the Chinese, going to be receiving a lot of our secrets, if you will, nuclear weapons. That furthers the case for not unilaterally reducing these systems without the Russians agreeing first.

I therefore urge my colleagues to oppose the Kerrey amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I just spoke with Senator KERREY. I know he will want to say something in response to Senator SMITH and what I will have to say. I will take my 5 minutes right now, with his indulgence.

I appreciate the spirit of his amendment. In fact, I just advised Senator KERREY I regretted very much having to speak in opposition to his amendment because I admire him as vice chairman of the Intelligence Committee on which I sit. We agree on a great many things. In fact, we are introducing legislation as cosponsors today on another matter.

But on this matter, I do differ with his approach because it to me reflects the approach to defense preparedness, to national security, that has been characterized, as Charles Krauthammer has said, as ''peace through paper'' rather than peace through strength, which Ronald Reagan made popular and which we think helped to win the cold war—the notion, in other words, that treaties should define what the United States of America does to provide for its defense rather than the United States deciding what it must do to provide for its defense and then seek through treaties to limit what other countries might do and what we might do in the future as a part of that but following what our initial determination is with respect to necessities for our national security.

This is true with respect to the START I and START II levels of nuclear weaponry, our strategic deterrents. The START I levels are where we are right now, and historically the administration and the Congress have taken the view that we need to maintain our START I levels as long as that is the prevailing status of treaties, and that is precisely where we are today.

START II has not been ratified by the Russian Duma, and until it is and until Russia begins to comply with its obligations under START II to bring the number of warheads permitted under START I down to levels authorized by START II, we have viewed it important not to unilaterally bring our levels from START I down to START II, because holding out the possibility that we would stay at START I has been an effective way for us to deal with the Russians.

Robert Bell, speaking for the administration, has testified that it has been helpful for us to let the Russians know that we are going to maintain our forces at the current levels. While we are willing to reduce them to START II levels, it is going to require concomitant action by the Russians for us to do that. In other words, if the Russians are prepared to go from START I down to START II, then the United States will be prepared to do that. But until then, we should not be taking the action unilaterally.

As a matter of fact, I was going to offer an amendment to this bill which would ensure that our Trident forces would not be reduced, because that is also permitted under this bill. The Trident submarine forces are the most robust leg of our triad of strategic deterrence because they are the most secure. Our submarines are nearly impossible to track, so they are clearly the most survivable leg of the triad. The majority of our boats in the fleet can carry the D–5 missile, the most advanced missile we have.

What I have focused on here is trying to make sure that our country maintains our START I level capability and that we do not begin to erode that, simply because it is expensive to do as long as Russia is not willing to reach those same levels.

An example of why this is important is that if we were to reduce the Trident force, for example, we would be relying upon the B–52s—as a matter of fact, our plan, and I hope our American citizens appreciate that the current defense plan is to use an 80-year-old B–52 bomber into the future as part of the triad for our nuclear deterrence. That is relying upon a very old and not very survivable system, which is why I think we have to maintain the Trident system.

Our vulnerable land-based ICBMs are the other leg, and they are also quite vulnerable to attack. We ought to be maintaining rather than giving up our Trident forces.

Were it not for arms control considerations and a desire for the United States to implement the START II agreement that has not even been ratified by the Russian Duma, I do not think we would be taking the step that is being suggested by the Armed Services Committee today and the even larger or further step that Senator KERREY takes to have it apply to all of our strategic forces.

I have been concerned for a long time about the administration's desire to protect our Nation's security primarily by relying on arms control measures, and I said this has been described by Charles Krauthammer as ''peace through paper.'' Let me use the words of the administration. Under Secretary of State John Holum explained the administration philosophy in 1994. This is a revealing explanation. He said:

> The Clinton administration's policy aims to protect us first and foremost through arms control—by working hard to prevent new threats—and second, by legally pursuing development of theater defenses for those cases where arms control is not yet successful.

That is exactly backward. First, you develop your security forces, and then, to the extent that you can do so, you cut back on those through arms control treaties that are agreed to and implemented by the other side. But what you do not do is start out by saying arms control is going to drive your development and deployment of national security measures. It is exactly backward.

Arms control is not a new idea. In 1139, the Catholic church tried to ban the crossbow. Like a lot of other well-intentioned arms control measures, it did not work. The Kellogg-Briand treaty—I know the Senator from Virginia, the distinguished, esteemed chairman of the Armed Services Committee, is not quite old enough to remember that—in 1929 outlawed war.

Well, it does not work. Peace through strength works. Then you do what you can with arms control.

The main point I want to make is that our defense planning should proceed on the basis of assessing the threat, evaluating alternative means to defeat the threat, and funding the requisite weapons systems and force structure. We should not permit arms control agreements to drive our defense programs and our force structure. It is particularly true with respect to the START II treaty which this Senate ratified in December of 1995. Despite our action, the Russian Duma has refused to take action on it. The likelihood it will do so is highly uncertain. START II has become a political liability in Russia in spite of its advantages to them.

As I said before, I would apply this not only to the amendment offered by Senator KERREY but also to the language in the Senate bill which would permit the administration to withdraw our nuclear Trident force down to 14 boats. I quoted Robert Bell who stated that the provisions in law requiring the maintenance of the U.S. forces at START I levels are helpful in convincing the Russians that the only way that U.S. force levels will decline is if the Russian Duma ratified START II. While I understand he is going to be taking a new position soon, Bell is the President's Special Assistant for Arms Control and Defense Policy.

I was going to offer an amendment to highlight my concern about a provision of the Defense authorization bill that I believe undermines the strength of America's strategic nuclear deterrent. The specific provision that I am concerned about is paragraph (2) of section 1041 of the bill, which would allow the Clinton administration to reduce the number of Trident nuclear submarines operated by the U.S. Navy from 18 to 14 boats. Unfortunately, I fear the acceptance of this cut by the Defense Department was driven primarily by a desire to conform to prospective arms control agreements rather than a hard-nosed assessment of the best way to respond to current threats, and the best means of compelling Russia to meet its commitments to reduce its nuclear arsenal.

The Trident force, armed with nuclear-tipped submarine-launched ballistic missiles, forms a critical part of the United States nuclear triad, which also includes long-range bombers and land-based intercontinental ballistic missiles. When deployed at sea, Trident submarines are nearly impossible to track, making them most survivable leg of our nuclear triad. Furthermore, the majority of the boats in our Trident fleet carry America's most modern missile, the D–5, and our most advanced nuclear warhead, the W88.

The bill before the Senate calls for the maintenance of U.S. nuclear forces at a level that closely approaches the limits imposed by the START I treaty. The bill, however, allows the Administration to reduce the number of Trident submarines and instead to rely more heavily on the current fleet of aging B–52 bombers and more vulnerable land-based ICBMs to maintain U.S. nuclear forces at START I levels.

I do not believe a reasonable person could argue that placing greater reliance on the venerable fleet of B–52 bombers, which are approaching one half century old, instead of maintaining the current force of Trident submarines would enhance the effectiveness and survivability of the U.S. strategic nuclear deterrent. Were it not for arms control considerations and a desire to implement the START–2 agreement that has not even been ratified by our Russian treaty partners, I do not believe we would be taking this step.

As many of my colleagues know, I have been concerned for some time about the Clinton administration's desire to protect our nation's security primarily by relying on arms control measures in a philosophy that Charles Krauthammer aptly describes as ''Peace thru Paper.'' Under Secretary of State John Holum explained this philosophy during a speech in 1994, stating,

> The Clinton Administration's policy aims to protect us first and foremost through arms control—by working hard to prevent new threats—and second, by legally pursuing the development of theater defenses for those cases where arms control is not yet successful.

Of course, as I said before, arms control is not a new idea. After all, in the year 1139, the Catholic Church tried to ban the crossbow. Like so many other well intentioned arms control measures, this one was doomed to failure from the start. And who can forget the Kellogg-Briand treaty, ratified by the U.S. in 1929, that outlawed war as an instrument of national policy. This agreement and others spawned in its wake left the United States and Britain unable to deter and unprepared to fight World War II. Yet despite these and many other notable failures, the Clinton administration still looks to arms control as the best way to safeguard our security.

The main point that I want to make is that our defense planning should proceed on the basis of assessing the threat, evaluating alternative means to deter and defeat the threat, and funding the requisite weapons systems and force structures. We should not permit arms control agreements to drive our defense programs and force structure. This is particularly true with respect to the START II treaty, which the Senate ratified in December, 1995. Despite the Senate's action, the Russian Duma has refused to take action on the accord. The likelihood that it will do so is highly uncertain. START II has become a political liability in Russia in spite of its advantages to them.

Adherence to START I warhead limits, as called for by the Senate in its Resolution of Ratification for the START II treaty, and retention of the Trident fleet at 18 boats, gives us the best leverage we are likely to have to persuade Russia to move toward ratification and implementation. And the Clinton administration agrees with this point. During a briefing for Senate staff in January, the President's Special Assistant for Arms Control and Defense Policy, Robert Bell stated that the provisions in law requiring the maintenance of U.S. forces at START I levels are helpful in convincing the Russians that the only way U.S. force levels will decline is if the Duma ratifies START II.

The U.S. repeatedly purchased START II ratification with aid or with concessions permitting Russia noncompliance with other arms control agreements or with unilateral limits on our own defense programs. In fact, Russia seems to be moving even further from the arms control framework so dear to this administration. Russian leaders have recently spoken of reconstituting Russia's tactical nuclear forces, potentially reversing moves that the U.S. and Russia undertook during the Bush administration. On April 30th of this year, the Washington Times reported that Russia's Security Council ordered its military to draw up plans for the development and use of tactical nuclear weapons in what may be a response to NATO's heightened profile due to its involvement in Kosovo. Russia also continues to channel a high proportion of its declining military budget into its strategic nuclear forces and now places greater reliance on nuclear forces in its military doctrine. And furthermore, Russia appears to be conducting tests on new nuclear weapons. As the Washington Post reported on January 24th of this year, ''Three small underground nuclear tests Russia conducted last fall have prompted some government intelligence analysts to suggest that Moscow may be trying to design a new generation of tactical nuclear weapons.''

Nor is Russia the only concern. China is also modernizing its strategic nuclear forces with the benefit of warhead designs stolen from our nuclear labs and missile technology sold by the Clinton administration. The Cox committee had concluded that these thefts enabled China to design, develop, and successfully test modern strategic nuclear weapons and that these designs will make it possible to develop multiple independent reentry vehicles or MIRV warheads for their missiles. As the summary of the Cox committee report notes, ''The People's Republic of China has stolen design information on the United States' most advanced thermonuclear warheads. Specifically, the

W–88 (Trident D–5 SLBM); W–87 (Peacekeeper ICBM); W–78 (Minuteman III, Mark 12A, ICBM); W–76 (Trident C–4 SLBM); W–70 (Lance SRBM); W–62 (Minuteman III ICBM); W–56 (Minuteman II ICBM). These thefts, primarily from our national laboratories, began in the 1970s, continued in the 1980s and 1990s and almost certainly continue today.'' The Cox report concludes by saying, ''These thefts enabled the PRC to design, develop and successfully test modern strategic nuclear weapons.''

Furthermore, I would point out to my colleagues that rogue states and gangster regimes are also working hard on nuclear weapons and the means to deliver them. As the Rumsfeld Commission noted last year, the strategic threat to the U.S. from rogue nations is growing rapidly. And one need only look at last summer's launch of a North Korean missile that overflew Japan that has sufficient range to reach the United States for validation of the Rumsfeld Commission's conclusions.

Mr. President, I have offered an amendment to retain the Trident fleet at 18 boats. We should remember that the world remains a dangerous place and should size our nuclear forces accordingly. As I have outlined before, the Trident fleet is vital to the maintenance of our strategic nuclear deterrent. This is too important a step to be entrusted to an administration in thrall to its bankrupt Russia policy and its naive approach to arms control.

I ask unanimous consent that a copy of my amendment be printed in the RECORD.

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

Beginning on page 357, strike line 23 and all that follows through page 358, line 4, and insert the following:

(b) MINIMUM LEVEL FOR B–52H BOMBER AIRCRAFT.—Subsection (a)(1) of such section is amended by striking ''71'' and inserting ''76''.

Mr. KYL. Again, I fully respect the vice chairman of the Intelligence Committee and what he is attempting to accomplish. It is my view you first build your defense structure, and you stick with it until you see signs that the potential adversary has reduced his force structure in a competent way. Until you do that, you are better off keeping what you have in place rather than unilaterally giving it away.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, let me say that although we reach different conclusions, I completely agree with the Senator from Arizona. I do not think we should tie our defense policies to arms control agreements. I do not think we should do anything other than assess the threat and then try to put a force structure together that meets that threat, that keeps that threat as low as is possible. We should not cut corners. We should not get tied up in ideological knots.

We should decide what is necessary to keep Americans safe. I do think that it is much more likely that will occur if the U.S. military is as strong as we can possibly make it. There are significant new threats in the world that need to be met. I support the budget that has been proposed here.

I supported earlier the rampup in pay and other benefits. I think all that needs to be done. I think we have less in our intel budget than is necessary to both collect and analyze and disseminate the information to our warfighters and national policymakers.

What we are doing, as I see it, with this proposal is saying we are not going to do anything that might be in our interest, that might keep our country safer, because the Russians have not ratified START II. We are letting the Russians decide what our force structure is going to be.

We have been told by former General Habiger, who was the head of STRATCOM, that he thinks the United States of America will be safer and more secure if we went below START I levels. That is his assessment. He did not care what the Russians think about that. He thinks America would be safer and more secure if we did.

I am not going to read all through it. I will do it later because I see the distinguished Democratic leader is here and would like to make some comments. I am going to read some things that ought to give Americans a great deal of concern about this ''loose nuke'' issue where the Russians are experiencing a deterioration in their capacity to control their nuclear weapons, and we are requiring them to be not only at a higher level than they need but we are requiring ourselves to be at a higher level than we need to be as a consequence of saying we are not going to do anything until the START II Treaty is ratified.

Let me set the record clear about the administration's position.

Senator LEVIN, for the record, in the Armed Services Committee, on the 3rd of February, asked General Shelton:

Would you oppose inclusion of a provision in the Fiscal Year 2000 Defense Authorization Act mandating strategic force structure levels—specific numbers of Trident Submarines, Peacekeeper Missiles and B–52 bombers?

He said:

Yes, I would definitely oppose inclusion of [that].

And a further statement of the administration about their attitude towards the defense authorization bill said:

The Administration [would] appreciate the bill's endorsement of our plan to reduce the Trident submarine force from 18 to 14 boats. . . .

But they go on to say:

[W]e prefer repealing the bill's general provision that maintains the prohibition, first enacted in the FY 1998 Defense Authorization Act, against obligating funds to retire or dismantle any other strategic nuclear delivery system below specified levels unless START II enters into force. The Administration believes this provision would unnecessarily restrict the President's national security authority and ability to structure the most capable, cost-effective force possible.

They have announced no intent to go below START I levels, but they have indicated they prefer not to have this prohibition in there.

The PRESIDING OFFICER. If the Senator will withhold, we have a previous order at this time to begin debate on amendment No. 393.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The distinguished Democratic leader.

Mr. DASCHLE. I ask unanimous consent that I be allowed to speak on the Kerrey amendment. Did the Senator from Nebraska want additional time as well?

Mr. KERREY. After the other amendment is disposed of, we will come back to it, and I will have time then.

Mr. DASCHLE. If it would be appropriate, I ask unanimous consent to address the Kerrey amendment at this time.

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

Mr. DASCHLE. Mr. President, I commend the distinguished Senator from Nebraska for his advocacy and his leadership on this issue. This is probably one of the most important debates that we are going to have this year with regard to nuclear proliferation. This amendment could be one of the most important amendments that we will have the opportunity to vote on this year with regard to nuclear proliferation. So his advocacy of this issue and this amendment is greatly appreciated. I am very impressed with his command of the facts as we consider its advocacy this morning.

Much of the current debate on national security issues these past several weeks has focused on two issues, as we all know: Kosovo and the alleged Chinese espionage of our national weapons laboratories. That concentration is very understandable.

In the first instance, the courageous men and women who make up America's military forces are risking their lives daily in the Federal Republic of Yugoslavia to reverse the genocidal policies practiced by that country's leader. That is a just cause.

For the sake of hundreds of thousands of refugees made homeless by Milosevic's reign of terror, as well as the future of NATO, we simply cannot afford to fail.

As for the safety of our nuclear secrets, this, too, is an issue of vital national security. It is alleged that for the last two decades the Chinese Government has systematically engaged in efforts to gain access to some of our most important nuclear weapons scientists and the knowledge they possess.

Although all agree that classified information has fallen into the hands of the Chinese Government, it certainly

remains unclear who is involved and exactly how much of our national security suffered as a result of these activities. The administration, the Congress, and law enforcement agencies are vigorously exploring answers to these troubling questions.

But as important as these issues are, as I noted just a moment ago, I submit there is an issue of equal or greater importance to America's immediate and long-term national security interests, and this amendment addresses it. The issue is the U.S.-Russia relationship and the fate of tens of thousands of nuclear weapons, and hundreds of tons of nuclear weapons material possessed by each side.

The Kerrey amendment recognizes the importance of that relationship. The Kerrey amendment proposes that the United States take a small step to improve this relationship by acknowledging that the Russian nuclear arsenal is shrinking, and adopting the view of the Joint Chiefs of Staff that our security will not be jeopardized if we do the same.

I strongly support this amendment and ask my colleagues to join me.

It is difficult to point to a period of time since the end of the cold war when relations between the United States and Russia have been under greater stress. Protests and public opinion polls in Russia demonstrate that anti-American feeling is on the rise in that country. The tension in this critical relationship has grown as a result of both Russia's internal economic and political troubles and actions by this Government.

At the very time the U.S.-Russia relationship is under unprecedented stress, the need to work with Russians to reduce the threat posed by nuclear weapons and the spread of nuclear weapons material and expertise has never been greater.

Nearly a decade after the fall of the Berlin Wall, the United States and Russia still possess roughly 12,000 strategic nuclear weapons, thousands of tactical nuclear weapons, and hundreds of tons of nuclear weapons material. Even more alarming, both sides keep the majority of their strategic nuclear weapons on a high level of alert—something I addressed in past comments and, for the life of me, cannot understand.

And reports are growing that Russia's government lacks the resources to properly maintain and control its nuclear weapons, nuclear materials, and nuclear know-how. Consider these recent events.

In September of 1998, roughly 47,000 nuclear workers protested at various locations around Russia over the Atomic Energy Ministry's failure to provide them their wages for several months. Russian Atomic Energy Minister Adamov told the workers that the government owed the ministry over $170 million and had not provided a single ruble in two months.

Again late last year, Russian radio reported that the mayor of Krasnoyarsk-45, one of Russia's closed nuclear cities, where enough nuclear material to build thousands of bombs is stored, warned that unless urgent action was taken, a social explosion in the city was unavoidable.

More recently, guards at nuclear facilities reportedly left their posts to forage for food. Others have been reluctant to patrol facility perimeters because they did not have winter uniforms to keep them warm on patrol.

At some nuclear facilities, entire security systems—alarms, surveillance cameras, and portal monitors—have been shut down because the facilities' electricity was cut off for non-payment of bills.

According to recent testimony by senior Pentagon officials and statements by senior Russian defense officials, Russia's nuclear stockpile is faring no better than the workers hired to maintain and guard it. According to Assistant Secretary of Defense Ted Warner, Russia's force of roughly 6,000–7,000 strategic nuclear weapons will be dramatically reduced regardless of whether Russia ratifies START II.

By 2005, according to Warner, ''[Russia] will be hard pressed to keep a force of about 3,500 weapons * * * and by about the year 2010, they will be hard pressed to even meet a level of about 1,500 weapons.'' Russian Defense Minister Igor Sergeyev recently stated that Russia is ''likely to have no more than 500 deployed strategic warheads by 2012 for economic reasons.'' Finally, in this weekend's newspapers comes the latest evidence of Russia's nuclear troubles. Under the headline, ''Russia Faces 'New Chernobyl' Disaster,'' the London Sunday Telegraph reports,

> What a Russian energy minister has called a Chernobyl in slow motion is unfolding in [Russia's] far north where nuclear submarines are falling to pieces at their moorings and a decaying nuclear power station has been refused European Commission aid to buy vital safety equipment.

According to the Russian chief engineer at the nuclear plant, ''We are in despair.''

Mr. President, while U.S.-Russia relations approach their nadir and Russia struggles to keep the lid on its nuclear forces and workers, what has been the response of the majority of the United States Senate?

Unfortunately, for the last several years, a majority of the Senate opted to legally prohibit the United States government from responding by making modest reductions in our forces. A majority in the Senate has prevented the U.S. government from reducing our nuclear forces below the START I level until Russia has ratified START II. This majority has chosen to include a similar provision in this year's defense authorization. This provision further damages U.S.-Russia relations, locks us in at nuclear weapons levels not needed for our security, and drains much-needed resources away from higher priority defense programs. Senator KERREY's amendment wisely strikes this provision.

As I noted earlier, our relationship with the Russian government and Russian people is at a low point. Russians fail to understand our actions on several fronts—from NATO enlargement to ballistic missile defense. As Russians look at the inevitable decay of their own strategic nuclear forces, they question why the United States insists on holding firm at weapons levels Russia can never hope to match, let alone exceed.

As for whether mandating by law that we retain 6,000 strategic weapons, our senior military leaders—current and former—have decisively expressed their opinions on this issue. In testimony before the Senate Armed Services Committee earlier this year, General Hugh Shelton, chairman of the Joint Chiefs of Staff and this country's senior military leader, opposed just such a requirement. According to General Shelton, ''I would definitely oppose inclusion of any language that mandates specific force levels.'' General Eugene Habiger, former chief of all U.S. strategic nuclear forces, agreed with General Shelton and went farther. General Habiger stated, ''There is no need to stay at the START I level from a military perspective.''

The Republican decision to keep our strategic weapons levels at an artificially high level also has budgetary ramifications. The Congressional Budget Office estimates that keeping U.S. strategic nuclear weapons totals at START I levels will cost the Defense Department $570 million in FY2000 and nearly $13 billion over the next 10 years. Resources are incredibly scarce, both in the Defense Department and in other areas of the government. We should spend every nickel necessary to ensure a strong defense. But we shouldn't spend a nickel on weapons systems the military tell us they do not need.

For all of these reasons, I oppose the provision in the underlying bill. I support Senator KERREY's amendment to strike this provision and restore a modicum of sanity to an increasingly troubled state of affairs. I ask my colleagues to do right by this important relationship, by our senior military leaders, and by the U.S. taxpayers who foot the bill for all we do. I ask for our colleagues' support on the Kerrey amendment. I yield the floor.

AMENDMENT NO. 393

The PRESIDING OFFICER (Mr. ROBERTS). Under the previous order, debate will now begin on amendment 393.

The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I understand that Senator WARNER may wish to speak on the Kerrey amendment for perhaps 5 minutes before we move to the BRAC amendment. If so, we are trying to reach Senator—Mr. President, I withdraw that. Are we now on the BRAC amendment?

The PRESIDING OFFICER. We are now on the BRAC amendment No. 393.

Mr. LEVIN. Mr. President, I yield 10 minutes to the Senator from Nevada.

Mr. BRYAN. I thank the Chair, and I thank my colleague from Michigan.

I rise today as a strong supporter and original co-sponsor of the amendment offered by my colleagues, Senator MCCAIN and Senator LEVIN, to consolidate our defense infrastructure and authorize an additional round of base closures.

For months, Pentagon officials, military leaders and key Members of the House and Senate have painted a picture of an American military force seriously compromised by years of declining or flat-budgets.

No one questions that the integrity of our force structure must be fortified, and I strongly support efforts to divert greater funding to modernization and readiness priorities—funding which, in my judgment, is critical if we are to continue to maintain the most powerful and proficient military force on the planet.

And I think we are all cognizant of the grave retention and recruitment problems prevalent throughout the military and the serious morale impacts of this lack of funding. These are real problems in our military.

Every recent defense-related appropriations measure—including last year's omnibus appropriations bill, the FY 1999 supplemental bill passed by this body just last week, and the legislation that is before us today—has included billions of dollars that the Pentagon did not request nor want.

Unquestionably, a large part of the problem has been the insistence of the Congress to continue the time-honored practice of forcing the Pentagon to purchase aircraft it does not want, to build ships it does not need, and to maintain military bases that have long outlived their usefulness.

And every dollar that we spend on these wasteful and unnecessary programs and infrastructure is a dollar that we cannot spend on such critical needs as readiness and quality of life programs for our military personnel.

Last year, a bipartisan coalition of Senators, led by Senator MCCAIN, and others, offered a proposal supported by the Secretary of Defense and the entire Joint Chiefs of Staff, to shut down military bases that had outlived their usefulness and to save the Pentagon billions of dollars. And Remarkably, the Senate said no.

I am hopeful this body will not make the same mistake twice.

The manner in which we fund the Department of Defense borders on the absurd, and continues to undermine our credibility with the American people when it comes to our ability to exercise fiscal responsibility.

I am confounded by a Congress that on one hand bemoans the state of readiness of our military, and fights tooth and nail to add billions of unrequested dollars to the Pentagon's budget, and yet refuses to heed the advice of our military leaders and make sensible changes to our defense infrastructure.

We micromanage the Defense Department to the point where we tell the generals and the admirals not only how many ships and planes they need to provide for our national security, but also where to place these ships and planes once they are built.

It is armchair quarterbacking at its worse.

Two years ago, the Congress passed—with great fanfare I might add—a balanced budget agreement that put in place a series of tough spending caps, requiring the Congress to reform its free-spending ways and make the tough decisions that are necessary to maintain fiscal responsibility.

Over the past two years, I have watched countless members of Congress duck, dodge, and evade those tough spending decisions as part of a systematic effort to sustain programs that have no justification and no purpose other than to divert funding from other more critical defense needs.

The examples are boundless.

Last year, we included a $45 million down payment on a $1.5 billion amphibious landing ship that the Navy told us they had no need for.

This year, the Pentagon asked for ten new MV–22 Osprey aircraft, and the bill before us tells them to buy twelve.

The Pentagon and the Joint Chiefs tell the Congress that we have over 23 percent excess capacity in our current base structure and that it is time to consolidate our infrastructure and use the savings to shore up our readiness deficiencies.

And the Congress says no.

We shuttle precious defense dollars to shipbuilding, aircraft, and weapon systems programs that the Pentagon has deemed unnecessary and unimportant.

And unless the pending amendment is passed today, the Senate will continue to shun the advice of our military leaders, and divert precious dollars away from readiness and modernization programs to support an infrastructure that is clearly in excess of our needs.

Today, we have a modest, bipartisan proposal offered by Senators MCCAIN and LEVIN, supported by the Secretary of Defense and the Joint Chiefs of Staff, that would unquestionably save billions of dollars that could be used to improve readiness, enhance pay, retirement, family housing, and other benefits for our military personnel, and bolster our national security.

For three consecutive years, the Secretary of Defense and the Joint Chiefs of Staff have asked us to allow the Pentagon to close those military bases it believes no longer hold operational value.

And for three years, the Congress has punted this political football, refusing to make the tough choices that we promised the American people we would make just two years ago.

Senator after Senator has come to the Senate floor to lament the lack of adequate funding for our Nation's defense.

We have heard that the readiness of our forces is at severe risk, that we do not have the funding we need to invest in the weapons technology of tomorrow, and that personnel problems threaten the integrity of our force structure, both at home and abroad.

This Senator believes those concerns are real and legitimate. Just last week, my colleagues approved some $13 billion from the Social Security trust funds to address some of these needs, I do not question the urgency in addressing all of our modernization, readiness and personnel shortfalls.

With that in mind, I cannot understand how the Senate, with a clear conscience, can fail to adopt the amendment that is pending before us, which was requested by the Joint Chiefs of Staff and which would save an estimated $3 billion a year.

Not just this year, but $3 billion every year, for years to come.

My colleagues, Senator LEVIN and Senator MCCAIN, have already made reference to a letter sent by the Joint Chiefs in support of this amendment.

In that letter, the Joint Chiefs characterize an additional round of base closures as ''absolutely necessary.''

Not just a ''good idea,'' Mr. President, but ''absolutely necessary.''

While legions of men and women have courageously stepped forward to defend this Nation and serve their fellow Americans, the Congress has continued to shortchange readiness and quality of life programs to finance questionable programs and weapons systems unrequested and in some cases outright opposed by the Pentagon.

There is no greater national security issue at stake than the readiness of our military and our ability to respond to global crisis.

Mr. President, the amendment before us is politically unpleasant, but fiscally prudent and imperative and I urge my colleagues to support it.

Mr. President, I yield the floor and ask unanimous consent that the remainder of time be allocated to the Senator from Michigan, who controls the time.

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

Mr. WARNER. Mr. President, at this time, it is my understanding that the Senator from Kansas will address the Senate regarding the BRAC amendment.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. ROBERTS. I thank the distinguished chairman, and I thank the distinguished Presiding Officer for taking my place while I make these comments.

Mr. President, I rise to again state my opposition to the BRAC amendment as it is proposed. Let's get it clear. I understand that my colleagues who are offering this amendment are very sincere in their efforts to address the problem of an excess infrastructure, certainly within the Department of Defense.

Let me be absolutely clear that I agree with the assertion that there is

excess infrastructure. I have no quarrel with that. But let me be equally clear that until I am confident we can focus the BRAC where there is excess infrastructure and until we can ensure that any savings from such a BRAC—a lot has been said about the savings—will go toward modernization, or readiness, or procurement, as opposed to funding the numerous expeditions this administration continues to assign our military, such as Bosnia and Kosovo, I can't support any additional rounds of BRAC at this time.

Let me explain in a little bit more detail. ''They'' all understand that there is too much infrastructure for the current force strength. ''They'' know they need to act to reduce it. But the political costs are too high, and ''they'' know the blame for not having another BRAC can be easily passed off to others. We heard a lot of talk about ''they'' from the proponents of BRAC. Unfortunately, the readiness of our Armed Forces suffers because ''they'' are unwilling to act. I would like to get to the definition of who ''they'' are.

Most people who follow the excess military infrastructure issue—the BRAC issue, if you will—would say that ''they'' are the U.S. Congress. Senator after Senator has come to the floor with not really arms waving, but with some pretty tough commentary, pointing the finger at the Congress as being ''they.'' However, let me also point out that a strong case can be made that ''they'' are also the civilian and uniformed leadership of the Department of Defense.

I am not trying to pick on anybody. I just want to share the responsibility in a fair way. Of course the Congress must approve the additional funds of BRAC, and therefore the responsibility is clearly on the shoulders of the Senate and the House. I accept that responsibility. The distinguished Presiding Officer does as well. Every Member of the Senate Armed Services Committee and the comparable committee in the House does as well. But the leadership of DOD has not shouldered the responsibility, in my personal opinion, to adequately prepare for future BRAC rounds. They could, by requiring each service to develop a prioritized listing of bases and facilities that are in excess, or the generic description of same, more especially in regards to the mission of the base.

I know what they are going to say. Their defense is such as, that would be impossible because of the politics of it; it would bias any future BRAC rounds, and therefore they should not be done until a BRAC is authorized.

By ''they'' I am talking about the DOD. ''They'' in this particular instance further state that it would be impractical to categorize the facilities by mission since most facilities are multifunctional, and therefore any future BRAC should, as in theory they have in the past, include all military facilities regarding the BRAC criteria.

If we are talking about BRAC, everybody is going to be on the same criteria. Everybody is on the table.

Of course, most bases and facilities are multifunctional. After all, they all train, they all have administrative functions, they all have public works tasks, but they all have a clear, primary mission.

Additionally, it is a bit disingenuous for the Department of Defense to say that all bases would be included, all are on the chopping block for consideration in any future BRAC round. That is rather disingenuous it seems to me, even if, for example, the service academies would be on the table, or the Norfolk Naval Base, or Andrews Air Force Base, or Fort Hood, or Camp Pendleton were on the table for BRAC consideration. That is not reasonable. That is not going to happen. It is not reasonable to expect that those, or other key facilities where we must have a primary mission, would be seriously considered for closure or for realignment.

It is not unreasonable to expect that a similar listing of definable excess capacity could and should be developed and be the focus of future reductions of infrastructure rather than, as I have said, before the ''everything is on the table'' approach in regard to BRAC.

Many of my colleagues have heard me voice my concern over what I call ''BRAC purgatory.'' That is, quite simply, what every city in America with a military facility goes through every time a BRAC round is mentioned. What that means in real terms is that the city or the community involved spends a lot of money from their very limited budget to hire so-called ''experts'' or ''consultants'' to help to really protect their base from any future BRAC round.

If we can focus BRAC on the primary mission of bases and generically define what we need, and what we don't need, we will spare many communities from ''BRAC purgatory.'' We will let them off the BRAC hook if their facility is not on the excess infrastructure list. We are going to save a lot of communities from ''BRAC purgatory,'' and we are going to save a lot of headaches and a lot of money.

I am equally concerned that the Department has failed to develop a strategy for the next round of BRAC. Let me emphasize ''strategy.'' You just can't go to a BRAC and put bases on the chopping block. A specific infrastructure strategy is required for at least three reasons.

First, as the military approaches the optimum infrastructure, great care is going to have to be made. It will be required to prevent the cutting of the essential infrastructures.

Second, since the military missions and roles are changing —and, boy, are they changing; for example, the Air Force sees itself becoming an expeditionary force rather than a garrison force, and that is happening; the Army, Navy, and Marine Corps are all searching for a new mission and a new role—I think the Department of Defense-wide assessment of the types and the number and the location of the military facilities needed to support the national strategy must be developed. There must be a strategy there.

Third, both the Quadrennial Defense Review and the National Defense Panel strongly recommended consolidation and joint basing for the military to optimize their capability in an atmosphere of reduced budgets and reduced force structure military environment.

In isolation, each of those three requirements represents a difficult, a complex, and a contentious undertaking within the military and the Department of Defense. However, when taken as a collective mandate to shape the future infrastructure needs of the military, such an important imperative cannot possibly be accomplished within the guidelines of just a simple BRAC. It seems to me that the Department of Defense has to have the courage and will to oversee the services and direct actions be taken that would set the correct approach to reducing our excessive infrastructure to match our future military strategy. They should do that—not a BRAC commission.

The third action that DOD must find the will to take is defining the savings associated with BRAC and establishing a way to funnel those moneys into readiness, modernization, or the procurement or quality-of-life programs. In the April 1998 Department of Defense report on BRAC, they admitted that, ''by their very nature, estimates of savings are subject to some uncertainty.'' That is probably the understatement of this debate. The Department further stated that, ''No audit trail, single document, or budget account exists for tracking the end use of each dollar saved through BRAC.''

Let me repeat that. Senator after Senator has come to the floor and said: Look at the money we are going to save in regard to BRAC. Then they look at the problems with modernization, and procurement, and readiness. Yet no audit trail, no single document, no budget account exists for tracking the end use of each dollar saved through BRAC. However, they assured Congress that, ''The Department is committed to improve its estimates of costs and savings in future rounds of BRAC.'' ''Oh, we are going to get it right next time.''

It seems to me it takes courage to solve that problem, and it takes a dedicated effort to set up the processes to track and direct the BRAC savings into the promised accounts. And it will take more than a ''trust me, it will be much better next time'' assurance before many Members of Congress will let the reported savings, the estimated savings, the reported savings of another round of BRAC simply remain unaccounted for, be lost in the bookkeeping of the Department of Defense, or, in fact, if there are savings, if we can account for savings, they end up in such

missions as Kosovo or Bosnia—which have to be funded, by the way, and which we addressed in regard to emergency funding.

That is the proper way to fund the final act of courage on the part of the uniformed and civilian leadership of DOD—I use the word ''courage'' in quotes here—that directly impacts the future rounds of BRAC politics of the last round.

A lot has been said about this. I understand it. I am not going to rehash that today. But based on a recent memorandum from the Department of the Air Force, it seems to me there is some acquiescence to such pressure to not really carry out the BRAC action directed in the last round. BRAC is a hard sell in Congress under normal times and under the purest of motives. But when actions are taken that clearly disadvantage others and violate the BRAC process for political gain, BRAC is a ''no sell'' in Congress.

For the Department of Defense to simply say that all we need is for Congress to authorize additional rounds of BRAC is an easy way to avoid the responsibilities for actions that must be taken by the Department of Defense well in advance of any congressional action.

It seems to me the Department of Defense can go a long way to helping us in regard to the BRAC process if they simply develop the fortitude and the decisionmaking to start the process now to correctly and accurately shape and define the infrastructure—not to simply put everything on the table to save money but be required to support the military of the 21st century even if they risk pressure from the White House or Capitol Hill. Without such a strategy, I cannot support another BRAC round that has a poorly prepared and inadequately staffed approach to reducing the excess infrastructure.

I urge a ''no'' vote from my colleagues on this matter.

PRIVILEGE OF THE FLOOR

Mr. President, I ask unanimous consent that Kevin Zumbar, a military fellow, and Zach Terwilliger, a legislative intern, in the office of Chairman WARNER, be granted floor privileges for the duration of the Senate's debate on S. 1059, the National Defense Authorization Act.

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

Mr. LEVIN. Mr. President, how much time remains on the BRAC matter?

The PRESIDING OFFICER. The proponents of the amendment have 51 minutes and the opponents have 46 minutes.

Mr. LEVIN. I yield myself 10 minutes.

The PRESIDING OFFICER (Mr. ROBERTS). The Senator is recognized for 10 minutes.

Mr. LEVIN. Mr. President, from 1989 to 1997 the Department of Defense reduced the total active-duty military end strength by 32 percent. That figure is going to grow to 36 percent by 2003, over a third reduction in our end strength will be achieved by 2003. We are already about a third.

Even after four base closure rounds, the reduction in the Department's base structure in the United States has been reduced only 21 percent. The Department of Defense analysis concluded that the Department has about 23 percent excess capacity in its current base structure.

Let me give a few examples of that excess that we are now funding, spending taxpayers' money supporting, which is no longer needed.

The Army will have reduced the personnel at its classroom training commands by 43 percent, but the classroom space has only been reduced by 7 percent—personnel reductions, 43 percent in classroom training commands but the space only by 7 percent.

Why do we want to maintain all that excess classroom space that is not being used? What is the point of doing that? The answer to me; it is pointless. The uniformed military are saying: Please let us close it.

The Air Force will have reduced the number of fighters and other small aircraft by 53 percent since 1989, but the base structure for those aircraft will be only 35 percent smaller. The Navy will have 33 percent more hangers for its aircraft than it requires.

And on and on.

Secretary Cohen's report to us documents substantial savings that have been achieved from past base closure rounds. It has been argued that those savings can't be audited. What the CBO says about that argument is that firm measures of BRAC savings that were requested by the Congress do not and, indeed, cannot exist. That is because BRAC savings are really avoided costs. They are the difference between what the Department of Defense actually spent and what it would have had to have spent in the absence of the BRAC action. Because the latter is never actually observed, the figures for BRAC savings that the Department of Defense provides will never be firm measures; they must always be estimates.

Then the CBO says—talking about the Department of Defense report on savings—that the report's basic message is consistent with the CBO's own conclusion: Past and future BRAC rounds will lead to significant savings for the Department of Defense.

That, it seems to me, is the heart of the measure.

This is a Congressional Budget Office letter, which I ask unanimous consent to have printed in the RECORD.

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 1, 1998.

Hon. CARL LEVIN,
Ranking Minority Member, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR SENATOR: Section 2824 of the National Defense Authorization Act for Fiscal Year 1998 requests a report from the Department of Defense on the costs and savings associated with the four previous rounds of base closures and realignments. The legislation also requires the Congressional Budget Office (CBO) to review that report. The enclosure fulfills that requirement. In addition, I have enclosed a copy of CBO's response to a letter of April 17, 1998, from Senators Daschle and Lott and Congressman Gephardt.

Please contact me if you have any questions. The CBO staff contact is Lauri Zeman, who can be reached at (202) 226–2900.

Sincerely,

JUNE E. O'NEILL,
Director.

Enclosures.

REVIEW OF THE REPORT OF THE DEPARTMENT OF DEFENSE ON BASE REALIGNMENT AND CLOSURE

The Congressional Budget Office (CBO) has completed its review of The Report of the Department of Defense on Base Realignment and Closure, as required by section 2824(g) of the National Defense Authorization Act for Fiscal Year 1998. CBO finds that the report provides a clear and coherent summary of why the Department of Defense (DoD) believes that future BRAC rounds are necessary. Moreover, the report's basic message is consistent with CBO's own conclusions: past and future BRAC rounds will lead to significant savings for DoD. Nonetheless, the report is useful primarily as a summary of DoD's position, rather than as an analysis of BRAC issues. Although the roughly 2,000 computer-generated tables that accompany the report contain most of the specific data on past BRAC rounds that the Congress requested, the main text provides little analysis of those data or insight into the number and types of installations that might be closed in the event of future BRAC rounds.

DATA PROVIDED BY DOD'S REPORT

DoD's report provides most of the data requested by the law. Yet there were a few instances in which the department was unable to locate specific data or lacked information systems that were flexible enough to organize the data in the form that the Congress requested. For example, DoD was unable to locate the cost and savings estimates that it had originally given to the BRAC commissions, and it was unable to identify the BRAC funds spent on each type of Navy and defense agency installation.

The report also omits any specific information about the types and number of bases that might close as the result of future BRAC rounds. One explanation is that DoD may have been unwilling to make such projections because doing so might appear to prejudge the results of the BRAC process.

In addition, the firm measures of BRAC savings that were requested by the Congress do not—and indeed cannot—exist. That is because BRAC savings are really avoided costs: they are the difference between what DoD actually spent and what it would have had to spend in the absence of BRAC action. Because the latter is never actually observed, the figures for BRAC savings that DoD provides will never be firm measures, but must always be estimates.

THE COST OF IMPLEMENTING PREVIOUS BRAC DECISIONS

CBO did not attempt to verify DoD's estimates of the one-time costs of implementing past BRAC decisions. Those one-time costs (which include the costs of transferring or separating personnel, moving equipment, and constructing new facilities) represent actual expenditures and thus are easier to track than savings. Based on its current financial data, DoD concludes that the actual costs of implementing past BRAC decisions

will be very close to those that it projected at the start of each round. DoD's initial estimate was that it would cost $23 billion to fully implement the four BRAC rounds; today, that estimate is $22 billion.[1]

Although DoD might be capable of estimating the costs of BRAC decisions very accurately early in the BRAC process, CBO finds that the similarity between DoD's initial BRAC cost estimates and the current ones may be, in part, a self-fulfilling prophecy. The Congress appropriates funds for one-time implementation costs based largely on DoD's budget estimates. Because those BRAC funds are in designated accounts and cannot be used for non-BRAC purpose, BRAC expenditures may adjust to some extent to match the funds available.

In addition, not all BRAC-related costs are included in the $22 billion estimate. For example, operating units sometimes bear unexpected costs when services at DoD facilities, such as equipment maintenance, are temporarily disrupted by BRAC actions. The $22 billion figure also excludes any environmental cleanup or caretaker costs that DoD might incur after 2001, when the implementation periods specified by the Congress for the past four BRAC rounds will be complete. Payments made to assist communities and workers adversely affected by based closures are also omitted. (DoD estimates that those costs, which are paid by the Department of Labor, DoD's Office of Economic Adjustment, the Economic Development Administration in the Department of Commerce, and the Federal Aviation Agency, totaled about $1 billion as of 1997.)

THE SAVINGS FROM PAST BRAC ROUNDS

Consistent with current BRAC budget documents, DoD's report indicates that when the past four rounds are fully implemented, they will provide annual recurring savings of about $5.6 billion (in constant 1999 dollars). That figure appears to be reasonable. By comparison, CBO estimates that savings could be about $5 billion annually.[2]

However, DoD's report does not document how the services and defense agencies derived the BRAC savings estimates that underlie the aggregate $5.6 billion figure. Nor does it show that those estimates are consistent with the quantitative model (DoD's COBRA model) that DoD used during past BRAC deliberations and might use in any future BRAC round. Instead, DoD tries to show that its aggregate estimate is credible by presenting a new analysis based on aggregate data and by citing recent audit reports. Neither approach is very successful. For example, the new analysis in DoD's report (which identifies recurring annual savings of $7 billion) is based on the same undocumented estimates of personnel reductions that the defense agencies and military departments use in their BRAC budgets. Because reductions in personnel costs account for over 80 percent of estimated BRAC savings, using those personnel numbers ensures that DoD's new estimate of savings will not differ widely from the estimates in the BRAC budget documents. Because the new analysis depends on those budget estimates it cannot be used to verify them.

DoD's use of audits to verify BRAC savings also suffers from serious weaknesses. For example, the DoD Inspector General's audit of 1993 BRAC actions found that savings exceeded DoD's budget estimates by about $1.7 billion over the six-year implementation period.[3] Yet almost all of that $1.7 billion in additional savings came from a few special situations in which the effects of BRAC actions were confounded with those of imposed budget cuts, reductions in workload, or reductions in force structure. An audit can compare what DoD spent at different bases before and after BRAC actions, but—unlike models such as COBRA—it cannot disentangle the effects of BRAC from those of other factors.

ESTIMATES OF EXCESS CAPACITY

DoD's report indicates that the department will have excess capacity of over 20 percent at its U.S. bases after completing the four BRAC rounds. In its analysis, DoD compared the size of specific types of forces or workloads (measured, for example, by the number of aircraft or assigned personnel) with the size of the base structure that supports those forces or workloads (measured by the square feet of buildings or of apron space at airfields). DoD then estimated the amount of excess capacity by calculating the percentage reduction in the base structure that would result in the same ratios of forces to base structure that existed in 1989.

That approach is reasonable and, at least in the aggregate, yields a credible estimate. Yet it may not provide good estimates for particular categories of installations. DoD's estimates of the excess capacity for different categories of bases would be more credible if they were tested using a wider variety of indices for the size of forces and the base structure. The department's use of 1989 as a baseline may also be inappropriate for some types of installations. On the one hand, that approach could overstate the size of the required base structure—DoD might have had excess capacity in 1989, or it might need fewer bases today because it has consolidated service programs into defensewide activities. On the other hand, the approach could understate the amount of capacity required if some types of base support are truly a fixed cost, required regardless of the size of the force.

THE COSTS AND SAVINGS FROM POSSIBLE FUTURE BRAC ROUNDS

According to DoD's report, additional BRAC rounds in 2001 and 2005 would, together, save $3.4 billion (in constant 1999 dollars) every year after 2011. In addition, the report implies that the cumulative savings from those rounds would outweigh the one-time implementation costs before 2011. To make those estimates, DoD assumed that the annual profile of costs and savings for each of the two proposed BRAC rounds over their six-year implementation periods would match the average profile for the 1993 and 1995 BRAC rounds combined, adjusted for inflation.

Those assumptions are reasonable for planning. DoD may not be able to provide better estimates until the specific bases that would be affected by proposed future BRAC rounds are identified. Yet savings from future rounds could be less than DoD predicts if the excess bases that have not already been closed are those for which closure costs would be relatively high or recurring annual savings relatively low. Such a pattern could also extend the time required before the savings from the additional BRAC rounds would outweigh the costs. Yet even in that case the ultimate savings from future rounds could still be significant.

IMPROVING ESTIMATES OF COSTS, SAVINGS, AND EXCESS CAPACITY

DoD's report provides a clear summary of the department's perspective on BRAC issues and on the need for additional base closures. But it provides little new evidence or insight into those issues. A more substantive report would have provided documentation for the estimates of BRAC savings that were submitted with the budget for fiscal year 1999 and a more detailed analysis of capacity issues.

In the future, DoD plans to keep better track of BRAC documents and of expenditures at bases before and after BRAC actions. Those steps would be useful. To the extent that implementation costs reflect actual DoD expenditures, improved financial records could contribute directly to the department's ability to assess BRAC costs. For example, DoD could extend its efforts to track the costs of BRAC rounds beyond the six-year implementation period in order to fully account for long-term caretaker and environmental costs.

Yet better recordkeeping, by itself, will not allow DoD to identify the extent of BRAC savings in a period when bases are undergoing large changes in budgets, forces, and workloads unrelated to BRAC. Instead, formal statistical models are needed to disentangle the effects of BRAC and non-BRAC factors on expenditures. In addition, DoD could improve the credibility of its savings estimates by better documenting the assumptions and methodologies used to generate them. The DoD Inspector General's audit of the savings from 1993 BRAC actions revealed that the services and defense agencies were often unable to explain how they derived the savings estimates submitted in their budget documents. The Congress might want to request that such documentation accompany all future BRAC budget exhibits. Such a requirement might encourage DoD to place greater emphasis on the quality and consistency of its estimating procedures.

In addition, DoD could provide better insight into capacity issues by developing a master plan for its base structure. Such a plan might be based on explicit estimates of requirements rather than presuming that the ratio of forces to base structure that existed in 1989 remains appropriate. For example, the plan could use standards reflecting the number of acres of land that combat units need for training or the number of square feet of office space an administrative worker requires. Standards could be developed that are appropriate to different types of forces and for forces stationed in the United States and overseas.

DoD's report would have been stronger had it provided well documented estimates of the savings from past BRAC rounds and estimates of excess capacity based on requirements. Yet despite those limitations, the report provides rough but credible estimates of the total recurring savings from past BRAC rounds, the aggregate level of excess capacity in the United States, and the potential savings from future BRAC rounds.

FOOTNOTES

[1] Those figures are in current dollars, not adjusted for inflation. They represent the one-time costs that DoD expects to incur in closing and realigning bases during the six-year implementation period that the Congress has allowed for each BRAC round. They include environmental costs but exclude any revenues from land sales that result from BRAC actions. Although DoD initially expected to receive about $4.1 billion in revenue from land sales as a result of past BRAC actions, it now expects that figure to be only $0.1 billion.

[2] DoD's estimate is based on the sum of the savings shown in the budget for the last year of the implementation period for each BRAC round. CBO's figure, which is in constant 1998 dollars, reflects trends in base support costs, adjusted for changes in the size of military forces. Past CBO reviews have also concluded that the savings from base closures and realignments are substantial. See Congressional Budget Office, Closing Military Bases: An Interim Assessment, CBO Paper (December 1996).

[3] Office of the Inspector General, Department of Defense, Costs and Savings for 1993 Defense Base Realignments and Closures, Report No. 98–130 (May 6, 1998).

[1] Footnotes at end of review.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 1, 1998.

Hon. THOMAS A. DASCHLE,
Democratic Leader, U.S. Senate,
Washington, DC.

DEAR MR. LEADER: In your April 17 letter, you pose 10 questions about base realignment and closure (BRAC) actions. This letter responds to those questions. In addition, I have enclosed the Congressional Budget Office's (CBO's) review of The Report of the Department of Defense on Base Realignment and Closure, which elaborates on many of the issues you address in your letter.

Actual BRAC Savings. The Department is able to provide reasonable estimates of BRAC savings. Yet the firm measures of BRAC savings that were requested by the Congress do not—and indeed cannot—exist. BRAC savings are really avoided costs—costs that DoD would have incurred if BRAC actions had not taken place. Because those avoided costs are not actual expenditures, DoD cannot observe them and record them in its financial records. As a result, DoD can only estimate savings rather than actually measure them.

DoD Information Systems. It is not possible for DoD to establish an information system to track actual savings. The BRAC budget justification books track only estimated savings. DoD is more successful in tracking one-time implementation costs, which typically reflect actual expenditures made from BRAC accounts. Its information systems, however, cannot always categorize those expenditures in the most useful way. For example, in its report, DoD could not provide BRAC obligations by base type for the Navy and the defense agencies. To comply with the spirit of the request in section 2824(g), DoD might try to provide better documentation of how the budget estimates for savings are made and to maintain more accessible records of BRAC costs on an installation-by-installation basis.

Economic Effects of Future BRAC Rounds. DoD's report does not make detailed projections of the specific outcomes of future BRAC rounds. The economic impact of base closures on communities depends on many factors, including the size and strength of the local economy and whether the community is urban or rural. An analysis of the likely impact of future base closures on local communities cannot be attempted until the specific communities are identified; even then, it would be very difficult to do.

Information Provided in DoD's Report. The DoD report provides most, but not all, of the information that the Congress requested. As noted above, it does not provide data that would require projecting the specific outcomes of future BRAC rounds. In addition, DoD was unable to locate some of the requested data, including the original cost and savings estimates that it gave to the BRAC commissions.

DoD's Analysis of Excess Capacity. DoD's report determines excess capacity based on the change in the ratio of forces to supporting bases since 1989. Although that approach is not unreasonable, the resulting estimates of excess capacity depend heavily on what specific indices are used for the size of the forces and of their supporting bases. In addition, that approach can understate or overstate the current level of excess capacity for particular types of bases depending on whether DoD had too many or too few bases of those types in 1989.

Overseas Base Capacity. DoD's capacity analysis does not address overseas forces or bases. The estimates of excess capacity presented in DoD's report refer to the percentages of excess capacity in the United States. The extent to which there may be a shortage or an excess of bases overseas relative to U.S. forces overseas does not affect the accuracy of those estimates or the need for base closures within the United States.

Savings from Past BRACs and Future Personnel Reductions. CBO found that the methodology used by DoD to show annual recurring savings of $7 billion from the four prior BRAC rounds is relatively weak. Nonetheless, CBO believes that recurring savings from those BRAC rounds will be substantial—about $5 billion annually, as is indicated by the services' BRAC budget documents.

DoD's current spending plan, which extends only to 2003, shows small reductions in the number of personnel in 2001 and beyond. Such reductions are not inconsistent with additional BRAC rounds in 2001 and 2005, because most of the savings and personnel reductions from those rounds would not be seen until after 2003. However, DoD will have to make significant reductions in personnel after 2001 to realize the level of BRAC savings that it projects from future rounds.

Future Savings Estimate. In its review of DoD's report, CBO concludes that the department's estimate of savings from future BRAC rounds is not unreasonable for planning. A more accurate estimate would require detailed projections about the outcomes of future BRAC rounds.

Costs Beyond the Implementation Period. DoD will incur environmental and caretaker costs for some bases after the six-year implementation period is over. In its review, CBO suggests that estimates of BRAC costs and savings would be more accurate if they included those costs.

Data Included in DoD's Report. Most of the data in the appendices to the DoD report are not new. Rather, they were compiled from several existing sources, including BRAC budget justification documents and other documents that DoD has submitted to the Congress. However, the report aggregates the data in new ways and presents them at levels of detail not previously available in a single document.

As your letter indicates, the issues surrounding military base closures are difficult ones. One problem is that if the BRAC process is going to work, the Congress must decide on the advisability of additional rounds without knowing in advance which bases would be affected and what the specific effects of those closures would be. Another difficulty is that the Congress must make those decisions even though the savings from previous rounds can only be estimated rather than tracked in DoD's financial records. The amount of savings from BRAC actions will always be impossible to estimate precisely. The reason is that the effects of BRAC actions are not easily disentangled from those of non-BRAC actions, such as mandated budget reductions or cuts in forces and workloads.

I hope that this response is helpful. Please contact me if you have any questions or if you would like to request additional work by CBO on BRAC issues. CBO's staff contact is Lauri Zeman, who can be reached at (202) 226–2900.

Sincerely,

JUNE E. O'NEILL,
Director.

Mr. LEVIN. The heart of the matter, it seems to me, is that our auditors, our budget experts, have said that it is their conclusion that ''past and future BRAC rounds will lead to significant savings for the Department of Defense.''

What are those estimates of savings? By 2001, the Department estimates that BRAC actions will produce a total of $14.5 billion in net savings. After 2001, when all BRAC actions must be completed, steady State savings will be $5.7 billion per year. This is just from past base closure rounds, which some Members say can't be audited in terms of precise savings.

That is a lot of money, $5.7 billion per year—steady State savings. Is it possibly $5.6 billion or $5.8 billion? Nobody can state with certainty. It is significant.

What can be stated is what the CBO's conclusion is, that these are significant savings and are similar to the kind of savings that the CBO believes are achieved with base closing.

Last July, as I indicated, the CBO gave their own conclusions, so while we can debate this issue on the floor about audit trails and how precise the estimates are, our auditors, our experts, have reached the critical conclusion that the savings, indeed, are significant.

Earlier this month we received letters from Secretary Cohen, from the Chairman of the Joint Chiefs, from all of the Joint Chiefs, from the Secretaries of the Army and the Navy and the Air Force. In his letter, Secretary Cohen says the Department's ability to properly support America's men and women in uniform today and to sustain them into the future hinged in great measure on realizing this critical savings that only BRAC can provide.

Our ability to support the men and women in uniform depends on future savings from BRAC rounds.

A letter which we just received, signed by all six members of the Joint Chiefs of Staff, makes their views crystal clear:

> Simply stated, our military judgment is that further base closures are absolutely necessary.

Those are pretty strong words and these are our uniformed military leaders. On the Armed Services Committee, we put a lot of stock in their judgment on most issues. Once in a while we may disagree with them, as is our right and our duty, but when the top military leadership, civilian and uniform, in this Nation tell Members that more BRAC rounds are ''absolutely necessary'' we should take heed.

General Shelton said in last year's Department of Defense report:

> I strongly support additional base closures. Without them, we will not leave our successors the war-fighting dominance of today's force.

That is not a political statement; that is a military man's statement. That has to do with warfighting dominance.

We can argue about audit trails or specifics on this floor, but when the Chairman of the Joint Chiefs says we will not leave our successors the warfighting dominance that we have in today's force without additional base closures, those are words which have a special meaning, it would seem to me, to all of the Members who have this special responsibility.

We have to face up to this responsibility. A decade ago, after years of prodding by Senator Goldwater and under the leadership of Senator Nunn and Senator WARNER, Congress had the vision and the courage to start the BRAC process. Just imagine the financial problems that we would have today if we could not count on the savings from previous BRAC rounds. If the Senators a decade ago did not succeed in persuading us to start the BRAC process, think of the problems we would have today. Those are the problems we are going to have 4, 5, 6, 7 years from now if we do not continuing a process, if we do not continue the process, if we do not shed the excess infrastructure which is no longer needed.

Mr. WARNER. Mr. President, will the Senator allow me to address the Senate with regard to a unanimous consent request which he and I have shared? I will just present it.

I ask unanimous consent that time until 1:45 today be equally divided on the BRAC amendment between the proponents and opponents, with the vote beginning, as under the previous order, at 1:45 today.

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

Mr. WARNER. Mr. President, the distinguished Senator from Michigan and I had discussed the possibility of Senator KERREY coming in. I am committed to the 1-hour time agreement. We are advised by Senator KERREY he would not be available to utilize that time period after the 1:45 vote. I will be working to determine what we can bring up following the 1:45 vote.

Mr. LEVIN. I thank my friend from Virginia for his efforts to accommodate Senator KERREY. An additional hour is needed for his amendment, but because of his vice chairmanship on the Intelligence Committee which begins meeting right now, he is unable to be here.

Mr. WARNER. The most I can advise the Senate is we will have the vote at 1:45 today on the BRAC amendment. Thereafter, as quickly as I can, I will advise the Senate, after consultation with the ranking member, as to what the next amendment will be.

I yield the floor.

Mr. LEVIN. Mr. President, how much time do I have?

The PRESIDING OFFICER. The distinguished Senator from Michigan has 1 minute 14 seconds.

Mr. LEVIN. I yield myself an additional 2 minutes. I will finish and then ask unanimous consent that after I am completed, in 3 minutes or so, Senator ROBB be recognized.

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

Mr. LEVIN. Mr. President, Congress likes to ask the Joint Chiefs every once in awhile how much more money they think they need and where should we add it? What are their priorities?

Those are legitimate questions for us to ask. But they are also relatively pretty easy issues to address. Our duty as Members of Congress extends far beyond pitching and hitting softballs. We have an obligation to the men and women in uniform to listen to the Chiefs when they ask us to do something that is hard to do.

The Chiefs' opinions are important to us when following them is easy to do, when they give us their priorities if we can find some additional funds. But now they are asking us to do something that is hard politically to do, and that is to heed their advice, to close some additional bases. I do not know of anybody in the Department of Defense or anybody in this Chamber who likes closing bases. Not many people like going to the dentist or losing weight either. It is just a lot more fun to eat dessert than to look after your health. But we have an obligation—and it is difficult—in the best interests of this Nation, and for the health of our military, to do not what is easiest, but to do what is essential.

What is essential has been told to us very eloquently in these letters from the Chiefs, in this letter from the Secretary of Defense, in this letter from the three Service Secretaries. These letters tell us as pointedly, dramatically, strongly, forcefully as they can, that it is essential that additional bases be closed. ''Our military judgment is that further base closures are absolutely necessary.''

I began my few minutes of comments with that quote and I end them with that quote, because I hope we will all think about that as we make a politically tough decision on how to vote on the pending McCain-Levin amendment.

I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Virginia is recognized.

Mr. ROBB. Mr. President, I thank my distinguished friend and colleague from Michigan for his leadership on this issue, as well as my colleague and friend from Arizona for his leadership on this issue. It is a difficult issue.

This year, we have added billions of dollars to improve the readiness of our Armed Forces. It does not take a budget expert to realize how much more we could accomplish for our men and women in uniform if we had the billions in savings that would accrue from just one additional round of base closures in the year 2001.

Last year and the year before that, I argued that not giving the Department of Defense the authority it has asked for to close unneeded bases makes the Congress look shortsighted and indecisive. I argued then that every dollar used to maintain excess infrastructure is a dollar diverted from resources we so badly need to modernize our equipment and to improve the quality of life of our hard-working military personnel and their families.

Sadly, those BRAC efforts failed for nearly the same reasons the emergency supplemental succeeded last year, reasons that have more to do with politics than with making the right choices when it comes to protecting this Nation's interests, both now and into the next century.

Admittedly, the emergency supplemental had plenty of legitimate emergency spending, emergency spending for our troops, for our farmers, and for hurricane and tornado victims. But it threw fiscal discipline out the window by also spending billions in nonemergency spending. In my view, we have acted just as irresponsibly over the past 3 years by refusing to close bases we no longer need. If we fail to pass this latest BRAC proposal once again, we will have failed not only the taxpayer but also the men and women who comprise the finest fighting force the world has ever known.

I come back to this point, one I have made time and time again, to ask, who really suffers if we force the Department of Defense to keep open bases it does not need? In the end, we only punish those who most need the benefits of infrastructure savings. First, we punish the Nation's taxpayers when we fail to make the best use of the resources with which we are entrusted. Second, we punish today's soldiers, sailors, and marines, because current readiness requires having sufficient reliable resources for equipment, training, and operations. Finally, we punish tomorrow's force, our future readiness, as we continue to mortgage the research, development, and modernization of the platforms and equipment that will be necessary to keep America strong into the 21st century.

As the Joint Chiefs of Staff have testified, there is no shortage of legitimate programs to apply BRAC savings towards including Navy shipbuilding. Years of relatively low procurement rates have created a shortfall so significant that the fleet size will shrink to substantially less than the 300 ships of the Navy's stated goal in the 2020s, if procurement rates of 8 to 10 ships do not start materializing now. The Navy is stretched thin enough right now, with 324 ships. Do we really want to risk not having enough ships to meet our commitments in the next century?

It does not have to be this way. The 300-ship Navy, the Army after next, and the Air Force and Marine Corps of tomorrow can be funded, at least in part, from BRAC savings. The savings from the first four rounds of base closures alone are estimated to be on the order of $25 billion over the next 4 years. It should come as no surprise that scores of studies and organizations such as the Quadrennial Defense Review, the Defense Restructure Initiative, the National Defense Panel, and Business Executives for National Security have all concluded that more base closures are crucial to the future of our Armed Forces.

It is time to put politics behind us. We have an obligation to change the way we do business and to do what is right for our Armed Forces and what is right for the taxpayer. I urge my colleagues to support this critically important amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. Mr. President, I ask unanimous consent that Senator FEINGOLD be added as a cosponsor of the pending amendment.

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

PRIVILEGE OF THE FLOOR

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that Mr. Lesley Spraker, a military affairs fellow in the office of Senator DEWINE, be granted the privilege of the floor during the consideration of S. 1059.

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

Mr. SMITH of New Hampshire. Mr. President, I further ask unanimous consent that Paul Barger, a national defense fellow in Senator INHOFE's office, be given the privilege of the floor during the remainder of the debate on the defense authorization bill.

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

Mr. SMITH of New Hampshire. Mr. President, at this time, I yield whatever time he may consume to the Senator from Wyoming.

The PRESIDING OFFICER. The distinguished Senator from Wyoming is recognized.

Mr. THOMAS. Thank you, Mr. President. I thank the Senator from New Hampshire. I will take just a couple of minutes.

I rise in opposition to the McCain-Levin amendment on base closure. It is a difficult decision for me because I am persuaded there could be some closures that would make us more efficient in terms of our mission in defense. I remember my friend, Dick Cheney, whose place I took in the House, said that defense is not for economic development; it is for defense. I appreciate that, and I believe that.

I was not at all impressed with the last process. I was not at all impressed with the way the administration handled it, so I do not believe that it is appropriate at this time to bring in the politics again of base closure. Frankly, the military ought to come forward with their views as to what is necessary to carry out their mission. That, of course, should be our particular desire.

AMENDMENT NO. 395

Mr. THOMAS. Mr. President, I also rise in opposition to the Kerrey amendment. It seems to me that it would be a mistake to begin to downgrade our position with regard to missiles until START II is agreed to by the Russians. We have already approved that treaty; the Russians have not. I do not think we should weaken our position.

I appreciate the opportunity to share my views on those two amendments. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SMITH of New Hampshire. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator is recognized.

AMENDMENT NO. 393

Mr. SMITH of New Hampshire. Mr. President, during the markup of the defense authorization bill in committee, we twice rejected base closure amendments. So it does seem anticlimatic to be out here on the floor again for the very same proposal. But such is the way of the Senate sometimes.

Senators MCCAIN and LEVIN did offer an amendment to have two rounds of base closures in 2001 and 2003. The process was adjusted to ensure that the next incoming President would appoint the commissioners. Everything else was identical to the amendment now being offered, and the amendment was defeated by a vote of 12–8, with members on both sides of the aisle voting one way or the other. Then Senators LEVIN and MCCAIN offered another amendment that called for only one round of base closures in 2001.

The House version of the Fiscal Year 2000 Defense Authorization bill is silent on base closures. Opposition to base closure in the House is much stronger than it is in the Senate, and the Membership has let it be known that they will oppose any base closure legislation in conference, even though the administration proposes these two rounds in 2001 and 2005. We are in a debate on the floor taking a lot of the Senate's time on a proposal that probably lacks the support in both the House and the Senate to get this to the President's desk.

There have been a lot of arguments made on both sides. Let me offer a few of my own.

During previous rounds, the Department had the opportunity to reduce the infrastructure to the extent that it believed necessary. That was the purpose of the previous rounds. The bottom line is that the Department failed to do that.

When first announced, the 1995 BRAC round was proclaimed to be ''the mother of all BRACs.'' But the outcome was just a whimper; it was a little daughter rather than a mother.

Any purported savings of another round of these closures would not be available in the near-to-medium term for the procurement of equipment and weapons modernization or any other purpose. That is really what we care about. We want money for new equipment. We want money for readiness and modernization.

The bottom line, as most of my colleagues know, is that it is going to cost us in the immediate future money that we desperately need right now for readiness. No one disputes that if you close down infrastructure, in the long run it is going to save money. That is obvious. But it is going to cost us somewhere in the vicinity of $3.2 billion right up front to begin the closing, with the environmental issues and all the changes that have to be made: the upfront cost transfer of units and equipment, new facilities at receiving installations, buyouts of civilian employees and environmental cleanup. If we do not have the dollars now to do what we need to modernize our troops, to get the equipment they need, to get them up to the readiness level at which they should be—how will we be able to pay these initial costs?

Arguments that have been made, rightfully so, by Senator INHOFE and others, concerning the politicization of the last BRAC process. We all know that the administration seriously damaged the base closure process by its handling of the Commission's 1995 recommendations concerning McClellan Air Force Base in California and Kelly Air Force Base in Texas. We need to let these issues settled. There are a lot of hard feelings left over from that. We need to fully resolve these issues before we attempt another round.

BRAC should be focused on excess capacity, but it should not be an excessively broad approach. We ought to target any future BRAC legislation—we do not want every single installation in America to be in BRAC purgatory. I believe the Senator from Kansas, who is in the Chair now, has used that term. And that is what happens. Everybody gets put in this purgatory and everybody has to hire all these consultants and experts to try to get out of purgatory and hopefully not go to Hell, but hopefully wind up in Heaven, with their base preserved.

As the number of worldwide commitments increases for the Armed Forces, we should be considering increasing the size of the Armed Forces. We can make a very compelling case for that. I am willing to make it. Further base closures could preclude that eventuality. What we lose, we never get back. For example, if we close a shipyard, imagine how much time and effort and money we would have to expend, and how many environmental hoops we would have to jump through to open another shipyard after it has been developed into condominiums along the harbor somewhere. We will never be able to do it. Once it is gone, it is gone. We need to understand that.

I think we have to look at it and ask ourselves this basic question: Is it now the time to reduce further our infrastructure for the purpose of some long-term savings that are going to cost us in the short term when there is all this uncertainty out there?

The Senator from Michigan very eloquently, in his statement, talked about the percentage argument—that force structure has gone down 36 percent, personnel has gone down 40 percent, and base closings are only down 18 percent. That sounds like a fair argument, and it sounds like you ought to be able to put it all together, and there ought to be an even 36 or 40 percent cut in all areas. But that is not the case.

If you use an analogy of a football team, your team may be half the size it used to be, but you still have to have a stadium to play in. So you can reduce helmets and you can reduce personnel

and you can reduce support, bandages, or whatever you need for the players, but you still have to have a stadium.

So I do not think you can break it down that simply. It does not matter whether you have a good team or a bad team, or whether you have 75 players as backup or 12 players as backup, you still need a stadium, you still need to have a certain amount of infrastructure to run the team.

So I say this is very ill-advised. We do not know where we are going. I personally believe that right now, the way things are going in the world, we are going to have to increase, not decrease, our personnel, increase, not decrease, our forces, and if we are going to do all that, we are going to have to have the infrastructure to support it.

So I hope this amendment will be defeated for those reasons alone, not to mention the anguish the communities would have to go through.

I think it is important to understand that the President of the United States is calling up reserves right now, in great numbers, to be deployed, Lord knows where—perhaps Bosnia, perhaps Kosovo; we do not know just where. We do not know what other crisis may break out.

I just think it is a terrible time to think about taking down infrastructure. What message does that send to the troops out there and to the people who support those troops all across the country in the bases and the infrastructure around those bases? What message does it send to those people if we say, in spite of all of this increase in activity around the world, we are now still going to eliminate more infrastructure, not knowing what we need for the next crisis?

We can eliminate it at some point, if it is necessary. We are not saving that much now to do it. As a matter of fact, even in the short term it is costing us. So there is no rush here. I think we ought to just settle down, take a careful look at what we are doing, reevaluate our entire military structure—and in my view, increase the size of our forces—and not rush to judgment here with some additional base closings.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SMITH of New Hampshire. How much time does the Senator need?

Mr. INHOFE. Five minutes.

Mr. SMITH of New Hampshire. I yield 5 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. The distinguished Senator from Oklahoma is recognized for 5 minutes.

Mr. INHOFE. I thank the Senator for yielding time.

I think just about everything has been said here, but there are some concerns I have that I would state in a little different way than the Senator from New Hampshire has stated them.

One is that we have gone through an artificial downsizing that is not commensurate with the threat that is out there. The myth that has floated around that the cold war is over, there is no longer a threat, is something that finally the American people are waking up and realizing is not true. We are in the most threatened position today that we have been in probably in the history of this country, with the diverse types of opposition out there, the proliferation of weapons of mass destruction and abilities to transport those weapons.

So I say, one of the strongest arguments against a BRAC round at this time is, we have gone through four BRAC rounds. If we take the level of our infrastructure down to meet the level of the force strength, then when we start back up with the force strength, we will not have the infrastructure that is necessary.

So we need to be looking at our rebuilding process. It would be like going through extensive BRAC processes back in the late 1970s—right before rebuilding, which is imminent. We are going to have to do it with the new administration.

Secondly, as I think the Senator from New Hampshire articulated quite well, we are in a really severe situation right now in terms of readiness. Later on today I want a chance to elaborate on this and talk about the fact that we are now at approximately one-half the force strength that we were in 1991. In other words, we could not repeat our effort in the Persian Gulf war today.

This is being complicated by all these deployments to places where we should not be. We should never have sent a troop or any effort or any assets into Bosnia; we should not have done that in Kosovo or Albania, or to Haiti, for all practical purposes, because that dilutes the already scarce military assets we have.

I say this relates to this subject because we have a military system that is hemorrhaging today. This is not something that we can wait until later to take care of. As the Senator from New Hampshire pointed out, anything that comes from a BRAC round, a new BRAC round, is going to cost money, not save money.

Now is when we are going to have to try to do something with our readiness so that if General Hawley has to stand up and say something has happened either in the Pacific theater, North Korea, or the Persian Gulf, Iraq or Iran, we would be able to meet that. We cannot do that today. So this certainly would be ill-timed, even if you believe that it was a good idea to have future BRAC rounds.

I think also we need to look at the budget we are passing. I want to talk about the inadequacy of what we are talking about in our authorization bill. We are increasing by about $9 billion what the President's budget was. We have had testimony from the CINCs and from others in the field and from the four-stars that this is totally inadequate. We are going to have to have at least a minimum increase of $24 billion each year for approximately 6 years.

Lastly, I would like to remind everybody of what happened in the last round, I believe, in the BRAC process. I was elected to the House in 1986, and that is when we put this idea together. It was a Congressman from Texas, DICK ARMEY, who did it. The idea was to get politics out of the BRAC process. Through round 1 and round 2 and round 3, there were no politics involved. They were not political decisions; they were rational decisions.

However, in the last round—and we all know what happened; no one is going to question this—the President went out there prior to the 1996 election, to McClellan in California and to Kelly in Texas, in order to get votes and politicize the system.

You might say: Well, this is going to come along after he is gone. I am a little bit concerned about the fact that there is a possibility, a very outside possibility, that AL GORE will succeed him. That being the case, he was involved in politicizing this, too.

For those who believe we still have excess infrastructure, I would like to have you consider that maybe we should wait until we see what the new administration is going to look like, what kind of commitments are going to be made. As chairman of the committee that has oversight over the BRAC process, I suggest we wait and not pass this BRAC recommendation today.

Thank you, Mr. President.

The PRESIDING OFFICER (Mr. BUNNING). The Senator from New Hampshire.

Mr. SMITH of New Hampshire. How much time does the Senator require?

Ms. SNOWE. Five minutes.

Mr. SMITH of New Hampshire. Is there a UC on the time?

The PRESIDING OFFICER. The Senator from Maine has 5 minutes.

Ms. SNOWE. I thank the Chair.

I gave a lengthy statement last night. I will not go into everything that I referred to, but I think there are several points that need to be reiterated with respect to base closing.

I strongly oppose the base closing amendment that has been offered by Senator MCCAIN and Senator LEVIN that would initiate another round in the year 2001. We come back to the same issues that have yet to be addressed by the Department of Defense with respect to creating a comprehensive analysis in terms of matching our infrastructure with our assets and the security threat mix that we can anticipate into the 21st century.

This is an analysis, in fact, that has been suggested and recommended by the National Defense Panel in order to have an overall assessment and accounting of exactly what we are going to need with respect to our domestic infrastructure into the 21st century.

I think everybody acknowledges that we are facing different types of threats today, more asymmetric, more unpredictable, more uncertain, far more diverse, regional threats than we have

ever encountered before. So as a result, it seems to me we need to have an accounting from the Defense Department as to exactly what are their needs.

They keep telling us over and over again from the previous four rounds that we have achieved and realized billions and billions of dollars in savings. Yet we have been unable to track those savings. In fact, in the reports by the General Accounting Office in 1996 and then again in 1997 and in addition to the Congressional Budget Office reports, all indicate the very same thing. It is very difficult to ascertain the amount of savings derived from the previous base closing rounds, because the Department of Defense has never established a mechanism for tracking those savings.

I think it is important for us to have that data so we can document what has exactly been saved as a result of those four previous rounds.

When you look at this chart, this is in the General Accounting Office report: Why BRAC Savings are Difficult to Track and Estimate Changes Over Time. DOD accounting systems are not designed to track savings. Some costs are not captured initially; i.e. the environmental costs.

Well, we now find out that they are going to have to spend at least $3 billion more in environmental mitigation than they anticipated.

Some savings cannot be fully captured—long-term recapitalization costs. Again, we have found out in terms of sales, they anticipated they would realize $3 billion in sales, and they have only received about $65 million. So that is a great gap between what they projected for revenues of sales and what they actually realized.

DOD components do not have incentives to track savings because budgets may be reduced. Over time events may impact costs and savings that could not have been known when estimates were developed.

On and on it goes. We have no way of knowing.

Then the Department of Defense has said, well, we have cut back on personnel by 36 percent so, therefore, we should be reducing infrastructure by 36 percent. Since we haven't done that, it should be one on one, essentially, we should be reducing our infrastructure. But again, these determinations should not be made by arbitrary percentages but, rather, a documentation of exactly what we need for the future.

We have unpredictable challenges and, therefore, I think we should make those decisions based on the assessment of what should be our military infrastructure for the 21st century. Yet we have not had that kind of accounting.

I hope the Senate will not approve another round until we have the opportunity to have this kind of analysis from the Department of Defense they have resisted providing over the years.

In fact, in the 1998 Secretary's report on BRAC, it said additional rounds of BRAC in the years 2001 and 2005—that would be contingent on two rounds—would yield $21 billion in the years 2008 to 2015, the period covered by the QDR, and $3 billion every year thereafter.

But that is contradicted by the report by the Defense Department in 1999 with respect to BRAC savings. It says with four BRAC rounds between 1995 and 1998, DOD invested approximately $22.5 billion to close and realign 152 installations. So it costs as much to close those bases as what they are projecting for savings from another two rounds in the future.

The PRESIDING OFFICER. The Senator's time has expired.

Ms. SNOWE. One additional minute.

Mr. SMITH of New Hampshire. I yield the Senator 1 additional minute.

The PRESIDING OFFICER. Without objection.

Ms. SNOWE. The real challenge and the problem with these base closing rounds has been the fact that they are costing far more than what the Defense Department anticipated. I think it is important for us to have the information and the verification from the Defense Department as to exactly what they have saved and how much it has cost and what they anticipate in the future. In addition, they have not even completed the four previous rounds. They have yet to be totally implemented. So we could be incurring additional costs.

Of course, the final dimension to the whole problem is all of the contingency operations. We have had 25 contingency operations that have cost the Defense Department more than $20 billion. That has impacted readiness and modernization.

I say to this administration that perhaps if they had more clear objectives with respect to these operations, we could contain the costs, but we should not put pressure on reducing our domestic infrastructure if we are going to have more contingency operations in the future that demand the use of our domestic installations.

The PRESIDING OFFICER. The Senator's time has expired

The Senator from Nebraska is recognized for 12 minutes.

Mr. HAGEL. I thank the Chair.

Mr. President, I rise to strongly support the McCain-Levin amendment. The arguments that have been made this morning and this afternoon, I believe, speak rather clearly and directly to why this amendment is worthy of our colleagues' support today.

I also wish to express my strong support for S. 1059, the fiscal year 2000 Department of Defense authorization bill being debated here on the floor of the Senate.

The first responsibility of our Government is to provide for a strong national defense to protect America's security interests. The primary responsibility of elected officials is to provide the leadership and the wisdom to ensure it is used in the best interests of the American people.

The percent of the gross domestic product we spend today on defense is lower than what it was just prior to the Japanese attack on Pearl Harbor. At the end of the cold war, there was excited talk about the peace dividend that would come, of course, from the decline in East-West conflict as a result of the implosion of the Soviet Union and the reduction in defense spending that, of course, would logically follow.

There was also talk about a new global order. Some suggested that war might be obsolete, thanks to the breakout of democracy around the globe. This all sounded hauntingly familiar to the end of World War I and other periods in the history of the world. But there is a peace dividend. That dividend is the new freedoms and opportunities that have resulted from the peace and stability America and her allies won over the last 50 years.

If we step back for a moment and review Korea, Vietnam, the Persian Gulf, we understand in some rather direct terms what our stand and our allies' stand in those three areas of the world meant to stability, to commitment, to using our forces in a positive way that, in fact, stood for what was right in the world.

I am a veteran of Vietnam. I served in Vietnam in 1968, and I have heard many times of the stories written and the debate about whether it was a wasted effort in Vietnam. I have responded this way: If America had not taken a stand in Vietnam, aside from how we executed and prosecuted the war—if we had not taken a stand in Korea, Vietnam, and the Persian Gulf, does anyone doubt that the face of Asia, the face of the Middle East would be different than it is today? Of course it would be. Would it be more in the interest of freedom and stability and democracy and market economies than it is today? I don't think so.

So, you see, it is not only having the ability to protect our interests and preserve freedom and democracy, but the will and the leadership to make that commitment is just as important. There are new challenges and new responsibilities today that we face, as the new dynamic world always provides, as we move into the next millennium.

During the cold war, we confronted one adversary on several fronts. Today, we confront several adversaries on several fronts. One of the concerns that we must be very vigilant about over the next few years is not placing America's interests in the world in a position to be blackmailed by nations who would threaten those interests by threatening to use a weapon of mass destruction and for us, essentially, not only to be militarily incapable of responding to that blackmail and not having the leadership and the will to say we are not going to do that, that isn't going to happen. Actions have consequences. Inactions have consequences.

America and her allies have done very well over the last 50 years to help

stabilize a very unstable world. Partly, that has been the result of our word meaning something, our commitment meaning something. But if we don't have the military assets and the resources to be able to call upon that capacity to stop tyranny and war and instability, then in fact we place America in a terrible position and we threaten America's security through the possibility of blackmail.

We must harbor our national defense resources wisely, of course. But when we do use them, we must follow the principles of the Powell doctrine: Overwhelming force deployed decisively in the pursuit of clear objectives.

Rebuilding our military will not be cheap. America needs to understand that. This bill heads us in the right direction, but much more is going to be required. We must not and we cannot build our military based on budget caps or spending goals. Military spending must be based on the threats and challenges we face in the world today. We must protect our interests and help maintain global stability to ensure our long-term growth and prosperity.

The defense budget must flow from our national security interests, not the other way around. The budget cannot drive our national security interests. Our national security interests must drive the budget. If we must find other means to take those resources and put them in our national security budget, then we must do that. That will require prioritizing our budget, our resources. It will prioritize what we as Americans believe our role in the world to be.

Every year, the nondefense nondiscretionary budget grows. You have heard the numbers in the last 2 days around here. For the last 14 years, our defense budget has grown smaller. We have cut our defense budget over the last 14 years. Every year, these other needs crowd out other spending priorities. Nondiscretionary entitlement programs are important, but they do us little good if the military is cut back to the point that our interests are threatened around the world: oil supplies are cut off, sealanes are blocked, citizens and corporations abroad are threatened, and our economy declines.

We must look for savings in the DOD budget, of course, push for greater reforms, seek greater efficiencies, and tailor our military for future challenges. But we also must be willing to spend as much as we need to protect our interests in this very uncertain, dangerous world. Having a strong, capable military is only half of the challenge. We must also have strong, capable political leadership. That leadership must have the respect of the world, so that the world knows that that leadership of ours can connect the military capability that we employ; knowing when and where to use our military. Strong leadership, anchored by clear principles, beliefs, vision, and policy, has always had its own deterrent power.

Dictators fear strong leaders because they know strong leaders will act—despite public opinion polls, focus groups, short-term political gains, or leverage. Leaders understand that actions have consequences, and that inaction has consequences.

Last week, King Abdullah from Jordan was here and spoke rather clearly and plainly to this issue regarding NATO's involvement in Kosovo. These are difficult times, but so have they always been. The real debate that will consume the American electorate next year, and the Presidential politics and this body next year, will be simply: What is America's role in the world? What leadership do we care to continue? We must recognize that if another country is to replace America as the world's leader, that new world leader may not be as benevolent as America has been in this century.

I don't want that kind of a world to be inherited by my 6-year-old and 8-year-old. Richard Haas' new book, ''Reluctant Sheriff: The U.S. After the Cold War,'' lays it out clearly. That question about the role of America in the next century is a legitimate question. There should be a relevant debate, with the relevant questions asked: What burdens do we want to carry into the next century? Is it worth taking a disproportionate share of the world's burdens, which we have always had? I believe it is.

Henry Kissinger's piece in this week's Newsweek magazine, ''New World Disorder,'' speaks to this issue. Unexpected events happen in the world daily. For example, last Sunday, a Chinese intelligence ship was sunk in the South China Sea. Supposedly, the Philippine Navy sunk it in an area that is contested. That is how fast flashpoints can bring world powers into conflict.

We need to commit ourselves now to rebuilding the U.S. military, reasserting ourselves on the world stage, and accepting the burdens that come with leadership.

Can we imagine Harry Truman, Dwight Eisenhower, John Kennedy, or Ronald Reagan whining about the burdens of leadership, whining about, well, I don't know what the polls show or the focus groups show. Can we imagine those leaders governing and doing what they thought was in the best interest of our Nation and the world based on the political whims and winds of the time? I don't think so.

America must continue to serve as the rock to which other democracies around the world can anchor. We must also continue to serve as the beacon of freedom and justice for other nations and other peoples. America has always inspired hope around the world, but we cannot lead the world without a strong national defense.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SMITH of New Hampshire. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be equally divided.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. HATCH. Mr. President, once again we have a BRAC authorization measure before us. And once again the same deficiencies that led to the far-reaching political distortion of the prior, so-called ''independent'' BRAC commissions, are ignored.

I voted against the first BRAC authorization back in February 1989. At the time, I was one of only eight senators opposing the measure because, I said, it could not avoid political tampering. I was hoping to have been proven wrong. Unfortunately, I was not.

The proposal of my distinguished colleagues, Senators MCCAIN and LEVIN, is well-intended. There is no question that a properly run BRAC outcome could lead to funds freed up for force modernization, military pay increases, and many other badly needed defense needs, not the least of which is readiness. But it's not the motivation of my colleagues that I worry about. Rather, I still question whether this process can be completely objective. Whoever occupies the White House is also likely to be misguided by the same kind of outside pressures and political interests that characterized the previous BRAC disasters.

And, on a more parochial note, I am simply not going to vote to put my home state through this process again. We have proven over and over and over again that Hill Air Force Base and the other military installations based in my state are efficient, productive, and high quality. I am not going to vote to make them prove it again in a forum where the deck may already be stacked.

So with all due respect to my colleague from Arizona, I cannot support this amendment.

Mr. BUNNING. Mr. President, I have listened carefully to the current debate on the pending amendment which authorizes a round of military base closings commencing in 2001. At this time I do not support a further round of base closings. Therefore, I oppose this amendment for the following reasons.

I have repeatedly asked the Department of Defense, military bases in the Commonwealth of Kentucky, and the Kentucky Department of Military Affairs for information and proof that the past rounds of base closings have produced any savings to the Department of Defense or the U.S. taxpayer. After repeatedly asking for this information to prove this point, it has not been provided to me. Therefore, I need to see proof in savings and these savings need to be in ''real'' terms and without any accounting gimmicks and projected budgetary outcomes based on guesswork.

Many criticize the Department of Defense's current accounting measures. They say these accounting measures are not soundly based and that these measures are used in decisions which result in an unjust imbalance between our military base infrastructure and the rest of the military. Just because the Department of Defense is reduced in certain areas by a certain percentage, doesn't mean that our military base infrastructure should be cut at the same percentage level. The Department of Defense needs to measure any downsizing of our military base infrastructure in a formulaic way rather that just an across the board cut done blindly and foolishly.

Also, I am not convinced that if savings were found from past base closings, that the bases in Kentucky, Ft. Knox and Ft. Campbell, would be protected and strengthened. I have recently been told by the U.S. Army that these bases would not be harmed and that they would benefit from any future rounds of closings. The U.S. Army talked of these bases as being leading posts in their branches. However, I have not seen any new strengths added to these bases from past closings and I have not been told of any specific missions which would be added to those bases in Kentucky. I need reassurance from the U.S. Army that these posts will be protected by seeing the future plans for these posts and the specific missions which would be added to them.

Furthermore, I am not convinced that our military in its current state can do more with less. We are in a tangled mission in Yugoslavia, we have major troop deployments around the Korean peninsula and around Iraq, and we have U.S. troops scattered amongst some 40 other spots elsewhere in the world. Our deployments have increased dramatically over the past decade. If this trend of increased deployments continues, I cannot see the rationality of downsizing our military base structure in the midst of this pattern which seems to have no end.

In conclusion, I have not seen savings from past military base closings. Even if I was convinced there were savings, I am not convinced that the military bases and the soldiers that serve and work at those bases in Kentucky would be protected. I am concerned about minimizing our base structure while our soldiers and military do more with less. Also, past base closings have been politicized at the Presidential level and I fear the process may continue down that path again.

Because of these reasons, I oppose this amendment which authorizes another round of base closings.

Mrs. FEINSTEIN. Mr. President, I rise in opposition to the amendment offered by Senators MCCAIN and LEVIN authorizing a new round of base closures. As the senior Senator from the state that has suffered the greatest impact from the previous rounds, I believe that the base closure process is deeply flawed and fundamentally unfair.

The first four rounds of base closure occurred too rapidly and too little effort was made to protect local communities from devastating lob loss and economic hardship. For those who say that adverse local impact is a necessary consequence of reducing military infrastructure, I would like to describe how this process has effected California where since the first BRAC round in 1988, 29 bases in California have been scheduled for closure or realignment.

Some claim that the process has been streamlined and every effort has been made to expedite the transfer of bases to the local community. I have also heard claims that base closure can be a boon to the community by bringing new opportunities for job creation and economic development.

Now let's look at the facts. The California Trade and Commerce Agency estimates that the four rounds of BRAC cost 97,337 military and civilian jobs. How many have been created? Less than 17,000. That is a net job loss of more than 80,000 jobs.

The reason we are not seeing job creation or economic growth is because the land is simply not being transferred to the local communities as was originally planned. The process is so slow and bureaucratic that years go by before any development can be done on the closed bases.

Again, the numbers prove this. The 29 closed bases represents 77,269 acres of land. The Federal Government has retained almost 25,000 for itself and 30,000 acres have yet to be transferred. That means that local communities have had access to less than 30 percent of the property that should have been made available to them. It is difficult to create jobs or stimulate economic growth without the land to do it.

That is the big picture of how the State of California has been impacted by the base closure process. Here is the impact at the local level.

Every member of this body who has had a major base close in his or her state can tell a base closure horror story, but I believe the magnitude of the loss that the city of Long Beach has faced makes it unique. In fact, if Long Beach were a state, it would rank in the top five in terms of the number of jobs lost due to base closure.

The Long Beach Naval Station was closed as part of BRAC 1991. This resulted in the loss of more than 8,500 military and civilian jobs. The direct loss of wage and contract was $400 million with an estimated economic loss of another $1 billion annually.

As the city struggled to deal with this devastating blow, the federal government dealt it another. In 1995, the Long Beach Naval Shipyard was scheduled for closure. The job loss from this action has been more than 4,000 and it has caused another $1 billion in total economic loss.

The city's woes continued during negotiations with the Navy on the terms of the conveyance of the Naval Hospital. In 1964, the city had sold the property to the Navy for $10. Long Beach had a growing naval community and the Navy had, in large part, been a good neighbor. In recent years, that has proven not to be the case. The Navy demanded $8.5 million for the property. The same piece of property that the city gave to them for $10. In an effort to get the conveyance process moving, the city reluctantly agreed to the price.

Now, at a time when the Clinton administration is proposing that all current and future economic development conveyances be done at no cost, the Department of Defense has thus far refused to renegotiate the deal. It appears that the Pentagon, with a budget in excess of $250 billion, has a greater need for the $8.5 million than Long Beach with a budget of just $330 million.

This is only one example of the multitude of problems with base closure. It is an inefficient, bureaucratic, and ineffective process. I believe this is the wrong time to authorize a new round of closure. All we would be doing is following one flawed procedure with another.

As California's example shows, local communities have not been given the opportunity to recover from the four previous rounds. Delays caused by lack of funding and red tape have prevented the completion of land transfers and the beginning of reuse.

I believe it is essential that we allow enough time for the base closures of the 1990's to run their course before we deal them the challenges of the 21st century closures. If nothing else, we owe that to our local governments. I urge the defeat of this amendment.

Mr. LEVIN. Mr. President, I wonder if the good Senator from New Hampshire would consider yielding me 3 minutes of his time so we can preserve the 10 minutes that we have left for Senator MCCAIN who I understand is on his way over.

Mr. SMITH of New Hampshire. I yield 3 minutes to the opposition side.

Mr. LEVIN. I greatly appreciate that.

Mr. President, we have had several years of debate now about the President's alleged role in the last base closure round on the privatization-in-place proposals for Sacramento and San Antonio. This just simply cannot be allowed to be an issue, and it should no longer be an issue. Because of the hard work of the Armed Services Committee, we just resolved the depot issue in a fair way.

Our amendment deals with the privatization-in-place issue by including language for the 2001 BRAC round that would allow privatization-in-place closing of a military installation only when it is recommended explicitly by the Base Closure Commission and when it is the most cost-effective approach.

Our amendment also ensures the entire BRAC process takes place after the next administration is in office. The

base closure statute explicitly recognizes already that the President can decide whether or not to have a BRAC round, and he can decide not to have a BRAC round simply by deciding not to nominate BRAC commissioners. If the new President decides not to have a BRAC round, he simply will not nominate the new commissioners. If there is a BRAC round, the new Secretary of Defense will oversee the process of the statutory steps in the round done under the new administration under the timetable which is in this amendment.

Short of banning people from even thinking about base closures until 2001, there is just really nothing more that can be done to ensure that there will be no politicization at all. I know there were strong feelings on the 1995 round. But I don't think we should keep punishing the taxpayers and keep spending money which we need for the men and women in uniform to have the right pay and the right equipment by continuing to raise the allegations which were leveled about the Sacramento and San Antonio actions.

As it turned out, by the way, things came out quite well. The bidding team that represented the privatization in place of those two facilities lost during a competitive bidding process.

We have to be willing to take the heat. We can no longer just say that the last round was politicized if, in fact, it was cured in the next round. We just cannot eternally and constantly look back at these allegations and debate what may or may not have happened in the 1995 round as an excuse for not doing our duty here in 1999 in terms of saving the money, which is so essential if we are going to have the defense budget rationally devoted and rationally spent. We are talking here about a significant chunk of money. We cannot waste this money. Our uniformed personnel and our civilian leadership are pleading with us to authorize an additional base closing round. This amendment assures that it is the next administration—not this one—which will determine whether to proceed with a base closing round. All we would be doing is authorizing it. The next administration would be the one that would be administering this next round. It would not be this administration.

The timetable that we put in here assures every single statutory step, from picking the commissioners to do the work that is necessary to sending in the recommendations. All of that will take place with the new President and not with this President.

I yield the floor.

Mr. LOTT. Mr. President, if I could inquire about time. It is 1:30 now; are we scheduled to vote on base closure at 1:45?

Mr. LEVIN. The majority leader is correct.

Mr. LOTT. Mr. President, I have followed the base closure recommendations, the so-called BRAC issues, for many years, going back to my years in the House. We have been down this old BRAC road several times before. I have always been opposed to this approach.

I remember standing in the center well of the House years ago, talking to Congressman ARMEY of Texas. He was talking about his concept. I told him that I thought it was an abdication of responsibility, but if he wanted to pursue it, here is how to do it, and here is how it has to come through the Rules Committee. He took notes copiously and pursued it and it went through.

I think this is one more example where we and the administrations are avoiding the tough choices. For years, for 100 years, when there was a need to close a base, the administration, the Pentagon, the Department of Defense sent up recommendations of surplus or unneeded bases that Congress, through the authorization process, appropriations process, considered those recommendations and made a decision to close them or not.

Over the years, as it became more and more difficult to close remaining bases or to make increasingly tough decisions, these so-called BRAC rounds gained popularity and were pushed and, in fact, passed through the Congress. I don't think this is the way it should be done and I maintain it has not worked well.

In many cases, bases were closed, including several in my State. I go quite often now to those former bases as we continue to work to get new business and industry to come into those facilities. The tough decisions were made. We did our job.

So the first thing I recommended is let's do our job. I discussed that with Secretary of Defense Cohen and he, of course, smiled and said yes, but we probably won't get them closed.

I believe if the case is made and they recommend a surplus, that could be done—maybe not as many as they would like, but the process is there and we should honor that process.

We have had these base closure proceedings in the past. They have been painful. They cause tremendous upheavals in the defense community. In the communities where it happens, millions of dollars have been spent trying to defend against closures or, once a closure decision has been made, trying to find a way to make use of the base.

For such communities, losing a base is more than just an economic loss; it is an emotional loss and a blow to the core of their identity. These are just not nameless, faceless people involved. In most military communities, personnel from the base are church leaders, little league coaches, and scout masters, not just men and women with money to spend. Communities that lose a base lose much more than economic well-being; they lose friends, neighbors, and community leaders. I think it is very important that we remember what this process does to communities and to the people who are involved.

I maintain the ones that we have had in the past have worked pretty well, although some bases are still not fully closed. The environmental cleanups have not happened in other instances. Many of these facilities, now, are just sitting there.

I recommend before we go to another round, if we ever do, of base closures, we ought to let the ones that have already been recommended fully run out the string. Let's see what we have saved.

I am told a good bit of money will be saved this year from the base closures. But if you read the little asterisk down at the bottom, it doesn't include, for instance, environmental cleanup costs.

So if you look at the impact this has had on our communities, on our defense installations, and what has actually come from it, I think it is not good judgment to go forward with another round now. Think about what we are doing. Think about the timing.

Here we are at a time when our defense capabilities are being stretched to the maximum steaming time, time our men and women are out on ships and they are on remote assignments, at a time when our troops are in combat this very day, we are talking about closing installations or closing facilities back here at home.

Also, a side note: Just last week we passed a bill that provided money for construction of more military facilities in Europe, so we are going to be adding a half billion dollars in new construction in Europe. Maybe it is needed. Maybe that says we have acted too hastily in drawing down in Europe. We allowed our facilities—the runways, the air traffic control towers, the housing facilities—to deteriorate even there. But at a time when we are going to be spending money in Europe, we are talking about cutting back here at home. Are American servicemembers going to return to find that while the bases overseas are being rebuilt there are ''For Rent'' signs on the ones they left back home in the United States?

I think, first of all, the whole idea of doing it through a commission is not wise. Second, I do not think we have completed the process of the base closure decisions that have already been made. Third, the timing could not be worse.

Let's look at this more. Let's make sure we can stop the free fall our defense has been going through in readiness, in morale of our troops, in recruitment and retention. It is just one more factor that can serve as a discouragement to our men and women in the military. Some people say, let's go ahead and do it, the Department of Defense wants to do it this way—instead of doing their job, in my opinion—and it probably will not affect me.

I have a list I recommend Senators review before they cast their votes. This list will be available in the Senators' cloakrooms. I will have them on desks. I will have it in my hand. Look at the bases that were on the list that

were not closed in the past. These will be the ones that probably would be first choice to be reviewed again. Just in the State of California, you are talking about 15 facilities. It covers the entire country. It covers facilities in almost every State.

When I look down this list, it really scares me, the facilities that could be considered for closing, what it would do in those communities and what it would do to our military capabilities. So take a look at this list before you cast this vote. Maybe sometime in the future we will need to take another look at it.

But I still think there is fallout from the fact that the last closure did become tangled up in political decisions. There is a very strong feeling that some of the decisions recommended by the BRAC were changed or evaded subsequently. I remember Secretary of Defense Cohen believing very strongly he was not given the information he was entitled to when the Base Closure Commission was acting involving the State of Maine. We need to spend more time thinking about this. We should get over this hump we are at right now of our military capability and the involvement we have now in the Balkans. Maybe another year.

I will tell you what I think we ought to do. Let's try doing it the way it was done for 100 years. Let's try doing it through the normal process. I support commissions sometimes. I guess the day might come when I would support one in this area. But I do not think this is the right time and I do not think this is the right way to go about it.

If the DOD feels further base closures are needed, the most logical solution I see is for the Pentagon to identify bases it no longer decides are necessary and submit these findings to us. Show the Congress where the redundancy and obsolescence are. I have full faith that this body is capable of looking objectively at our defense needs and determining whether a base has outlived its usefulness.

Where is accountability in the BRAC process? We in Congress should not be abdicating congressional authority to some ad hoc commission. In this time of severe military drawdowns and austere budget cuts, I think it is all too easy for us to pass the buck and allow a commission, which has no obligation to answer to any constituency, to further strip our military. I do not think we were elected to leave all the difficult choices to a special commission. The average American feels very strongly about our national defense, and its important that the buck stops here when it comes to ensuring our military readiness.

So I urge my colleagues, before they vote, look at this list. Think carefully about what you are doing. Can we be assured this will be done in a totally objective way? What will be its impact on our military right now? I thank the chairman of the committee, Senator WARNER, for his thoughtfulness in this area. He has generally, in the past, been supportive of this effort, even when it affected his own State. He has stood up and said, We will do our own part. You have to commend him for that. But he, this time, has said this is not the right time; maybe another day, maybe another way, but not now.

That is what I hope the Senate will do. I hope the Senate will vote against this next round at this time.

I might emphasize, earlier on there was a recommendation we have two rounds, 2001–2005. It was considered we would exclude certain areas and allow the others to go forward. I think the principle of that is wrong. My own State might be exempted and everybody else might have to deal with it—that is wrong. We should not do things that way. We should have a fair, across-the-board policy. I think that is the way we should do it.

I yield to the Senator from Virginia.

Mr. WARNER. Mr. President, it is interesting the leader brings up ''the old-fashioned way,'' because when I was Secretary of the Navy, circa 1971, 1972, 1973, I closed the Boston Naval Shipyard and the destroyer base, where Senator JACK REED and Senator CHAFEE were very much interested in that. We did it the old-fashioned way. I must say we came down here and we had hearings. I remember in the caucus room, Senators Pastore and Pell sat there and grilled me and the Chief of Naval Operations for the better part of a day. But it worked out. So there is a precedent for doing it the old-fashioned way.

I say to my distinguished leader, I was the coauthor of the first BRAC bill and the second BRAC bill. But the commission concept was predicated on trust and fairness. Regrettably, Mr. Leader, that was lost in the last round when, as you know, in the California and Texas situations, the sticky fingerprints of politics got in there.

Mr. LOTT. Yes.

Mr. WARNER. Therefore, all the communities across the country, once a BRAC process is initiated, they go to general quarters and they hire these expensive lobbyists and all types of people to try to make sure their case, should it work its way up through the system, is treated fairly. That is all they really ask. Unless there is trust in the system, we cannot achieve a commission concept of closures.

Maybe we can induce the Secretary of Defense to try it the old-fashioned way and give it a shot. I commit to work fairly and objectively if you put it right on the table. I thank the leader for his strong position.

Mr. LOTT. I thank Senator WARNER.

Let me point out another instance of another Secretary of the Navy, Senator CHAFEE of Rhode Island. When he was Secretary of the Navy, the decision was made, and it was very difficult, but the decision was made to basically mothball the Davisville, RI, Seabee base. I think it is still maintained in a state of readiness, but the number of troops and employees were substantially reduced. But he had done his job. We have done our job in the past without a commission.

By the way, right now there are lawyers and various people going around the States saying, get ready, there is going to be another BRAC, you better hire me so I can make sure your case is made. I think that is wrong and I thank you for your leadership on this issue.

Mr. President, I urge the Members to vote against this base closure commission proposal. I have always opposed this procedure. I opposed it in the House in the eighties, even though I remember talking to Congressman ARMEY from Texas about the merits and demerits and how he could proceed to get it done. He did it quite well.

We have been through not one, not two, but 2½ rounds of base closure commissions. I think it is wrong in principle, because we are abdicating, once again, our responsibility to make decisions about what is best for a strong national defense to a commission. For 100 years, if bases, depots, or facilities needed to be closed, the Department of Defense made recommendations to Congress, the Appropriations Committee reviewed the recommendations and made decisions, and bases and facilities were closed. I know of three in my own State of Mississippi that were closed in the fifties and sixties, probably with good justification.

I can remember when the Secretary of the Navy was JOHN WARNER of Virginia. Some tough decisions were made, recommendations were made to the Congress, and facilities were closed. The same thing occurred when Senator CHAFEE was Secretary of the Navy. That system worked for 100 years. Some 15 or 20 years ago, it got harder and harder to get Congress to go along with this and the commission idea came along.

I think we ought to go back and do it the way it was originally intended. Let's do our job. I think when Members say we will never have any facilities closed, history belies that fact.

My next point is, we have been through these 2½ rounds. They were a terrible experience for the communities and for the States involved that have facilities that are impacted. I maintain that we haven't yet quite felt the impact or gotten the benefit of the base closure rounds that have already been done. We still have facilities that have not been completely closed or the environmental cleanup has not been accomplished. We don't know whether we really saved money or not.

I urge we not go to another round until we have been able to assess completely how the earlier rounds worked or didn't work, what the cleanup costs were, what the real impact was on the communities.

I must say, the timing is terrible, at a time when we are asking our military men and women for more and more in terms of steaming time, time spent on

remote assignments, and, in fact, at this very moment Americans are involved in a bombing campaign in the Balkans.

Just last week we passed legislation providing about half a billion dollars to add to facilities in Europe. At a time when we are spending more money for facilities in Europe to upgrade or replace facilities that probably we should have already done, we are talking about setting up a process to close them in the United States. I don't think that is very wise.

It also comes at a time when our readiness is falling, when our retention and recruitment is declining. We are trying to do something about that by adding some money for readiness and for the future needs of the military, to increase the pay for our military men and women. This is just one more little stick in the eye that will affect, I think, adversely, the morale of our military men and women.

Finally, and not the least, I maintain that last time politics got very much involved in the base closure round. Bases that were supposed to be closed in California and Texas found a way to evade that. It was not just one or two States; it happened in several different places. I don't think the system worked very well.

I don't think we should do this now. I think we ought to wait and assess what has happened, do it at a time when we are not basically at war. Let's wait until the next administration comes in. We don't know whether it will be Republican or Democrat. Let's take a look at this thing in 2001. If, in fact, we haven't been able to get rid of some of the excess or unneeded facilities, and if we are not at war, if we have been able to turn around our needs for readiness and the morale and retention of our troops, I will take a look at it. I don't think this is the right thing to do. I don't think it is the right time. I think it is wrong in principle.

I could have probably found a way to limit this base closure in a way that would have been responsible, and it would also probably have spared my own State, but I thought that was wrong. I don't think I ought to be trying to find a way to spare my own situation and let others bear the brunt of the decision. We ought to do it all the way or not.

What we ought to do is let the Pentagon make the recommendations and act on them.

Finally, any Members who think this is fine, don't worry, it will affect somebody else, I have a list here of bases, depots, and facilities that were on the list of earlier base closure rounds that were not closed. These are the likely facilities to be affected. This is not a free vote in isolation, where Members can let somebody else pay the piper. Members can take a look and see how it would impact New York or Michigan or Ohio before casting a vote. Ask yourself when you look at the facilities: Are these excess? Are these unneeded facilities? I think that might affect your decision.

We should defeat this. We should go on and pass this very good defense authorization bill that has been developed by the committee, without this provision in there.

Maybe another day, another time, would see it differently or we would need to vote differently, but not here and now. I urge the defeat of the base closure commission amendment.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. MCCAIN. Mr. President, I ask unanimous consent to speak on the amendment for approximately 5 minutes. I probably will not take that long.

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

Mr. MCCAIN. Mr. President, all I can assume is that perhaps this vote may be getting close because a list was distributed, which can only be to try to frighten Members, which has no basis in anything except the imagination of some Senate staffer. It is really unfortunate we have to get into this kind of damn foolishness. I mean really, this is just foolishness. It does not have my State on it, yet three bases were ''considered'' by BRAC between 1991 and 1995. Whoever is responsible for this really ought to be a little ashamed—a little ashamed, maybe.

The process exists. It was used before. Every single expert, whether they be inside or outside the military—unless they are a Member of Congress—says that we have to close bases. Find me one, find me one military expert, former Secretary of Defense, any general, any admiral, any expert, anyone from a think tank, right or left on the political spectrum, Heritage Foundation, Brookings—find one. Find one who does not say we have too many bases and we have to go through a procedure to close them. This procedure was used in years past.

Strangely enough, strangely enough we have arguments like it costs more money to close bases than it does to keep them open. If that is the case, we ought to build more bases. If that is the case, we never should have closed the bases after World War II. The fact is, that has saved billions and will save billions.

We have young men and women at risk all over the world who are not properly equipped, who are not properly trained, who are leaving the military—11,000 people on food stamps and we have not even got the nerve and the political will, some might even say guts, to do the right thing. The right thing is to save money, transfer that money to the men and women in the military who are serving under very difficult conditions with equipment that has not been modernized, with a readiness level that we have not seen since the 1970s, and morale at an all-time low. Meanwhile, our commitments grow and grow and grow.

I guess, given this incredible, bizarre list that some intellectually dishonest staffer—intellectually dishonest staffer compiled, we will probably lose this vote. But I tell you, this will not be a bright and shining hour for the Senate of the United States of America.

I yield the remainder of my time.

Mr. WARNER. Mr. President, just to advise the Senate, there is a likelihood the Senator from Washington will be recognized for an amendment at the completion of this vote. It is still being worked on, but we hope to be able to accommodate the Senator.

The pending business, of course, at the end of the vote, would be the Lott amendment.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Do we have any time left on this amendment?

The PRESIDING OFFICER. All time has expired on this amendment.

Mr. LEVIN. I ask unanimous consent for a minute for the Senator from California.

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

Mrs. BOXER. Mr. President, I will not be supporting the McCain amendment. I am not supporting it for a very simple reason. I felt the BRAC method was very political. It was hyped as: Oh, this is nonpolitical; it is going to be based on the merits.

I was not at all convinced that was the case. When you really sat down afterwards and picked the winners and losers, it was pretty clear that a lot went into that decision that was political.

Second, we have not seen, as the Senator from Maine, Ms. SNOWE, has stated, the kind of savings that we were promised because bases were closed and then their missions were recreated somewhere else.

California got hit so hard I could not even begin to tell you the overwhelming economic impact that we have taken. We still have bases, I say to my friends, that are sitting there that have not even been cleaned up and cannot be reused.

So I will not be supporting the McCain amendment. I hope it will not pass. I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 393.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced, yeas 40, nays 60, as follows:

[Rollcall Vote No. 147 Leg.]

YEAS—40

Ashcroft	Hollings	Moynihan
Bayh	Jeffords	Reed
Biden	Kennedy	Reid
Bond	Kerrey	Robb
Bryan	Kerry	Rockefeller
Byrd	Kohl	Roth
Chafee	Kyl	Santorum
DeWine	Landrieu	Smith (OR)
Feingold	Leahy	Thompson
Gramm	Levin	Voinovich
Grams	Lieberman	Wellstone
Grassley	Lincoln	Wyden
Hagel	Lugar	
Harkin	McCain	

NAYS—60

Abraham	Dodd	Lott
Akaka	Domenici	Mack
Allard	Dorgan	McConnell
Baucus	Durbin	Mikulski
Bennett	Edwards	Murkowski
Bingaman	Enzi	Murray
Boxer	Feinstein	Nickles
Breaux	Fitzgerald	Roberts
Brownback	Frist	Sarbanes
Bunning	Gorton	Schumer
Burns	Graham	Sessions
Campbell	Gregg	Shelby
Cleland	Hatch	Smith (NH)
Cochran	Helms	Snowe
Collins	Hutchinson	Specter
Conrad	Hutchison	Stevens
Coverdell	Inhofe	Thomas
Craig	Inouye	Thurmond
Crapo	Johnson	Torricelli
Daschle	Lautenberg	Warner

The amendment (No. 393) was rejected.

Mr. WARNER. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I am ready to propound a unanimous consent request. I ask unanimous consent that the Senate now consider an amendment by the Senator from Washington, Mrs. MURRAY, an amendment re: DOD privately funded abortions, that there be 1 hour for debate prior to a motion to table, with the time equally divided and controlled, with no intervening amendment in order prior to the vote.

The PRESIDING OFFICER (Mr. GREGG). Is there objection?

Mr. GRAMM. Reserving the right to object, Mr. President, may I propound a request to the chairman?

The PRESIDING OFFICER. If the chairman yields the floor for that purpose.

Mr. WARNER. I will do that.

Mr. GRAMM. Mr. President, as you know, it takes unanimous consent to allow the Murray amendment to come forward. Any person can object, because you have two amendments pending. I have, I believe, worked out an agreement with the distinguished ranking member to have the vote on the reconsideration of the amendment, where there was a tie vote yesterday, occur either at 5 or after the disposition of the Kerrey amendment, whichever is sooner. If that could be added to your unanimous consent request, I think that would be agreeable to both sides. I have no objection to Senator MURRAY bringing her amendment up. I simply do not want to leave this matter pending past 5 o'clock, if we can avoid it.

Mr. WARNER. Mr. President, I wish to accommodate the Senator. I presume you would want 3 minutes for each side to speak to the amendment prior to that vote taking place.

Mr. GRAMM. I would be willing to do that. But, quite frankly, we had a time limit. It has been exhausted. If it would accommodate the body, I would agree to just have the vote.

Mr. WARNER. My understanding is the Senator from Michigan does not desire any time.

Mr. LEVIN. Neither one of us is asking for it.

Mr. GRAMM. I think we have made our cases.

Mr. WARNER. Let me amend my unanimous consent request to incorporate the request from the Senator from Texas.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Virginia, as modified?

The Senator from Michigan.

Mr. LEVIN. Reserving the right to object, I just want to see if there is any problem on that relative to Senator KERREY. I don't know why there would be, offhand, but we are trying to make sure there is no problem. It is fine with me.

Mr. WARNER. Mr. President, I say to my good friend, we have bent over backwards all day to accommodate him. We will continue to do so. Whatever the problem, we will solve it.

Mr. LEVIN. That is fine with me. He has also been very accommodating to us. I just want to see if I can get a signal. Do we know whether or not Senator KERREY would have any objection to that?

Mr. President, may I suggest the absence of a quorum?

The PRESIDING OFFICER. The Senator from Virginia has the floor.

Mr. WARNER. Mr. President, we will acknowledge the request for the quorum, but I think one Senator seeks recognition for an administrative purpose, and I have no objection to that.

The PRESIDING OFFICER. The Senator from North Dakota.

PRIVILEGE OF THE FLOOR

Mr. DORGAN. Mr. President, I ask unanimous consent that Tony Blaylock, a legislative fellow from my office, be granted the privilege of the floor for the duration of the defense authorization bill.

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

Mr. WARNER. Might I suggest to the ranking member that another Member, the Senator from Colorado, desires to address another matter. Rather than putting in a quorum call, I would like to have agreement that the Senator proceed.

Mr. LEVIN. Could we ask the Senator from Colorado about how long his remarks will be?

Mr. ALLARD. Maybe I don't need to have this special provision we talked about. I talked with the staff of the chairman, and they said all we had to do was file the amendment. I filed the amendment and I am happy. I think we are in good shape. It is there, where we can bring it up immediately.

Mr. WARNER. I will put it in the RECORD as of now that you have done that, if you will address the Chair.

AMENDMENT NO. 396

(Purpose: To substitute provisions regarding the Civil Air Patrol)

Mr. ALLARD. Mr. President, I ask unanimous consent that we lay aside the following amendments for the purpose of introducing my amendment No. 396 and then we would go back to the regular order.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Reserving the right to object, would you describe in two sentences the nature of the amendment so other Senators can be acquainted with it.

Mr. ALLARD. The nature of the amendment is that it strikes a provision dealing with the Civil Air Patrol, brings them under the direct control of the Air Force. We want to strike out that provision and then set up a report and review of an incident that has occurred with CAP through GAO and the Inspector General. Real briefly, that is what the amendment is about.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Without objection, it is so ordered. The clerk will report the amendment.

Mr. WARNER. Mr. President, if I could advise the Senator from Colorado, in fairness to all colleagues, Senator INHOFE, a fellow committee member, has a position, I think, different from yours; is that correct?

Mr. ALLARD. That is correct.

Mr. WARNER. There could be other Senators, many Senators, interested in this Civil Air Patrol issue. I am happy to lay it down, and at such time as we can get a reconciliation of viewpoints, we hope to proceed. How much time do you think you would need so other Senators——

The PRESIDING OFFICER. If the Senator from Virginia would suspend for a second so the clerk can report the amendment.

The legislative clerk read as follows:

The Senator from Colorado [Mr. ALLARD], for himself, Mr. HARKIN, Mr. SESSIONS, Mr. STEVENS, Mr. CONRAD, Mr. DORGAN, Mr. CLELAND, Mr. CRAIG, Mr. BINGAMAN, Mr. BRYAN, Mr. REID, Mr. CAMPBELL, Mr. MURKOWSKI, and Ms. SNOWE, proposes an amendment numbered 396.

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

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

The amendment is as follows:

Strike section 904, and insert the following:

SEC. 904. MANAGEMENT OF THE CIVIL AIR PATROL.

(a) SENSE OF CONGRESS.—It is the sense of Congress that no major change to the governance structure of the Civil Air Patrol should be mandated by Congress until a review of potential improvements in the management and oversight of Civil Air Patrol operations is conducted.

(b) GAO STUDY.—The Comptroller General shall conduct a study of potential improvements to Civil Air Patrol operations, including Civil Air Patrol financial management, Air Force and Civil Air Patrol oversight, and the Civil Air Patrol safety program. Not later than February 15, 2000, the Inspector General shall submit a report on the results of the study to the congressional defense committees.

(c) INSPECTOR GENERAL REVIEW.—(1) The Inspector General of the Department of Defense shall review the financial and management operations of the Civil Air Patrol. The review shall include an audit.

(2) Not later than February 15, 2000, the Inspector General shall submit to the congressional defense committees a report on the review, including, specifically, the results of the audit. The report shall include any recommendations that the Inspector General considers appropriate regarding actions necessary to ensure the proper oversight of the financial and management operations of the Civil Air Patrol.

Mr. ALLARD. Mr. President, I ask for an hour equally divided.

Mr. WARNER. Fine. I thank the Chair for the guidance. I thought the amendment had been logged in.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia has the floor.

Mr. LEVIN. Will the Senator yield?

Mr. WARNER. I yield the floor.

Mr. LEVIN. Mr. President, I am wondering whether the Senator from Virginia would consider the following approach: after the disposition of the Murray amendment, that there then be an hour of debate on the Kerrey amendment and, immediately following the disposition of the Kerrey amendment, that the reconsideration vote occur on the Gramm amendment, precluding second-degree amendments to the Kerrey amendment.

Mr. WARNER. Mr. President, I will have to ask my colleague to withhold that request. I will work on it, and I think we can accommodate all interested parties.

Now, my understanding from the Chair is, we proceed to the amendment——

The PRESIDING OFFICER. The Senator from Virginia has a unanimous consent request pending. Is there objection?

Mr. WARNER. I am not able to hear the Chair.

The PRESIDING OFFICER. The Senator from Virginia had a unanimous consent request pending. Is the Senator withdrawing that request?

Mr. WARNER. No. I thought I had a unanimous consent request to proceed to the amendment of the Senator from Washington for a period not to exceed 1 hour, at the conclusion of which there would be a motion to table and then, of course, a vote.

The PRESIDING OFFICER. Is there objection?

Mr. GRAMM. Mr. President, reserving the right to object, all I want to do is work out a time to bring up a vote that we are not even going to debate on. I will be happy to have it either after the Kerrey amendment or at 5 o'clock. There is some concern here about limiting a second amendment, apparently, on the Kerrey amendment. I do not have a dog in that fight.

We are in a position where I can't exercise my right, because we have two amendments, now three amendments, that are pending, which makes the floor manager sort of a gatekeeper. But it also makes anyone else a gatekeeper. All I am asking is if I could get an agreement on a time certain basis and/or following something else. I am not trying to be difficult to deal with; I just would like to work this out before we go on.

If 5 o'clock is all right, we can stop whatever we are doing at that point and have the vote. I do not even require any more debate. I just want to settle this issue. I would have to object.

The PRESIDING OFFICER. The Senator from Virginia has the floor. There is a unanimous consent request pending.

Mr. KENNEDY. Mr. President, reserving the right to object, so the floor managers may have the opportunity to have the consent request, would the Chair repeat the request?

The PRESIDING OFFICER. There is a parliamentary inquiry.

Mr. WARNER. Mr. President, I think I can clarify the situation very quickly.

The Senator from Virginia has propounded a UC to permit the Senator from Washington to have an hour equally divided, after which time there will be a tabling motion by the Senator from New Hampshire and then a vote.

That was before the Chair at the time our colleague from Texas sought recognition for the purpose of trying to reconcile an understanding between himself and the ranking member. Apparently, at this time, we cannot achieve that reconciliation. It is my hope that the two Senators can continue to work and will permit the Senate to go forward with the amendment of the Senator from Washington.

Mr. GRAMM. Mr. President, may I just suggest that we set the vote at 5 o'clock and leave the Kerrey amendment alone? The net result is the same. The Senator was willing to agree a moment ago to do it. If the Kerrey amendment is what is in dispute, it seems that it would have produced this result before. So I just urge my friend from Michigan to allow us to settle the issue. We are going to do it without intervening debate. But the problem is that I have privilege under the rules of the Senate, and that is being precluded by the stacking of amendments that require a unanimous consent request.

Mr. WARNER. I think we are ready to solve it. Would the Senator have a colloquy with our colleague?

Mr. GRAMM. Yes.

Mr. LEVIN. Mr. President, my understanding is that the chairman has no objection if at 5 o'clock we have the vote on reconsideration, even though we were in the middle of another debate. I have no objection if he doesn't.

Mr. WARNER. I have no objection.

Mr. LEVIN. That is probably what will happen. In the middle of debate on another amendment, we will go back to the reconsideration. I have no objection to that happening at 5 o'clock.

Mr. WARNER. We have done that before. It may be somewhat inconvenient, but it is important to keep the momentum of this bill going. We have had superb cooperation from all Senators. I would like to make note that we have only had two quorum calls in 3 days.

Mr. President, I now propound a unanimous consent request that the Senator from Washington be permitted to go forward with her amendment at this time, with a 1-hour time agreement, equally divided between the Senator from Washington and the Senator from New Hampshire, and at the conclusion of that hour, there be a motion to table by the Senator from New Hampshire and then a rollcall vote. We will get the yeas and nays later.

Mr. GRAMM. We have the 5 o'clock vote on the reconsideration, correct?

Mr. WARNER. Mr. President, I add to that a 5 o'clock vote on amendment No. 392.

The PRESIDING OFFICER. Is there objection?

Mr. GRAHAM. Mr. President, I do not have an objection, but I would like to make an inquiry. At some point, I would like to be in a position to do what Senator ALLARD has done, which is to introduce an amendment and then lay it aside for the appropriate consideration at its due time. Would it be appropriate, after we have taken action on the unanimous consent, or as part of the unanimous consent, that I would be given an opportunity to introduce an amendment and then lay it aside?

Mr. WARNER. Mr. President, I just ask if we could have one variation. At the conclusion of the vote on the amendment of the Senator from Washington, I would be prepared to work out an opportunity for the Senator from Florida to be recognized and lay down an amendment.

The PRESIDING OFFICER. Is there objection to the unanimous consent request of the Senator from Virginia?

Without objection, it is so ordered.

PROVIDING FOR A CONDITIONAL ADJOURNMENT OF THE SENATE

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to the adjournment resolution, which is at the desk, and further that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The resolution (S. Con. Res. 35) was agreed to, as follows:

S. CON. RES. 35

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Thursday, May 27, 1999, on a motion

offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, June 7, 1999, or until such time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Thursday, May 27, 1999, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 12:30 p.m. on Monday, June 7, 1999, for morning-hour debate, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of the concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and the House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000

The Senate continued with the consideration of the bill.

AMENDMENT NO. 397

(Purpose: To repeal the restriction on use of Department of Defense facilities for privately funded abortions)

Mr. MURRAY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for herself, Ms. SNOWE, Ms. MIKULSKI, Mrs. BOXER, Ms. LANDRIEU, Mr. KERREY, Mr. SCHUMER, Mr. INOUYE, Mr. KENNEDY, and Mr. JEFFORDS, proposes an amendment numbered 397.

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

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

The amendment is as follows:

In title VII, at the end of subtitle B, add the following:

SEC. 717. RESTORATION OF PREVIOUS POLICY REGARDING RESTRICTIONS ON USE OF DEPARTMENT OF DEFENSE MEDICAL FACILITIES.

Section 1093 of title 10, United States Code, is amended—

(1) by striking subsection (b); and

(2) in subsection (a), by striking ''(a) RESTRICTION ON USE OF FUNDS.—''.

Mrs. MURRAY. Mr. President, this is the Murray-Snowe amendment that concerns our brave young women who serve in the military and their right to pay for their own safe, reproductive health care services. I am here today, again joined by Senator SNOWE and many others, to offer our amendment to protect military personnel and their dependents' access to safe, affordable, and legal reproductive health care services.

That is exactly what this amendment is all about—access to safe, affordable, and legal reproductive health care services. That is why the Department of Defense supports this amendment, as does the American College of Obstetricians and Gynecologists. The Department of Defense recognizes that it has a responsibility to ensure the safety of all of its troops, including our women.

Many of you may wonder why Senator SNOWE and I continue to offer this amendment year after year. Why don't we just give up? Let me tell my colleagues, the reason I come to the floor every year during the Department of Defense authorization bill is to continue to educate in the hope that a majority of you will finally stand up for all military personnel.

As I have in the past, I come here today to urge my colleagues to guarantee to all military personnel and their dependents the same rights and guarantees that are enjoyed by all American citizens. These rights should not stop at our border. We should not ask military service women to surrender their rights to safe, affordable, legal reproductive health care services because they have made a commitment to serve our country.

Many of our military personnel serve in hostile areas in countries that do not provide safe and legal abortion services. Military personnel and their families should not be forced to seek back-alley abortions, or abortions in facilities that do not meet the same standards that we expect and demand in this country. In many countries, women who seek abortions do so at great risk of harm. It is a terrifying process.

I heard from a service woman in Japan who was forced to go off base to seek a legal abortion. Unfortunately, there was no guarantee of the quality of care, and the language barrier placed her at great risk. She had no way of understanding questions that were asked of her, and she had no way of communicating her questions or concerns during the procedure. Is that the kind of care that we want our service personnel to receive? Don't they deserve better? I am convinced that they do.

This amendment is not—let me repeat is not—about Federal funding of abortions. The woman herself would be responsible for the cost of her care, not the taxpayer. This amendment simply allows women who are in our services to use existing military facilities that exist already to provide health care to active-duty personnel and their families. These clinics and hospitals are already functioning. There would be no added burden.

I also want to point out that this amendment would not change the current conscience clause for medical personnel. Health care professionals who object to providing safe and legal health care services to women could still refuse to perform them. Nobody in the military would be forced to perform any procedure he or she objects to as a matter of conscience.

For those of you who are concerned about Federal funding, I argue that current practice and policy results in more direct expenditures of Federal funds than simply allowing a woman herself to pay for the cost of this service at the closest medical military facility.

Today, when a woman in the military needs an abortion or wants an abortion, she first has to approach her duty officer to request from him or her medical leave. Then she has to ask for transport to a U.S. base with access to legal abortion-related services. Her duty officer has to grant the request, remove her from active duty, and transport her to the United States. This is an expensive, taxpayer-funded, and inefficient system. Not only is there cost of transportation, but there is cost to military readiness when active personnel is removed for an extended period of time.

As we all know, women are no longer simply support staff in the military. Women command troops and are in key military readiness positions. Their contributions are beyond dispute. While women serve side by side with their male counterparts, they are subjected to archaic and mean-spirited health care restrictions. Women in the military deserve our respect and they deserve better treatment.

In addition to the cost and the loss of personnel, we have to ask: What is the impact on the woman's health? A woman who is stationed overseas can be forced to delay the procedure for several weeks until she can get her travel to the United States where she can get safe, adequate, legal health care. For many women, every week an abortion is delayed is a risk to her health.

Why should a woman who is serving our country in the military be placed at a greater risk than a woman who is not serving in the military?

In talking about this amendment, I am often struck by how little some of my colleagues know about restrictions on reproductive health care services in many other countries. Many of my colleagues may be surprised to learn that in some countries abortions are illegal, and punishment is swift and brutal—not just against the provider but against the woman as well. In these cases, a back-alley abortion can be deadly. Not only are they risking their own health, but they are also risking their own safety and well-being.

We are talking about women who are serving us overseas in the military. Why should we put our military personnel in this kind of danger?

We are fortunate in this country, because abortion is an extremely safe procedure when it is performed by trained medical professionals. However, in the hands of untrained medical professionals in unsterilized facilities abortion can be dangerous and risky to a woman's health. The care that we expect—actually the care that we demand—is simply not universal.

Regardless of what some of my colleagues may think about the constitutional ruling that guarantees a woman

a right to a safe abortion without unnecessary burdens and obstacles, it is the law of our land. Roe v. Wade provides women in this country with a certain right and a guarantee. While some may oppose this right to choose, the Supreme Court and a majority of Americans support this right. However, active-duty servicewomen who are stationed overseas today surrender that right when they make the decision to volunteer and to defend all of us.

It is sadly ironic that we send them overseas to protect our rights, yet in the process we take their rights away from them.

I urge my colleagues to simply give women in the military the same protection whether they serve in the United States or overseas. Please allow women the right to make choices without being forced to violate their privacy, and, worse, jeopardize their health. This is and must be a personal decision. Women should not be subjected to the approval or disapproval of their coworkers or their superiors. This decision should be made by the woman in consultation with her doctor.

The amendment that is before us simply upholds the Supreme Court decision. It is not about Federal funding. It is not about forcing those who constitutionally object to providing these services. It is simply about the degree that we recognize the role of women in the military and whether we give them the respect that I argue they deserve.

Mr. President, I yield to my colleague from Maine, Senator SNOWE, what time she would like to use.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Thank you, Mr. President. I thank the Senator from Washington for, once again, providing leadership on this most significant issue. As she said, it is regrettable that we have to come back to the floor to seek support for our women in uniform who happen to be assigned overseas for this very basic right. I commend her for introducing this legislation once again to repeal the ban on privately funded abortions at overseas military hospitals.

It is unfortunate that this amendment is even necessary. It is unfortunate that we have to be here fighting for it once again. How could this debate be necessary? How can it be that this blatant wrong still needs to be righted? Yet, here we are, once again, having to argue a case that basically boils down to providing women who are serving this country overseas with the full range of constitutional rights, options, and choices that would be afforded them as American citizens on American soil.

We are here today because the U.S. law denies the right to choose to 227,000 spouses and dependents stationed with our servicemen overseas, and denies the right to choose for more than 27,000 servicewomen who volunteered to serve our country. Though these women are right now protecting our country's interests, year after year this body denies them access to safe and sanitary medical care simply because they were assigned to duty outside the United States.

In very simple terms, this amendment will allow women stationed overseas that right to privately funded abortions at their local American military facility. It will allow women and their spouses the freedom to consider the most difficult, heart-wrenching decision they could make without fearing the potentially substandard care they would be faced with in a country that does not speak their language and that does not train their medical personnel the way in which they are here in the United States.

I don't understand why we insist in denying our service men and women and their families their right as Americans. We ask a great deal of our military personnel and their families—low pay, long separations, hazardous duty. When they signed up to serve their country, I don't believe they were told, nor do I believe they were asked, to leave their freedom of choice at the ocean's edge. It is ironic that we are denying the very people who we ask to uphold democracy and freedom the basic and simple right to safe medical care. The Murray-Snowe amendment would overturn that ban and ensure that women and military dependents stationed overseas would have access to safe health care.

I want to clarify the fact that overturning this ban doesn't mean we will be using Federal funds to support a procedure such as abortion. This would allow American personnel stationed overseas to use their own funds for the support of an abortion in a military hospital. It is very important to make that distinction.

As the Senator from Washington indicated, there is also a clause so that medical personnel cannot be forced to perform a procedure with which they disagree.

We had this ban lifted in 1993 restoring a woman's right to pay for abortion services with her own money. Unfortunately, that ban was reinstated back in 1995. I think it is important to understand what choices women are left with under our current policy.

Imagine a young servicewoman or the wife of an enlisted man living in a foreign country where language is a barrier. She finds herself pregnant and, for whatever reason, she has made a very difficult decision to terminate her pregnancy and she wants to have that procedure done in a military hospital and is willing to pay for it with her own funds. Under current U.S. law, she won't be able to do that. She won't be able to go to a base hospital near her family and friends. She won't be assured of the same quality care that she could receive here in the United States. She won't be able to even communicate under some circumstances because language might be a barrier.

So what are her choices? She must either find the time and the money to fly back to the United States to receive the health care she seeks, or possibly endanger her own health by seeking one in a foreign hospital, or she may have to fly to a third country, again where the medical services may not equate to those available at the military base—if she can't afford to return home.

What is the freedom to choose? It is a freedom to make a decision without unnecessary government interference. Denying a woman the best available resources for her health care simply is not right. Current law does not provide a woman and her family the ability to make a choice. It gives the woman and her family no freedom of choice. It makes the choice for her.

Our men and women in uniform—and the families standing behind them—are our country's best and most valuable assets. When people sign up for military service, they promise us they will do their best to protect our country and its ideals. We promise them we will provide for them and their families the necessities of life—to provide them with the most advanced and the safest health care available. That is the arrangement. This is the benefit that we make available to them in return for their commitment to serve our country. Our men and women and their spouses should not be required to give up their constitutional protections, and the Supreme Court supported right to privacy, and our promise of safe health care.

Yet, we prohibit women from using their own money—not taxpayers dollars—to obtain the care they need at the local base hospital.

What we are saying to our women in uniform, or to the dependents of others who serve in our military, is: Sorry. You are on your own. So she faces a circumstance that she would not confront were she stationed at Fort Lewis, WA, or Brunswick Naval Air Station in Brunswick, ME, because she could go off base and be guaranteed safe and legal medical care.

The Murray-Snowe amendment is only asking for fair and equal treatment. It is saying to our men and women and their families, if you find yourself in a difficult situation, we will provide the service of safe medical care if you pay for it with your own money. Is that too much to ask?

We owe it to our men and women in uniform. We owe it to them so that they have the options to receive the care they need in a safe environment. They do not deserve anything less.

I urge my colleagues to join in voting for the Murray-Snowe amendment.

I yield the floor.

Mr. SMITH of New Hampshire. Mr. President, here we go again with the same amendment that comes up every year. The vote is always close. There are a lot of very strong feelings on both sides.

Again, as I have in the past, I rise in opposition to this amendment—this time the Murray-Snowe amendment—

which would allow U.S. military facilities to be used for the performance of abortions on demand.

Under current law, no funds may be made available to the Department of Defense for the performance of abortions. The amendment now before the Senate is completely inconsistent with the Hyde amendment, which has been existing law for 20 years. Under the Hyde amendment, no taxpayer dollars may be used to pay for abortions.

The issue here is whether or not you want to basically throw out the Hyde amendment and say that Members are willing to have taxpayer dollars used to pay for abortions in military hospitals. The Hyde amendment recognizes that millions of American taxpayers believe that abortion is the taking of an innocent life, an unborn human being. Those Members, myself included, who proudly call ourselves pro-life should not be forced to pay for a procedure with our tax money that violates our fundamental and deeply held belief in the sanctity of innocent human life. That is the issue here.

In the 1980 case of Harris versus McRae, the Supreme Court upheld the constitutionality of the Hyde amendment. The Court determined that there is no constitutional right to a taxpayer-funded abortion, no matter how we feel on the issue otherwise—no constitutional right, according to the Harris versus McRae decision in 1980.

Current law with respect to abortions at military facilities, then, is fully consistent with the Hyde amendment. This amendment by the Senator from Washington will overturn existing law. The proponents of this amendment, which would overturn current law and allow abortion on demand at military facilities, claim that their proposal is somehow consistent with Hyde. It is not. They say this because, under their proposal, servicewomen seeking these abortions would pay for them. That is true.

This argument, however, evinces a fundamental misunderstanding of the nature of military medical facilities. Military clinics and military hospitals, unlike private clinics and private hospitals, receive not 10, not 20, not 30, not 90, but 100 percent of their funding from the taxpayers of the United States. A woman cannot go into a military hospital and use those facilities without the taxpayers paying for the facility she is using to have that abortion. The clinics, the hospitals, the doctors, the equipment—all of it is paid for by the U.S. taxpayer.

Physicians who practice in those clinics and hospitals, government employees whose salaries and bills are paid by the taxpayers, all of it, all of the operational and administrative expenses associated with the practice of military medicine are paid for by the taxpayers of the United States.

Furthermore, equipment that would be used at these facilities to perform the abortions, equipment that we abhor—those of us who are pro-life, who find it repulsive and reprehensible, and I won't go into the details about what happens with the equipment that is used on these innocent children—that equipment will be purchased by taxpayer dollars. It will be purchased by dollars that I pay in taxes and that many of my millions of friends around the Nation who oppose abortion, their dollars will be used to pay for this.

The Supreme Court of the United States has said that that is wrong and they ruled in the McRae case that it should not be done. In short, it is simply impossible to allow the performance of abortions at military facilities, even if the procedure itself is paid for by the servicewoman involved, without having the taxpayers forced to subsidize it. You can't have it.

The only way to protect the integrity of the taxpayer's dollars is to keep the military out of the business of abortion. We could go on and on, on just that issue. Just what business should the military be in? The military has gotten into a lot of things lately under this administration that don't belong in the realm of the military, but do we have to now go to the taking of the lives of unborn children and use the military to now do that? Do we have to really do that? Isn't it bad enough that we have to see throughout America since the illustrious Roe versus Wade decision in 1973—I ask everyone to reflect for a moment on what has happened since that decision.

In 1973, Roe versus Wade was passed. Since that date, 35 million babies, that we know of, have been aborted. Let's define abortion: The taking of the life of an unborn child. Thirty-five million. If you look at the statistics of how many girls are born and how many boys are born, that probably translates into about 18 million young girls who would now be as old as 30 years, perhaps, depending on when the abortion might have been performed. How many of those 18 million young women may have had the opportunity to serve in the U.S. military? They don't get that chance because our country, our Nation, supported a Supreme Court decision that said they didn't have a chance to ever have the opportunity to serve in the military, never have the opportunity to be a mother, never to have the opportunity to be a daughter, never to have the opportunity to live their dreams, to enjoy the liberties of the United States of America—never to have that opportunity. Never to have the opportunity to fight for the freedom of the United States as a member of the military because they were aborted—they were killed in the womb.

This Nation, through this Supreme Court decision, allowed it to happen. That is beyond the dignity, to put it mildly, of a great nation. We let it happen.

It is bad enough that happened, but now we have to go one step further with the amendment of the Senator from Washington and say that the taxpayers have to fund it.

Mr. President, I wish everyone who will vote on this amendment in the next hour or so had had the opportunity I have had to personally meet a young woman who is now in her midtwenties. She could not serve in the military because she was not physically able to serve in the military. Let me tell you why she could not serve in the military. She was aborted, and she lived, and she is crippled. So she cannot serve in the military. I have met this young woman, as many have. There are many like her, but I use her as an example, Gianna Jessen. Who knows, maybe Gianna would have liked to have been a woman in the military, but she cannot.

Why do we not wake up in America and understand what we are doing? Should we really be surprised when our children do some of the things they do in this country? Why should we be surprised? What is the underlying message? And this amendment sends the same message.

The underlying message is: Go to school today, Johnny. Go to school today, Mary. You be good kids. You do the right thing. And meanwhile, while you are at school, we will abort your brother or your sister.

That is the message we are giving to our kids. That is the message this amendment is giving to our kids. That is the message this amendment is giving to all Americans—that now we are going to say the taxpayers can support this kind of thing.

I wish the Senator from Washington would come down here on the floor with an amendment that might say we could provide a little help, a little counseling, a little love, a little compassion, a little understanding to this woman who wants this abortion, and explain to her the beauty of life and explain to her what a great opportunity it would be for her to have that child and to have that child grow up into a world where that child could be loved and could be understood and could have the opportunity to perhaps follow her mother's ambitions and serve in the U.S. military or perhaps to follow in her mother's wake and be a mother herself, to enjoy the fruits of the greatest nation in the world.

Let's not agree to this amendment and violate the spirit of the Hyde amendment and violate more unborn children, intrude into the womb, take the lives of unborn children.

When are we going to wake up? Would it not be wonderful to come down on the floor of the Senate just one year when we did not have to deal with this, when people would respect life and we would be offering amendments to protect life rather than to take it. That is an America I am dreaming of, Mr. President. That is an America I would like to see in the 21st century, not an America of death but an America of life, where we respect life.

Allowing abortion on demand in military facilities would violate the moral

and religious convictions of millions and millions and millions, tens of millions, of Americans who believe, through their own religious convictions, or in any other way, as I do, that the unborn child has a fundamental right to life, a right to life that comes from the Declaration of Independence, from the Constitution, and from God Himself. Yes, from God Himself. That is where it comes from, and we do not have the right to take it.

For the sake of one or two votes on the floor of the Senate, in a very few minutes we are going to make that decision. Whichever way it goes, we are going to find out how many more children have to die. How many more children have to die?

When are we going to wake up, America? How much more of this do we have to take? Why are you surprised when your children do something wrong? What kind of message do we send?

This amendment is not about the so-called right to choose abortion that the Supreme Court created in 1993. I disagree with Roe v. Wade. Everybody knows that. I just said it. I introduced a bill, S. 907, that would reverse Roe v. Wade, establishing that the right to life comes with conception and protecting that life. I dream of the America of the future when we will respect it.

But, as I said, this amendment is not about the larger issue of abortion; it is about taxpayer funding of abortion. Millions and millions of pro-life Americans, who believe to the very core of our being that abortion is the taking of an innocent life, should not be forced to pay for abortions, not directly, not indirectly, not any way you can define it, with taxpayer dollars.

I urge my colleagues, no matter what their personal views are, to reject this amendment, to vote to preserve current law, to vote to protect and be consistent with the Hyde amendment. Let's get the military involved in protecting America and not taking innocent children's lives.

I yield 5 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I compliment Senator SMITH for his remarks. I join him in urging our colleagues to vote ''yes'' in favor of the tabling motion, to vote ''no'' on the Murray amendment.

Abortion is not a fringe benefit. People talk about a benefit that other people have. Abortion is the taking of a human life, so it should not be just a fringe benefit that is provided for at Government expense or provided for in Government hospitals. These are military hospitals. They do not have abortionists working in those hospitals. They have not been allowed through 1992. It was a change in the Executive order by the Clinton administration in 1993, saying we are going to have those. In 1993 and 1994, because of an Executive order—not because of a change in Congress—the Clinton administration said we want to provide abortions at military hospitals.

Guess what. They could not find abortionists. They could not find doctors to perform abortions at military hospitals, because they had been prohibited for at least 10 years, if not 12 years before, when that was not the case. The Hyde amendment said we are not going to use Federal funds to provide abortions. We did not have abortions performed at military hospitals. The Clinton administration tried to change that. They did not have anybody to do it. They tried to recruit them.

We changed the law in 1995. The Murray amendment would change it back by saying to military hospitals: You must provide abortions—a fringe benefit. Granted, maybe the person receiving the abortion now would have to pay a little bit, but the military is going to have to find somebody to perform them. They are going to have to make sure they have somebody who is trained to do it, and trained to do it right. So they are going to have to hire people to perform abortions, people right now they do not have—they have not been able to find them. Frankly, in 1993 and 1994 we changed the law. Congress changed the law in 1995, and I think they were right in doing so.

I think it would be a mistake for Congress to overrule that now and say we think that should be a standard benefit that is provided in Government military hospitals all across the world, so it could be basically a fringe benefit, it could be standard operating procedure—yes, anybody can get an abortion in a military hospital. It would be a method of birth control. I think that would be a serious mistake.

We have to realize, it is not a fringe benefit; it is the taking of an innocent human being's life. So I urge my colleagues to support Senator SMITH in the tabling motion with respect to the Murray amendment.

Mr. JEFFORDS. Mr. President, we all recognize that the bottom line of our national defense is quality of our men and women in uniform. They are the core of our security. They make a commitment to the defense of this nation, and we make a commitment to them that includes access to high quality health care. Women serving overseas are particularly reliant on this commitment, as they often have no alternative access to quality health care.

The issue of abortion is a matter of individual conscience. The Supreme Court ruled in Roe v. Wade that the decision whether to have an abortion belonged to the individual, not the government. Yet, for American servicewomen, that right to choose is effectively being taken away from them. They are being denied access, even at no expense to the Government, to a safe medical procedure. In most cases, the service woman does not have access to this procedure anywhere else.

American servicewomen have agreed to put their lives on the line to defend this country. But yet we are denying them a basic right that all other women are allowed—one that could easily be granted to them at no expense to the federal government. The Murray-Snowe amendment provides that the woman involved would reimburse the government for the full cost of the procedure. In my mind, this is a basic matter of fairness. I would argue that our military women should not be singled out to be unjustly discriminated. I urge my colleagues to oppose the motion to table the Murray-Snowe amendment.

Mr. KENNEDY. Mr. President, I strongly support this amendment, which will at long last remove the unfair ban on privately-funded abortions at U.S. military facilities overseas. This amendment will right a serious wrong in current policy, and ensure that women serving overseas in the armed forces can fairly exercise their constitutionally-guaranteed right to choose.

This is an issue of fundamental fairness for the large numbers of women who make significant sacrifices to serve our Nation. They serve on military bases around the world to protect our freedoms. In turn, it is our responsibility in Congress to protect theirs. It is wrong for us to deny these women who serve our country with such distinction the same medical care available to all women in the United States. Women who serve overseas should be able to depend on military base hospitals for their medical needs. They should not be forced to choose between lower quality medical care in a foreign country, or travelling back to the United States for the care they need. Congress has a responsibility to provide safe medical care for those serving our country at home and abroad.

Without proper care, abortion can be a life-threatening or permanently disabling procedure. This danger is an unacceptable burden to impose on the nation's dedicated servicewomen. They should not be exposed to substantial risks of infection, illness, infertility, and even death, when appropriate care can easily be made available to them.

This measure does not ask that these procedures be paid for with federal funds. It simply asks that servicewomen overseas have the same access to all medical services as their counterparts at home.

In addition to the health risks imposed by the current unfair policy, there is also a significant financial burden on servicewomen who make the difficult decision to have an abortion. The cost of returning to the United States from far-off bases in other parts of the world can often result in significant financial hardship for young women. Servicewomen in the United States do not have to bear this burden, since non-military hospital facilities are readily available. It is unfair to ask those serving abroad to suffer this financial penalty.

If military personnel are unable to pay for a trip to the United States on

their own, they often face significant delays while waiting for available military transportation. Each week, the health risks faced by these women increase. If there are long delays in obtaining a military flight, the women may decide to rely on questionable medical facilities overseas. As a practical matter, these women in uniform are being denied their constitutionally-protected right to choose.

A woman's decision to have an abortion is a very difficult and extremely personal one. It is wrong to impose an even heavier burden on women who serve our country overseas. Every woman in the United States has a constitutionally-guaranteed right to choose whether or not to terminate her pregnancy. It is time for Congress to stop denying this right to women serving abroad. It is time for Congress to stop treating service women as second-class citizens. I urge the Senate to support the Murray-Snowe amendment and end this flagrant injustice under current law.

Ms. MIKULSKI. Mr. President, I rise today in strong support of the amendment offered by Senators MURRAY and SNOWE. I am proud to be a cosponsor of this amendment.

This amendment would repeal the current ban on privately funded abortions at US military facilities overseas.

I strongly support this amendment for three reasons. First of all, safe and legal access to abortion is the law. Second, women serving overseas should have access to the same range of medical services they would have if they were stationed here at home. Third, this amendment would protect the health and well-being of military women. It would ensure that they are not forced to seek alternative medical care in foreign countries without regard to the quality and safety of those health care services. We should not treat US servicewomen as second-class citizens when it comes to receiving safe and legal medical care.

It is a matter of simple fairness that our servicewomen, as well as the spouses and dependents of servicemen, be able to exercise their right to make health care decisions when they are stationed abroad. Women who are stationed overseas are often totally dependent on their base hospitals for medical care. Most of the time, the only access to safe, quality medical care is in a military facility. We should not discriminate against female military personnel by denying safe abortion services just because they are stationed overseas. They should be able exercise the same freedoms they would enjoy at home. It is reprehensible to suggest that a woman should not be able use her own funds to pay for access to safe and quality medical care. Without this amendment, military women will continue to be treated like second-class citizens.

The current ban on access to reproductive services is yet another attempt to cut away at the constitutionally protected right of women to choose. It strips military women of the very rights they were recruited to protect. Abortion is a fundamental right for women in this country. It has been upheld repeatedly by the Supreme Court.

Let's be very clear. What we're talking about here today is the right of women to obtain a safe and legal abortion paid for with their own funds. We are not talking about using any taxpayer or federal money—we are talking about privately funded medical care. We are not talking about reversing the conscience clause—no military medical personnel would be compelled to perform an abortion against their wishes.

This is an issue of fairness and equality for the women who sacrifice every day to serve our nation. They deserve access to the same quality care that servicewomen stationed here at home—and every woman in America—has each day. I urge my colleagues to support this important amendment to the 2000 Department of Defense Appropriations Bill.

Mr. HELMS. Mr. President, I strongly oppose the Murray amendment because it proposes to legalize the destruction of innocent unborn babies at military facilities. And Mr. President, if precious unborn babies are allowed to be slaughtered on military grounds, it will be a stark contradiction to the main purpose of our national defense—the defense and protection of the human lives in America.

Small wonder that the men and women serving in the military are losing faith in the leadership of this country. In fact, Congress recently heard from members of the Air Force, Navy, Army, and Marines who testified about the low morale among U.S. service men and women—which they contribute to a general loss of faith and trust.

After all, the military establishment continues to have its moral walls chipped away by the immoral principles of the extreme liberal-left. In fact, the American people would be shocked and disturbed to learn that our military has been pressured to accept Witchcraft as a recognized religion.

Why would Congress wish to demoralize our military folks further by casting a dark cloud over military grounds—which is precisely what will happen if abortions are to be performed at these facilities.

Let us not forget, America's military is made up of fine men and women possessing the highest level of integrity and pride in defending their country. These are men and women who have been selfless in dedicating their lives to a deep held belief that freedom belongs to all.

Senators should not mince words in saying that military doors should be shut closed to abortionists. I urge Senators to vote against this amendment.

The PRESIDING OFFICER. Who yields time?

The Senator from Washington.

Mrs. MURRAY. Mr. President, I remind my colleagues, what this amendment does is simply allow a woman who is serving in the military overseas to use her own money to have an abortion performed in a military hospital at her expense.

I yield 5 minutes to my colleague from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I thank Senator MURRAY for yielding me this time. It is so hard to know where to begin to respond to the comments made by both of my colleagues who are the leaders in the anti-choice movement and who are using this amendment as a reason to once more come to this floor and to attack a basic constitutional right, that women have been granted, that they do not agree with.

So what has been their effort? It is, in essence, to take away that right bit by bit. I hate to say this: They have made great progress. They have taken away the right to choose in many ways, from poor women in this country, by denying them funding. A woman in D.C. cannot exercise that right, even if she does not use Federal funds but locally-raised funds. They no longer teach surgical abortion at medical schools as a result of the action of this anti-choice Congress.

Women in the military, as we now know, are denied the right to go to a safe military hospital. Native American women who rely on Indian health care cannot go to that health care center and obtain a legal abortion.

I want to make a statement, and I sure would like a response: Women in Federal prison who need to have this legal procedure get treated better than women in the military overseas. Let me repeat that. Under the laws of this Congress, women in Federal prison get treated better than women in the military who are stationed overseas when both need to have this procedure.

Under our rules, if a woman is in a Federal prison, she cannot count on Medicaid, that is so. But if there is an escort committee who can take her to get this procedure paid for privately, she gets that escort committee. What happens to a woman in the military? Suppose you are stationed in Saudi Arabia where abortion is illegal, and you cannot go to your military hospital. You, obviously, cannot go to a clean health facility in Saudi Arabia, so you have two choices: You can go to a back-alley abortionist and risk your life—you are already risking your life in the military—but risk your life or you can go to your commander, who is usually a man, and confide in him as to your situation which, it seems to me, is a horrible thing to have to do, to tell such a private matter to a commander. Then, if you can get a seat on a C–17 cargo plane, maybe then you can go back, in a situation where you really need immediate attention, and figure out a way to get a safe, legal abortion.

The Senator from New Hampshire and the Senator from Oklahoma say: Well, this is Federal funding.

This is not Federal funding. Senator MURRAY has stated that over and over. I compliment her and Senator SNOWE on their tenacity in bringing this back and forcing us to look at what we are doing to women in the military who risk their lives every single day, and because of this antichoice Senate, we are forcing them to put their lives at risk again. I commend them. This is not a fringe benefit. They will pay.

Medical facilities abroad are in a state of readiness. They do not have to turn the lights on when someone comes in for a health care procedure. The lights are on, and they will pay the costs. We all know when we pay our doctors the overhead is put into that bill. That is such a bogus argument. It is amazing that it is even made.

What you are doing in this current policy is telling women in the military they are lesser citizens than all the other women in the country when, in fact, they ought to be treated with even more dignity and respect perhaps than anyone else, because not many of us can say that we go to work every day putting our lives on the line. They can say that. Yet, because of this terrible way we treat these women, they are put in jeopardy.

I will sum it up this way. There are people in this Senate who disagree with the Supreme Court decision, and I say to my friend from New Hampshire, he certainly does and he does not mince words about it and he is very straightforward about it. He says he is proud to be pro-life.

I ask for 1 more minute.

Mrs. MURRAY. I yield 30 additional seconds to the Senator from California.

Mrs. BOXER. I say to my friend, I am for life—lives of children, lives of women, and I say that this policy puts lives in jeopardy, puts lives on the line in a way that is arbitrary, in a way that is capricious, in a way that treats these women far worse than we do women in Federal prison. I hope the Murray-Snowe amendment will get an overwhelming vote today.

The PRESIDING OFFICER (Mr. CRAPO). The time of the Senator has expired. Who yields time? The Senator from Washington.

Mrs. MURRAY. I yield 3 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 3 minutes.

Mr. DURBIN. I thank the Senator from Washington, as well as the Senator from Maine, for offering this amendment, which I will support. I join in saying what the Senator from New Hampshire said earlier. Senator SMITH suggested this is not a debate in which we are anxious to get involved. It is a very controversial issue, deeply felt on both sides. I respect the Senator from New Hampshire and his personal views on this, as I respect those who support my position in offering a vote in favor of this amendment.

Let me say a few things that need to be cleared up. The Senator from New Hampshire said repeatedly that this process uses taxpayer dollars to pay for abortion. Of course, that is a flash point. When people hear that, they say: Wait, I don't think we ought to spend taxpayer dollars on that. Maybe people want to do that personally.

Senator MURRAY addressed that point. Her amendment makes it clear that these procedures are to be paid for by the servicewoman out of her pocket at a cost that is assessed for the procedure itself. There are no taxpayer dollars involved in this. This amendment is clear.

Secondly, the Senator from New Hampshire says this does not abide by the Hyde amendment. The Hyde amendment, as important as it is, does not override Roe v. Wade. The Hyde amendment limits abortions to those cases involving the life of the mother. But the procedure now on military bases goes beyond the Hyde amendment. The procedure on military bases today says if there is an endangerment of the woman's life, she can have the abortion performed at a military hospital at Government expense. If she is a victim of rape or incest, she can have an abortion performed at a military hospital at her own expense.

We are talking about the other universe of possibilities out there. Senator BOXER of California really poses an interesting challenge to us: Two women, under the supervision of the Government of the United States of America, both of them pregnant, both of them wanting to end the pregnancy with a procedure. In one case, we say if you have the money, we will escort you to a safe and legal clinic in America for the performance of this procedure. In the other case, we say if you have the money, you have to fend for yourself; you cannot use a safe and legal clinic or military hospital.

What is the difference? The first woman is a prisoner in the Federal Prison System. For her, we have an escort committee. But for the woman who has volunteered to serve the United States to defend our country and she is in the same circumstance, we say: You're on your own; go out in this country, wherever it might be, and try to find someone who will perform this procedure safely and legally.

Whether you are for abortion or against it, simple justice requires us to apply it equally and not to discriminate against those women who are serving in the American military. That is what it comes down to.

The Senator from Oklahoma said abortion is not a fringe benefit. He is right. But health care is a fringe benefit that most Americans enjoy, and many hospitalization insurance policies cover abortion procedures. We do not cover them when it comes to the women who serve in the U.S. military. Abortion is not a fringe benefit; abortion is a constitutional right. If that constitutional right means anything, we should support the Murray-Snowe amendment.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mrs. MURRAY. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from Washington has 4 minutes 12 seconds.

Mrs. MURRAY. Mr. President, I yield 3 minutes to the Senator from Pennsylvania. I retain the last minute for myself.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 3 minutes.

Mr. SPECTER. I thank my colleague from Washington.

I support this amendment. I believe a woman should have a right to choose, and under the circumstances involved here, if the woman is going to seek an abortion, she should not be compelled to come back to the United States. Having an abortion in many foreign spots poses very material risks. This is a common sense abortion amendment which ought to be adopted.

WAR CRIMES TRIBUNAL INDICTMENT OF SLOBODAN MILOSEVIC

Mr. SPECTER. Mr. President, I want to comment about another matter very relevant to the pending legislation, that is the dispatch from Reuters within the hour that the War Crimes Tribunal has issued an indictment for President Milosevic and that an arrest warrant has already been signed. I think that is very important news, because it not only puts Milosevic on notice but also all of his subordinates, that the War Crimes Tribunal means business, that those who are responsible for crimes against humanity and war crimes will be prosecuted.

I compliment Justice Louise Arbour who was in Washington on April 30, asking a bipartisan group of Senators, including this Senator, for assistance; and we appropriated some $18 million in the emergency supplemental last week.

The next important point is to be sure that we do not permit a plea bargain to be entered into which will exonerate Milosevic as part of any peace settlement.

We ought to be sure this prosecution is carried forward. There is an abundance of evidence apparent to the naked eye from the television reports on atrocities, of mass murders, which can only be carried out with the direction of or at least concurrence or acquiescence of President Milosevic. Those crimes should not go unpunished. There should not be a compromise or a plea bargain which would give Milosevic immunity.

I ask unanimous consent that a copy of my letter dated March 30 to the President be printed in the RECORD, where I ask specifically that the extradition of President Milosevic to face indictments ought to be a precondition to stopping the NATO airstrikes; and a copy of my letter of April 30, to the

President urging that warrants be issued and executed for Karadzic, and that the full impact of the War Crimes Tribunal be carried out, that this is a very important movement, probably worth a great deal more than airstrikes or even ground forces, to indict Milosevic, let him know that indictments and warrants are outstanding, and that those under him who carry out war crimes will be prosecuted to the full extent of the law.

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

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, March 30, 1999.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: If today's reports are accurate, there is strong evidence that Serbian forces' massacres of Kosovo's ethnic Albanians constitute genocide and crimes against humanity, which should be prosecuted in the War Crimes Tribunal for the Former Yugoslavia.

There is probable cause to conclude that Serbian President Slobodan Milosevic himself is a war criminal, just as former Secretary of State Lawrence Eagleburger said as far back as 1992.

I strongly urge you to:

(1) Put President Milosevic and his co-conspirators, who carried out the massacres and crimes against humanity, on explicit notice that the United States will throw its full weight behind criminal prosecution against all of them at The Hague;

(2) seek similar declarations from our allies;

(3) turn over all existing evidence to Justice Arbour, the Chief Prosecutor at the War Crimes Tribunal, and make it an Allied priority to gather any additional evidence which can be obtained against President Milosevic and his confederates, so that such evidence might be evaluated at the earliest possible time with a view to obtaining the appropriate indictments.

I anticipate some will say that we should not complicate possible cease-fire negotiations with this focus on President Milosevic and his co-conspirators.

I believe that consideration should be given to whether our goals in Kosovo should include the extradition of President Milosevic to face indictments, if returned, as a precondition to ending NATO air strikes.

That is a hard judgment to make at this point. Many of us in Congress believe that the United States should meet the Serbian brutality with a very strong response so that future tyrants will know that this type of conduct will not help them personally in negotiations, but instead will be met with tough criminal prosecutions in accordance with international criminal law.

Sincerely,

ARLEN SPECTER.

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, April 30, 1999.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: This morning, I hosted a meeting with several of my colleagues and Justice Louise Arbour, Chief Prosecutor for the International Criminal Tribunal for the Former Yugoslavia and Rwanda (ICTY).

As a result of our meeting, I believe it is critical that the United States take the lead in bringing indicted war criminals to justice in the former Yugoslavia. Specifically, I urge you in the strongest possible terms to direct United States Forces, Europe, as part of UNSFOR, to apprehend Radovan Karadzic and a number of other individuals in Bosnia for whom open or sealed indictments have been returned by the ICTY, and whose identities and locations are known to SFOR Commanders.

While many of us in Congress support the current air campaign, we are concerned that not enough is being done to convey to Serbian military and paramilitary commanders that they will be held responsible following the conflict for any war crimes they commit on the ground in Kosovo.

Mr. Karadzic has been an indicted war criminal since 1995, and his location is known to SFOR commanders. According to Justice Arbour, SFOR knows the location and identity of ''a handful'' of other individuals under sealed indictments for war crimes. Clearly, U.S. and SFOR units in Bosnia are sufficiently strong to apprehend these individuals if given that mission.

While there are always concerns of friendly casualties and ethnic unrest in the surprise apprehension of indicted war criminals, the signal of seriousness that such a move would send to every Serbian official from President Milosevic on down is important enough under present circumstances for you to shift our policy accordingly.

Sincerely,

ARLEN SPECTER,
Chairman.

The PRESIDING OFFICER. The time yielded to the Senator has expired.

AMENDMENT NO. 397

Mr. SMITH of New Hampshire addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I yield 5 additional minutes of our time to the Senator from Washington.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

The Senator has 6 minutes 2 seconds remaining.

Mrs. MURRAY. Thank you very much, Mr. President. I thank my colleague from New Hampshire for his generosity. I truly appreciate it.

I yield 5 minutes to the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 5 minutes.

Ms. LANDRIEU. Thank you, Mr. President.

I commend my colleagues, the Senator from Washington and the Senator from Maine, for presenting this amendment, on a very important issue, to the body today for us to discuss and to walk through. She has courageously offered this amendment for many, many years, and each year we seem to gain some support. I hope this year we will gain enough support to make this amendment part of the law of our land, because it makes such common sense and good sense.

When we ask women to join our military—and we are truly recruiting them rather vigorously, because we need their strength and their talent and their abilities to help make our military be the strongest and the best in the world—it is just inconceivable that we would say: Come join the military. Put on the uniform. Put yourself in harm's way. But we are simply not going to extend to you all of the rights that are guaranteed to other Americans for medical decisions that should be yours to make. It just makes no sense.

So I urge Senators, regardless of how you might feel about this issue—and good arguments have been made on both sides—to think about this as it truly is—not asking for any new privileges, not asking for any expansion of the law, but simply to allow the women who we are recruiting at this age to serve in the military, to give them the medical options they may need at a very tough time for them.

One other point I want to make is, those who have opposed this amendment over the years have said: We most certainly would not mind except that we do not want this to be at Government expense. Let me remind everyone that this is not at Government expense, that these women are individuals prepared to pay whatever medical costs are associated with the procedures that they may need.

But if we do not change the law to allow this to happen, the taxpayers have to pick up a greater burden in transporting these women, sometimes in transport and cargo airplanes and helicopters back to the United States, which takes time away from their service. I argue that costs substantially more, than the taxpayers are underwriting, for medical procedures.

So it makes no sense from a military standpoint—for human rights, for civil rights, for equal rights—to just have the same laws apply. It really makes no sense for the taxpayers to have to pick up an additional expense, when every dollar is so precious that we need to allocate well and wisely in our military.

So I thank the Senator from Maine, the Senator from Washington, and others, who have spoken. I urge my colleagues, regardless of how you consider yourself or label yourself on this issue, to think of this as the right, commonsense thing to do for women and their families, their dependents, and, yes, their spouses, their husbands in the military, for our families who are in the military, serving at our request to protect our flag, to protect democracy, to protect freedom around the world, to please consider that in their votes this afternoon.

I yield back the remainder of my time to the Senator from Washington State.

The PRESIDING OFFICER. Who yields time?

Mr. SMITH of New Hampshire addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from New Hampshire has 7 minutes 30 seconds; the Senator from Washington has 2 minutes.

Mr. SMITH of New Hampshire. Mr. President, I just want to respond to one point that was made on the other side regarding the payback, if you will, the fact that the woman agrees to pay out of her own pocket, therefore, I would assume the issue is that she would reimburse the Government.

But I would ask one to consider the accounting nightmare that would ensue as we try to figure out—we had a doctor paid for by the taxpayers, a clinic, a hospital paid for by the taxpayers, equipment paid for by the taxpayers, and supplies and special equipment involving abortions—how one would allocate all of this?

We would have to figure out, how many abortions were done and how all the allocations would be done. It simply is not workable. It would not work. The bottom line, as I have been indicating, is that the taxpayers would be subsidizing abortions in military hospitals. I think everyone understands that. I do not think there should be any confusion on that, that those who do not support abortion would be subsidizing abortions.

I just want to review, in closing, the current law. Just to summarize, no funds made available to DOD are used for abortions. Under current law, military facilities are prohibited, in most cases, in the performance of abortions. So the amendment now before the Senate is inconsistent with the Hyde amendment, which has been in existence for over 20 years, that taxpayer dollars may not be used to pay for abortions.

Current law, with respect to abortions at military facilities, is fully consistent with the Hyde amendment. The proponents of this amendment, which would overturn current law and allow abortion on demand, claim that their proposal is somehow consistent. As I said before, it is not. Under their proposal, women seeking abortions would pay for them, but this evinces a fundamental misunderstanding of the nature of military medical facilities, which I pointed out.

In conclusion, I say that it is just simply unfair, and it has been so ruled by the Supreme Court, that people, who, because of their own values and beliefs and principles, do not believe in abortion, that they should have to subsidize it with their tax dollars or pay for it with their tax dollars. That is the issue.

We have had a vote on this issue many years in the past. I hope people will see the light to see that this is wrong and basically unfair, and that we would respect the innocence of human life, and perhaps encourage the young woman in trouble to talk to a chaplain. There are military chaplains out there, and some darn good ones, who are available to counsel young women in need.

I would certainly be very excited to hear that some of these women went to the chaplain because this law didn't get changed and perhaps chose life over abortion.

At this point, I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Washington has 2 minutes remaining.

Mrs. MURRAY. Mr. President, let me conclude by letting my colleagues know that under current law today, a woman who volunteers to serve all of us, to protect all of us and our rights, when she goes overseas to serve us and finds herself in a situation where she requires an abortion, which is a legal procedure guaranteed by the Constitution in this country, has to go to her commanding officer and request permission to come home to the United States, flying home on a C–17, or a helicopter when one is available, to have a procedure that women here in this country who have not volunteered to serve overseas have at their disposal.

We are asking a lot of these young women. We should at least provide them the opportunity, as we do under my amendment, to pay for that procedure in a military hospital, where it will be safe, at their own expense. That is the least we should be offering them.

In a few moments we will be voting on this amendment. My colleague from New Hampshire has said the vote is close. Every vote will count. There is no doubt about it. So when you cast your vote today, ask yourself if women who serve us overseas to defend our rights should be asked to give up their rights when they get on that plane and they are sent overseas.

This is an issue which sends a message to all young people today that when they serve us in the military to protect our rights, we are going to be here to defend their rights as well. I urge my colleagues to vote against the motion to table.

How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 8 seconds remaining.

Mrs. MURRAY. Mr. President, I urge my colleagues to vote against the motion to table and to stand with the women and men who serve us overseas.

I thank the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I urge my colleagues to do just the opposite and to support a motion that I am going to make in a moment to table, out of respect for those of us who believe deeply in the sanctity of life and who also understand and are compassionate about young women who are in need of an abortion, or feel that they are in need of an abortion in some way, and who hope we could save that life, that innocent life, and to show compassion for the unborn, which I think is really the issue.

At this point, I move to table the Murray amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SMITH of New Hampshire. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 397. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 51, nays 49, as follows:

[Rollcall Vote No. 148 Leg.]

YEAS—51

Abraham	Fitzgerald	McConnell
Allard	Frist	Murkowski
Ashcroft	Gramm	Nickles
Bennett	Grams	Reid
Bond	Grassley	Roberts
Breaux	Gregg	Roth
Brownback	Hagel	Santorum
Bunning	Hatch	Sessions
Burns	Helms	Shelby
Campbell	Hutchinson	Smith (NH)
Cochran	Hutchison	Smith (OR)
Coverdell	Inhofe	Stevens
Craig	Kyl	Thomas
Crapo	Lott	Thompson
DeWine	Lugar	Thurmond
Domenici	Mack	Voinovich
Enzi	McCain	Warner

NAYS—49

Akaka	Feingold	Lieberman
Baucus	Feinstein	Lincoln
Bayh	Gorton	Mikulski
Biden	Graham	Moynihan
Bingaman	Harkin	Murray
Boxer	Hollings	Reed
Bryan	Inouye	Robb
Byrd	Jeffords	Rockefeller
Chafee	Johnson	Sarbanes
Cleland	Kennedy	Schumer
Collins	Kerrey	Snowe
Conrad	Kerry	Specter
Daschle	Kohl	Torricelli
Dodd	Landrieu	Wellstone
Dorgan	Lautenberg	Wyden
Durbin	Leahy	
Edwards	Levin	

The motion was agreed to.

Mr. SMITH of New Hampshire. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 395

Mr. WARNER. Mr. President, the managers are desiring to turn to the Senator from Nebraska who desires additional time. Can we enter into a colloquy on this subject?

Mr. KERREY. I think we should be able to finish this up in an hour. I have four people on our side who want to speak. I don't know if they will all get to the floor. If they don't, they are aware of what is going on. I have no more than 15 or 20 minutes of closing remarks myself. I think we can wrap it up in an hour.

Mr. WARNER. I realize that what I offered to the Senator is hopefully a reduced period of time. In return, there would be no further debate on this side. That is a fairly generous offer. I thought we were in the area of 40 minutes.

Mr. KERREY. We can do it in 40 minutes and probably less than that.

Mr. WARNER. With that representation, I ask unanimous consent that we

proceed to the amendment by the Senator from Nebraska for a time not to exceed 40 minutes under the control of the Senator from Nebraska and, say, 5 minutes under the control of the Senator from Virginia, making a total of 45 minutes. At the conclusion of that we will proceed to a vote.

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

Mr. KERREY. Mr. President, the Senator from Virginia did not state this. Does this mean there will be no amendments offered prior to the vote on my amendment?

Mr. WARNER. Mr. President, I know of no amendments at this point. I ask unanimous consent that prior to the motion to table there be no amendments in order.

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

Mr. KERREY. Mr. President, again, this amendment strikes language that requires the United States of America to make its determination about how many strategic weapons we will have based upon a decision by the Russian Duma to ratify START II.

Some have described this amendment as encouraging unilateral disarmament. Nothing could be further from the truth. We make unilateral decisions and we decide what our forces are going to look like. On that basis, this entire bill is a unilateral decision. We haven't consulted with the Russians to determine what our Army is going to look like, how many divisions we will have, how many wings we will have in our Air Force. We have not made any consultation nor have we given the Russians a veto over any other part of our defense except for strategic defenses.

There we say that even if, as is the case, we have former STRATCOM commanders—in this case, Eugene Habiger—saying we would be well advised to go to a lower level, it would keep the United States of America safer than we currently are. As a consequence not only of measuring accurately how many nuclear weapons we needed in our triad—the land, sea and air-based system that we developed over the years—the greatest threat of nuclear attack to the United States of America is not China, is not an authorized launch by the Nation of Russia, it is an unauthorized launch. That risk has increased over the past few years as the Russian economy declines. As a consequence of that decline, they have decreased capacity to control their systems. This is not a small item. This is a significant threat to the United States of America.

One of the points I have tried to make is that we have been lulled into a false sense of complacency as a consequence of the end of the cold war. Statements are made that we are no longer targeting the Russians, nor they us.

In the past, I have not supported an early deployment of the strategic defense initiative, of missile defense. I have come to the conclusion as a consequence of this threat and others that the United States of America should. That is a unilateral decision. We made that decision not based upon what the Russians wanted but what we believed was in our best interest to keep America safe. That is how we ought to make our decisions about what our level is going to be of our force structure for nuclear weapons.

Not only are the people of the United States of America at greater risk as a consequence of forcing the Russians to maintain 6,000 at the end of 2001, but we are laboring under the optimistic scenario that maybe the Russians will ratify START II, in which case we can go to lower levels. But even at START II levels, the Russians would not be to 3,500 warheads until 2007.

We have to put an awful lot of our national security chips in the possibility that Russia will be in better shape in 2007 than it is today. These weapons systems are much more dangerous than the weapons systems in vogue today. There are serious threats from chemical weapons, from biological weapons, from weapons of mass destruction in that category, serious threats from terrorists such as Osama Bin Laden, serious threats as well that come from cyberwarfare and other sorts of things we are having conferences on all the time. China is unquestionably a threat, especially in the area of proliferation. But none of these, or all of them taken together, combined, are as big a threat as unauthorized launch of Russian nuclear weapons.

I hope, regardless of how this amendment turns out, the Senate will turn its attention to dealing with this threat. I think we are much better off dealing with that threat with a different strategy than the old arms control strategy. This is not an amendment that says we are going to tie our national security to START I or START II. Quite the contrary, I do not expect START II to be ratified in the next couple of years, if that, if it ever is ratified by the Duma. We should not hold up our national security decisions based upon what we expect or do not expect the Russian Duma to do.

I would like to describe some of these weapons systems so people can understand the danger of them, the kind of destruction they could do to the United States of America. The Russians have in their land-based system 3,590 warheads. They have in their sea-based system 2,424 warheads. They have in their air-based 564.

Just take one of these. Think, if you have a disgruntled, angry group of Russian soldiers or sailors or airmen who say: We have not been paid for a year; we are despondent; we do not think we have any future; we are suicidal. We are going to take over one of these sites, and we are going to launch. We are not going to blackmail the United States; we are not going to try to get them to do anything; all we are going to do is launch, because we are angry and we do not like the direction of our country and we do not like what the United States of America is doing.

Let me just take the SS–18. I am not going to go through the details of where these are. I am not going to describe for colleagues a scenario to take one of them over. I am not going to build a case, but I think I could build a case, that an SS–18 site is not as secure today as it was 5 years ago. That lack of security should cause every American to be much more worried than they are about the threat of China or other things we talk about and put a great deal of energy into describing.

The SS–18 is a MIRV'd nuclear system. It has 10 warheads on each one of its missiles, and each one of these warheads has 500 to 750 kilotons. If you put one of those in the air and hit 10 American cities—I earlier had a chart showing what a 100-kiloton warhead would do to the city of Chicago. Nobody should suffer any illusion of what the consequences to the United States of America would be if 10 of our cities were hit with a 500- to 750-kiloton warhead.

You say it is not likely to happen. Lots of things are not likely to happen that have happened. That is what we do with national security planning. We do not plan for those things that are most likely to happen. We plan for those things that are least likely to happen, because the least likely thing is apt to be the one that does the most damage, and that is exactly what we are talking about here.

You do not have to kill every single American. If you put 10 nuclear warheads with 500 to 750 kilotons of payload on 10 American cities, I guarantee the United States of America is not the superpower we are today. Imagine the devastation it would do to our economy. Imagine the emergency response that is required. Imagine all sorts of things. This country would not be the same as it is today if that were to happen. It is a terrible scenario. It is one we used to talk about way back in the 1980s.

I remember campaigning in 1988. We had a big portion of our debate about nuclear weapons and the danger of nuclear weapons and what are we going to do to keep the United States of America safe. The most vulnerable of the Russian triad are their nuclear submarines. I went through it earlier. A Delta IV submarine has 64 100-kiloton warheads on it. You could put 1 in each State and have 14 left over to pick some States you might put 2 or 3 on top of.

This is a real risk. Is it likely to happen? No. The likelihood is low. But low is not comforting when you are thinking about something such as that. Low should not give any American citizen comfort. I just heard somebody say it is not likely to happen; it is a low likelihood it is going to happen.

In the State of Nebraska, it is not likely a tornado is going to hit tonight.

But tornadoes hit there relatively frequently. We look up at the sky and say, ''It is blue; it does not look to me like a storm is coming,'' but storms hit out there just like that, and great destruction and devastation has occurred as a consequence. We have been lulled into a false sense of complacency about the Russian nuclear system and, as a consequence, we have not tried to figure out an alternative strategy. We need an alternative strategy. The Russian Duma is not going to ratify START II. I am here today to predict that is not going to happen.

We should not in our defense authorization say we are not going to take any action that might make America safer because we want to wait for the Russians to ratify START II. This amendment is described by some opponents as unilateral disarmament. It is not. It is no more unilaterally disarming than anything else we have in our defense authorization. We do not make decisions about what we are going to do for this Nation's security based upon what Russia is going to do in any other area of defense.

I cited earlier, I supported missile defense even though some said if we have missile defense, if we have an early deployment of missile defense, the Russians are going to do this, that, or the other thing, including maybe not ratifying START II. We did not make that decision based upon wondering what the Russians are going to do. We need to make national security decisions based upon what we think is in the best interests of the United States of America, to keep our people safe. This amendment does that.

The President has indicated he supports this amendment. He would like to get this limitation taken off. He does not have any plans to take action. I encourage him to do so. I think it is in our interests to think about taking our levels lower. I think the Russians would reciprocate. And even if they did not, the United States of America would still be safer as a consequence, by measurement of people who are a lot smarter and a lot more knowledgeable than I am on this subject.

For fiscal reasons, for reasons of scarce resources that need to be applied into our conventional readiness and things that our Air Force, Navy, Marines, and Army are more likely to have to be called upon to meet, for reasons of trying to reduce the risk of unauthorized launch that would be devastating to the United States of America, I hope my colleagues on both sides of the aisle will give this amendment their full consideration and I hope they vote for it. A vote for this amendment is not a vote for unilateral disarmament. A vote for this amendment is a vote for the United States of America deciding what we think is in our best interests in national security and then authorizing accordingly in a defense authorization bill.

Mr. President, I see the distinguished Senator from California wishes to speak. The Senator from South Dakota, Senator DASCHLE, earlier said he would like to be a cosponsor. I am not sure he has been listed as a cosponsor. Senator KENNEDY as well, Senator BOXER as well, and Senator BIDEN as well.

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

Mr. KERREY. I yield to the Senator from California such time as she needs.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I thank the Chair. I say to my friend from Nebraska how grateful I am for taking the time that he has needed to explain this amendment, not only to our colleagues but to the American people. This amendment is a very important amendment. It will delete the provision in law which prevents the United States from retiring additional nuclear weapons delivery systems until the Russian Duma ratifies the START II treaty.

The Senator from Nebraska has explained in great detail why that is not a prudent course for our Nation, and I agree with him. I will take 5 or 6 minutes to explain why.

For the last 2 years, the defense authorization bill has included a provision which bars reductions below 71 B–52H bombers, 18 Trident ballistic missile submarines, 500 Minuteman III intercontinental ballistic missiles, and 50 MX Peacekeeper missiles. Congress has told the Pentagon that we cannot reduce below that level.

In this year's defense authorization bill, this provision again is included with a revision that allows the number of Trident submarines to be reduced by six at the request of the Navy. This is a good step. It is a good first step, but more needs to be done to move in this direction.

As Senator KERREY has stated, there is no need to maintain these huge stockpiles of nuclear weapons. There is little doubt that Russia will fall well below START II levels whether or not the Duma gives its consents and ratifies the START II treaty. Edward Warner III, Assistant Secretary of Defense, Strategy and Threat Reduction testified that:

> In light of the very small modernization efforts [Russia] has underway, and the obsolescence of many major components of both their submarines and their strategic military forces, Russia will be hard-pressed to keep a force of more than about 3,500 weapons. And our intelligence analysts say in light of current developments—again, we're projecting out over the decade—by about the year 2010, they will be hard-pressed to even meet a level of about 1,500 weapons.

If this is the case, if our own intelligence people are telling us that regardless of whether the Duma passes START II, the Russians are going to have a much lower level of capability, why do we need 6,000 deployed nuclear weapons with thousands more in reserve? What useful purpose do these thousands of weapons serve?

If we reduce our stockpiles toward START II levels of 3,500 nuclear weapons, we would still have the ability to obliterate any nation anywhere anytime.

I will repeat that because I want the American people to understand that this amendment keeps us strong; it makes us safer; it makes us stronger. START II levels will still leave us with 3,500 nuclear weapons which could obliterate any nation anywhere anytime, and, I add, many times over.

It is dangerous to maintain 6,000 deployed U.S. nuclear weapons, half of which are on hair-trigger alert. The massive U.S. deployment pressures Russia to deploy as many of its nuclear forces as it can afford—and they do it on hair-trigger alert—at a time when the Russian command and control is stressed and when Russian launchers are dangerously over age.

What Senator KERREY is trying to point to here is not a situation of panic but of truth, and the truth is the more we deploy, the more they are compelled to deploy, and that is at a time when the Russian command-and-control system is stressed and when the launchers are dangerously over age. This sets up a very dangerous situation.

Certainly many of us are concerned about what we have learned about China's efforts to steal our nuclear secrets. This is very serious. Every one of us, regardless of party, is sick at heart about what has happened. It has happened over many, many decades, and there is blame to go everywhere. But the truth of the matter is, China has a few dozen strategic nuclear delivery vehicles and that threat is not comparable to the one we face in Russia, as Senator KERREY has pointed out. That is the real threat we face. We need to do something to diminish that threat.

There is a question of cost. There can be substantial savings from nuclear weapons cuts. The CBO has estimated that reducing U.S. forces to START II levels by 2007 could produce a savings of $570 million in fiscal year 2000 and a $12.7 billion savings over 10 years.

This is not small change. This is important. We just faced a situation where we saw a vote in the Senate, and we lost by four votes, to put some afterschool programs in place across this country. When I talked to my friends on the other side, I received two votes on the other side. The others all said: We love the program, but we can't afford it. We were asking for essentially an authorization of $600 million, and the money was not there.

Why do we waste money and make a situation more dangerous when we can save money and make a situation less dangerous? I think that is the merit of the amendment that is before us. Mr. President, $12.7 billion over 10 years is not small change. We have lots of things we can do, and we can always return it to the taxpayers.

The CBO further estimated that reductions in nuclear delivery systems within the overall limits of START II could produce savings of $20.9 billion.

There is a precedent for what we would do here.

It is very important. The Senator from Nebraska said people call this unilateral disarmament. Let me prove to you that this is not the case. In 1991, President Bush had the courage to announce that we would withdraw our tactical nuclear weapons to the United States. That was not dependent on any action by the Soviet Union. He stood up and said this is in the best interest of the United States of America.

He also ordered 1,000 U.S. warheads deployed on strategic bombers and ballistic missiles slated for dismantlement to be taken off alert. I think we all remember that day. It was a very exciting and dramatic day. He did those two actions because it was in the best interests of America.

Do you know what happened after that? President Gorbachev responded in kind. He withdrew all tactical weapons from Warsaw Pact nations and non-Russian republics, removed most categories of tactical nuclear weapons from service, and designated thousands of nuclear warheads for dismantlement.

The point the Senator from Nebraska is making is, sometimes it does take courage to stand up and say this is what is in our best interests and show real leadership, the way George Bush did in 1991 in these two examples and the way President Gorbachev followed his lead.

I am very disappointed that the Russian Duma has not yet ratified the START II treaty. Again, if we follow the leadership of the Senator from Nebraska on this, we will be acting in our best interests, not in the best interests of the Russian Duma. We should lead and not wait for them to lead.

In conclusion, there are very good reasons for the United States of America to reduce its nuclear weapons. This amendment is carefully drawn. It is carefully thought out. It comes from a man who put his life on the line in the military and would do nothing to harm our national security. As a matter of fact, he would do everything to make us stronger. I hope we follow his lead and adopt his amendment. I yield back my time.

Mr. KERREY. I yield 5 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I commend the Senator from Nebraska for his amendment. What he has done is to bring back before us and before the Nation a very important issue, which is, what is the necessary level of nuclear weapons in our inventory for our own security.

Do we need as many as we have? Should we legislatively bake in that level if we do not need the START I level or should we at least be free to consider options to go to what the necessary level is for our own security?

The Senator's gift to us and to the Nation here is that he is bringing before us an issue which the Joint Chiefs want us to consider but we have not yet considered, and that is, what is the level of nuclear weapons that we need for our own security and should that be determined by a legislative level, on a piece of paper, set in law, or should that be determined by our security needs?

If we have a larger number of nuclear weapons than we need, we do two things. The Senator from California has just illuminated those two things. No. 1, if we have more nuclear weapons than we need for our own security, we are wasting valuable resources. That is No. 1. But, No. 2, what we are doing is we are then telling the Russians: Look, we're going to stay at this level, which in turn will encourage them, unhappily, to remain at the same level. That increases the proliferation threat to us because as the Senator from Nebraska has pointed out, the greatest threat to this Nation is the inventory of nuclear weapons on Russian soil. The Chinese threat does not come close. You are talking dozens in that case and not nearly as accurate. In the case of the Russians, you are talking many, many thousands of nuclear weapons which are not only pointed at us but also the more that are there on Russian soil, the greater the risk that one of them might be lost or not counted and leave Russian soil and get into the hands of a terrorist state or a terrorist group.

So both from a proliferation perspective and from the perspective of the wise use of our resources, we ought to at least be open to consider options of fewer nuclear weapons than the START I level provides for.

We may decide we want to stay at that level. It may be determined that we want to stay at that level. But the Joint Chiefs say that it may not be necessary. They want to consider options that would go down to a lower level of nuclear weapons, because they may not need as many nuclear weapons, regardless of what the Russians do. Even if the Russians stay at the START I level, we may not need as many nuclear weapons as the START I level allows us.

There is no point in keeping them just because the Russians have them if we do not need them. There is no point keeping them if that helps to push the Russians to keep their own, with all of the proliferation threats which that engenders.

I close by reading a couple answers that we have received to questions that I have addressed to Secretary Cohen and to General Shelton.

I asked Secretary Cohen:

> Should we maintain the requirement in law that our forces be maintained at the START I level or should we now let that expire and do what our military requirements indicate we should do, rather than to put it in a legislative form?

Secretary Cohen's answer:

> . . . I do not think we need to have the legislation, ... I think it is unnecessary. . . .

General Shelton was even more pointed. General Shelton, in answer to that question, said:

> I would definitely oppose inclusion of any language. . . .

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. LEVIN. I wonder if the Senator would yield 2 additional minutes?

Mr. KERREY. I yield the Senator 2 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 2 additional minutes.

Mr. LEVIN. I thank the Senator.

General Shelton said:

> I would definitely oppose inclusion of any language that mandates specific force structure levels.

This is the highest level of uniform military leadership we have in this Nation. This is what he says:

> The Service Chiefs and I feel it is time to consider options that will reduce our strategic forces to the levels recommended by the Nuclear Posture Review. The START I legislative restraint will need to be removed before we can pursue these options. Major costs will be incurred if we remain at START I levels.

He went on:

> The Service Chiefs and I agree it is time to reduce the number of our nuclear platforms to a level that is militarily sufficient to meet our national security needs. . . .

''[M]ilitarily sufficient to meet our national security needs. . . .''

General Shelton went on:

> The statutory provision that keeps us at the START I level for both Trident SSBNs and Peacekeeper ICBMs will need to be removed before we can pursue these options.

So we have the leadership of this Nation's military—civilian and uniform—urging us not to have a restraint in law that will make it difficult for them to pursue options which they need to pursue in order to avoid the waste of resources, options which will allow us to be militarily sufficient and not to promote proliferation in Russia.

The PRESIDING OFFICER. The time has expired.

Mr. LEVIN. I thank the Chair, and I again thank my colleague from Nebraska.

Mr. KERREY. I yield 5 minutes to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, first of all, I thank the Senator for offering this amendment. I am very hopeful that the Senate will adopt it.

I strongly support this amendment, and I commend Senator KERREY'S leadership on this important issue of nuclear arms control. His proposal is a significant step in moving forward on the stalled process of nuclear arms reductions. Now more than ever, given the present climate of tension in the world, it is essential for the United States to reactivate arms control discussions with the Russians. It is also critical that we demonstrate to the international community our willingness to engage in continued nuclear arms reductions.

This initiative offers us a major opportunity to break the current impasse

that is preventing significant reductions in the stockpiles of nuclear arms. In addition, it can help to revitalize the START II debate in the Russian Duma, and move us toward greater cooperation on this critical global security issue.

At the Senate Armed Services Committee Hearing on Military Readiness on January 5, I pressed senior military officials about spending priorities in the armed services, and questioned the need for maintaining strategic forces at the START I level. In response to my inquiries, the Chief of Naval Operations, Adm. J.L. Johnson, agreed that he would prefer to reduce the number of Trident submarines from START I levels, and see some of the money currently used to maintain strategic forces at old levels reallocated to meet current and more critical needs. This amendment will give us the opportunity to do so in other parts of our strategic arsenal as well.

As Senator KERREY noted, history demonstrates the benefits of this kind of initiative in arms control, and the impact that can be made by a modest but significant gesture. In September 1991, President Bush ordered that 1,000 U.S. warheads scheduled for dismantling under START I be taken off alert, before that treaty was every ratified. This action resulted in a reciprocal response from President Gorbachev, who just one week later, designated thousands of Soviet nuclear warheads for dismantling and took several classes of strategic systems off alert.

Three years after the Senate ratified START II, we still have not moved closer to the goals in that important treaty. Russia has yet to ratify this treaty, and a move by the United States toward meeting our START II goals may encourage the Russian Duma to take up its ratification, and move us closer to the creation of START III.

This is an important time in our relationship with Russia. Earlier this year, we passed a bill calling for the creation of a National Missile Defense System, conditioned on an amended ABM treaty negotiated with Russia. The best way that we can more toward a new ABM treaty and work to improve global security is by demonstrating to our Russian allies that we are committed to arms control—and an effective way to demonstrate this commitment is by passing this amendment.

Moving closer to implementation of START II will also provide significant savings for the American taxpayer. This amendment will open the door to savings in the cost of upkeep for many unnecessary weapons. In addition, the tritium in these weapons can be recycled, eliminating the need for production of new tritium and the associated production costs.

This amendment is a constructive effort to breathe new life into the stalled arms control negotiations, move us closer to achieving the goals of START II, and send a strong signal to Russia and the international community about our commitment to these goals. It will strengthen our ability to cooperate with Russia to combat the growing threat of rogue nuclear states, and to build a more comprehensive global security system. Reducing our military stockpile, even to START II levels, will not impair our national security in any way. As Admiral Johnson explained to us last January, this amendment is in the best interest of the armed services, and it will help us to meet more critical readiness needs. I hope this amendment will be accepted. I commend the Senator for initiating it.

I yield back the remainder of my time.

Mr. KERREY. Mr. President, does the Senator from Virginia want to speak?

Mr. WARNER. I will speak whenever you have completed. I want to accommodate you. You can follow me, if you so desire; whatever your desire may be.

Mr. KERREY. I would love to hear the Senator's remarks.

Mr. WARNER. I beg your pardon?

Mr. KERREY. You can go first. I would love to hear your remarks.

Mr. WARNER. You are thoughtful to say that, because I enjoyed listening to yours but I, regrettably, think you are wrong in this instance, and I will move to table your amendment.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. I say to my good friend from Massachusetts, a fellow member of the Armed Services Committee, we have in this bill—you are ranking on that committee—the removal of those submarines as sought by the President and the administration.

The essence of what I have to say is that Congress expressed a willingness to do that. Hopefully, this legislation will go through, become law. It seems to me, if the administration has further reductions in the arsenal, let it come before the Congress. That is the procedure that I would follow.

So I just say, in opposition to this amendment, the amendment would strike section 1041. Section 1041 renews and modifies the provision that has been enacted in the defense authorization bill each year for the last 5 years. This is a measured, balanced, and needed provision which, in my view, all Members of the Senate should support. It simply prohibits the retirement of certain strategic delivery systems unless START II enters into force. Essentially, this provision seeks to prohibit unilateral compliance with the reduction of U.S. inventory implementation of the START II treaty and make clear to Russia that the benefits of our mutual arms control agreements can only be realized through mutual implementation of those agreements.

This year, the Secretary of Defense and the Navy requested we modify the limitation to permit the retirement of four of the older Trident submarines. The Secretary, however, made it very clear that the administration was not advocating any unilateral implementation of START II. The Armed Services Committee reviewed the Secretary's recommendations to reduce the Trident force from 18 to 14 submarines and agreed to authorize such reduction. Section 1041 of the pending bill does, in fact, allow retirement or conversion of these four submarines.

In keeping with the administration's policy not to unilaterally implement START II—and that is the policy; I assume the Senator from Nebraska agrees with that—the Secretary also made sure that the fiscal year 2000 budget request fully funded all remaining operational strategic nuclear delivery systems, including the 50 peacekeeper intercontinental ballistic missiles deployed at the F.E. Warren Air Force Base. The Armed Services Committee supports this decision, and there is nothing in this bill that prohibits the Secretary from implementing any planned reduction to our strategic forces.

Section 1041, which the Kerrey amendment would strike, simply reinforces the administration's policy of remaining at START I force levels until START II enters into force. To strike this provision would send a signal that the Senate no longer supports this policy. This would be a dangerous and unnecessary signal to send, one that could undermine the integrity of the arms control process.

Since section 1041 does not prohibit any planned changes to U.S. strategic forces, it would appear that the supporters of this amendment are really interested in some form of unilateral arms control or some other steps that go beyond the administration's policy. At a time when our relations with Russia and China are quite uncertain, I say to my dear colleagues, now is not the time to consider unilateral reductions in our strategic forces.

The United States and Russia are now hopefully nearing full implementation of the START I agreement. The administration has worked very hard to get Russia to ratify START II. If the Senate votes to eliminate section 1041, this action could be interpreted as a sign that the Senate is giving up on START II. Unless my colleagues are willing to abandon the arms control process, I suggest that they not support the pending amendment. Indeed, the administration has acknowledged that section 1041 provides significant leverage over Russia to get them to ratify START II.

Mr. President, in closing, let me simply reiterate that section 1041 of the pending bill was crafted with the Secretary of Defense's views firmly in mind. Nothing in this provision prohibits the Secretary from undertaking any action he plans for fiscal year 2000. And, since the provision expires at the end of the fiscal year 2000, we will have an opportunity next year to review any new recommendations coming from the administration. For the time being, it

would send a very bad message to strike this important provision. I urge my colleagues to oppose the Kerrey amendment and support the bill.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, I regret that Senators are on opposite sides of this issue, but we clearly are. I have offered this amendment because I believe our current strategy to deal with the threat of nuclear weapons is flawed in many serious ways.

First of all, this amendment has the support of the Chairman of the Joint Chiefs and Secretary Cohen. They have not announced any intent to go below the START I levels, but we are not asking for unilateral disarmament. We make decisions about how many men and women we are going to have in our Armed Forces, how big our Navy is going to be, how big our Army is going to be, our Marine Corps, our Air Force is going to be. Sometimes it goes up, sometimes it goes down. Nobody accused President Bush of unilateral disarmament at the end of the cold war when he drew our defense forces down.

I happen to believe we have gone too far. I support reinvigorating our Armed Forces. I don't support giving the Russian Duma a veto over that decision.

That is basically what this is all about. I do not know whether the President would exercise the authority, but in my view this amendment would allow the President to make a decision independently and say, this is the level of nuclear weapons that we need. I have heard knowledgeable patriots who have served their country, who have spent a great deal of time on this subject, say to me that we are, as a consequence of this law, maintaining a level higher than we need to keep the people of the United States of America safe, spending money that is needed in other areas, especially in the conventional area, forcing the Russians to maintain a level of nuclear weapons higher than their economy gives them the capacity to control, and dramatically increasing the risk of an unauthorized launch as a consequence.

That is the new risk. In the old days when we had arms control agreements—and I am not as optimistic about arms control agreements any longer. The Senator from Virginia asked if I supported the policy inherent in this language. Frankly, I do not believe START II is going to be ratified by the Duma. And even if it is, it has been overtaken by events, in my judgment. Even at that level, the Russians would be required to maintain a force structure of nuclear weapons that their economy does not allow them to safely maintain.

I think we would see continued deterioration and continued increased risk to the people of the United States of America not from a hypothetical risk here. All of our armed services have been vaccinated now against anthrax. The Chairman knows there are conferences about all kinds of new threats that are very real and very present. But there is no threat greater than the threat of Russian nuclear weapons. There is no threat that would arrive here faster, that would arrive here more accurately and more deadly than any one of a number of weapons systems that I could describe in the Russian nuclear arsenal.

In my view, what this does, quite the contrary to unilateral disarmament, is it allows the United States of America to decide what is in our interests. If I had reached a conclusion that I thought we ought to have 10,000 nuclear warheads in our arsenal, that that was in our interests, I would be on the floor arguing that we ought to; that rather than having a 6,000 floor, we ought to say that arms control is not going to work at all. If the Russians were doing something that caused me to conclude that I thought we ought to have a higher level, I would argue for that.

I am arguing that the United States of America should make its own decisions when it comes to nuclear weapons. And right now, in my view, that decision would cause us to go below the statutory floor that we currently have and a further benefit would occur as a consequence enabling us to reduce the threat of an unauthorized launch.

Again, I have a great deal of respect for the chairman and admire his work and agree with him on lots of things that are in this bill, but I come to the floor to offer this amendment because I believe very passionately that it will make the people of the United States of America safer and more secure if it is adopted.

Mr. WARNER. Mr. President, I say in reply that this section was crafted with the views of the Secretary of Defense firmly in mind. Nothing in this provision prohibits the Secretary from undertaking any action he plans for fiscal year 2000. And since the provision expires at the end of the fiscal year 2000, we will have the opportunity in the next year to review any new recommendations coming from the administration.

A year from now we will have more clarity, hopefully, of the relationship with China, of the relationship with Russia and, indeed, this Senator's concern about North Korea and its advancements in missile technology. So I think we can focus on the superpowers but this, in my judgment, talks to the entire strategic defense of the United States of America.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, I appreciate that very much, although the only reason I was referencing Secretary Cohen and General Shelton's support, as Senator LEVIN indicated earlier and put in the RECORD, there has been some indication that perhaps the administration doesn't support eliminating this artificial floor. They do. They have no plans—they have not indicated that they intend to go any lower than this. But they have put in the record at the Armed Services Committee, in response to Senator LEVIN's question, that they support this amendment. They support eliminating this artificial floor.

Mr. WARNER. Mr. President, I yield back the remainder of my time.

Mr. KERREY. Mr. President, I will do the same.

Mr. WARNER. I thank my colleague. It has been a good, spirited debate on a very serious subject. I think his historical context would be very helpful for all Senators. The bottom line is, we tend to forget, as you pointed out, in 1988, it was foremost in our minds. Not so.

Mr. President, if the Senate could now proceed to the vote with all time yielded back, I ask for the yeas and nays and move to table the Kerrey amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 395. The yeas and nays are ordered. The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER (Mr. ABRAHAM). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 44, as follows:

[Rollcall Vote No. 149 Leg.]

YEAS—56

Abraham	Fitzgerald	McCain
Allard	Frist	McConnell
Ashcroft	Gorton	Murkowski
Bayh	Graham	Nickles
Bennett	Gramm	Roberts
Bond	Grams	Roth
Brownback	Grassley	Santorum
Bunning	Gregg	Sessions
Burns	Hagel	Shelby
Byrd	Hatch	Smith (NH)
Campbell	Helms	Snowe
Cochran	Hutchinson	Specter
Collins	Hutchison	Stevens
Coverdell	Inhofe	Thomas
Craig	Kyl	Thompson
Crapo	Lincoln	Thurmond
DeWine	Lott	Voinovich
Domenici	Lugar	Warner
Enzi	Mack	

NAYS—44

Akaka	Feingold	Lieberman
Baucus	Feinstein	Mikulski
Biden	Harkin	Moynihan
Bingaman	Hollings	Murray
Boxer	Inouye	Reed
Breaux	Jeffords	Reid
Bryan	Johnson	Robb
Chafee	Kennedy	Rockefeller
Cleland	Kerrey	Sarbanes
Conrad	Kerry	Schumer
Daschle	Kohl	Smith (OR)
Dodd	Landrieu	Torricelli
Dorgan	Lautenberg	Wellstone
Durbin	Leahy	Wyden
Edwards	Levin	

The motion was agreed to.

Mr. WARNER. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

VOTE ON MOTION TO RECONSIDER AMENDMENT NO. 392

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the motion to reconsider the Gramm amendment, which amendment was not agreed to yesterday.

Mr. GRAMM. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 49, as follows:

[Rollcall Vote No. 150 Leg.]

YEAS—51

Ashcroft	Durbin	Lott
Bennett	Feinstein	Mack
Biden	Fitzgerald	McCain
Bond	Frist	McConnell
Brownback	Graham	Murkowski
Burns	Gramm	Nickles
Byrd	Grams	Roberts
Campbell	Gregg	Rockefeller
Chafee	Hagel	Roth
Cochran	Hatch	Santorum
Collins	Helms	Snowe
Coverdell	Hollings	Specter
Craig	Hutchison	Stevens
Crapo	Jeffords	Thompson
DeWine	Kerrey	Thurmond
Domenici	Kohl	Torricelli
Dorgan	Kyl	Voinovich

NAYS—49

Abraham	Gorton	Moynihan
Akaka	Grassley	Murray
Allard	Harkin	Reed
Baucus	Hutchinson	Reid
Bayh	Inhofe	Robb
Bingaman	Inouye	Sarbanes
Boxer	Johnson	Schumer
Breaux	Kennedy	Sessions
Bryan	Kerry	Shelby
Bunning	Landrieu	Smith (NH)
Cleland	Lautenberg	Smith (OR)
Conrad	Leahy	Thomas
Daschle	Levin	Warner
Dodd	Lieberman	Wellstone
Edwards	Lincoln	Wyden
Enzi	Lugar	
Feingold	Mikulski	

The motion to reconsider the vote by which amendment No. 392 was rejected was agreed to.

Mr. GRAMM. Mr. President, I ask unanimous consent to vitiate the rollcall vote on the amendment, and I ask for a voice vote.

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

The question is on agreeing to amendment No. 392.

The amendment (No. 392) was agreed to.

Mr. GRAMM. I move to reconsider the vote.

Mrs. FEINSTEIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. I thank the Chair.

Mr. President, it is the desire of the managers and the leadership to continue to work on this bill and make good progress.

The pending amendment is the amendment by the distinguished leader from Mississippi, Mr. LOTT; am I not correct? I am fairly certain.

The PRESIDING OFFICER. Actually, the pending amendment is the Allard amendment.

Mr. WARNER. Fine.

Mr. President, we are then ready to proceed.

The PRESIDING OFFICER. The Senator from Colorado.

AMENDMENT NO. 396

Mr. ALLARD. Mr. President, the amendment I am offering with Senator HARKIN and a number of other people is now before the Senate.

I ask unanimous consent at the start that Senator GRASSLEY be added as a cosponsor to the amendment.

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

Mr. WARNER. Mr. President, if the Senator would yield?

The PRESIDING OFFICER. Does the Senator from Colorado yield?

Mr. ALLARD. I yield for an inquiry.

The PRESIDING OFFICER. The Senator from Colorado has the floor and has yielded to the Senator from Virginia for an inquiry.

Mr. WARNER. I thank the Chair.

I am very anxious to structure this so all Senators have an opportunity to speak on this important amendment. I have spoken to Senator HARKIN, and he desires 20 minutes.

Mr. ALLARD. That is correct.

Mr. WARNER. That is the amount of time he will require. It may be that we have to go off this amendment for a short time, but I have assured him that we would not, of course, vote, and we would come back on the amendment to give him the 20 minutes.

But I inquire of the Senator from Colorado the time that he desires, and the distinguished Senator, Senator INHOFE, the time that he desires.

Mr. INHOFE. Ten minutes.

Mr. ALLARD. I would guess about 15 minutes is what I would need.

Mr. WARNER. Why not give 15 minutes to each side; 20 minutes for Senator HARKIN.

Is there any other time that you know of, I ask my distinguished ranking member?

Mr. LEVIN. We do not know of any other time.

So we are clear then, we will not close off debate on this until Senator HARKIN has an opportunity to come back and claim his 20 minutes.

Mr. WARNER. Mr. President, I have assured him. In order to protect all parties—Senator STEVENS may wish to speak to this —I ask unanimous consent that we have 1 hour, divided 20 minutes under the control of the distinguished Senator from Oklahoma, and 40 minutes, which would include the time for Senator HARKIN, under the control of the Senator from Colorado.

Mr. ALLARD. That would be fine.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Mr. President, in order to protect Senator HARKIN, which I know the Senator from Virginia is determined to do—

Mr. WARNER. Yes.

Mr. LEVIN. —and I am determined to do, if he is unable to be back here by the time the 40 minutes is utilized, we would then go to some other matters and protect him?

Mr. WARNER. That is exactly right.

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

The Senator from Colorado has the floor.

Mr. ALLARD. Mr. President, I ask that the Chair let me know when I have reached the 15-minute mark.

The PRESIDING OFFICER. The Senator will be so informed.

Mr. ALLARD. Mr. President, the amendment I have offered, with Senator HARKIN, and others, dealing with the Civil Air Patrol, is, in the greater scheme of this defense authorization, probably not that big a measure. But for the Civil Air Patrol, its members, an the job they do, it will prevent a huge and unfortunate change.

This defense authorization contains a provision that would force the civilian, volunteer, locally controlled Civil Air Patrol wings into a more rigid and centralized Air Force command structure.

My fellow sponsors of the current amendment and I feel this forced change would hamper the patrol, hinder their activities, and hurt, ultimately, results.

The Air Force fights wars. Their structure and administration are designed for fighting wars. The Civil Air Patrol, a nonprofit civilian service organization, is fundamentally different.

The Patrol was started to watch our borders during war time. But now their focus is search and rescue, counterdrug operations, and humanitarian efforts.

Last year, the patrol saved 116 lives through their search and rescue operations. In 1998, they also flew 41,721 hours in support of counterdrug operations. Over the last 4 years, the Patrol membership has increased 20 percent, and the youth cadet program has increased its membership by 30 percent.

Newspaper are full of stories about Patrol efforts to find downed planes, lost hikers, and others, or emergency flights to provide supplies, transport people, and shuttle other vital items.

After the recent tornados in Oklahoma, Patrol wings flew damage assessment missions for relief authorities.

In January, the Colorado wing found two missing hikers in Mesa Verde park in Colorado. In April, they flew search and rescue looking for the Miller family of Iowa. As the Omaha-World Herald said on Tuesday, May 11, ''When a small plan goes down in the unforgiving mountains of southwest Colorado, the story seldom ends well.'' But the Patrol kept at it, doing what they have been called on to do time and time again.

The Air Force conducted a week long review of the Patrol at national headquarters. They found what they

deemed to be irregularities. The Civil Air Patrol has responded to the review, point by point. They have shown a willingness to deal with the Air Force by instituting some of the proposed measures, an by negotiating on the others. But from my understanding the Air Force, however, does not wish to negotiate in a sincere manner.

While I understand Air Force Secretary Peters position, I do not believe the only option on the Civil Air Patrol was to do it the Air Force Way. I would prefer to do it the correct way.

And so what is the proper congressional response now? This section of the defense authorization is certainly not the answer. The provision that we are trying to remove with this amendment could very well be a ''fix'' for something that is not broken, or a surgical amputation instead of a band-aid.

There have been allegations of financial impropriety and safety lapses. I am willing—in fact, I am eager—to have these fully investigated.

The amendment before us mandates a Department of Defense Inspector General audit on the financial and management structure of the Civil Air Patrol, and requires them to present the report, with recommendations, to the congressional defense committees. The amendment likewise calls for the GAO to investigate and make recommendations on the CAP management and financial oversight structure, as well as the Air Force's management and financial oversight structure of the Civil Air Patrol and their recommendations for improvement. Both reports are due by February 1, 2000, so that we can consider the reports and recommendations for next year's authorization. But the amendment does not overwhelmingly change the makeup and leadership of the Patrol, without hearings, congressional oversight, or joint party consultations. It allows us to take an informed and reasoned approach to dealing with the allegations.

The Civil Air Patrol is not some loose-cannon. It is not some rogue agency. The Patrol is already an auxiliary of the Air Force. Their financial practices are overseen by the Air Force. Air Force personnel must sign off on Patrol expenditures and billing. Air Force personnel work at Patrol headquarters, with daily access to financial records, and these records are all public information.

I do not know the motives for this attempt to subsume the Patrol into the Air Force after all these years. If the desire is merely to react to charges of impropriety, then the language as it stands is obviously excessive, and our amendment is the far better approach.

But if I don't know the reason why, I certainly know reasons why not to allow this language.

I worry the Patrol will lose its local control.

It is very important in States such as Colorado that we have immediate decisions when a plane goes down. Because we live in a State that has a lot of rough terrain, the weather changes quickly and dramatically, it is important that decisions be made quickly. With our local decisionmaking process, those decisions do get made properly and we can get out and save peoples' lives, in States such as Colorado, through the efforts of the Civil Air Patrol. It will sour those locally based volunteers who make up the overwhelming majority of the wings, who donate their time and energy and often equipment. Many of the assets of the Civil Air Patrol are gifts the Patrol received from donors willing to give to a charitable organization. How can we justify the Air Force wresting control of these items away from the local volunteers? How can we justify the added expense of substituting high-ranking, paid, benefit-earning Air Force personnel for unpaid, volunteer Civil Air Patrol leadership? How can we justify doing it with so little discussion, so little oversight, so little recognition of the severity of the action?

I urge my colleagues to support this amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, I yield myself such time as I may consume.

I rise in opposition to this amendment. I want to say that there is no one of the 100 Members of the Senate who has been historically closer to the CAP, who has participated in CAP activities than I have. There is not a year that goes by that I do not talk to the troops and those who are being promoted, those who have achieved really great things and have made great contributions to society. I also, just 2 weeks ago, could very well have been the product of a search by the CAP, had I not been able to glide my plane into an airport. So I understand that. I have been on various patrols where we go out. I know the valuable contributions that the Civil Air Patrol makes to this Nation every year, search and rescue, youth cadet program.

However, we are concerned with the continuing streams of allegations coming from the Air Force and from members of the Civil Air Patrol that senior members of the CAP have engaged in inappropriate, and in some cases, illegal activities. I will outline a few of the allegations that have been brought to the committee by either the Air Force or former members of the CAP.

I have some documents to include as part of the RECORD that I will want immediately following my remarks, but these are just some of the accusations that are out there. I know that the Senator from Colorado is just as concerned about these as I am.

One individual was charging the cost of his flying hours to the Civil Air Patrol counterdrug account when he was actually flying to visit his daughter. A second accusation: One CAP wing charged both its home State and the CAP counterdrug budget for the same mission, essentially receiving double reimbursement for the same activity.

Here is a good one: The southeast regional commanders conference was held on a cruise to Nassau paid for by CAP headquarters. After the conference, some individuals requested and received a per diem, even though the cost of the cruise had been paid for by the CAP and, thus, by the taxpayers. I have often thought—I suggested this to the Senator from Colorado—what kind of a position would we be in, would I be in, as chairman of the Readiness Subcommittee of the Senate Armed Services Committee if I sat back and let these charges go unanswered? I could just imagine ''60 Minutes'' or some news account of this talking about the cruise to Nassau that was paid with taxpayers' money and then double dipping on top of that.

We have numerous other types of reports concerning missing equipment. Seventy percent of one wing's gear, communications gear, computers, et cetera, cannot be accounted for; 77 percent of another wing's gear is missing. The most extraordinary of all, however, is a letter we received from one former member alleging that Federal laws and Federal aviation regulations relating to aircraft maintenance were being violated, and quoting from that letter, ''the lives of our cadet''— these are juveniles—''members were being jeopardized.''

We are talking about human lives here. Because of these accusations and because the Civil Air Patrol is an auxiliary of the Air Force, receiving virtually all of its funding—some 94 percent of the funding for the CAP comes from the Air Force and the headquarters at the Air Force installation—the leadership of the Air Force requested that the committee pass legislation to grant the Air Force the necessary authority to ensure responsible management of the Civil Air Patrol.

That is exactly what this legislation does. This is in our mark that is before us today.

I do urge my colleagues to oppose this amendment. However, should it pass, I hope that the Secretary of the Air Force will refer the allegations to the FBI and seek to sever the Air Force's ties with the CAP. We can't hold the Air Force responsible for an organization that it doesn't have any authority to supervise. I do not know whether there is any other example anywhere, Mr. President, where you have the responsibility statutorily borne by some agency and they have no authority to police or discipline the behavior of that entity.

I ask unanimous consent that a letter to me from General Ryan, Chief of Staff of the Air Force, making this request be printed in the RECORD. And I ask that the internal memorandum that outlines many other examples, which I would be glad to share with the Senator from Colorado and with the Senate, should this debate pursue, be

printed in the RECORD immediately after the letter from General Ryan.

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

DEPARTMENT OF THE AIR FORCE,
OFFICE OF THE CHIEF OF STAFF,
Washington, DC, April 21, 1999.

Hon. JAMES M. INHOFE,
Chairman, Subcommittee on Readiness and Management Support, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Air Force has a long-standing and mutually beneficial relationship with the Civil Air Patrol (CAP). As a former CAP cadet, I am very familiar with the important role this organization plays in shaping the lives of thousands of young Americans.

However, there have been a number of recent incidents which have caused us some concern about the activities of the CAP headquarters. As an auxiliary of the Air Force, CAP receives most of its budget and a great deal of nonappropriated support, such as free use of on-base facilities, from the Air Force. Yet, it is not accountable to the Air Force for how it spends its budget or conducts its business. Consequently, we have developed a proposal to strengthen and preserve our relationship with CAP. It requires new legislation, but will not affect CAP's funding levels. It will be transparent to the CAP field units and will ultimately improve the level of support they receive from the headquarters.

We have briefed your personal staff and the Senate Armed Services Committee staff on our proposed changes to the Air Force-CAP relationship. We recently met with the CAP leadership and continue to seek solutions to our concerns. These efforts are ongoing and should they prove successful, we will recommend withdrawing this legislation.

I trust this information is helpful and ask for your support as we work to strengthen the bond between the Air Force and CAP.

MICHAEL E. RYAN,
General, USAF,
Chief of Staff.

From: AF/DXON.
Subject: Special Project Team Assessment of Civil Air Patrol.

MEMORANDUM FOR THE SPECIAL ASSISTANT TO THE SECRETARY OF THE AIR FORCE

As you know, I traveled to Maxwell AFB, AL from 18–23 April 1999 as part of the Special Project Team that the Secretary and Chief of Staff chartered to assess Civil Air Patrol (CAP) processes. Our purpose was not to perform a full-blown inspection of either CAP's administrative headquarters or the units in the CAP national chain of command. Nevertheless, in just a couple days time the team discovered a number of practices that convinced us of the Air Force need for greater oversight of CAP activities. I will cite a few examples that are of particular concern:

CAP recently conducted its Southeast Region Commander's Conference on board a Caribbean cruise ship with the National Commander and National Director in attendance. Our auditors discovered that executives claimed per diem for this meeting even though the cost of the cruise was inclusive of meals.

Senior corporate leaders travel by first class, and receive what could be regarded as generous salaries. Certain senior corporate employees are receiving full military retirement pay in addition to their salaries.

CAP units flew over 41,000 hours on ''counter drug'' missions, which were reimbursed, from appropriated funds. We are aware of several irregularities where personal travel and maintenance flights were charged to counter drug, as well as one wing that charged several counter drug missions to both the Air Force and the state.

Several CAP wings cannot account for over 70% of the communications equipment purchased for their units with funds that were reimbursed with Air Force appropriated funds.

Members and former members complain that they lack faith in the independence and effectiveness of the CAP Inspector General program. Members were refused membership renewal coincidental to raising complaints about equipment control, aircraft maintenance (safety) practices, and an assault. A flight check ride pilot was ostracized from her unit for restricting a CAP pilot from solo flight privileges. In each case, the affected members went to their IGs who deferred to command action.

Because this assessment was never intended to be an inspection, the observations made should be viewed only as symptoms. The team also observed truly excellent programs at certain wings and more generally at the administrative headquarters. Talented and dedicated volunteers and employees in many cases provide safe and valuable programs to cadets and the country as a whole. The CAP National Board seemed to satisfy a major concern by agreeing in principle to comply with OMB Circular A–110. Nevertheless, the Air Force should attempt to gain visibility through representation on an overseeing Board of Directors to assure that CAP's role as a civilian auxiliary to the Air Force will be a credit to the Air Force and the nation. The Board of Directors would operate at the macro level and provide the SECAF authority commensurate with the responsibility of overseeing CAP matters. This would clearly establish the auxiliary to principal structure to foster a healthy relationship for the future. Unless CAP CORP leadership convinces the National Board to reverse itself and embrace such a structure, it is regrettable that the only sure way to obtain this reasonable level of oversight will likely be through legislation.

ROBERT L. SMOLEN,
Col., USAF, Dep. Direc. of Nuclear & Counterproliferation DCS/Air and Space Operations.

Mr. INHOFE. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. ALLARD. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from Colorado has 15 minutes remaining. The Senator from Oklahoma has 14 minutes 18 seconds.

Mr. ALLARD. Mr. President, I yield myself 5 minutes.

Mr. WARNER. Mr. President, if I could interrupt.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. The schedule of the Senate would permit additional time, if you so desire, I say to my colleagues, to seek additional time.

Mr. INHOFE. Well, I will respond to the chairman by saying that I do not have anyone who has requested time from me. I have pretty much stated the whole case. I would appreciate, of course, yielding time to him to hear his position on this, as chairman of the committee.

Mr. WARNER. I will ask unanimous consent that I have about 5 minutes on this matter.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Colorado.

Mr. ALLARD. Mr. President, I yield myself 5 minutes.

In response to comments in the cases that were presented by my esteemed colleague from Oklahoma—I will add at this point, it is a pleasure to serve with him on the Armed Services Committee; he is somebody that I highly regard in the Senate, a very honorable individual. I know that he has a love for the Civil Air Patrol and he wants them to be able to do their job effectively. I know that his concerns are out of love for that very organization, because he is a pilot himself. I will respond that from the information I have on the misallocation of the personnel uses, I understand there is a high probability that that occurred. But in other organizations where this happens, we don't go and just take away complete control of the organization without some hearings, without some oversight from this Congress.

I understand that the Air Force has spent some time in overviewing it, and it has been done within the structure of the Air Force. I think, before we move ahead with an amendment as dramatic as what is in the defense authorization bill before us, that we ought to have some hearings, that we ought to, as Members of Congress, spend some time and delve into the actual facts.

I don't think we can do this without having some agency do some reporting for us. That is why in the amendment that I have put forward, I ask the GAO to look at the financial structure—this is an area my colleague has suggested where there could be some problems—and report back to Congress whether or not there are abuses. And also in the amendment, I have the Inspector General, who can look at the administrating aspects of it, how they established policy, see if they are following through with their goals, if they are doing what they have promised to the Congress and to the Air Force, and give a report on those incidents. And we ask that this be given in a timely manner so that next year when we come back in and this bill is before us then we can go ahead and look over the report and, hopefully, maybe have a hearing or two based on the report and put something reasonable and responsible forward.

I have some real concerns about saying, OK, we are going to turn over total control to the Civil Air Patrol, take it away from being a voluntary nonprofit organization. That is almost like a chapter 11 in the real business world. When you take over the board of directors, you completely change everything.

I don't think it is that serious. I don't think we ought to put the Air Force in control of the board of directors. But I do think there are some things that we need to investigate. For example, on the cruise issue brought up by my colleague, my understanding is

that the Air Force was the one that OK'd the disbursement for that cruise. So there might be some question of where the responsibility lies, who was culpable for some of these actions. I know the Air Force has some oversight on some of the equipment.

Now, maybe we don't have the Air Force doing what their responsibility should be. So if that is the case, then there might be enough blame here to go around to everybody. I think the only way, as Members of the Senate, we can begin to sort this out is if we have hearings, we ask for a report from the General Accounting Office, and ask the inspector general to give us a report, so we have some facts on which we can work.

For that reason, I am continuing to push my amendment. I hope the Members of the Senate will support me. A number of my colleagues also come from mountainous States where the Civil Air Patrol is vital and their response needs to be made on a local decisionmaking process. We can't be waiting to go out to search until after it has been filtered through Washington and goes back to the State. On these search efforts, when they come up, there is an immediate need and there has to be an immediate decision made locally.

My hope is that we can adopt my amendment and take out the more onerous provisions that we have in the bill until we can get the facts before us. And then, after we have those facts, perhaps we can move forward in a more informed and responsible manner.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. INHOFE. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, first of all, I know the Senator has the best interests of the CAP at heart in making his comments. But I do believe that he needs to read this very carefully, and if any other Members want to read it, it is on pages 292, 293, and 294.

All we are doing is saying that if the Air Force is going to continue to be responsible for the behavior and the actions of the CAP, they be given some oversight, some ability to get into the books and check these things out. It is my understanding that the account that the Senator from Colorado has is not an accurate account of the cruise. I will repeat the accusation.

The Southeast Region Commanders Conference was held on a cruise to Nassau. Now, this is a cruise paid for by public funds, CAP funds, which came from the Air Force. After the conference, some individuals requested and received per diem, even though the cost of the cruise had been paid for by taxpayer money. I just think this is so outrageous. In fact, the Air Force personnel who was wanting to stop this from happening was so opposed to it that he refused to go on the trip himself. He canceled out.

All we are saying is that if they are going to be responsible for this, we are going to have to, in some way, give them the authority to oversee it. After a while, I am going to be giving a talk on what I find to be offensive about this whole bill that we are discussing today. It is primarily that we are not funding adequately our whole military, certainly in the area of readiness. Our service Chiefs, our four-stars, and our CINCs all got together and said, in order to meet the minimum expectations of the American people, and to meet our national requirements, our mission requirements, we would have to have $17.4 billion a year more for the next 6 years, plus the amount for pay increases and retirement. That comes to about $24 billion. The amount of increase here is only $9 billion—totally inadequate.

I am supporting this legislation because it is the very best we can do. I say to the Senator from Colorado, we are looking everywhere to pick up a million dollars here and a little bit there; we want to do it. In spite of that, General Ryan recommended, because of his affection for the CAP, an additional $7.5 million. That should demonstrate his feelings about the CAP. We were not able to give that additional amount. We kept the same levels as the previous year because we have problems in modernization, quality of life, force strength, and there is no place that isn't bleeding and hemorrhaging right now. So that is my concern.

I would hate to be in a position to deny the Air Force the right to at least look at the books and have an opportunity to stop this type of abuse if they are going to be responsible for their actions. Right now, they are responsible. That is why I said if this should pass, I think the Secretary of the Air Force really needs to refer these accusations to the FBI and sever the ties of the Air Force. CAP doesn't want that. They have had a very good relationship all these years. I think there may be a small number of people who perhaps have not exercised the proper behavior and don't want the oversight. But I can't think right now of any example in Government where someone is responsible for someone else and yet has no authority over their behavior.

I yield the floor.

Mr. ALLARD. I thank the Senator from Oklahoma for yielding. In response to the Senator from Oklahoma, I agree that funding for our military has been dismal, particularly in light of the fact that this administration has continued to have more deployments than President Bush and President Reagan put together. Yet, we have cut defense from time to time, and I am very sympathetic to and voted for increased funding for the Department of Defense. I understand there are problems with the Air Force, but I think this is where the Civil Air Patrol, with their voluntary program, helps with the budget; they don't hurt the budget.

If we have shortages at the Air Force, as far as adequate funding for oversight, it seems to me that taking over the whole program is going to require more personnel, more time, and it is going to cost the Air Force more. It seems to me that the responsible thing to do at this particular point is to, first of all, get our studies and facts in order and then find out if we can't come up with a commonsense resolution that has some reasonable oversight by the Air Force and still keep this a voluntary organization. The strength of it is the voluntarism. I hate to take that away from it. I think we save the Air Force money.

So that is why I believe it is important that we go ahead with the amendment that I am proposing, because I think in the long run the Air Force can benefit. We just have to get the oversight problems taken care of. We can do that. Once we get the facts before us—and that is what my amendment does—then we can move forward.

I thank the Senator for yielding.

Mr. INHOFE. Mr. President, who has the floor?

The PRESIDING OFFICER. Actually, the Senator from Colorado has the floor.

Mr. ALLARD. Mr. President, I understand that the Senator from Oklahoma yielded to me. What is our time limit?

The PRESIDING OFFICER. The Senator from Oklahoma yielded the floor. The Senator from Colorado assumed the floor. At this time, the Senator from Colorado has 8 minutes and the Senator from Oklahoma has 10 minutes.

Mr. ALLARD. Mr. President, I yield the floor.

Mr. INHOFE. I yield myself such time as I may consume. I was going to ask a question of the Senator. First of all, I realize that the Senator from Colorado and I both are among the strongest supporters of our national defense. The Center for Security Policy has us both rated as 100 percent. That is not an issue on the table. We both feel that way.

My problem is, No. 1, they have made the specific statement that it is not going to cost any more to have some supervision over the CAP because the time they spend trying to look into these things without the authority to do it is more time consuming than if they had the legal authority that we are trying to give them with our defense authorization bill. If you just take the money in the examples I used on the trip to Nassau and all of that, I think you would have to agree that the money would be better spent on spare parts than it would be on some of the double-dipping in which they have engaged.

I would be glad to yield to the Senator from Alabama.

Mr. SESSIONS. I thank the Senator. I have supported Senator ALLARD's amendment, because, as I understand it, it calls for a GAO evaluation and an inspector general investigation for the potential wrongdoing.

Mr. INHOFE. Mr. President, I will reclaim my time, and yield the floor so the Senator will be talking on his time.

The PRESIDING OFFICER. Who yields time?

Mr. ALLARD. Mr. President, how much time remains?

Mr. SESSIONS. Two or 3 minutes.

The PRESIDING OFFICER. The Senator from Alabama has the floor.

Mr. ALLARD. Mr. President, I yield 3 minutes to the Senator.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I think it is time to reevaluate the way the Civil Air Patrol is supervised. I am inclined to think that the Air Force justifies and makes a good case for tighter accountability and for maybe more direct ultimate control over how the Civil Air Patrol operates. But, as Senator ALLARD has eloquently discussed, it is a popular volunteer agency that we don't want to become too bureaucratic, else we may lose the popularity that is involved with it.

I hope before we vote on this—I suspect the vote is set for tomorrow, is that correct, not tonight?

Mr. ALLARD. I am not sure whether it is going to be scheduled for tonight or tomorrow. I haven't heard one comment from the floor manager in that regard.

Mr. SESSIONS. I was hoping that perhaps we could get with the Air Force one more time, and maybe they would be amenable to improving this amendment to give them maybe more certainty or more prompt resolution of it and get this matter settled. I think that is going to be important.

I want to maintain the vitality and the attractiveness of the Civil Air Patrol and the many thousands of volunteers that do so much. We want to increase accountability. We want to increase their responsibility to professionally manage every dollar. They are an agency that receives our funding, and we have every right to expect rigorous accountability. I would like to develop a system in which the Air Force feels comfortable. I think we are close to that. Maybe we can reach that.

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

Mr. ALLARD. I ask unanimous consent that my time be allocated to the Senator from Oklahoma.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Without objection, it is so ordered.

The Senator from Oklahoma.

Mr. INHOFE. I hope before this is over the Senator from Alabama is on my side. So I don't mind using my time to ask the question.

I ask the Senator. I know there are a lot of demands on time. Was the Senator from Alabama in here when I made my remarks concerning the accusations of those things that have taken place with the CAP?

Mr. SESSIONS. I am aware of some of those allegations.

Mr. INHOFE. I ask also if he is aware of what this does. It takes an entity that is 94 percent paid for by taxpayers' funds and gives some authority of oversight as to the expenditure of that 94 percent of funds that are being used. That is essentially what the amendment does.

Mr. SESSIONS. I favor that. I certainly favor full investigation of every allegation of wrongdoing. I believe that Senator ALLARD's amendment calls for that. I think the difference would be: Are we prepared tonight to make the final decision about how this reorganization occurs or should we get a GAO report and an IG report first?

Mr. INHOFE. All right. I also want to make sure——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. INHOFE. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Oklahoma has 7 minutes and the Senator from Colorado has 5 minutes.

Mr. INHOFE. Let me yield myself whatever time I may need.

I say to the Senator that in my remarks I commented that there isn't a Member of the 100 Members of the Senate who has worked closer on an active basis, actually flying with and teaching and working with the CAP, than I have. I have attended every ceremony that they have had—unless there is something I don't know about—in the State of Oklahoma, because of my strong support for their group.

My problem is this wonderful group has a few bad apples in it, and there is no way to get at those bad apples. Here we have General Ryan suggesting that we increase the appropriations to them for the operation of their program by $7.5 million that we had to deny when the Senator and I were sitting in the Armed Services Committee.

This is a time that we can't afford to be throwing away any money when we have all the readiness needs, when we have modernization needs, when we have force strength needs, and quality-of-life needs, and all of these things that need to be funded in this particular area. I just do not want to be in a position where I am passing an amendment to take away the authority of the Air Force in this case which is using public funds to fund this entity and taking away their ability to in some way dictate what is going on there if they are going to be responsible for it.

Here they are responsible for some of this activity, such as the one individual that was charging the cost of his flying hours to the CAP counterdrug account when he was actually flying to visit his daughter, or one CAP person charged his time both to the home State and the CAP counterdrug budget. So he is double-dipping. Those are public funds they are getting—funds that could be used to buy spare parts, funds that would keep us from having to cannibalize engines, funds that would keep us from having to keep these guys working 16 hours a day repairing aircraft that are broken down.

I think we are looking at so many issues. That is why we discussed it at some length in our committee, because we can't allow these abuses to take place and tell the Air Force, Your hands are tied; you have responsibility for their actions but you don't have anything to do with their performance.

Mr. SESSIONS. I appreciate and respect the insight of the Senator from Oklahoma, because he has stood steadfastly for good defense, and he knows this issue exceedingly well.

Again, I think maybe we can reach a compromise that would give us some opportunity to review the reorganization and the structure.

Mr. INHOFE. Reclaiming my time, let me throw out a suggestion. We can go ahead and pass this as a mark that dictates at this time. If there is any kind of abuse, we can change it. Anything we do can be changed. That is what we are trying to do right now. These abuses are not things that just happened in the last 6 months. They have been happening over a long period of time.

We talked about doing something about this in the last three authorization bills. We haven't done it. We put it off. Nothing has happened. Now we have an opportunity to do it. All we are doing here is allowing us to at least have some ability to monitor what is going on and stop some of these things.

I just keep thinking about the ''60 Minutes'' program coming up with all of these abuses. What do we do? We have debated this issue. We turned around and said we will leave the status quo. That is what we are going to do if we pass the amendment.

Mr. SESSIONS. Some change is necessary. I certainly agree with that.

Mr. INHOFE. I yield the floor. I yield whatever time the Senator from Virginia may consume.

Mr. WARNER. I thank my colleague from Oklahoma.

Mr. President, the chairman of the committee sat here and listened to the differences of views of three of his stalwarts. But as I listened, I said to myself, possibly you could work it out. We are at the point in time where I would like to go on another amendment. Senator HARKIN will return at circa 7 o'clock, and he desires to speak for about 15 or 20 minutes. We made in the unanimous consent agreement that provision. There is time within which you might consider it, because I stand very firmly with the decisions of the committee. I listened to the debate. As a matter of fact, ironically—I hate to keep dating myself—along about circa 1943, or 1944, I was associated somehow with the Civil Air Patrol, because I always wanted to join the Army Air Corps. It was called the Army Air Corps in those days. Also, it gave a young person—as I was 16—an opportunity to hop in a plane and fly. It was exciting to fly in those days. It was not a matter of routine in those days. It was a dream. So much for that trivia.

The point is that this is a very respected and venerable organization that has to be preserved.

As I listened to our colleague from Oklahoma recount the potential problems, ''60 Minutes'' is going to tune in on this pretty soon. There are just a few of us that understand the value of the Civil Air Patrol, and we could lose it.

For example, the junior ROTC and the junior NROTC and other programs to encourage young people to direct some portion of their life devoted to the military, I have seen those programs scaled back, funding reduced, and support reduced. It concerns me that this program, likewise, could face those situations.

I am going to support the Senator from Oklahoma in his position because it is a committee position. I listened to the debate and I believe some remedies have to be addressed.

With a little luck, maybe we can work it out.

Mr. ALLARD. Will the Senator yield?

Mr. WARNER. I have completed my statement. I yield the floor.

Mr. ALLARD. All Members cosponsoring this amendment recognize we have some oversight problems. We are struggling because we don't have the facts firmly before the Senate. It seems to me, as with any other problem that comes before this Senate, we can go through the same channel as any other agency. We can have hearings—public hearings; we can have a GAO study, and an inspector general study to have some basis in fact with which to work. Once we have all the facts, we can put together some reasonable recommendations.

At this point, to turn total control over to the Air Force is a rather draconian action until we get the facts. I hope I can sit down with the chairman of the committee and the chairman of the subcommittee, whom I respect dearly, and work out a way to make it accountable without having to turn over total control to the Air Force.

I am afraid we will lose the volunteer aspect. I think that is one of the real values of the Civil Air Patrol. The volunteer aspect used to go down to young students, high school age. They learn to work the radio; they learn to be part of a team; they get experience with flying, and eventually they may very well apply to the Air Force Academy or the Navy to fly. I think it is a great recruiting mechanism with lots of advantages. I think it all boils down to the volunteer organization.

My hope is we can work out a plan that would bring accountability to this very serious problem yet maintain the volunteer aspects of the organization and local control.

Mr. WARNER. Mr. President, I leave it to the experts on this.

Mr. INHOFE. The amendment merely gives oversight.

Here is the problem: I appreciate the voluntary aspect of it; unfortunately, the voluntary aspect of this only funds about 5 percent, and about 95 percent is public funds, for which we are responsible.

Before the esteemed chairman of the committee arrived, I talked about how strapped we are. I believe the bill we are debating today is inadequate in terms of proper funding, but it is the best we can do, so we support it.

I can think of military construction projects right now that would love to have a little extra funding, and it does relate to our security interests.

I am happy to work with the Senator from Colorado on any kind of a compromise that will give oversight of the CAP to the Air Force so that they will have some degree of control.

If 95 percent of the funding of the CAP is taxpayers' dollars, the taxpayers have to have some degree of control. We have a lot of other anecdotal accusations. I don't want to get into that. Things like this are going on and things like this will continue to go on in any entity in society that doesn't have any oversight. I can cite some examples in another committee. We served on the Environment and Public Works Committee where one of the agencies has had no oversight over the past 5 or 6 years and was getting out of hand. They have to have oversight. Those people are dealing with public funds and the public has to have oversight.

My concern is what will happen if we don't do this. If we don't do this, as I suggested, the Secretarys of the Air Force may decide to sever relations, and then we really have a serious problem with CAP. I think there is not a person in here who is not a strong supporter of the CAP —certainly these three Senators are among the strongest. We are attempting to save it.

Mr. WARNER. Could I say to my colleagues, is it possible we could conclude this debate? We are anxious to bring up another amendment which we hope to vote on tonight.

Mr. ALLARD. I will sit down with my colleagues, both of my colleagues, and go over some of this language. The way I read the language, the Air Force Secretary appoints the national board of directors, and they have total control over the rules and regulations. It looks to me as if they have total control. Maybe I am misinterpreting it.

I am willing to sit down with my colleague and see if this happens or not, and maybe we can work out a compromise.

With that in mind, I yield the floor so the chairman can move ahead.

Mr. WARNER. I thank my distinguished colleague.

Mr. INHOFE. I make one last comment to the Senator from Colorado. The language where the local units would continue to be run by local commanders is not addressed in this. That doesn't change. That would remain as it is in the current law.

Mr. WARNER. I thank my colleagues.

Mr. President, we will ask unanimous consent that this amendment be laid aside until such time as I bring it up again.

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

Mr. WARNER. At that time, we will have debate by Senator HARKIN for a period not to exceed 15 to 20 minutes, and then we propose to vote, unless good fortune strikes and these able Senators are reconciled.

The pending business now would be the amendment from the distinguished majority leader, Mr. LOTT; would that not be correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. I ask unanimous consent that be laid aside.

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

Mr. WARNER. We now turn to an amendment by the distinguished Senator from New Hampshire, Mr. SMITH, a very valued member of the Armed Services Committee and chairman of the Subcommittee on Strategic Forces.

It would be my hope we could arrive at a time agreement and possibly vote on the amendment tonight.

Mr. SMITH of New Hampshire. If I may respond to the Senator from Virginia, how much time would the Senator like to have?

Mr. WARNER. I want to consult with my distinguished ranking member, but in fairness, I advise my good friend I have looked over this amendment—the Senator from Virginia, as chairman of the committee—and certainly my own judgment is that I will have to move to table.

I think my good friend understands that.

Mr. SMITH of New Hampshire. I say to the Senator, I understand that the Senator opposes it. I ask if the Senator would allow considering an up-or-down vote. But the Senator is the chairman, and I respect that. I prefer an up-or-down vote because I think it is an issue that is deserving of that one way or the other, no matter how we feel. It seems to me more appropriate to have a yes-or-no vote, but obviously I defer to my chairman.

Mr. WARNER. And I thank my colleague for that understanding.

So if the Senator will proceed and allow me to seek recognition as soon as the ranking member can give me advice, I will be in opposition, as will the ranking member.

I hope we could have, perhaps, 50 minutes equally divided.

Mr. SMITH of New Hampshire. My concern is the tabling motion. As the Senator knows, this issue is on the calendar now as a separate issue. My purpose in bringing it up on this bill: There are a lot of Senators on both sides of the aisle who support it. My assumption is there may be enough, but I haven't done a whip count.

My inclination would be, if the chairman is going to move to table it, to not bring it up at this time, because I do have the option of bringing it up as a separate resolution because it is on the calendar.

I hoped to have an up-or-down vote. I put it to the chairman this way: If the chairman will allow an up-or-down vote, I am happy to have a time limit, say, of 30 minutes, depending on what the other side desires. I don't need any more than 15 minutes.

If the chairman is going to table, I think at this point I will not offer the amendment.

Mr. WARNER. That is a development somewhat new, as opposed to what we had in earlier conversations. Might I suggest the Senator lay down the amendment and commence and give me the opportunity to consult with the ranking member?

Mr. SMITH of New Hampshire. All right.

Mr. WARNER. I thank the Senator.

AMENDMENT NO. 405

(Purpose: To express the sense of Congress with respect to the court-martial conviction of the late Rear Admiral Charles Butler McVay, III, and to call upon the President to award a Presidential Unit Citation to the final crew of the U.S.S. *Indianapolis*)

Mr. SMITH of New Hampshire. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from New Hampshire [Mr. SMITH] proposes an amendment numbered 405.

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

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

The amendment is as follows:

In title X, at the end of subtitle D, add the following:

SEC. 1061. SENSE OF CONGRESS REGARDING THE U.S.S. INDIANAPOLIS.

(a) COURT-MARTIAL CONVICTION OF LAST COMMANDER.—It is the sense of Congress that—

(1) the court-martial charges against then-Captain Charles Butler McVay III, United States Navy, arising from the sinking of the U.S.S. INDIANAPOLIS (CA–35) on July 30, 1945, while under his command were not morally sustainable;

(2) Captain McVay's conviction was a miscarriage of justice that led to his unjust humiliation and damage to his naval career; and

(3) the American people should now recognize Captain McVay's lack of culpability for the tragic loss of the U.S.S. INDIANAPOLIS and the lives of the men who died as a result of her sinking.

(b) PRESIDENTIAL UNIT CITATION FOR FINAL CREW.—(1) It is the sense of Congress that the President should award a Presidential Unit Citation to the final crew of the U.S.S. INDIANAPOLIS (CA–35) in recognition of the courage and fortitude displayed by the members of that crew in the face of tremendous hardship and adversity after their ship was torpedoed and sunk on July 30, 1945.

(2) A citation described in paragraph (1) may be awarded without regard to any provision of law or regulation prescribing a time limitation that is otherwise applicable with respect to recommendation for, or the award of, such a citation.

Mr. SMITH of New Hampshire. Mr. President, I spoke in morning business on this issue a couple of days ago, to call it to the attention of my colleagues, because I believe it is one that is very important and very relevant to this bill. I wanted my colleagues to be aware that I would probably be bringing it up at some point in the near future. I did not expect it to be quite this soon.

A lot of individuals who have expressed an interest in my bringing it up earlier rather than later, are not only my colleagues but many aboard the U.S.S. *Indianapolis* who survived this great tragedy at sea. In deference to them, I felt it would be appropriate to try to get a vote on this. I want to emphasize to my colleagues, I hope my colleagues are paying attention out there, watching on TV. Because if there is any doubt or concern about whether or not this should be supported, I urge Senators to listen to me for a few minutes as I try to explain why I believe this amendment should be agreed to.

First of all, I have a number of cosponsors who came in as original cosponsors. Not only myself, but Senator FRIST, Senator BOND, Senator LANDRIEU, Senator ROBB, Senator HAGEL, Senator BREAUX, Senator TORRICELLI, Senator HELMS, Senator INHOFE, Senator DURBIN and Senator EDWARDS. It is a joint resolution. I also, subsequent to that, received cosponsorship from Senator BOXER and from Senator INOUYE.

We can see it represents all regions of the country and both sides of the political spectrum. It is not in any way, shape, or form a political issue. It simply expresses the sense of Congress with respect to the court-martial conviction of the late Rear Adm. Charles Butler McVay, III. It calls upon the President to award a Presidential Unit Citation to the final crew of the U.S.S. *Indianapolis*.

This is an incredible story of incredible bravery and at the same time it is a story of incredible prejudice to an individual with a great, distinguished record as a captain, as an officer in the U.S. Navy.

I want to share with my colleagues this brief story from the closing days of World War II, the war in the Pacific. I know as we debate the issues of the day, and believe me I have been involved in them all week, and there are some huge issues—the China issue and so many others. But I think it is important to understand. I just spoke a few moments ago to new flag officers who were just getting their stars. It was quite an honor to do that. But I think it is important, if we are going to ask people such as these new flag officers to come on board to serve and continue to serve in the military, not to leave after their enlistment is up, but to become those flag officers, they need to understand if there is some type of inequity or something that has happened that causes an injustice, we need to look at it in a way so we can make a wrong right. I think they need to know that. If something was wrong and the military did something wrong, we need to be big enough to admit it and to correct it. That is what this story is about.

This is a harrowing story. It has a lot of bad elements—It has bad timing; it has bad weather. It has heroism and fortitude, but it also has negligence and shame. It has good luck and bad luck. And above all, it is a story of some very special men whose will to survive shines like a beacon even today, many decades later.

We have the opportunity, right now, perhaps as soon as an hour, to redeem the reputation of a fine man—a wronged man, in my view—and salute the indomitable will of a very fine crew of the U.S.S. *Indianapolis*. I had the privilege of hosting two—actually more than two, several survivors of the U.S.S. *Indianapolis*, a couple here yesterday or the day before that, and several before that at a meeting. The bill I offer today will honor all these men and their shipmates of the U.S.S. *Indianapolis* and redeem their captain, in my view—Capt. Charles McVay.

Captain McVay graduated from the U.S. Naval Academy in 1920. He was a career naval officer. He had an exemplary record in the military that included participation in the landings in North Africa, award of a Silver Star for courage under fire earned during the Solomon Islands campaign. Before taking command of the *Indianapolis* in November of 1944, Captain McVay chaired the Joint Intelligence Committee of the Combined Chiefs of Staff in Washington. That is the highest intelligence unit of the Allies during the war.

McVay led the ship through the invasion of Iwo Jima, then bombardment of Okinawa in the spring of 1945, during which *Indianapolis* antiaircraft guns shot down seven enemy planes before the ship was severely damaged. Captain McVay returned his ship safely to Mare Island in California for much-needed repairs.

Another great story about the *Indianapolis* which is not well known. In 1945, the *Indianapolis* delivered to the island of Tinian the world's first operational atomic bomb, which would later be dropped on Hiroshima by the *Enola Gay* on August 6. After delivering her fateful cargo, she then reported to the naval station at Guam for further orders. She was ordered to join the U.S.S. *Idaho* in the Philippines to prepare for the invasion of Japan.

It was at Guam that the series of events ultimately leading to the sinking of the *Indianapolis* began to unfold. It is quite a story.

There were hostilities in this part of the Pacific, but they had long since ceased. This is 1945. The war is almost over. The Japanese surface fleet is no longer considered a threat and attention instead had turned 1,000 miles to the north where preparations were underway for the invasion of the Japanese mainland.

So we have a picture here of very little Japanese activity in the Pacific. These conditions led to a relaxed state of alert on the part of those who decided to send the *Indianapolis* across the Philippine Sea unescorted, and consequently Captain McVay was randomly told, just zigzag at your discretion.

So the higher-ups were in a relaxed state. We were going into the Japanese homeland. There was little presence, Captain McVay was told. So we will send you out across the Philippine Sea unescorted. The *Indianapolis*, unescorted, departed Guam for the Philippines on July 28, 1945. Think about how close we are now to the end of the war. Just after midnight, on 30 July 1945, midway between Guam and the Leyte Gulf, the U.S.S. *Indianapolis* was hit by two torpedoes fired by the ''I–58'', the Japanese submarine that was not supposed to be there according to the higher-ups.

The first torpedo blew the bow off the ship. The second hit the *Indianapolis* at midship on the starboard side adjacent to a fuel tank and a powder magazine. You cannot imagine—no one could—the resulting explosion, but it split the ship completely in two.

There were 1,196 men aboard the U.S.S. *Indianapolis* on that fateful night. Mr. President, 900 escaped the ship before it sunk in 12 minutes. In 12 minutes, the naval ship went to the bottom and 900 men were able to get off that ship before it sank. Few liferafts were released, and at sunrise on the first day of those 900 men being in the water, they were attacked by sharks. The attacks continued until the remaining men were physically removed from the water almost 5 days later.

If you can imagine in the middle of the night aboard ship: It is hit by two torpedoes and sinks in 12 minutes, very few liferafts; you are in the water. The men were in the water for 5 days and the sharks began immediately to circle and attack and pick these men off, literally, one by one, as wolves might pick off a weakened antelope or some other animal they were pursuing.

Shortly after 11 a.m. on the fourth day, the survivors were accidentally discovered by an American bomber on a routine antisubmarine patrol. This is important for my colleagues to understand this—accidentally discovered.

A patrolling seaplane was dispatched to lend assistance and report. En route to the scene, it overflew the destroyer *Cecil Doyle* DD–368, and alerted her captain to this emergency. The captain of the *Cecil Doyle*, on his own authority—no orders—decided to divert from his mission and go to the scene of the *Indianapolis* sinking.

Arriving there hours ahead of the *Cecil Doyle*, the seaplane's crew—the seaplane's crew had called the *Cecil Doyle*; the *Cecil Doyle* is en route and the seaplane, in the meantime, began dropping rubber rafts and supplies to these men who had been in the water for 5 days. While doing so, they observed the shark attacks. They literally saw men who were moments from rescue dragged under by attacking sharks. These men were so overcome by this that, disregarding standing orders not to land at sea, the plane landed and taxied to the stragglers and lone swimmers who were at greatest risk of shark attacks, as the sharks would pick off those who were not able to stay up with the rest of the group. It was an act of extreme bravery on the part of the seaplane crew.

As darkness fell, the crew of the seaplane waited for help, all the while continuing to seek out and pull nearly dead men from the water. When the fuselage of the plane was full, the survivors were tied to the wing with a parachute cord. That plane rescued 56 men from the water on that particular day, just literally sitting in the water allowing these men to cling to that plane.

Then came the *Cecil Doyle*. This was the first vessel on the scene, and it began taking survivors aboard. Again, disregarding the safety of his own vessel, the *Doyle*'s captain pointed his largest searchlight into the night sky to serve as a beacon so other rescue vessels might catch it. This was the first indication to the survivors that their prayers had been answered. Help at last had arrived.

Mr. WARNER. Mr. President, will the Senator yield?

Mr. SMITH of New Hampshire. I yield to the chairman.

Mr. WARNER. Mr. President, we have, I think, news that will be received as good news. The distinguished Senator from Colorado and the distinguished Senator from Oklahoma, at the suggestion of the chairman, got together and they resolved the amendment; am I not correct in that?

Mr. ALLARD. I think we are getting some common ground worked out. I am hopeful we can get something put on paper.

Mr. WARNER. The purpose of interrupting our distinguished colleague is to advise the Senate, because many Senators are engaged in other activities right now and the sooner we let them know there will or will not be a vote, it will be helpful to them and the chairman. I understood the Senator just now to indicate this thing was settled.

Mr. ALLARD. We think we have reached agreement. We are getting it put down on paper. We can put this vote off until tomorrow, if that is the Senator's question.

PRIVILEGE OF THE FLOOR

Mr. ALLARD. Mr. President, I ask unanimous consent that Tim Coy, a staff person, be granted the privilege of the floor for the debate.

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

Mr. WARNER. Mr. President, I was engaged in conversation with Senator SESSIONS, and he told me it was an absolute. I spoke with the Senator from Colorado just now and I felt I got an absolute answer.

Mr. ALLARD. When we get it down in writing, that is when we will have an absolute answer. We made a vocal agreement. I think we are there. I do not want to sign off completely.

Mr. WARNER. Mr. President, I am a moment premature.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

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

Mr. WARNER. Mr. President, I have listened very intently to my colleague from New Hampshire, and I have studied the history of the *Indianapolis*. His opening statement I found persuasive to the point where I would like to go back to neutral on any question of tabling and offer to my good friend the opportunity for the Senate Armed Services Committee to have a hearing, because, as you recall yesterday—I certainly do vividly, because I spent hours in the debate—our distinguished colleague, Senator ROTH of Delaware, brought in a most significant record, and I think the Senate would likewise want a live record on this critical issue that you bring before the Senate.

Therefore, a hearing would avail you—and I hope you would avail yourself to chair that hearing—of the opportunity to develop a record to bring to the Senate so Senators would have the benefit of that record to make this important vote.

For that reason—perhaps you would like to finish your presentation tonight so it is there in the RECORD—perhaps you will consider that, and we will not proceed with the amendment further, that you will take it down.

Mr. SMITH of New Hampshire addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. Chairman, I appreciate the comments the Senator has made. I think clearly it would be in the best interests of the Senate, and certainly of the *Indianapolis*, to not have the amendment tabled. I believe you bring up some very valid points. There may be some Senators who have not had a chance to digest this.

I did send out a significant amount of information over the past several days, but we have been busy. So in deference to the chairman, as long as my rights are protected—I would like to complete 5 or 6 minutes to just finish the statement I was making, to finish the story, if you will, as to what happened—I will, with the chairman's commitment to a hearing, withdraw the amendment. We will have the hearing at some point, whenever is appropriate, where we can both convene it. Then perhaps we can bring it back after that hearing to the floor as a separate piece of freestanding legislation, which I have on the calendar, as is, anyway.

Mr. WARNER. I thank my good friend for his cooperation and understanding. This is an important chapter of naval history. Some of our colleagues have not had the opportunity to look at it as extensively as has the Senator, plus I think the record of some live testimony will be helpful.

So to inform Senators, the Senator from New Hampshire will proceed for such time as he desires to conclude his opening statement. Then following that, the Senator from New Hampshire will send to the desk an amendment relating to funding on the Kosovo operations; am I not correct on that, I ask the Senator?

Mr. SMITH of New Hampshire. That is correct. I will be happy to offer that amendment.

Mr. WARNER. I think we can agree now that the time agreement on that would be, why don't we say, 40 minutes. At the conclusion of that, again, I have to advise my good friend I will move to table. So I ask unanimous consent that there be 40 minutes to be equally divided between the Senator from New Hampshire and the two managers of the bill, and then we will have a vote.

Mr. SMITH of New Hampshire. Mr. President, just reserving the right to object, I do have six or seven cosponsors. I did not realize this was going to come at this point. I would just like to be able to protect their rights to speak. My intention would be not to go beyond the 40 minutes, if they did not show up. I ask you to amend the UC to 60 minutes. If we do not need it, I would be more than happy to yield it back.

Mr. LEVIN. About how much longer will you be taking?

Mr. SMITH of New Hampshire. Starting at 7:00.

Mr. WARNER. So, Mr. President, we would start at 7:00. All debate would be concluded at 8:00. The Senator from Virginia will move to table, at which time we will have a record vote.

Mr. LEVIN. Reserving the right to object, Mr. President.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Michigan.

Mr. LEVIN. Mr. President, I want to be certain that the chairman is in agreement with my understanding of what this would be. At 8:00, the chairman would move to table, and if in fact it is tabled, that would end it. But if it is not tabled, there will be then no limitation as part of this unanimous consent agreement on time.

Mr. WARNER. Mr. President, that is quite clear. I will read the UC and incorporate that in it. This gives an opportunity for Senators to plan the balance of the evening. I now ask unanimous consent that when Senator SMITH from New Hampshire offers an amendment regarding Kosovo, which will take place not later than the hour of 7:00, there be 60 minutes of debate equally divided in the usual form prior to a vote on or in relation to the amendment. I finally ask consent that no amendment be in order to the amendment prior to the vote.

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

Mr. LEVIN. Mr. President, reserving the right to object, if I still have that standing.

Mr. WARNER. I think it is gone, but what is on your mind?

Mr. LEVIN. Senator HARKIN was informed that at 7:15 he would be granted, how many minutes?

Mr. WARNER. Mr. President, that is correct. But I am advised by the principal sponsor, Senator ALLARD, that the matter has been settled. It is being written up. Of course, Senator HARKIN would be consulted. If for any reason that writing fails to resolve it, then we will have to revisit this amendment tomorrow at a time that you and I will discuss to accommodate Senator HARKIN and other Senators.

Mr. LEVIN. It is my understanding that it is the intent, at least of the chairman, that this would then be the last vote?

Mr. WARNER. That is the prerogative of the leader, but I have reason to believe that you are correct.

Mr. LEVIN. That that is the intent?

Mr. WARNER. That is the intent.

Mr. LEVIN. I know that is not the decision until the leader —

Mr. WARNER. I am 99.99 percent certain that this would be the last vote at 8:00.

Mr. LEVIN. I add my thanks to the Senator from New Hampshire. As always, he is very cooperative with attempting to resolve issues. I didn't have a chance to thank him earlier today for his willingness to address the Trident submarine issue, even though he took a different position on the amendment of Senator KERREY, that part of that amendment really had been addressed, at least in committee, with the Trident reduction. While I very much supported Senator KERREY's amendment for the reasons that I gave, I didn't have an opportunity during that debate to thank Senator SMITH for his participation in addressing one part of that issue which the Defense Department was most anxious to address. I thank him for that as well.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. I thank my colleague from Michigan for his comments.

Just finishing the story briefly, in 5 or 6 minutes, so we can go ahead to the next issue, there were 900 men who made it into the water and only 317 remained alive at the end of those 5 days. If you can imagine 5 days of shark attacks, starvation, thirst with only salt water, suffering from exposure. The men from the U.S.S. *Indianapolis* were finally rescued. Curiously enough, the Navy withheld the news of the sunken ship from the American people for 2 weeks until the day the Japanese surrendered, on August 15, 1945. So the press coverage was minimal. Also, it was somewhat suspicious that they started the proceedings without having all the available data that was necessary. And less than 2 weeks after the sinking of the *Indianapolis*, before the sinking of the ship had even been announced to the public, the Navy opened an official board of inquiry to investigate Captain McVay, the captain of the ship, and his actions. The board, strangely enough, recommended a general court-martial for Captain McVay 2 weeks after the incident before it had even been made public. Indeed, many of the survivors' families were not even made aware that the ship had gone down.

Admiral Nimitz, commander in chief of the Pacific Command, didn't agree. He wrote the Navy's judge advocate general that at worst, McVay was guilty of an error in judgment, but not gross negligence worthy of a court-martial. Nimitz later recommended a reprimand. Nimitz and Admiral Spruance later were overridden by the Fifth Fleet, Secretary of the Navy James Forrestal and Adm. Ernest King, Chief of Naval Operations. They directed that the court-martial would go on and proceed.

It is pretty difficult to understand why the Navy brought the charge in the first place.

Explosions from torpedoes, as I said before, had knocked out the ship completely, knocked out its communication system so he was unable to give an abandon ship order except by word of mouth, which all of the crew said McVay had done. So he was ultimately found not guilty on that count.

Then the second count was not zigzagging, and it goes on to talk about that.

The bottom line, Captain McVay was ultimately found guilty on the charge of failing to zigzag and was discharged from the Navy with a ruined career. And in 1946, at the request of Admiral Nimitz, who had now become the CNO, Chief of Naval Operations, in a partial admission of injustice, Secretary Forrestal remitted McVay's sentence and restored him to duty. But Captain McVay's court-martial and personal culpability for the sinking of the *Indianapolis* continued to stain his Navy records. The stigma of this conviction remained with him always. And as sometimes happens in these kind of tragedies, in 1968, he took his own life. To this day, Captain McVay is recorded in naval history as negligent in the deaths of 870 sailors. Not one sailor said that he was negligent, yet it still continues to be on the record.

This is an injustice. I look forward to having the hearing and hearing from these sailors who will tell us publicly how they feel about this.

We need to restore the reputation of an honorable officer. In the decade since World War II, the crew of the *Indianapolis*, to their everlasting credit, has worked tirelessly in defending their captain. Captain McVay could be and would be, if he were here, very proud of his men who are trying to see that his memory is properly honored.

We can do that. We can help the crew do just that right here in the Senate. It is at the request of the survivors that I introduce this resolution.

Since McVay's court-martial, a number of other things have come up. I will not get into those now because of time, but we will get into them in the hearing.

Let me conclude on this point: Many of the survivors of the *Indianapolis* believe that a decision to convict Captain McVay was made before the court-martial. That is a very serious charge. They are convinced that McVay was made a scapegoat to hide the mistakes of others higher up. McVay was court-martialed and convicted of hazarding his ship by failing to zigzag despite overwhelming evidence that the Navy itself had placed the ship in harm's way, not Captain McVay, despite testimony from the Japanese submarine commander that zigzagging would have made no difference, despite the fact that although 700 Navy ships were lost in combat in World War II, McVay was the only Navy captain, ship captain, to be court-martialed, and despite the fact that the Navy did not notice when the *Indianapolis* failed to arrive on schedule. In spite of that, he was court-martialed, thus costing hundreds of lives unnecessarily and creating the greatest sea disaster in the history of the United States.

AMENDMENT NO. 405, WITHDRAWN

Mr. SMITH of New Hampshire. Mr. President, at Chairman WARNER's request, I will withdraw my amendment at this time and look forward to the hearing.

The amendment (No. 405) was withdrawn.

AMENDMENT NO. 406

(Purpose: To prohibit, effective October 1, 1999, the use of funds for military operations in the Federal Republic of Yugoslavia (Serbia and Montenegro) unless Congress enacts specific authorization in law for the conduct of those operations)

Mr. SMITH of New Hampshire. I will now proceed to the next issue at hand, my amendment on Kosovo, which I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH], for himself, Mr. SESSIONS, Mr. ALLARD, Mr. CRAIG, Mr. INHOFE, and Mr. HUTCHINSON, proposes an amendment numbered 406.

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

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

The amendment is as follows:

In title X, at the end of subtitle D, add the following new section:

SEC. ___. RESTRICTION ON USE OF FUNDS FOR MILITARY OPERATIONS IN THE FEDERAL REPUBLIC OF YUGOSLAVIA (SERBIA AND MONTENEGRO).

(a) IN GENERAL.—Except as provided in subsection (b), none of the funds available to the Department of Defense (including prior appropriations) may be used for the purpose of conducting military operations by the Armed Forces of the United States in the Federal Republic of Yugoslavia (Serbia and Montenegro) unless Congress first enacts a law containing specific authorization for the conduct of those operations.

(b) EXCEPTIONS.—Subsection (a) shall not apply to—

(1) any intelligence or intelligence-related activity or surveillance or the provision of logistical support; or

(2) any measure necessary to defend the Armed Forces of the United States against an immediate threat.

(c) EFFECTIVE DATE.—This section shall take effect on October 1, 1999.

Mr. SMITH of New Hampshire. Mr. President, this is an amendment I regret very much that I have to offer. I cannot express in words how strongly I am opposed to the war in Yugoslavia and the conduct of that war. I have to say that the only weapon in the arsenal of a Congressman or a Senator is funding.

Cutting off funding is the only way you can stop an administration policy that you do not approve of. It is the only instrument we have at our disposal under the Constitution. And I will be the first to admit that it is a blunt instrument, but it is the only weapon I have in my arsenal to stop a policy that I think is very dangerous, one which is going to cost us dearly if we continue.

So with great reluctance, I am offering this amendment, not because I want to but because I have to. As we deliberate funding the Department of Defense for the next fiscal year, I think the Senate of the United States should go on record as to whether or not we ought to be expected to vote on funding this operation in Kosovo.

We have been warned many times against interventions like the one in Yugoslavia. Our Founding Fathers themselves implored us in written statement after written statement, in speech after speech—George Washington comes to mind in his Farewell Address—not to meddle in the affairs of sovereign nations. He took care to warn us against the mischiefs of foreign intrigue. We would do well to heed his words.

But we did not heed his words when we attacked Yugoslavia. It is not the first time in American history, but we did not heed those words. We started the war in Yugoslavia. We attacked a sovereign nation in the midst of a civil war. The Founding Fathers explicitly gave the responsibility to Congress to approve or disapprove acts of war, and we cannot and we must not abdicate that.

We have already authorized airstrikes. We did that, regrettably, in a vote that I lost earlier this spring. But the issue here is: Are we going to have an operation of possible ground forces and a possible continuation of airstrikes in a sovereign nation in the midst of a civil war, without any statement from Congress other than one that was to fund an air war, which kept the ground troops out, which allowed Milosevic to take over Kosovo? This policy has not worked. We are being dragged into a ground war. Believe me, there are plans on the table, and everybody in America should know it, right now as we speak, to put ground forces into Kosovo.

When a superpower uses military force against another nation, it has to do it with an intensity and ferocity that shows purpose and decisiveness. I do not want any more Vietnams. I served in Vietnam. I watched the politicians debate the war, and the people in the streets protest the war while the rest of us fought the war, and then were not treated very well when we came home. I have had enough of that. It has been said many times: ''No more Vietnams.'' Well, to do anything less than to go in with absolute purpose and absolute decisiveness and end the war that you began—to do less than that is another Vietnam.

Somalia comes to mind. People lost their lives. We did not have a clear purpose there either. We just went in. And here, in Kosovo, we just went in. Yes, Milosevic is a terrible person and he has done terrible things to innocent people. The question is, though: Was bombing Milosevic the way to end it?

Well, apparently not, since there were 2,000 people dead and 50,000 refugees when we went in, and now there are 150,000 dead and a million refugees. Apparently, the policy that 58 senators supported in here two months ago is not working.

I have been on this floor repeatedly arguing against this war. I do not like doing so. But we are attacking a sovereign nation, and our national interests are not at stake. Humanitarian problems in Yugoslavia are serious problems, but are they national security interests of the United States of America? Every single person out there who has a son or daughter old enough to serve in the military should ask themselves: Is it worth my son's or daughter's life to die in Yugoslavia for a humanitarian crisis that does not involve the national security of the United States?

If the answer is yes, then you ought to tell all your Senators to vote against me. Call them up tonight and tell them that. I, for one, have two sons and a daughter, and I do not want any of them in Yugoslavia.

As the sole remaining superpower, we have a special obligation and responsibility. We have to be committed to democracy, we have to keep our markets open, and we have to have the finest military in the world. And we do. But most importantly, we have to act clearly, decisively, and within our explicit national interests. We have not done that here in Yugoslavia.

Some people have said: Let's go win the war. Maybe somebody can explain to me what ''win'' means. Does it mean that we occupy Yugoslavia for the next hundred years? That we put a partition up between Kosovo and the rest of Yugoslavia, or barbed wire, and keep

50,000, or 60,000, or 200,000 troops there for a hundred years? Perhaps we should just bomb every bridge, every building, every oil refinery, every railroad, flatten it to the ground, kill every Serb. Maybe that is how we win. Somebody tell me. I have been waiting. I have offered this challenge on broadcast after broadcast, in interview after interview, in conversation after conversation with administration officials, Senators, Congressmen, people on the street, people in the military. Nobody has given me the answer yet. How do we win? I have not heard the answer.

Our military is stretched to the breaking point. Recruiting is down. There are chronic spare part shortages. Deployments continue to increase. And now we are hearing reports about shortages of cruise missiles and other smart weapons. Over 30,000 reservists are being called up.

Let me ask my colleagues to reflect on something. God forbid, but what if North Korea were to attack the South tomorrow morning; or Iraq decided to invade Kuwait; or the Iranians, or the Libyans, or anybody else caused some problems somewhere in their part of the world? Are we ready to meet those threats? Could we meet those threats all at once, or any of them, and keep all of the commitments—including that in Kosovo—that we have now? If you have a son or daughter in the military, ask them. They will tell you that they cannot. Ask a general or an admiral in private, I say to my colleagues, and they will tell you that we cannot. If we cannot, then we ought not to be doing this.

Let me tell you something. If we get into a ground war in Yugoslavia, we are going to be there for a long, long time. I do not want that to happen. I do not want to be proven right. But we are at a turning point. If we continue to increase our intervention in Yugoslavia—which ground forces will certainly do—we are in fact committing ourselves to the Balkans, not for a day, not for a week, not for a month, not for a year, but for decades. Mark my words: we will be in the Balkans for decades.

We went into Vietnam in 1965. Thirteen years later and after 58,000 Americans were dead, when we tried to defeat and conquer an indigenous people who were dug in in their country, in their homeland, we still had not gotten it done.

These people are going to fight for their homeland, and we are going to have to be prepared to take heavy casualties to move them out.

Again, I will be blunt about it. If you think it acceptable to put your son or your daughter into Kosovo, then you ought to vote against me. But you ought to be prepared to put your son or daughter in there at the same time you put somebody else's son or daughter in there.

This region of the Balkans has been inflamed for centuries. If they attacked the United States, or if they threatened the national security of the United States anywhere in the world, I would lead the charge here in the Senate for a declaration of war. But they have not done that.

I am hearing a lot of pious arguments about this humanitarian crisis. But the question we have to ask: ''Will our grandchildren be patrolling the streets of Kosovo?''

Think about it—not you, not your son, but your grandson, and maybe his grandson. Are they going to be patrolling the streets of Kosovo to keep the Serbians from coming across their border and killing more ethnic Albanians? That is what you had better ask yourself.

There are those who say that the integrity of NATO is at stake. I hear that all the time—if we do not go to war in Kosovo, NATO will fall apart. Look—NATO survived the Soviet Union. It survived Joseph Stalin. It survived Khrushchev and Brezhnev. But it is not going to survive Slobodan Milosevic?

For goodness' sake. This alliance has stood for decades for all of these great powers, and has stood well. I supported NATO in those years. The administration would almost laughingly tell us that Slobodan Milosevic has the power to do what Stalin, Khrushchev, and Andropov could not do—destroy the NATO alliance. If the alliance is that fragile, maybe it is time to shut the door on NATO. Surely it is not that fragile.

The key for NATO's success has been that it is a defensive alliance. But it must stay true to its core mission—which it is not doing now; we are seeing tremendous broadening of the scope of NATO here, under this President—the collective defense of its members. If we use this as the overriding principle of NATO, that it should be there for the collective defense of its members, not only will the cohesion of the alliance not be in question, but we would never have gotten involved in the swamp in the Balkans. That is exactly what it is. It is a swamp. And we are going to get stuck in it.

Let me assure you of one thing. If this war against Yugoslavia continues to escalate, then NATO truly is finished, because NATO will disgrace itself. Even today on the news we have our commander, General Clark, saying we need to hit more targets, we need to hit more specific targets in Belgrade, we have to come closer to those embassies, closer to those populations, take more risks, take out more facilities, risk more collateral damage, because, if we do not, we will never win—or, if we do not, we are going to have to put in ground troops.

Should ground troops be introduced? Should we be forced to attack and occupy Yugoslavia? This will certainly be the end of NATO. This alliance is not an offensive force. It never has been. The greatness of NATO is the fact that it is defensive—that is what allows it to function by consensus.

Already our allies have tried to find a way to end the airstrikes. Anybody who tells you that there are no cracks in NATO and that NATO is solidly behind this is not telling you the truth. Who can blame those in NATO who are taking a different position now? They joined NATO to prevent a European war. Now they find that the U.S. has led them into one—in the Balkans, of all places.

One of the main reasons I do not support this war is because I want to preserve our standing in the world. It is because I believe our relationship with Russia is on the line. It is because I believe that we should not draw precious military resources from our overseas commitments. It is because I care about the stability in Bosnia. It is because I believe in the sovereignty of other nations that I am against the escalation of this conflict. Some call that isolationism. It is not isolationism, and I resent that reference. It is actually realism.

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

Mr. SMITH of New Hampshire. Yes, I yield to my friend from Oklahoma.

Mr. INHOFE. First of all, I don't want the Senator to get the impression that he is alone in his feelings. I agree with everything the Senator said.

I would like to ask the Senator if he didn't leave out one very significant reason why we should not be involved in that war —or that civil war within a sovereign nation—is that in our state of readiness right now we cannot carry out the national military strategy in defending America's regional fronts. In fact, it is even questionable, according to our air combat commander, that we could defend America on one front, with all the allocations of our scarce assets that are going into Bosnia, Haiti, and Kosovo.

Right now my major concern, with 5,000 of our troops already over there in Albania, is that they are virtually naked; they have no force protection, no infrastructure.

I hope the Senator will add to his list of reasoning why we shouldn't be there is because it is draining our ability to defend America on such fronts as North Korea or the Middle East.

Mr. SMITH of New Hampshire. I certainly will add that to the list. I referred to that a few moments ago. But it is a point well taken.

Mr. President, great powers use discretion. They do not allow themselves to be bogged down in places where their interests are not at stake. They use their power judiciously.

When do we use force? When do we use diplomacy? We have made commitments around the world in places like Korea and the Middle East. The United States has shown resolve. We place American lives at risk when our vital interests are the stake. We have done it all over the world. Americans have died in places all over the world that some cannot pronounce and never heard of. It has been happening for decades. There is no question about it. But our vital interests are not threatened in Yugoslavia.

We have troops in warships across the world. Every year we send billions of Americans' tax dollars overseas in foreign aid. The American people are the most generous in the world. Private citizens, corporations, and charitable organizations send hundreds of millions of dollars every year to help needy people throughout the world. If we have a flood, or an earthquake, or a tornado in America, how many times do you hear about all of these other countries pouring in money to help the people in Des Moines, or to help the people someplace else where a tornado or a flood occurs?

To somehow say now that we have to get into this conflict when we have countries in Europe who can, and should, deal with it—how much more blood do we need to shed in Europe for Europe? It is about time Europe stepped up to the plate.

The United States does not need to resort to airstrikes to show we are not isolationist, and we certainly should not put our troops at risk. And we do not need somebody who has never been a strong military leader—indeed, who has never been in the military—to be the macho man who drags us into a war where we do not belong in.

With this legislation, I am just trying to keep the administration from throwing money and forces at Kosovo without regular accountability. If Congress wants operations after 1 October, all we have to do is authorize them. This vote tonight will not be the mission. We have made that vote. This vote is going to be on whether or not we want to have another opportunity fund this operation after October 1.

I respect my colleagues on both sides of this question. I respect immensely the thought that they put into it. I respect their convictions. Again, the only instrument I have as a Member of Congress, blunt as it may be, if I disapprove of this policy, is to cut off the funding. That is the reason I offer this amendment.

I yield the floor.

Mr. WARNER. Will the Senator yield for a question on my time?

Mr. SMITH of New Hampshire. I yield.

Mr. WARNER. Senator, we have had many debates on the floor of the Senate about this very divisive war. The Senator from New Hampshire, from the very beginning, has been absolutely clear as to his views, and I respect them. I differ with them, but I respect them.

I will not go over the entire history of what I and other Senators have said about this. These are those Members who believed that once the commitment was made by this Nation as an integral part, as a full partner, of NATO, to the other 18 nations, that was it; it was to support our troops and to do what we can.

What worries me about the amendment is that it would send a signal to Milosevic: Hang tough.

This is the man who, as just clearly stated, has divided the whole world, has divided every precedent of human rights. Would it not send a message to him to hang in there? No matter what we are able to inflict, hang in there, because on October 1 the United States pulls out of NATO and leaves it to the other 18 nations if they wish to carry on?

That is my first question.

The second question: What do we say to the men and women of the United States Armed Forces and the other nations flying missions, some eight or nine nations flying missions? What do we say to them? They are in the cockpit right now, taking risks, risking life and limb. Did the Senator think about stopping it as of tonight? That was an option I am sure the Senator considered.

Those are the two questions I pose to my good friend.

Mr. SMITH of New Hampshire. Responding to the leader on his time, I lost that vote earlier, regrettably. I lost that vote on the floor.

What I am trying to do now is to not authorize any funds for operations in Yugoslavia beyond the October 1, the beginning of the next fiscal year, unless we again authorize those operations.

Mr. WARNER. What do we say to the young men and women flying these missions? Their mission tonight, tomorrow night, and into the indefinite future is to carry out the orders of the Commander in Chief of the United States and the guiding military group in NATO. They salute, march off, get in the cockpit, fly off, and take risks. In my judgment, they are making some slow but, nevertheless, steady progress in degrading the military machine of Milosevic. When they fly home, they drop their orders, and they can at least say it was another chip away toward the end result and the five basic points that NATO has laid down to resolve this conflict.

If we are to pass this and they fly the mission, they will wonder: Am I going to be the last person to die on the last day of this war, which would be September 30, 1999?

Mr. SMITH of New Hampshire. What do we say? First, we tell them that we are ensuring that the American people, through their representatives in Congress, should either support it, if it is to continue, or not.

If my amendment were to prevail and I were one of those pilots, I would hope that my Commander in Chief, after this amendment did prevail, would begin to make a compelling case for our actions against Yugoslavia, and would bring that case before the American people for a vote in Congress. That is all this amendment requires. It is the only way to ensure that the American people are behind their troops in the field.

Mr. WARNER. The first part of my question was, Does this not send a signal to Milosevic to just hang tough and disrupt every effort being made, whether by the United States, Germany or, indeed, Russia, in trying to negotiate some diplomatic resolution?

I understand that the Russian delegation could be arriving within the next 48–72 hours. The Deputy Secretary of State, Strobe Talbott, is finishing—if he hasn't already today—some discussions in Russia relating to that mission. It seems to me that the diplomatic process would come to a standstill.

Milosevic will say to his people, we have stayed this long, stay the course. If the United States pulls out, I think Milosevic could go to his people and say there is little likelihood that the other nations might continue on. And, furthermore, look who is flying the missions. Over 50 percent of the tactical missions are by U.S. pilots. Over 70 percent of the support aircraft, the tanker aircraft, the intelligence aircraft, are all flown by the United States.

It would have the effect of disabling NATO from carrying on if it so desired.

Mr. SMITH of New Hampshire. Mr. President, I think that if we were to look at the resolve of Mr. Milosevic, he has done pretty well for himself, considering after 60-some days of bombing he has cleared out Kosovo of just about every ethnic Albanian he can clear out, with the exception of those who can serve him as human shields to protect his army and tanks.

That is despicable. I am not going to stand on the floor of the Senate and defend Slobodan Milosevic. I am concerned about the long-range situation and what our objective is. We can bomb and bomb and bomb. We have been doing that. How long that goes on, I do not know. The bottom line is: he has achieved what he wanted to achieve, which is to get the ethnic Albanians out of Kosovo. He has accomplished what he wanted to accomplish in spite of the bombing—and maybe because of the bombing.

I do not know what we are gaining by continuing. But I do think that, as a minimum, the President must get Congressional authorization to continue the war.

Mr. WARNER. I thank my colleague for taking questions. I did not mean to importune the distinguished Senator.

Mr. INHOFE. I inquire of the Presiding Officer how much time remains on both sides.

The PRESIDING OFFICER. Senator SMITH controls 8 minutes 30 seconds, and the Senator from Virginia, the manager, controls 23 minutes.

Mr. SMITH of New Hampshire. I yield 6 minutes to the Senator from Oklahoma.

Mr. INHOFE. I thank the Senator for yielding.

I am not going to take that long, only because I don't want the Senator to be left with no time to respond to what I think we will be hearing in the next 22 minutes. I want to make sure the Senator has adequate time.

Let me take a minute and say that I don't like the amendment but I don't

know any other choice. I wish there were other choices out there.

We got involved in this. I am sure I can visualize what was happening when they made the decision to invade a sovereign nation, sitting around a table saying, we will send bombs out there for a couple of days and that will take care of him and everything will be fine.

That was not the plan. We heard the plan criticized by the very best people out there. I will be in the region again this weekend.

My concern, as I voiced several times, without a well laid out plan in a war we shouldn't be involved in—we have troops out there, as I said before, who are virtually naked and have no protection right now.

I am concerned about Albania and the threat to our lives there as much as I am crossing that line into Kosovo. Because right now there is no force protection over there.

As far as the pilots are concerned, I don't think there is a person in this U.S. Senate who has visited with the pilots more than I have, because as chairman of the Readiness Subcommittee I go around to all these places. I take journalists with me, frankly, so these people will realize why we are only retaining 19 percent of our Navy pilots, 27 percent of our Air Force pilots. It is not just the attractive economy on the outside. It is not just the fact our mechanics are overworked and they are not sure the spare parts are going to be there. As they said in one of the places, with witnesses there, our problem is we have lost our sense of mission. They are sending us in places without adequate training. With all the money we are spending in these contingency operations where we do not have strategic interests, it is draining us from our ability to properly train should we have to meet a contingency where our national strategic interests are at stake.

Our time that we are training these guys in red flag exercises in Nellis is cut way down; the National Training Center out in the desert, cutting down Twenty-nine Palms for the marines; they are not getting adequate training because we are busy deploying our troops in places where we do not have a national strategic interest. So I just look upon this as a way out. We have been looking for a way out of Bosnia since 1995. Now there is no end in sight there. I do not want to get ourselves in that position, so I see the only way out right now is what the Senator from New Hampshire is suggesting. I do support his amendment.

The PRESIDING OFFICER. Who yields time? The Senator from Michigan.

Mr. LEVIN. Mr. President, I yield myself 5 minutes.

Mr. President, this amendment contains a funding cutoff that is far broader than the one that was contained in the Specter amendment that the Senate tabled yesterday. This would cut off funding effective October 1 for U.S. air or ground operations, including peacekeeping operations. So the Senator from New Hampshire has in no way stated inaccurately what this amendment does. It is his intention, and he said so quite clearly, that this amendment leads to the withdrawal of our effort, the termination, the ending of our effort in Serbia, including the air campaign.

The Senate voted just a few months ago, 58-to-41, to support that air campaign. What this amendment says is we want to terminate the air campaign. This would have the Senate blow hot and blow cold on the same issue, whether or not we want to support an air campaign which is presently going on.

At the same time, it tells Milosevic all you have to do is hang in there until October 1 and you will not even face an air campaign. You will not face any kind of campaign. You will have succeeded in Kosovo.

Milosevic has not accomplished what he set out to accomplish because he is under severe attack in Kosovo and in Serbia. He will accomplish what he set out to accomplish if this amendment passes. That will be the victory. That will seal the success for Milosevic if this amendment is agreed to, because this amendment cuts off all funds, including those for the air campaign to attempt to reduce Milosevic's military capability, which is our military mission, and our broader mission will then be totally impossible. The broader mission is to return over 1 million refugees who have been burned out, who have been raped, whose villages have been destroyed—500 villages. Those refugees, then, will have no hope of returning. Whereas now they have, indeed, a very real hope of returning because Milosevic is gradually being weakened and his forces are under tremendous stress. There is great evidence of that all over.

The KLA, the Kosovo Liberation Army, is beginning to move back in to their villages and into their homes. Nothing will scare Milosevic much more than having to face the KLA again, which will be the result of his failure to negotiate a settlement which provides for the return of these refugees in safety with protection.

We cannot allow Milosevic to succeed, which is what this amendment hands to him. We cannot allow Milosevic to shape the future of Europe. That is what his success would do. His ethnic cleansing, if not reversed, will shape Europe for the next century.

This century began with a genocide against the Armenians. It is ending with an ethnic cleansing of the Kosovars. And in between was a Holocaust. If we do not want the next century to be a repeat of this century, Milosevic cannot succeed. Europe's future is on the line and that means our own security is on the line. NATO's future is on the line. The adoption of this amendment will tell NATO they have failed. The adoption of this amendment will be the statement to Milosevic: You have succeeded. We are pulling out.

That is what the intention of this amendment is, according to its sponsor. This amendment will tell our 19 allies in NATO: Forget NATO. Forget NATO cohesion. Forget NATO unity. We are pulling out.

And this amendment will send the worst possible message to the most important of all the people, the men and women who wear our uniform who are out there in harm's way now, who would then be told by this amendment we are pulling out.

This Senate must send a very different message than that. I hope this amendment is tabled by an overwhelming vote.

I will be happy to yield 5 minutes to the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware is recognized for 5 minutes.

Mr. BIDEN. Mr. President, I think we owe a debt of gratitude to our colleague from Oklahoma and our colleague from New Hampshire. They are among only a few who will bluntly state why they want out. They are straightforward. The Senator from Oklahoma says this is a way out of Kosovo, just like we should find a way out of Bosnia. They say we have no interest in Yugoslavia. We have no ability to do anything about it. And we have no right.

I find this absolutely fascinating. We talk about a sovereign nation being invaded by a horde of 19 democracies who are doing such an injustice to them.

Then I hear that one of the reasons we should not be involved is because Yugoslavia is a sovereign country. I cannot remember what their explanation was as to why we should not be involved in Bosnia, where Slobodan Milosevic was crossing the Drina River with these very forces that are cutting off the noses, ears and then cutting the throats of captured men in Kosovo, who are taking their women to the third floor of army barracks for the pleasure of the troops and picking what they believe to be the most attractive of the women who happen to be Moslems. These are the same fellows that crossed the Drina River and invaded another country. I heard the same arguments from you all about how we should not be involved there. So do not let anybody fool you, this is not about sovereignty.

The second point I would make is that we have reached the conclusion, straightforwardly, that Slobodan Milosevic's business is his business. What do we have to do with that? Let them work it out.

I never thought I would live to see the day when a European leader was herding masses of women and children onto boxcars and trains in the sight of all the world, shipping them off to another border, destroying, as they crossed the border, their licenses, taking their birth certificates, going into

the town halls and destroying the property records of those very people. And it is so convenient to say that is not our business.

Then I hear another argument. You know, we have commitments around the world. We will not be able to fight a two-front war. But what is the threat to America beyond the nuclear one? And that will not be deterred by American ground forces. I hear my friend from New Hampshire say: Let the Europeans take care of this. Have we not shed enough blood in Europe?

But we have to worry about Korea? Why not say let the Asians take care of Korea? There are more of them than us. We have shed enough blood in Asia.

Are we protecting the use of American force in Europe so we can use it in Korea?

If that is the logic, explain to me why the Japanese and the South Koreans cannot take care of themselves. I find this incredibly selective logic.

And, by the way, this so-called failure in Bosnia—what a fascinating notion. Nobody is being killed there now; the raping, the rape camps, the ethnic cleansing have stopped; people are actually living next door to one another again. There are 6,800 American forces there, and that is supposedly too high a price to pay without, thank God—as my mother would say, knock on wood—one American being killed? I am sure glad you guys were not around in 1955 and 1956 and 1957 to say: By the way, all those forces we have in Germany, they are sitting there occupying a country and protecting a country, but their mission must be a failure because if they left, there would be war.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BIDEN. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. I yield 4 minutes to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota is recognized for 4 minutes.

Mr. DORGAN. Mr. President, I have not been a cheerleader for our participation in this conflict. I supported it, but I am nervous about it. But I must say, this is wrong. At 7 o'clock this evening, with no notice, we have an amendment that suggests we shall terminate our participation in the NATO campaign to stop the ethnic cleansing and the massacre in Kosovo. At 7 o'clock tonight, with no notice, we are going to have this debate probably for an hour?

I just heard one of the sponsors of this amendment talk about what Mr. Milosevic has achieved. He is right about that, Mr. Milosevic has achieved the following: massacre, we don't know how many; troops burning villages; raping people; killing innocent men, women and children; hauling people like cattle in train cars or herding them in groups to the border; displacing 1 million to 1.5 million people from their homeland.

Yes, he has achieved that. What hasn't he achieved? What he has not achieved he is about to achieve if the Senate adopts this amendment. He wants to achieve an end to the airstrikes that cause him great inconvenience and a great threat to his movement in this massacre and in this ethnic cleansing. Does the Senate want to allow him to achieve that goal? I do not think so.

Five or 10 years from now we will look in our rear-view mirror and see that on our watch ethnic cleansing and massacre occurred and we said: Gee, that didn't matter; it wasn't our business.

We have already decided that is not the position we will take. It is our business. It does matter. Do you want to know what ethnic cleansing is? Do you want to know what are the horrors of this kind of action visited upon those men, women, and children? Go to the museum not many blocks from here and see the train cars where they hauled people in Europe before, see the shoes of the people who died in the gas ovens, and then ask yourself: Does this kind of behavior matter? It does matter, and this country, with our allies, is trying to do something about it.

Imperfect? Is this operation in Kosovo with us and our NATO allies imperfect? Yes, it is imperfect, but are we trying? Is this country, with our allies, saying this does matter? Yes. That is exactly what we are doing.

Do we really want to say to Mr. Milosevic tonight: You can achieve the rest of your goals through the help of the Senate. You can do all this—rape, burn, massacre, move people out of their homeland, clean out a country, engage in ethnic cleansing—and when this country and others stand up to say we will not allow that on our time and our watch, you can achieve your objective and remove that nuisance called airstrikes and bombing campaigns and the Senate will help you do that? I do not think so. I certainly hope not, not this Senate.

My hope is that history will record this effort as a noble effort that said when this kind of behavior exists, we will do what we can with our allies to stop it. I do not know how this ends, but I know it should not end tonight on a Wednesday night vote by the Senate to say to Mr. Milosevic: This country will no longer continue to be a problem for you.

The rape, the burning, the massacres, the ethnic cleansing will not stop, but the airstrikes should? I do not think that is a decision this Senate will make. It is not a decision the Senate should make, and I hope in a short time, with an amendment that should not be offered in this kind of circumstance, the Senate will say: No, this effort by this country at this point in time is important. This is not about us alone. It is about this country with NATO, with our allies attempting to stop this man, Slobodan Milosevic, from the kind of behavior we would not accept from anyone in the world. I hope when this vote is cast, we will not achieve the objective Mr. Milosevic wants most, and that is a cessation of the bombing and the airstrikes. That is the price this man is paying for his behavior, and he must pay that price until he stops.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

PRIVILEGE OF THE FLOOR

Mr. LEVIN. Mr. President, I ask unanimous consent, on behalf of Senator BINGAMAN, that Dr. Michael Cieslak, a fellow, be granted the privilege of the floor during the pendency of this bill.

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

Mr. LEVIN. Mr. President, how much time do the opponents have?

The PRESIDING OFFICER. The proponents have 5 minutes 39 seconds; the opponents have 7 minutes 11 seconds.

Mr. LEVIN. I yield 3 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 3 minutes.

Mr. WELLSTONE. I thank the Chair.

Mr. President, my framework is a little different. Murder is never legitimate, and we have tried to do the right thing to stop the slaughter of people, albeit we have not been anywhere close to 100 percent successful. I have deep concerns about the conduct of this war and where it is heading.

On May 3, I called for a temporary pause in the bombing for a focus on diplomacy. I wished we had done that. I wished we had not seen the bombing of the Chinese Embassy. I think we had momentum for a diplomatic solution consistent with our objectives: That the Kosovars go back home, that there be a force there to give them protection, that they be able to rebuild their lives.

I say to colleagues tonight that I do have serious reservations about part of the direction in which we are heading. The airstrikes have gone beyond degrading the military, which was to be our objective, and I really worry that we begin to undercut our own moral claim when we begin to affect innocent people with our airstrikes, when we begin to kill innocent people, albeit that is not the intention.

I focus on diplomacy. I still believe we need to have a pause in the bombing. We have to have a diplomatic solution. That is the only option that I see available to bring this conflict to an end and to enable the Kosovars to go back home, which is our objective.

Once again, I worry about these airstrikes when we go after power grids and it affects hospitals and it affects innocent civilians. That goes beyond just degrading the military. I sharply call that into question.

I say to my colleague from New Hampshire, I believe this amendment is profoundly mistaken. It takes Milosevic completely off the hook.

This amendment takes us in the opposite direction of where we need to go toward a diplomatic solution to end this conflict.

This is the wrong amendment. This is the wrong statement. This is at the wrong time. Therefore, I rise to speak against it. But I will continue to speak out and raise questions. I will continue to talk about the need to move away from the bombing and to focus more seriously, and in a more concentrated and focused way, on a diplomatic solution and an end to this conflict on honorable terms.

I hope my colleagues tonight, however, will vote against this amendment. I hope it will be a strong vote against this amendment.

I yield the floor.

Mr. BYRD. Mr. President, I have listened carefully to the debate on this amendment, and I appreciate the wrenching emotion that has motivated those on both sides of this issue.

The NATO operation in Kosovo is a difficult issue for many of us to come to terms with. Our hearts ache for the suffering of the Kosovar Albanians who have been banished from their homeland by the forces of Yugoslav President Slobodan Milosevic. At the same time, we fear for the safety of U.S. and NATO military forces who are engaged in a perilous mission in a corner of the world that has been torn by ethnic conflict for centuries.

We cannot foresee the outcome of this operation. We have a duty to watch it carefully, to debate it fully on the floor of this Senate. But in our concern to do what is right, we should not act in so much haste that we run the risk of making a fatal mistake.

There may come a day when I will stand on the floor of the U.S. Senate with the Senator from New Hampshire and call for a cutoff to the funding of U.S. operations in Kosovo. But that day is not today. That time is not now. A decision of that magnitude must not be taken on the run, after a hastily called 60-minute debate among a handful of Senators.

Mr. President, this amendment sends the wrong message at the wrong time. By all means, let us debate the U.S. involvement in Kosovo. But let us do it with deliberation and forethought. I urge the Senate to table this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. As I said when we began the debate, I respect the views of my long-time friend. He comes from a distinguished military family. He served, himself, in the uniform of the United States. We have a very diverse group in the Senate with regard to their views on this conflict.

There is not a one of us who was not deeply concerned before we became involved in this conflict. We are in it now. I salute here tonight the professionalism that has been shown by the men and women of the Armed Forces of the United States, in particular, and joined by their counterparts from some eight other nations in the air, and the other NATO nations in one way or another that have participated in this conflict.

We are in it because our generation cannot tolerate what we have seen Milosevic do to human beings. To do so would be to reject, indeed, what other men and women have done in previous generations to bring about freedom for others: World War II, followed by Korea, followed by Vietnam. We are there to protect freedom. We are there to protect the rights of human beings to have some basic quality of life and ability to exist.

I remember the peak of this event. When we got started, it was just before Easter. I went back to my constituents and, indeed, they asked me: Why should we be there? I said: Could you be at home on Easter Sunday, sharing with millions and millions of Americans the experience of your respected place of religion, sharing with your family a bountiful meal, and watch the pictures of the deprivation, the murder, the rape, the mayhem inflicted by Milosevic and his lieutenants on fellow human beings?

Yes, they are Kosovars; yes, they are far away; yes, they speak a different language. I was there in September. I traveled in Kosovo, in Pristina, in Macedonia. At that time, I saw these people being driven from their homes. Not distant from where we were driving—we were permitted by the Yugoslav Army to take certain roads—we could see the burning houses; we could hear the shells. The war was in full progress in other areas several miles distant from the route that we took.

We could not stand by, as a free people, and see in Europe a repetition of the horrors that visited Europe in World War II. So we are there. My vote tonight in opposition to my good friend is because I am pledged and committed to the men and women of the United States Armed Forces and the other nations. I am pledged and committed to the survival of NATO, not just as a political entity but for what NATO stands for, the principles for which it stands. I encourage my colleagues to do likewise.

We will somehow, as a collection of free nations, bring this tragic conflict to a halt. When and exactly how, none of us knows.

The PRESIDING OFFICER. The time of the opponents has expired.

Mr. WARNER. Mr. President, I understand my time has concluded. I say to my friend, I respect you, but I vote against you. I shall move to table at the appropriate time.

Mr. SMITH of New Hampshire addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. The respect is mutual, as my friend knows.

Mr. President, there have been a few misstatements about my amendment that I would like to clarify, as Senators now begin to make their way to the floor. I will only be a few minutes in closing.

All this amendment requires is that the President make the case and get congressional approval to go forward with this war after October 1. No funds are cut off until October 1, and unless Congress chooses not to authorize the President to continue. That is what this amendment requires.

I heard one of my colleagues on the other side of the issue say a few moments ago that this is coming at the last minute and that we do not have time to deliberate. I will tell you how much time you have to deliberate. You have the rest of this month, you have June, July, August, and September. You have 4 months to think about whether or not you want this war to continue and whether or not you want to authorize more funding. It does not send any message to Milosevic other than the fact that Congress intends to exercise its constitutional authority. That is all.

I could probably give emotional speeches about a number of human tragedies around the world. My colleague from Delaware got very emotional; and that is a good quality when you believe in something. But this decision should not be based on emotions. This is a decision about how we should use our finite power. We should make the decision on how we use our power on the basis of American interests. No American life should be risked based on any Senator's emotions, for goodness' sake.

In 1995, 500,000 Rwandans were slaughtered in six weeks—most of them hacked to death by machetes—in tribal warfare in the nation of Rwanda. Maybe I am mistaken—and if I am, I will apologize to any Senator who says he came down here and said that we should enter the war in Rwanda, enter that civil war, fire cruise missiles, bomb the blazes out of all the cities, bring those tribes back to their knees to stop the hacking—but I did not hear it. That was a humanitarian crisis of the highest magnitude, and we did not enter it. And we should not have entered it.

Those 500,000 people are just as precious under the eyes of God as anybody else in the world, and we said nothing. We did not fire cruise missiles, we did not drop smart bombs, and we did not talk about ground forces, we did not talk about NATO forces, or any other forces of the world going in and setting up a partition to keep two warring tribes apart. Why? Because, as in Kosovo, the conflict posed no threat to the United States. No American lives were worth risking.

This is not about tying the President's hands as he tries to defend America. It is about guiding and restraining an incompetent administration as it muddles around in a place

where U.S. interests are, at best, peripheral.

There are terrible humanitarian situations that Mr. Milosevic has created. I will be the first to admit it. The question is, as I said at the outset of this debate, How do we resolve it? Do we resolve it with more bombs? By bombing and causing collateral damage to innocent people? Or do we do it through diplomacy?

I am not trying to send a message one way or the other to Milosevic with this amendment. I am trying to send a message to the American people and to the Senate to say, if we are going to put Americans at war in a sovereign nation in a civil war, the least the Senate can do is have the intestinal fortitude to say yes or no, rather than to let this thing string on like Vietnam did and then, after 58,000 people are dead, we say, oh, my goodness, if we had just stopped this war a little bit earlier—or perhaps, as Senator Goldwater said, we had fought it to win a little bit sooner. Meanwhile, there are 58,000-plus people on the Vietnam Wall.

Now is the time to speak, not 5 years from now. All I am asking in this amendment is that we have from now until October 1 to decide whether or not we want to fund this war any further. That is the message I am sending. I am sending that to my colleagues who represent the people of the United States of America.

I yield the floor.

Mr. WARNER. Mr. President, I ask unanimous consent to speak for 2 minutes to address the Senate with regard to tomorrow's schedule prior to the vote so Senators coming to vote can depart and know what will take place tomorrow.

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

Mr. WARNER. The order was to be handed to me. We were not able to resolve the Allard amendment, so that will be the recurring order of business tomorrow morning. Of course, the Lott amendment is still in place; am I not correct, Mr. President?

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. So we will endeavor tomorrow morning, without specifying exactly how and when we will do it, to bring up the Allard amendment. Senator HARKIN has 20 minutes, and we will divide, say, another 20 minutes between the distinguished ranking member and myself, should we need it. That would be a total of 40 minutes on the debate. I think maybe I will say 15 minutes between the two of us and 15 minutes to Senator ALLARD, 20 minutes for Senator HARKIN. I think that should do it.

We will just have to establish the time that we will vote on the Allard amendment tomorrow morning.

This will be the last vote for tonight, and Senators can expect early on in the morning that we will address the Allard amendment.

Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 406. The yeas and nays are ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Missouri (Mr. BOND) is necessarily absent.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. MOYNIHAN) would vote ''aye.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 77, nays 21, as follows:

[Rollcall Vote No. 151 Leg.]

YEAS—77

Abraham	Feinstein	Mack
Akaka	Frist	McCain
Ashcroft	Gorton	McConnell
Baucus	Graham	Mikulski
Bayh	Grams	Murkowski
Bennett	Hagel	Murray
Biden	Harkin	Reed
Bingaman	Hatch	Reid
Boxer	Hollings	Robb
Breaux	Hutchison	Roberts
Brownback	Inouye	Rockefeller
Bryan	Jeffords	Roth
Byrd	Johnson	Sarbanes
Campbell	Kennedy	Schumer
Chafee	Kerrey	Shelby
Cochran	Kerry	Smith (OR)
Collins	Kohl	Snowe
Conrad	Kyl	Specter
Coverdell	Landrieu	Stevens
Daschle	Lautenberg	Thomas
DeWine	Leahy	Thompson
Dodd	Levin	Torricelli
Domenici	Lieberman	Warner
Dorgan	Lincoln	Wellstone
Durbin	Lott	Wyden
Edwards	Lugar	

NAYS—21

Allard	Feingold	Inhofe
Bunning	Fitzgerald	Nickles
Burns	Gramm	Santorum
Cleland	Grassley	Sessions
Craig	Gregg	Smith (NH)
Crapo	Helms	Thurmond
Enzi	Hutchinson	Voinovich

NOT VOTING—2

Bond	Moynihan

The motion was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I ask unanimous consent that at 9:30 a.m. on Thursday, the Senate resume the DOD authorization bill, and that the Allard amendment No. 396 be the pending business, and that there be 30 minutes remaining on the amendment with 20 minutes under the control of Senator HARKIN and 10 minutes equally divided between Senator Allard and myself, with a vote occurring at 10 a.m. on or in relation to the amendment, with no amendments in order prior to the vote.

Mr. REID. No objection.

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

Mr. WARNER. Mr. President, in light of that agreement, there will be no further votes this evening. The next vote will be at 10 a.m. on Thursday relative to the Allard amendment.

Mr. President, at this time there will be no further action on the DOD bill.

FEDERAL PRISON INDUSTRIES

Mr. THURMOND. Mr. President, I am in strong support of the amendment to strike Section 806 of S. 1059, the Defense Authorization Act.

Many of us, including Senator GRAMM, Senator HATCH, and Senator BYRD, discussed the importance of Federal Prison Industries on the floor yesterday when this amendment was first considered. I would like to speak for a moment on a few issues that have been raised in this debate.

Some have argued that the taxpayers would save money if Federal agencies were not required to use FPI because FPI prices are not competitive. However, studies from the General Accounting Office and the Department of Defense Inspector General show that FPI prices are generally within the market range. Indeed, the DoD IG report found that FPI prices were generally lower than the private sector for the products reviewed.

Moreover, it is important to note that Prison Industries is a self-sufficient corporation. As we discussed at my Judiciary hearing on this issue, if Prison Industries did not exist, it would cost taxpayers millions of dollars per year to fund inmate programs that would provide similar security to prison facilities and similar benefits to prisoners. FPI is the most successful inmate program. We should support it strongly and not pass legislation that could undermine it.

The April 1999 study between DoD and BoP discusses the relations between the two agencies in great detail. The study concludes that no legislative changes are warranted in Defense purchases from FPI. It made some recommendations for improvements that are currently being implemented. We should give the study time to work.

This joint study shows that Defense customers are generally satisfied with FPI. Although some concerns remain such as timeliness of delivery, these issues are being addressed. It is best to allow the joint study to speak for itself. The Executive Summary states: ''In response to questions regarding the price, quality, delivery, and service of specific products purchased in the last 12 months, FPI generally rated in the good to excellent or average ranges in all categories. On the whole, respondents seem to be very satisfied with quality and service, mostly satisfied with price, and least satisfied with delivery. * * * Most respondents rated FPI either good or average, as an overall supplier, in efficiency, timeliness, and best value. FPI was rated highest as an overall supplier in the area of quality.'' The survey generally shows a

positive, productive relationship. It is clear that drastic changes are not warranted in the relations between DoD and BoP.

Indeed, the Administration strongly opposes Section 806. The Statement of Administration Policy on S. 1059 explains that this provision ''would essentially eliminate the Federal Prison Industries mandatory source with the Defense Department. Such action could harm the FPI program which is fundamental to the security in Federal prisons.''

FPI is a correctional program that is essential to the safe and efficient operation of our increasingly overcrowded Federal prisons. While we are putting more and more criminals in prison, we must maintain the program that keeps them occupied and working.

DEFENSE PRODUCTION ACT

Mr. GRAMM. Mr. President, I commend the manager of the bill, the distinguished chairman of the Armed Services Committee, Senator WARNER, for including in this legislation a one-year extension of the Defense Production Act. As the Senator knows, the Defense Production Act falls under the jurisdiction of the Committee on Banking, Housing, and Urban Affairs.

The Defense Production Act is due to expire on September 30, 1999. The Banking Committee has a great interest in the Defense Production Act and we intend to conduct a thorough review when we consider its reauthorization. However, due to the press of other business, specifically the time-consuming task of passing the first modernization of our financial services laws in sixty years, the Banking Committee is unable to conduct such a thorough review at this time.

Therefore, I requested that Senator WARNER include a provision in the Department of Defense authorization bill to extend the Defense Production Act until September 30, 2000. This extension will allow the Banking Committee the time to give the reauthorization of the Defense Production Act the attention it deserves. Senator WARNER was kind enough to include this provision at my request.

Mr. WARNER. We understand that the Banking Committee intends to take a close look at the Defense Production Act, but may not be able to do so prior to the September 30, 1999 deadline. The Armed Services Committee is happy to accommodate the Banking Committee, as we did last year, and include a one-year extension of the Defense Production Act in the DOD authorization bill.

Mr. GRAMM. Mr. President, I thank the chairman of the Armed Services Committee for his courtesy and assistance on this issue. I ask unanimous consent that a letter I wrote to Senator WARNER on this issue be printed in the RECORD.

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

COMMITTEE ON BANKING,
HOUSING, AND URBAN AFFAIRS,
Washington, DC, May 25, 1999.

Hon. JOHN WARNER,
U.S. Senate Committee on Armed Services,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR WARNER: I am writing to request that the Armed Services Committee include a one-year authorization of the Defense Production Act in S. 1059, the Department of Defense authorization bill. As you know, pursuant to the Standing Rules of the Senate, the Committee on Banking, Housing and Urban Affairs has jurisdiction over the Defense Production Act. This Act is due to expire on September 30, 1999.

While it is the Banking Committee's intention to give more thorough attention to the Defense Production Act in the future, other issues such as financial services modernization have taken priority this year. As a result, it would be of great assistance if you would include in the upcoming defense authorization bill a provision to renew the Defense Production Act through September 30, 2000.

Thank you for your assistance in extending the Defense Production Act for another year.

Yours respectfully,

PHIL GRAMM,
Chairman.

164TH AIRLIFT WING

Mr. FRIST. Mr. President, I thank the chairman of the Armed Services Committee, Senator WARNER, for coming to the Senate floor today to discuss the follow-on aircraft designation for the 164th Airlift Wing of the Tennessee National Guard.

Mr. WARNER. As the Senator from Tennessee is aware the C–141 aircraft has served this nation well but its useful life is coming to an end. In the report to accompany the Defense Authorization Act, the Committee urges the Secretary of the Air Force to designate a follow-on aircraft for those Air Force Reserve units affected by the retirement of the C–141, and notify the relevant congressional committees as soon as the new mission assignments are available.

Mr. FRIST. Mr. Chairman, it is my understanding the 164th Air Wing is the only Air Guard C–141 unit in the country not to have a follow-on mission designated.

Mr. WARNER. The Committee's urging of the Secretary of the Air Force to designate a new mission for the C–141s of the Air Force Reserve was in no way meant to neglect the similar urgency in the Tennessee Air Guard. Moreover, I would like to take this opportunity to reiterate the importance of strategic airlift to our ability to project force globally. the Guard and Reserve are a critical part of the total force equation. Let me assure the Senator from Tennessee that I strongly support his efforts to have a follow-on mission designated for the 164th Air Wing in Memphis.

Mr. FRIST. I thank the Chairman for his strong words of support. At a time when our nation considers the possibility of sending ground troops to Kosovo it is clear to me that we must support strategic airlift. Airlift remains one the largest challenges our forces face. It is my desire to see the Air Force act to resolve this issue with expediency and consider designating the C–5 or the C–17 airframe for the future of the Tennessee Air Guard.

Mr. WARNER. Again, let me assure the Senator from Tennessee that I am confident working with the Armed Services Committee and the Air Force that this issue will be resolved soon.

MEDAL OF HONOR TO ALFRED RASCON 1999

Mr. THURMOND. Mr. President, I am pleased to be an original cosponsor of the amendment which recommends the Congressional Medal of Honor be awarded to Mr. Alfred P. Rascon. I would like to take just a moment and introduce you to Mr. Rascon.

Alfred Rascon was born in Chihuahua, Mexico, and emigrated to the United States with his parents in the 1950's. He served two tours in Vietnam, one as a medic. When Rascon volunteered for the service, he was not yet a citizen but was a lawful permanent resident, and he was only 17 years of age but convinced his mother to sign his papers so he could enlist.

On March 16, 1966, then Specialist Alfred Rascon, while serving in Vietnam, performed a series of heroic acts that words simply cannot describe. For Rascon and the seven soldiers he aided while under direct gunfire, that day will long be remembered. Rascon's platoon found itself in a desperate situation under heavy fire by a powerful North Vietnamese force. When an American machine gunner went down and a medic was called for, Rascon, 20 at the time, ignored his orders to remain under cover and rushed down the trail amid an onslaught of enemy gunfire and grenades. To better protect the wounded soldier, Rascon placed his body between the enemy machine gun fire and this soldier. Rascon jolted as he was shot in the hip. Although wounded, he managed to drag this soldier off the trail. Rascon soon discovered the man he was dragging was dead.

Specialist 4th Class Larry Gibson crawled forward looking for ammunition. The other machine gunner lay dead, and Gibson had no ammunition with which to defend the platoon. Rascon grabbed the dead soldier's ammunition and gave it to Gibson. Then, amid relentless enemy fire and grenades, Rascon hobbled back up the trail and snared the dead soldier's machine gun and, most important, 400 rounds of additional ammunition. Eyewitnesses state that this act alone saved the entire platoon from annihilation.

The pace quickened and grenades continued to fall. One ripped open Rascon's face, but this did not stop him. He saw another grenade drop five feet from a wounded Neil Haffy. He tackled Haffy and absorbed the grenade blast himself, saving Haffy's life.

Though severely wounded, Rascon crawled back among the other wounded and provided aid. A few minutes later,

Rascon witnessed Sergeant Ray Compton being hit by gunfire. As Rascon moved toward him, another grenade dropped. Instead of seeking cover, Rascon dove on top of the wounded sergeant and again absorbed the blow. This time the explosion smashed through Rascon's helmet and ripped into his scalp. Compton's life was spared.

When the firefight ended, Rascon refused aid for himself until the other wounded were evacuated. So bloodied by the conflict was Rascon that when soldiers placed him on the evacuation helicopter, a chaplain saw his condition and gave him last rites. But Alfred Rascon survived. He was so severely wounded that it was necessary to medically discharge him from the Army.

The soldiers who witnessed Rascon's deeds that day recommended him in writing for the Medal of Honor. Years later, these soldiers were shocked to discover that he had not received it. It appears their recommendations did not go up the chain of command beyond the platoon leader who did not personally witness the events. Rascon was instead awarded the Silver Star. Rascon's Silver Star citation details only a portion of his heroic actions on March 16, 1966.

Perhaps the best description of Alfred Rascon's actions came 30 years later from fellow platoon member Larry Gibson:

I was a 19-year-old gunner with a recon section. We were under intense and accurate enemy fire that had pinned down the point squad, making it almost impossible to move without being killed. Unhesitatingly, Doc [as Rascon was called] went forward to aid the wounded and dying. I was one of the wounded. Doc took the brunt of several enemy grenades, shielding the wounded with his body.

In these few words, I cannot fully describe the events of that day. The acts of unselfish heroism Doc performed while saving the many wounded, though severely wounded himself, speak for themselves. This country needs genuine heroes. Doc Rascon is one of those.

Rascon was once asked why he acted with such courage on the battle field even though he was an immigrant and not yet a citizen. Rascon replied, ''I was always an American in my heart.''

Mr. President, these actions speak for themselves. I first met Mr. Rascon in 1995. He came to see me as the Inspector General of the Selective Service System, where he continues to serve his nation today. In the course of our conversation I learned of his amazing story, and as the Chairman of the Senate Armed Services Committee at that time, I realized I had to act.

I contacted a number of officials at the Department of Defense and learned that his case could not even be examined because the law said time to consider those awards had expired. So, in the 1996 Defense Authorization Bill, we changed the law. Four years have passed since then; however, the Secretary of the Army and the Chairman of Joint Chiefs of Staff now agree and have recommended that Alfred Rascon be awarded the Medal of Honor, the Nation's highest award for valor. You have heard this story. The legislation authorizes the President to award the Medal of Honor to Alfred Rascon. If ever there was a case to recognize heroism and bravery far above and beyond the call of duty, this is it.

MORNING BUSINESS

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators permitted to speak up to 10 minutes each.

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

APPROPRIATIONS COMMITTEE RECOMMENDATIONS—H.R. 1664

Mr. BYRD. Mr. President, yesterday afternoon the Committee on Appropriations met and reported, en bloc, the Fiscal Year 2000 Department of Defense Appropriation Bill, the Fiscal Year 2000 302(b) allocations for the committee, and H.R. 1664, by a recorded vote of 24–3. At that full committee markup, the committee also adopted an explanatory statement of the committee's recommendations in relation to H.R. 1664. That explanatory statement, which was adopted in lieu of a committee report, was filed with the Senate by Mr. STEVENS (for himself and Mr. BYRD, Mr. DOMENICI, Mr. BINGAMAN, Mr. DURBIN, Mr. SPECTER, Mr. BENNETT, Mr. HOLLINGS, Mr. SHELBY, Mr. ROCKEFELLER, Mr. BAYH, Mr. DEWINE, Mrs. HUTCHISON, Ms. LANDRIEU, Mr. SESSIONS, Mr. DASCHLE, Mr. DORGAN, and Mr. HATCH). Subsequent to that markup, I ask unanimous consent that the following Senators be added as cosponsors: Mrs. LINCOLN, Mr. KOHL, Mr. HELMS, and Mr. BREAUX.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. BYRD. I further ask unanimous consent that the explanatory statement of the committee be printed at the appropriate place in the CONGRESSIONAL RECORD.

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

EXPLANATORY STATEMENT OF THE RECOMMENDATIONS OF THE SENATE COMMITTEE ON APPROPRIATIONS ON H.R. 1664, A BILL MAKING APPROPRIATIONS FOR OPERATIONS IN KOSOVO

Mr. Stevens (for himself and Mr. Byrd, Mr. Domenici, Mr. Bingaman, Mr. Durbin, Mr. Specter, Mr. Bennett, Mr. Hollings, Mr. Shelby, Mr. Rockefeller, Mr. Bayh, Mr. DeWine, Mrs. Hutchison, Ms. Landrieu, Mr. Sessions, Mr. Daschle, Mr. Dorgan, and Mr. Hatch)

The Committee on Appropriations, to which was referred ''H.R. 1664, making emergency supplemental appropriations for military operations, refugee relief, and humanitarian assistance relating to the conflict in Kosovo, and for military operations in Southwest Asia for the fiscal year ending September 30, 1999, and for other purposes'' reported the same to the Senate with various amendments and an amendment to the title and presents herewith information relative to the changes recommended.

In order to expedite completion of congressional action relative to the emergency appropriations contained in H.R. 1664, as passed by the House of Representatives, as well as the emergency appropriations contained in H.R. 1141, the Fiscal Year 1999 Emergency Supplemental Appropriation Act, funding for both measures was included in H.R. 1141. The conference agreement on that measure was passed by the House of Representatives on May 18, 1999, by the Senate on May 20, 1999, and the bill was signed by the President on May 21, 1999.

In accordance with an agreement with the bipartisan House and Senate leadership, two provisions which were contained in the Senate version of H.R. 1141 were deleted, without prejudice, from the conference agreement thereon. Pursuant to that agreement, these two provisions, the Emergency Steel Loan Guarantee Program and the Emergency Oil and Gas Guaranteed Loan Program, are to be considered expeditiously by the Senate in a freestanding emergency appropriation bill.

Since the conference agreement on H.R. 1141 included the necessary funding for Kosovo operations, the committee recommends that the text of H.R. 1664 as passed by the House be amended to remove House language, and that language relating to the Emergency Steel Loan Guarantee Program and the Emergency Oil and Gas Guaranteed Loan Program, with offsets, be added. In light of the emergency nature of the funding contained in the bill for these two critical programs, the committee hopes that no amendments will be offered to the measure and that it can be sent directly to the House. The Speaker of the House has agreed to permit a motion to go to conference within one week of receiving this bill after Senate passage, to allow normal appropriation conferees to be appointed, and to permit the resulting conference report to be brought up before the House. The committee urges that this matter be expedited by the Senate in order to hopefully complete action prior to the Memorial Day Recess on this critical emergency facing the steel and oil and gas industries and the tens of thousands of steel and oil and gas workers who have recently lost their jobs as the result of the massive influx of cheap and illegally-dumped imported steel and oil and gas over the past year.

EMERGENCY STEEL LOAN GUARANTEE PROGRAM

The Emergency Steel Loan Guarantee Program, as reported by the committee, provides a two-year, GATT-legal, one billion dollar guaranteed loan program to back loans provided by private financial institutions to qualified U.S. steel producers. The minimum loan to be guaranteed for a single company at any one time would be $25,000,000 (subject to a waiver), and the maximum would be $250,000,000. A board is established to administer this program consisting of the Secretaries of Commerce (who would serve as chairman), Treasury, and Labor. This board would have the authority to determine the specific requirements in awarding these loan guarantees, including the percentage of the guarantee, appropriate collateral, as well as loan amounts and interest rates thereon. Repayment of the loans guaranteed under this program would be required within six years.

The committee makes these recommendations in response to the critical situation facing the U.S. steel industry. As a result of global financial chaos, in 1998, a record level of more than 41 million tons of both cheap and illegally-dumped imported steel flooded the U.S. market. This represents an increase of 83 percent over the 23-million ton average

for the previous eight years. This wave of imported steel substantially reduced demand for U.S. steel production, and brought about the devastating loss of employment for more than ten thousand American steelworkers.

The U.S. Department of Commerce has found dumping margins of up to 200 percent on Russian steel, up to 67 percent on Japanese steel, and up to 70 percent on steel from Brazil. Appropriate actions are being pursued to assess penalties against those responsible for this illegal dumping of steel. However, even if penalty tariffs are collected against those responsible for this illegal dumping, U.S. steel mills will not receive any compensation for the losses they have suffered. A number of U.S. steel plants have closed or declared bankruptcy since September of 1998, and a number of others are close behind.

Estimates are that jobs of tens of thousands of additional steelworkers are in danger unless this illegal dumping is stopped and those in the U.S. steel industry are able to meet their financial obligations in order to get back on their feet.

EMERGENCY OIL AND GAS GUARANTEED LOAN PROGRAM

The Emergency Oil and Gas Guarantee program, as reported by the committee, provides a two-year, GATT-legal, five-hundred-million dollar guaranteed loan program to back loans provided by private financial institutions to qualified oil and gas producers and the associated oil and gas service industry, including Alaska Native Corporations. The minimum loan to be guaranteed for a single company at any one time would be $250,000, and the maximum would be $10,000,000. A board is established to administer this program consisting of the Secretaries of Commerce (who would serve as chairman), Treasury, and Labor. This board would have the authority to determine the specific requirements in awarding these loan guarantees, including the percentage of the guarantee, appropriate collateral, as well as loan amounts and interest rates thereon. Repayment of the loans guaranteed under this program would be required within ten years.

The committee makes these recommendations in response to the critical situation facing the domestic, independent oil and gas industry. Since the beginning of the most recent oil and gas crisis (January 1997), the industry has lost 42,500 jobs. Bankruptcies have fueled the closure of an estimated 136,000 wells. Twenty percent of total U.S. marginal well production has been jeopardized because of bankruptcies.

The economic slowdown in Asia led to depressed demand, and oversupply. The United Nation's Food for Oil program, which allows Iraq to sell additional oil in an already saturated market, further depressed prices. Every key indicator of domestic oil and gas industry's health—earnings, employment, production, rig counts, rig rates and seismic activity is down.

The committee notes that the United States was 36 percent dependent when the oil embargo of the 1970s hit. U.S. foreign oil consumption is estimated at 56 percent and could reach 68 percent by 2010 if $10 to $12 per barrel prices prevail. It has been predicted that half of marginal wells located in 34 states could be shut-in. Marginal wells produce less than 15 barrels of oil and day and are the most vulnerable to closure when prices drop. Yet, these wells, in aggregate, produce as much oil as we import from Saudi Arabia.

There is no current government loan program that will help the oil and gas producers and the oil and gas service industry. The industry tried to use our trade laws but without success. In 1994, when U.S. dependence upon foreign oil was 51 percent, a Department of Commerce section 232(b) Trade Expansion Act investigation report found that rising imports of foreign oil threaten to impair U.S. national security because they increase U.S. vulnerability to oil supply interruptions. President Clinton concurred with that finding. Unfortunately, little action to address the problem has been implemented.

Without an emergency loan program to get them through the current credit crunch there will be more bankruptcies, more lost jobs, and greater dependence on foreign oil.

OFFSET

The committee's recommendation includes a rescission of $270 million from the administrative and travel accounts of the object class entitled ''Contractual Services and Supplies'' in the non-defense category of the budget. This category includes such things as $7 billion for travel and transportation; over $7 billion for advisory and assistance services; $44 billion for a category called ''other services''; and almost $30 billion for supplies and materials. The rescission shall be taken on a pro-rata basis from funds available to every Federal agency, department, and office in the Executive Branch, in the non-defense category. The Office of Management and Budget is required to submit to the Committees on Appropriations of the House and Senate a listing of the amounts by account of the reductions made.

COMPLIANCE WITH PARAGRAPH 7(C), RULE XXVI OF THE STANDING RULES OF THE SENATE

Pursuant to paragraph 7(c) of rule XXVI, the Committee ordered reported en bloc, an original fiscal year 2000 Department of Defense Appropriations bill, the fiscal year 2000 section 302(b) allocation, and H.R. 1664, by recorded vote of 24–3, a quorum being present.

Yeas	Nays
Chairman Stevens	Mr. Dorgan
Mr. Cochran	Mrs. Feinstein
Mr. Domenici	Mr. Durbin
Mr. Bond	
Mr. Gorton	
Mr. McConnell	
Mr. Burns	
Mr. Shelby	
Mr. Gregg	
Mr. Bennett	
Mr. Campbell	
Mr. Craig	
Mrs. Hutchison	
Mr. Kyl	
Mr. Byrd	
Mr. Inouye	
Mr. Hollings	
Mr. Leahy	
Mr. Lautenberg	
Mr. Harkin	
Ms. Mikulski	
Mr. Reid	
Mr. Kohl	
Mrs. Murray	

BUDGETARY IMPACT

Section 308(a)(1)(A) of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93–344), as amended, requires that the report accompanying a bill providing new budget authority contain a statement detailing how that authority compares with the reports submitted under section 302 of the act for the most recently agreed to concurrent resolution on the budget for the fiscal year. All funds recommended in this bill are emergency funding requirements, offset herein.

FIVE-YEAR PROJECTION OF OUTLAYS

In compliance with section 308(a)(1)(C) of the Congressional Budget Act of 1974 (Public Law 93–344), as amended, the following table contains 5-year projections associated with the budget authority provided in the accompanying bill:

FISCAL YEAR 1999 SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS

[In millions of dollars]

	Budget authority	Outlays
Defense discretionary		
Nondefense discretionary	−270	−108
Mandatory		
Total	−270	−180
Five year projections: Outlays:		
Fiscal year 1999		−108
Fiscal year 2000		−162
Fiscal year 2001		
Fiscal year 2002		
Fiscal year 2003		
Financial Assistance to State and Local Governments		

Note: The above table includes mandatory and discretionary appropriations, and excludes emergency appropriations.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, May 25, 1999, the Federal debt stood at $5,600,993,485,850.44 (Five trillion, six hundred billion, nine hundred ninety-three million, four hundred eighty-five thousand, eight hundred fifty dollars and forty-four cents).

Five years ago, May 25, 1994, the Federal debt stood at $4,594,146,000,000 (Four trillion, five hundred ninety-four billion, one hundred forty-six million).

Ten years ago, May 25, 1989, the Federal debt stood at $2,779,572,000,000 (Two trillion, seven hundred seventy-nine billion, five hundred seventy-two million).

Fifteen years ago, May 25, 1984, the Federal debt stood at $1,489,052,000,000 (One trillion, four hundred eighty-nine billion, fifty-two million) which reflects a debt increase of more than $4 trillion—$4,111,941,485,850.44 (Four trillion, one hundred eleven billion, nine hundred forty-one million, four hundred eighty-five thousand, eight hundred fifty dollars and forty-four cents) during the past 15 years.

WIC FOR MILITARY FAMILIES

Mr. LEAHY. Mr. President, I have been circulating drafts of bills designed to provide WIC benefits to military personnel and to certain civilian personnel, stationed overseas, for a few weeks. I know that Senator HARKIN and other Senators on both sides of the aisle have also been working on this matter as have members of the other body.

I have received valuable input regarding my drafts from Members, national organizations and even personnel stationed overseas and I appreciate all who have helped. This bill introduction does not mean that I am no longer seeking input. On the contrary, as I have always handled nutrition legislation, I want to work with all Members on this important legislation, which I hope can be unanimously passed.

Basically, the Strengthening Families in the Military Service Act mandates that the Secretary of Defense offer a program similar to the WIC program—the Supplemental Nutrition

Program for Women, Infants and Children—to military and associated civilian personnel stationed on bases overseas. If it makes sense to allow those stationed in the United States to participate in WIC, it makes sense to allow those stationed overseas to have the important nutritional benefits of that program. Why should families lose their benefits when they are moved overseas?

This bill provides that the Secretary of Defense will administer the program under rules similar to the WIC program administered by the Secretary of Agriculture within the United States.

WIC is celebrating its 25th anniversary this year. In fact, just a few weeks ago, I joined Senators LUGAR and TORRICELLI, the National Association of WIC Directors' Executive Director Doug Greenaway, as well as others, in celebrating this accomplishment.

For 25 years the WIC program has provided nutritious foods to low-income pregnant, post-partum and breast-feeding women, infants, and children who are judged to be at a nutritional risk.

It has proven itself to be a great investment—for every dollar invested in the WIC program, an estimated $3 is saved in future medical expenses. WIC has helped to prevent low birth weight babies and associated risks such as developmental disabilities, birth defects, and other complications. Participation in the WIC program has also been linked to reductions in infant mortality.

This program has worked extremely well in Vermont, and throughout the nation.

However, despite the successes of this program, there continues to be an otherwise eligible population who cannot receive these benefits—women and children in military families stationed outside of the United States.

These are families who are serving our country, living miles from their homes on a military base in a foreign land, and whose nutritional health is at risk. If they were stationed within our borders, their diets would be supplemented by the WIC program, and they would receive vouchers or packages of healthy foods, such as fortified cereals and juices, high protein products, and other foods especially rich in needed minerals and vitamins. If they receive orders stationing them at a U.S. base located in another country, they lose this needed support.

I know that I am not alone in my desire to establish WIC benefits for our women and children of military families stationed overseas. I look forward to working with all members of Congress in making a program that benefits nutritionally at risk women, infants and children serving America from abroad. I know there are other approaches being considered and I want to work out a good solution.

I have been informed of situations where this nutrition assistance is desperately needed by military and civilian personnel overseas. I do not see how we can turn our backs on these Americans stationed abroad. I am willing to work with other ways of providing this assistance but I believe that my bill has advantages over other suggestions. First, this bill guarantees this assistance for the next three years and mandates a study to determine if improvements or other changes are needed.

This bill also disregards the value of in kind housing assistance in calculating eligibility which increases the number of women, infants and children that can participate and makes the program more similar to the program in the United States. The CBO has estimated that the average monthly food cost would be about $28 for each participant based on a Department of Defense estimate of the cost of an average WIC food package in military commissaries. Administration costs which include health and nutrition assessments are likely to be about $7 per month per participant, according to CBO.

I am advised that counting the value of in kind housing assistance as though it were cash assistance would reduce the cost of this program to $2 million per year and that 5,100 women and children would participate in an average month under such an approach. This will be an issue which I look forward to discussing with my colleagues.

I ask unanimous consent that a copy of my bill be printed in the RECORD.

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

S.—

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Strengthening Families in the Military Service Act of 1999''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) prenatal care and proper nutrition for pregnant women reduces the incidence of birth abnormalities and low birth weight among infants;

(2) proper nutrition for infants and young children has very positive health and growth benefits; and

(3) women, infants, and children of military families stationed outside the United States are potentially at nutritional risk.

(b) PURPOSE.—The purpose of this Act is to ensure that women, infants, and children of military families stationed outside the United States receive supplemental foods and nutrition education if they generally would be eligible to receive supplemental foods and nutrition education provided in the United States under the special supplemental nutrition program for women, infants, and children established under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786).

SEC. 3. SPECIAL SUPPLEMENTAL NUTRITION BENEFITS FOR WOMEN, INFANTS, AND CHILDREN OF MILITARY FAMILIES STATIONED OUTSIDE THE UNITED STATES.

Section 1060a of title 10, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (h); and

(2) by striking subsections (a) through (e) and inserting the following:

''(a) IN GENERAL.—The Secretary of Defense, in consultation with the Secretary of Agriculture, shall establish and carry out a program to provide, at no cost to the recipient, supplemental foods and nutrition education to—

''(1) low-income pregnant, postpartum, and breastfeeding women, infants, and children up to 5 years of age of military families of the armed forces of the United States stationed outside the United States (and its territories and possessions); and

''(2) eligible civilians serving with, employed by, or accompanying the armed forces outside the United States (and its territories and possessions).

''(b) ADMINISTRATION.—Except as otherwise provided in this section, the Secretary of Defense, in consultation with the Secretary of Agriculture, shall operate the program under this section in a manner that is similar to the special supplemental nutrition program for women, infants, and children established under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786).

''(c) REGULATIONS.—The Secretary of Defense, in consultation with the Secretary of Agriculture, shall promulgate regulations to carry out this section that are as similar as practicable to regulations promulgated to carry out the special supplemental nutrition program for women, infants, and children established under section 17 of the Child Nutrition Act of 1966, but that take into account—

''(1) the need to use military personnel to carry out functions under the program established under this section, including functions relating to supplemental foods, nutrition education, eligibility determinations, oversight, enforcement, auditing, financial management, application reviews, delivery of benefits and program information, handling of local operations and administration, and reporting and recordkeeping;

''(2) the need to limit participation to certain military installations to ensure efficient program operations using funds made available to carry out this section;

''(3) the availability in foreign countries of exchange stores, commissary stores, and other sources of supplemental foods; and

''(4) other factors or circumstances determined appropriate by the Secretary of Defense, including the need to phase-in program operations during fiscal year 2000.

''(d) ADMINISTRATIVE RESPONSIBILITY.—

''(1) IN GENERAL.—The Secretary of Defense shall be responsible for the implementation, management, and operation of the program established under this section, including ensuring the proper expenditure of funds made available to carry out this section.

''(2) INVESTIGATION AND MONITORING.—The Inspectors General of the Armed Forces and the Department of Defense shall investigate and monitor the implementation of this section.

''(e) RECORDS.—The Secretary of Defense shall require that such accounts and records (including medical records) be maintained as are necessary to enable the Secretary of Defense to—

''(1) determine whether there has been compliance with this section; and

''(2) determine and evaluate the adequacy of benefits provided under this section.

''(f) REPORT.—

''(1) IN GENERAL.—Not later than March 1, 2001, the Secretary of Defense, in consultation with the Secretary of Agriculture, shall submit a report describing the implementation of this section to—

''(A) the Committee on Agriculture of the House of Representatives;

''(B) the Committee on Armed Services of the House of Representatives;

''(C) the Committee on Agriculture, Nutrition, and Forestry of the Senate; and

''(D) the Committee on Armed Services of the Senate.

''(2) CONTENTS OF REPORT.—The report under paragraph (1) shall include a description of participation rates, typical food packages, health and nutrition assessment procedures, eligibility determinations, management difficulties, and benefits of the program established under this section.

''(g) FUNDING.—

''(1) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall provide to the Secretary of Defense to carry out this section—

''(A) $8,000,000 for fiscal year 2000;

''(B) $12,000,000 for fiscal year 2001; and

''(C) $12,000,000 for fiscal year 2002.

''(2) RECEIPT AND ACCEPTANCE.—The Secretary of Defense shall be entitled to receive the funds and shall accept the funds, without further appropriation.''.

IMPORTED FOOD SAFETY ACT

Mr. FRIST. Mr. President, I rise to join with Senator COLLINS in introducing S. 1123, the Imported Food Safety Act of 1999. This legislation will address a growing problem that affects everyone in this nation, the safety of the food that we eat.

The Centers for Disease Control and Prevention estimates as many as 9,100 deaths are attributed to foodborne illness each year in the United States. In addition there are tens of millions of cases of foodborne illness that occur, the majority of which go unreported due to the fact that they are not severe enough to warrant medical attention.

The legislation that Senator COLLINS and I have crafted will target one of the most critical areas in helping to provide Americans with the safest food possible—the safety of imported food. The CDC has recognized that as trade and economic development increases, the globalization of food supplies is likely to have an increasing impact on foodborne illnesses.

Currently, one-half of all the seafood and one-third of all the fresh fruit consumed in the U.S. comes from overseas. In fact, since the 1980's food imports to the U.S. have doubled, but federal inspections by Food and Drug Administration have dropped by 50 percent.

Over the years there have been foodborne pathogen outbreaks involving raspberries from Guatemala, strawberries from Mexico, scallions, parsley and cantaloupes from Mexico, carrots from Peru, coconut milk from Thailand, canned mushrooms from China and others. These outbreaks have serious consequences. The Mexican frozen strawberries I have just noted were distributed in the school lunch programs in several states, including my home state of Tennessee, were attributed to causing an outbreak of Hepatitis A in March of 1997.

The Collins-Frist bill will do several vital things to safeguard against potentially dangerous imported food. The bill would allow the U.S. Customs Service, using a system established by FDA, to deny entry of imported food that has been associated with repeated and separate events of foodborne disease.

The bill would also allow the FDA to require food being imported by entities with a history of import violations to be held in a secure storage facility pending FDA approval and Customs release.

To improve the surveillance of imported food, we authorize CDC to enter into cooperative agreements and provide technical assistance to the States to conduct additional surveillance and studies to address critical questions for the prevention and control of foodborne diseases associated with imported food, and authorize CDC to conduct applied research to develop new or improved diagnostic tests for emerging foodborne pathogens in human specimens, food, and relevant environmental samples.

These are just a few of the many provisions in this bill that will help improve the quality and safety of the imported food that we consume every day. I applaud the leadership of my colleague, Senator COLLINS, who as Chairman of the Senate Permanent Subcommittee on Investigations held 4 comprehensive hearings last year on the issue of food safety. As Chairman of the Senate Subcommittee on Public Health, I look forward to working with Senator COLLINS and the rest of my colleagues on the issue of food safety and our overall efforts in improving our Nation's public health infrastructure. We must continue to fight infectious diseases and ensure that this legislation is enacted to help protect our citizens and provide them with the healthiest food possible.

AGRICULTURAL TRADE FREEDOM ACT

Mr. LEAHY. Mr. President, I would like to take a moment to voice my support for S. 566, the Agricultural Trade Freedom Act, which was passed out of the Senate Committee on Agriculture, Nutrition and Forestry this morning on a 17–1 vote. I appreciate Senator LUGAR's strong leadership on these trade and international issues.

More than any other industry in America, agriculture is extremely dependent on international trade. In fact, almost one-third of our domestic agricultural production is sold outside of the United States. Clearly, a strong international market for agricultural commodities is therefore of utmost importance to our agriculture economy.

As those of us who herald from agricultural states know, the business of agriculture in America reaches far beyond farmers alone. There are many rural businesses, such as feed stores, machinery repair shops and veterinarians, who depend on a strong agricultural economy. And when we discuss international trade, there are many national businesses, such as agricultural exporters, which are greatly impacted by our trade policies.

Despite the importance of these international markets, agricultural commodities are occasionally eliminated from potential markets because of U.S. imposed unilateral economic sanctions against other countries. These economic sanctions are imposed for political, foreign policy reasons. Yet there is little to show that the inclusions of agricultural commodities in these sanctions actually have had the intended results. The question now emerging from this policy is who is actually hurt by the ban on exporting commercial agricultural commodities, and should it continue?

American farmers and exporters obviously face an immediate loss in trade when unilateral economic sanctions are imposed. Perhaps even more devastating, however, is the long-term loss of the market. Countries who need agricultural products do not wait for American sanctions to be lifted; they find alternative markets. This often leads to the permanent loss of a market for our agriculture industry, as new trading partnerships are established and maintained.

Our farmers, and the rural businesses and agriculture exporters associated with them, are consequently greatly hurt by this policy. The Agricultural Trade Freedom Act corrects this problem by exempting commercial agricultural products from U.S. unilateral economic sanctions. The exemption of commercial agricultural products is not absolute; the President can make the determination that these items are indeed a necessary part of the sanction for achieving the intended foreign policy goal. In this situation, the President would be required to report to Congress regarding the purposes of the sanctions and their likely economic impacts.

Recently, the administration lifted restrictions on the sale of food to Sudan, Iran and Libya—all countries whose governments we have serious disagreements with. It did so, and I am among those who supported that decision, because food, like medicines, should not be used as a tool of foreign policy. It is also self-defeating. While our farmers lost sales, foreign farmers made profits.

Unfortunately, the administration did not see fit to apply the same reasoning to Cuba. American farmers cannot sell food to Cuba, even though it is only 90 miles from our shores and there is a significant potential market there. This contradiction is beneath a great and powerful country, and Senator LUGAR's legislation would permit such sales. The administration should pay more attention to what is in our national interests, rather than to a tiny, vocal minority who are wedded to a policy that has hurt American farmers and the Cuban people.

The Agricultural Trade Freedom Act maintains the President's need for flexibility in foreign policy while simultaneously recognizing the impact that sanctions may have on the agricultural economy. This legislation is

supported by dozens of organizations including the National Association of State Departments of Agriculture, the U.S. Dairy Export Council, the National Milk Producers Federation, and the National Farmers Union.

In closing, I would like to thank Senator LUGAR for his leadership on this issue. I was pleased to join with him, the ranking member, Senator HARKIN, the Democratic Leader, Senator DASCHLE, Senator CONRAD and others in this effort, and I look forward to working with them and all members of the Senate to see that this measure becomes law.

THE GUN SHOW LOOPHOLE

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that a copy of a letter from the International Brotherhood of Police Officers, in support of my amendment to close the gun show loophole, be printed in the RECORD.

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

INTERNATIONAL BROTHERHOOD
OF POLICE OFFICERS,
Alexandria, VA, May 19, 1999.

Hon. FRANK LAUTENBERG,
U.S. Senate, Washington, DC.

DEAR SENATOR LAUTENBERG: The International Brotherhood of Police Officers (IBPO) is an affiliate of the Service Employees International. The IBPO is the largest police union in the AFL-CIO.

On behalf of the entire membership of the IBPO, I am writing to express our support for your amendment that would close the gun show loophole. Every year, there are approximately 4,000 gun shows across the country where criminals can buy guns without a background check. This problem arises because while federally-licensed dealers sell most of the firearms at these shows, about 25 percent of the people selling firearms are not licensed and they are not required to comply with the background check as mandated by the Brady Law.

The ''Lautenberg amendment'' will close the gun show loophole and help law enforcement trace illegal firearms. The police officer on the street understands that this legislation is needed to help shut down the deadly supply of firearms to violent criminals.

Sincerely,

KENNETH T. LYONS,
National President.

FINANCIAL SERVICES MODERNIZATION ACT OF 1999

Mr. BRYAN. Mr. President, I want to voice my disagreement with a portion of Senate Report Number 106–44, which accompanied S. 900, the Financial Services Modernization Act of 1999. The Report describes an amendment that I offered that was adopted by a unanimous vote of the Senate Banking Committee during its consideration of S. 900. I want to explain what I intend that amendment to mean and how I intend its language to be interpreted.

At issue is the standard for determining whether State laws, regulations, orders and other interpretations regulating the sale, solicitation and cross-marketing of insurance products should be preempted by federal laws authorizing insurance sales by insured depository institutions and their subsidiaries and affiliates. Since the inception of the national banking system, the insurance sales powers of national banks have been heavily restricted. In addition, since the inception of the insurance industry in this country, the States have been the virtually exclusive regulators of that business. Although S. 900 seeks to tear down the barriers that separate the banking, insurance and securities industries, at the same time it seeks to preserve functional regulation. This means that the extensive regulatory systems that have been developed to protect consumer interests in each area of financial services should be retained.

For that reason, one of the principles of the proposed legislation is to ensure that the activities of everyone who engages in the business of insurance should be functionally regulated by the States. After all, the States are the sole repository of regulatory expertise in this area. During my review of the Committee Print before the mark-up and during my conversations with my Senate colleagues, it became evident that the Committee Print's provisions regarding the preemption of State insurance laws and regulations did not adhere to this principle. The Committee Print disregarded the Supreme Court's holding in *Barnett Bank of Marion County, N.A.* v. *Nelson*, 517 U.S. 25 (1996), regarding the standard for preempting State regulation of insurance sales activity.

I therefore introduced an amendment that replaced the Committee Print's insurance sales preemption provisions with substitute provisions based on the Supreme Court's Barnett standard. My amendment deleted all of the provisions in the Committee Print regarding the permissible scope of state regulation of the insurance sales activities of insured depository institutions, their subsidiaries and affiliates. My amendment substituted language that had been developed and analyzed during prior considerations of these issues in previous Congresses, in particular during senate consideration of H.R. 10 last year.

The core preemption standard included in my amendment now appears as Section 104(d)(2)(A) of S. 900. It states:

> In accordance with the legal standards for preemption set forth in the decision of the Supreme Court of the United States in *Barnett Bank of Marion County N.A.* v. *Nelson*, 116 U.S. 1103 (1996), no State may, by statute, regulation, order, interpretation, or other action, prevent or significantly interfere with the ability of an insured depository institution, or a subsidiary or affiliate thereof, to engage, directly or indirectly, either by itself or in conjunction with a subsidiary, affiliate, or any other party, in any insurance sales, solicitation, or cross-marketing activity.

The ''prevent or significantly interfere'' language was taken directly from the Supreme Court's Barnett decision and is intended to codify that decision. No further amplification of the standard was included because my colleagues and I intended to leave the development of the interpretation of that standard to the courts.

There is a great deal of disagreement among both regulators and members of the affected industries as to the manner in which the standard should be amplified. Indeed, State insurance regulators and significant portions of the insurance industry did not support the usage of the ''significant interference'' test at all but instead sought a clarification, supported by the Barnett opinion, that only state laws and regulations that ''prohibit or constructively prohibit'' an insured depository institution, or an affiliate or subsidiary of an insured depository institution, from engaging in insurance sales activities should be preempted.

Mr. SARBANES. I wish to associate myself with the statements of my colleague, Senator Bryan, the author of the amendment adopted by the Banking Committee. My understanding in voting for his amendment was that it codified the Barnett Bank standard for preemption of State laws. The Committee Report accompanying S. 900 seeks to amplify, or put a gloss on, the Barnett Bank standard. I would like to ask the Senator from Nevada whether the gloss put on the ''prevent or significantly interfere'' standard in the Committee Report is in keeping with his amendment.

Mr. BRYAN. My colleague from Maryland asks a perceptive question. The Committee Report attempts to clarify the core preemption standard in a way that is contrary to the meaning of the provision. Page 13 of the Report states that State laws are preempted not only if they '' 'prevent or significantly interfere' with a national bank's exercise of its powers'' but also if they '' 'unlawfully encroach' on the rights and privileges of national banks;'' if they '' 'destroy or hamper' national banks' functions;'' of if they '' 'interfere with or impair' national banks' efficiency in performing authorized functions.'' The clauses after the initial restatement of the standard are paraphrases of the holdings of the cases cited in Barnett.

As I noted earlier, I intentionally omitted any amplification of the Barnett standard. In addition, the last paraphrase (regarding ''efficiency'') is correct and harmful. It is incorrect because it implies that it applies to any authorized function. In fact, the case cited by the Supreme Court in Barnett said that a State cannot impair a national bank's ability to discharge its duties to the government. The last paraphrase is harmful because it could dramatically expand the scope of the preemption provision. It could do so if read to prohibit the application of any State law that impairs a national bank's or its affiliate's or subsidiary's efficiency in selling insurance. The Barnett opinion does not support any

such reading. Moreover, if this language had been suggested as an amendment to my amendment, I would not have supported it nor would the majority of my colleagues.

The Committee Report also lists several examples of State law provisions that the Report states should be preempted under the standard, incorporated into S. 900. As noted above, this violates my intent in offering an amendment based on the Barnett standard. For example, page 13 of the Committee Report states that an ''example of a State law that would be preempted under the standard set forth in subsection 104(d)(2)(A) would be a statute that limits the volume or portion of insurance sales made by an insurance agent on the basis of whether such sales are made to customers of an insured depository institution or any affiliate of the agent.'' I strongly disagree. State statutes that limit sales in this manner or that effectively require all insurance agents to engage in public insurance agency activities, and not limit their sales efforts to their captive customers, are not preempted under the Section 104(d)(2)(A) preemption standard.

In addition, page 14 of the Committee Report offers a requirement that insurance activities take place more than 100 yards from a teller window as an example of a State law provision that would be preempted. I wish to note that less restrictive provisions that merely require the physical separation of insurance activities from other activities within a bank are not preempted under the Section 104(d)(2)(A) preemption standard. The intent underlying the amendment was to leave these determinations of what is or is not preempted to the courts, based on the applicable legal standards identified in Barnett.

Finally, I fell compelled to note that page 15 of the Committee Report states that nothing in the preemption provisions can be read to require licensure of the bank itself, only of employees acting as agents. While this is technically true, it creates some potential confusion with the core licensure requirement. This should be read as allowing institution licensure so long as that licensure does not ''prevent or significantly interfere with'' the exercise of authorized insurance sales powers.

Mr. SARBANES. I would like to point out that the language of the amendment offered by my colleague from Nevada was previously explained in the Report of the Banking Committee that accompanied H.R. 10 last year. For State laws that fall outside the 13-point safe harbor, the bill does not limit in any way the application of the Supreme Court's Barnett Bank decision. State laws outside the safe harbor could be challenged under that decision. This year's Committee Report incorrectly describes the standard that State laws must meet under Barnett Bank in order to avoid being preempted.

Mr. BRYAN. In closing, I should say that I would have brought my concerns regarding the Committee Report language directly to the Committee Chairman, Senator GRAMM, and his staff but I did not have the opportunity to read the Committee Report language discussing my amendment prior to its publication.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a withdrawal and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURE PLACED ON THE CALENDAR

The following joint resolution was read the second time and placed on the calendar:

S.J. Res. 26. Joint resolution expressing the sense of Congress with respect to the court-martial conviction of the late Rear Admiral Charles Butler McVay, III, and calling upon the President to award a Presidential Unit Citation to the final crew of the U.S.S. *Indianapolis*.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–3291. A communication from the Director, Corporate Audits and Standards, Accounting and Information Management Division, General Accounting Office, transmitting, pursuant to law, the report of financial statements for the Congressional Award Foundation for fiscal years 1997 and 1998; to the Committee on Governmental Affairs.

EC–3292. A communication from the Regulations Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Secondary Direct Food Additives Permitted in Food for Human Consumption'', received May 19, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–3293. A communication from the Regulations Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers'', received May 19, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–3294. A communication from the Administrator, Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Avocados Grown in South Florida; Increased Assessment Rate'' (Docket No. FV99–915–1–FR), received May 19, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3295. A communication from the Administrator, Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Raisins Produced From Grapes Grown in California; Increase in Assessment Rate'' (Docket No. FV99–989–2–FIR), received May 18, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3296. A communication from the Congressional Review Coordinator, Regulatory Analysis and Development, Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Imported Fire Ant; Quarantined Areas and Treatment'' (Docket No. 98–125–1), received May 19, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3297. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of two rules entitled ''Spinosad; Pesticide Tolerance (FRL 3 6081–8)'' and ''Tebuconazote; Pesticide Tolerance for Emergency Exemption (FRL # 6079–1)'', received May 18, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3298. A communication from the President and Chairman, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Saudi Arabia; to the Committee on Banking, Housing, and Urban Affairs.

EC–3299. A communication from the Assistant General Counsel for Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Revised Restrictions on Assistance to Noncitizens-Final Rule (FR–4154)'' (RIN2501–AC36), received May 18, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–3300. A communication from the Assistant General Counsel for Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Section 8 Tenant-Based Assistance; Statutory Merger of Section 8 Certificate and Voucher Programs; Interim Rule (FR–4428)'' (RIN2577–AB91), received May 18, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–3301. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations, 64 FR 24517, 05/07/99'', received May 18, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–3302. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility, 64 FR 24512, 05/07/99'', received May 18, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–3303. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations, 64 FR 24516, 05/07/99'', received May 18, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–3304. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Final Flood

Elevation Determinations, 64 FR 24515, 05/07/99'', received May 18, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–3305. A communication from the Director of the Experimental Program to Stimulate Competitive Technology, Technology Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Experimental Program to Stimulate Competitive Technology'' (RIN0692–ZA02), received April 6, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3306. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery: Trip Limit Adjustments'', received April 6, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3307. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Domestic Fisheries Division, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States-Announcement That the 1999 Summer Flounder Commercial Quota Has Been Harvested for Maine'', received April 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3308. A communication from the Assistant Administrator for Fisheries, Office of Sustainable Fisheries, National Marine Fisheries Service, Domestic Fisheries Division, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States-Final Rule to Implement Framework Adjustment 27 to the Northeast Multispecies Fisheries Management Plan and 1999 Target Total Allowable Catch'' (RIN0648–AL72), received May 17, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3309. A communication from the Assistant Administrator for Fisheries, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries off West Coast States and in the Western Pacific; Western Pacific Bottomfish Fishery; Amendment 3'' (RIN0648–AK21), received April 30, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3310. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Financial Assistance for Research and Development Projects in the Northeast Coastal States; Marine Fisheries Initiative (MARFIN)'' (RIN0648–ZA62), received April 26, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3311. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Halibut and Sablefish Fisheries Quota-Share Loan Program; Final Program Notice and Announcement of Availability of Federal Financial Assistance'' (RIN0648–ZA63), received May 11, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3312. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries in the Exclusive Economic Zone off Alaska; Hired Skipper Requirements for the Individual Fishing Quota Program'' (RIN0648–AK20), received May 11, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3313. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Amendment 13'' (RIN0648–AK83), received May 17, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3314. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Swordfish Fishery; Dealer Permitting and Import Documentation Requirements'' (RIN0648–AK39), received April 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3315. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Trawling in Steller Sea Lion Critical Habitat in the Central Aleutian District of the Bering Sea and Aleutian Islands'', received April 6, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3316. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the report of a rule entitled ''Service Contracts Subject to the Shipping Act of 1984'' (FMC Docket No. 98–30), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3317. A communication from the Director, Resource Management and Planning Staff, International Trade Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Market Development Cooperator Program'' (RIN0625–ZA05), received April 27, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3318. A communication from the Chief, Accounting Policy Division, Common Carrier Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''In the Matter of Federal-State Joint Board on Universal Service'' (FCC 97–411) (CC Docket No. 96–45), received April 27, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3319. A communication from the Legal Advisor, Cable Services Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Report and Order: In the Matter of 1998 Biennial Regulatory Review—'Annual Report of Cable Television Systems', Form 325 Filed Pursuant to Section 76.403 of the Commission's Rules'' (FCC 99–13) (CS Docket No. 98–61), received April 27, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3320. A communication from the Legal Advisor, Cable Services Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Report and Order: In the Matter of Satellite Delivery of Broadcast Network Signals under the Satellite Home Viewer Act'' (FCC 99–14) (CS Docket No. 98–201), received April 14, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3321. A communication from the Associate Bureau Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Parts 17 and 87 of the Commission's Rules Concerning Aviation Radio Service and Antenna Structure Construction, Marking and Lighting'' (FCC 99–40) (WT Docket No. 96–1 and 96–211), received April 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3322. A communication from the Associate Bureau Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Parts 13 and 80 of the Rules Concerning the Global Maritime Distress and Safety System'' (FCC 98–180) (PR Docket No. 90–480), received April 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3323. A communication from the Chief, Competitive Pricing Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''In the Matter of Defining Primary Lines'' (CC Docket No. 97–181), received April 14, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3324. A communication from the Attorney, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Second Extension of Computer Reservations System Rules'' (RIN2105–AC75), received on April 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3325. A communication from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, a report relative to the Air Force Academy; to the Committee on Armed Services.

EC–3326. A communication from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, a report relative to the Civil Engineer Squadron at MacDill Air Force Base; to the Committee on Armed Services.

EC–3327. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the U.S. Emergency Refugee and Migration Assistance Fund; to the Committee on Foreign Relations.

EC–3328. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule relative to the Schedule of Fees for Consular Services, received May 24, 1999; to the Committee on Foreign Relations.

EC–3329. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the Inspector General's semiannual report for the period October 1, 1998 through March 31, 1999; to the Committee on Governmental Affairs.

EC–3330. A communication from the Executive Director, Committee for Purchase from People who are Blind or Severely Disabled, transmitting, pursuant to law, the report of a rule relative to additions to and deletions from the Procurement List, received May 24, 1999; to the Committee on Governmental Affairs.

EC–3331. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, a report entitled ''Consolidated Guidance about Materials Licenses: Program-Specific Guidance about Part 36 Irradiator Licenses'', dated January 1999; to the Committee on Environment and Public Works.

EC–3332. A communication from the Acting Assistant Administrator, Environmental Protection Agency, transmitting, pursuant to law, two reports relative to the 1997 Toxics Release Inventory; to the Committee on Environment and Public Works.

EC–3333. A communication from the Acting Assistant Chief, Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Landownership Adjustments: Land Exchanges,'' received May 10, 1999; to the Committee on Energy and Natural Resources.

EC–3334. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, a draft of proposed legislation relative to a visitor center for the Upper Delaware Scenic and Recreational River; to the Committee on Energy and Natural Resources.

EC–3335. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, a draft of proposed legislation relative to the Saint-Gaudens National Historic Site; to the Committee on Energy and Natural Resources.

EC–3336. A communication from the Acting Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Appeals of MMS Orders'' (RIN1010–AC21), received May 6, 1999; to the Committee on Energy and Natural Resources.

EC–3337. A communication from the Senior Civilian Official, Command, Control, Communications, and Intelligence, Department of Defense, transmitting, pursuant to law, a report relative to Year 2000 capabilities of DoD systems within operational environments; to the Committee on Armed Services.

EC–3338. A communication from the Attorney General, transmitting, pursuant to law, a report relative to the status of the U. S. Parole Commission; to the Committee on the Judiciary.

EC–3339. A communication from the Secretary, Judicial Conference of the United States, transmitting, pursuant to law, a report relative to judgeship needs in the U.S. courts of appeals and U.S. district courts; to the Committee on the Judiciary.

EC–3340. A communication from the Secretary, Judicial Conference of the United States, transmitting, a draft of proposed legislation entitled ''Federal Courts Improvement Act of 1999''; to the Committee on the Judiciary.

EC–3341. A communication from the Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Application for Refugee Status; Acceptable Sponsorship Agreement and Guaranty of Transportation'' (RIN1115–AF49) (INS No. 1999–99), received May 24, 1999; to the Committee on the Judiciary.

EC–3342. A communication from the Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Deportation and Special Rule Cancellation of Removal for Certain Nationals of Guatemala, El Salvador, and Former Soviet Bloc Countries'' (RIN1115–AF14) (INS No. 1915–98), received May 24, 1999; to the Committee on the Judiciary.

EC–3343. A communication from the Attorney General, transmitting, pursuant to law, a report entitled the ''Triennial Comprehensive Report on Immigration''; to the Committee on the Judiciary.

EC–3344. A communication from the Interim Staff Director, United States Sentencing Commission, transmitting, pursuant to law, a report relative to the use of encryption or scrambling technology by Federal offenders; to the Committee on the Judiciary.

EC–3345. A communication from the Acting Assistant Attorney General, transmitting, a draft of proposed legislation entitled ''Forfeiture Act of 1999''; to the Committee on the Judiciary.

EXECUTIVE REPORT OF A COMMITTEE

The following executive report of a committee was submitted:

By Mr. LUGAR, for the Committee on Agriculture, Nutrition, and Forestry:

Thomas J. Erickson, of the District of Columbia, to be a Commissioner of the Commodity Futures Trading Commission for the term expiring April 13, 2003.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Ms. COLLINS (for herself and Mr. COVERDELL):

S. 1124. A bill to amend the Internal Revenue Code of 1986 to eliminate the 2-percent floor on miscellaneous itemized deductions for qualified professional development expenses of elementary and secondary school teachers; to the Committee on Finance.

By Mr. MCCAIN (for himself, Mr. ASHCROFT, Mr. HATCH, and Mr. MACK):

S. 1125. A bill to restrict the authority of the Federal Communications Commission to review mergers and to impose conditions on licenses and other authorizations assigned or transferred in the course of mergers or other transactions subject to review by the Department of Justice or the Federal Trade Commission; to the Committee on Commerce, Science, and Transportation.

By Ms. MIKULSKI (for herself, Mr. KENNEDY, and Mr. DURBIN):

S. 1126. A bill to amend the Federal Food, Drug, and Cosmetic Act to improve the safety of imported food, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. COVERDELL (for himself and Ms. COLLINS):

S. 1127. A bill to amend the Internal Revenue Code of 1986 to eliminate the 2-percent floor on miscellaneous itemized deductions for reasonable and incidental expenses related to instruction, teaching, or other educational job-related activities; to the Committee on Finance.

By Mr. KYL (for himself, Mr. KERREY, Mr. NICKLES, Mr. BREAUX, Mr. MACK, Mr. ROBB, and Mr. GRAMM):

S. 1128. A bill to amend the Internal Revenue Code of 1986 to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers, to provide for a carryover basis at death, and to establish a partial capital gains exclusion for inherited assets; to the Committee on Finance.

By Mr. DOMENICI:

S. 1129. A bill to facilitate the acquisition of inholdings in Federal land management units and the disposal of surplus public land, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MCCAIN (for himself, Mr. ASHCROFT, Mr. BOND, Mr. BURNS, Mr. GORTON, and Mr. INHOFE):

S. 1130. A bill to amend title 49, United States Code, with respect to liability of motor vehicle rental or leasing companies for the negligent operation of rented or leased motor vehicles; to the Committee on Commerce, Science, and Transportation.

By Mr. EDWARDS (for himself and Mr. HAGEL):

S. 1131. A bill to promote research into, and the development of an ultimate cure for, the disease known as Fragile X; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BREAUX (for himself and Mr. HATCH):

S. 1132. A bill to amend the Internal Revenue Code of 1986 to allow the reinvestment of employee stock ownership plan dividends without the loss of any dividend reduction; to the Committee on Finance.

By Mr. GRAMS:

S. 1133. A bill to amend the Poultry Products Inspection Act to cover birds of the order Ratitae that are raised for use as human food; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ROTH:

S. 1134. An original bill to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes; from the Committee on Finance; placed on the calendar.

By Mr. WYDEN:

S. 1135. A bill to amend the Communications Act of 1934 to provide that the lowest unit rate for campaign advertising shall not be available for communication in which a candidate attacks an opponent of the candidate unless the candidate does so in person; to the Committee on Commerce, Science, and Transportation.

By Mr. MACK (for himself and Mr. GRAHAM):

S. 1136. A bill to amend the Internal Revenue Code of 1986 to provide that an organization shall be exempt from income tax if it is created by a State to provide property and casualty insurance coverage for property for which such coverage is otherwise unavailable; to the Committee on Finance.

By Mrs. BOXER:

S. 1137. A bill to amend the Clayton Act to enhance the authority of the Attorney General of the United States to prevent certain mergers and acquisitions that would unreasonably limit competition; to the Committee on the Judiciary.

By Mr. MCCAIN (for himself, Mr. DODD, Mr. WYDEN, Mr. HATCH, Mrs. FEINSTEIN, Mr. GORTON, Mr. BENNETT, Mr. LOTT, Mr. ABRAHAM, Mr. FRIST, Mr. BURNS, Mr. SANTORUM, Mr. SMITH of Oregon, and Mr. LIEBERMAN):

S. 1138. A bill to regulate interstate commerce by making provision for dealing with losses arising from Year 2000 Problem-related failures that may disrupt communications, intermodal transportation, and other matters affecting interstate commerce; read the first time.

By Mr. REID (for himself and Mr. FRIST):

S. 1139. A bill to amend title 49, United States Code, relating to civil penalties for unruly passengers of air carriers and to provide for the protection of employees providing air safety information, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. BOXER (for herself and Mr. REID):

S. 1140. A bill to require the Secretary of Labor to issue regulations to eliminate or minimize the significant risk of needlestick injury to health care workers; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BOND:

S. 1141. A bill to suspend temporarily the duty on triethyleneglycol bis(2-ethyl hexanoate); to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BREAUX (for himself, Mr. MURKOWSKI, Mr. MACK, and Mr. JOHNSON):

S. Res. 108. A resolution designating the month of March each year as ''National Colorectal Cancer Awareness Month''; to the Committee on the Judiciary.

By Mr. LOTT:

S. Con. Res. 35. A concurrent resolution providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. COLLINS (for herself and Mr. COVERDELL):

S. 1124. A bill to amend the Internal Revenue Code of 1986 to eliminate the 2-percent floor on miscellaneous itemized deductions for qualified professional development expenses of elementary and secondary school teachers; to the Committee on Finance.

TEACHER PROFESSIONAL DEVELOPMENT ACT

By Mr. COVERDELL (for himself and Ms. COLLINS):

S. 1127. A bill to amend the Internal Revenue Code of 1986 to eliminate the 2-percent floor on miscellaneous itemized deductions for reasonable and incidental expenses related to instruction, teaching, or other educational job-related activities; to the Committee on Finance.

TEACHER DEDUCTION FOR INCIDENTAL EXPENSES ACT

Ms. COLLINS. Mr. President, today, Senator COVERDELL and I are introducing two bills that will help teachers who spend their personal funds in order to improve their teaching skills and to provide quality learning materials for their students. I am going to discuss the first of those bills, the Teachers' Professional Development Act.

I am very pleased to be joined by my colleague from Georgia, Senator COVERDELL, in presenting this response to the critical need of our elementary and secondary schoolteachers for more professional development.

Other than involved parents, a well-qualified teacher is the most important element of student success. Educational researchers have repeatedly demonstrated the close relationship between well-qualified teachers and successful students. Moreover, teachers themselves understand how important professional development is to maintaining and expanding their level of competence. When I meet with Maine teachers, they tell me of their need for more professional development and the scarcity of financial support for this worthwhile pursuit.

In Maine, we have seen the results of a strong, sustained professional development program on student achievement in science and math. With support from the National Science Foundation, the U.S. Department of Education, the State of Maine, private foundations, the business community, and colleges in our State, the Maine Mathematics and Science Alliance established a statewide training program for teachers. The results have been outstanding.

While American students, overall, performed at the bottom of the Third International Science and Mathematics Study, Maine students outperformed the students of all but one of the 41 participating nations. The professional development available to Maine's science and math teachers undoubtedly played a critical role in this tremendous success story. Unfortunately, however, this level of support for professional development is the exception and not the rule.

The willingness of Maine's teachers to fund their own professional development activities has impressed me deeply. For example, an English teacher who serves as a member of my Educational Policy Advisory Committee told me of spending her own money to attend a curriculum conference. She then came back to her high school and shared the results of this curriculum conference with all the other teachers in her English department. She is typical of the many teachers throughout the United States who generously reach within their own pockets to pay for their own professional development to make them even better, even more effective at their jobs.

I firmly believe that we should encourage our educators to seek professional training, and that is the purpose of the legislation I am introducing today. The Collins-Coverdell legislation would help teachers to finance professional development by allowing them to deduct from their taxable income such expenses as conference fees, tuitions, books, supplies, and transportation associated with qualifying programs. Under the current law, teachers may only deduct these expenses if they exceed 2 percent of their income. My bill would eliminate this 2 percent floor and allow all of the professional development expenses to be deductible.

I greatly admire the many teachers who have voluntarily financed the additional education they need to improve their skills and to serve their students better. I hope that this legislation will encourage teachers to continue to take courses in the subject areas that they teach, to complete graduate degrees in either their subject area or in education, and to attend conferences to get new ideas for presenting course work in a challenging manner. This bill would reimburse our teachers for a very small part of what they invest in our children's future. This would be money well spent.

Investing in education is the surest way for us to build one of our most important assets for our country's future, and that is a well-educated population. We need to ensure that our nation's elementary and secondary school teachers are the best possible so that they can bring out the best in our students. Adopting this legislation would help us to accomplish this goal.

I urge my colleagues to support these efforts, and I look forward to working with my colleagues in assuring enactment of this legislation.

Thank you, Mr. President.

By Mr. MCCAIN (for himself, Mr. ASHCROFT, Mr. HATCH, and Mr. MACK):

S. 1125. A bill to restrict the authority of the Federal Communications Commission to review mergers and to impose conditions on licenses and other authorizations assigned or transferred in the course of mergers or other transactions subject to review by the Department of Justice or the Federal Trade Commission; to the Committee on Commerce, Science, and Transportation.

TELECOMMUNICATIONS MERGER REVIEW ACT OF 1999

Mr. MCCAIN. Mr. President, I rise this morning to introduce The Telecommunications Merger Review Act of 1999, which will make the government's review of telecommunications industry mergers more coherent and effective.

It seems like hardly a week goes by without the announcement of yet another precedent-setting merger in the telecommunications industry. Consumers are right to be concerned about the possible effects of these mergers, and the Congress is right to be concerned that government review of these mergers is careful and consistent in keeping consumer interests uppermost.

The urgent need for competence and clarity in reviewing telecom industry mergers highlights a glaring problem in the current system. That problem, Mr. President, arises from the fact that different agencies sequentially go over the same issues, and, after considerable delay, can make radically different decisions on the same sets of facts.

Two of these agencies, the Department of Justice and the Federal Trade Commission, have extensive expertise in analyzing the competition-related issues that are involved in mergers, and they approach the merger review process with a great deal of professionalism and efficiency. The third agency, the Federal Communications Commission, has comparatively little expertise in these issues, and only limited authority under the law.

Nevertheless, the FCC has bootstrapped itself into the unintended role of official federal dealbreaker. How? By using its authority to impose conditions on the FCC licenses that are being transferred as part and parcel of the overall merger deal. Because the FCC must pre-approve all license transfers, its ability to pass on the underlying licenses gives it a chokehold on the parties to the merger. And it uses that chokehold to prolong the process and extract concessions from the merging parties that oftentimes

have very little, if anything, to do with the merger itself.

Mr. President, many people might ask, what's so bad about that? Won't the FCC's conditions make sure that consumer interests are served? The short answer is, the FCC is simply duplicating the review and that the Department of Justice performs with much more competence and efficiency. About the best you can say is that the FCC is wasting valuable resources that could more productively be spent elsewhere. But the real harm lies in the fact that the FCC is foisting needless burdens and restrictions on the merging companies that translate into higher costs for consumers.

The FCC tries to defend its efforts by arguing that its job is really different from DOJ's—that DOJ makes sure that a merger won't harm competition, while the FCC makes sure that the same merger will help competition. In other words, according to the FCC, DOJ looks at a merger's effect on business; the FCC looks at its effect on people. For example, last week FCC Chairman Kennard gave a speech in which he proclaimed that, despite the strain these merger reviews were imposing on the agency, ''We will not rest until on each transaction we can articulate to the American public what are the benefits of this merger to average American consumers, because I believe that's what the public-interest review requires.''

If that's true, I have good news for Chairman Kennard—he can take a rest, because DOJ is doing exactly the same thing. In a separate speech last week Assistant Attorney General Joel Klein, DOJ's chief merger review official, said that what most people do not understand (including, evidently, the FCC), is that ''everything we do in antitrust . . . is consumer driven.'' He then went on to say precisely what that means:

> We are a unique federal agency. Our interest is to protect what the economists call consumer welfare. And there is one simple truth that animates everything we do, and that is competition—the more people chasing after the consumer, to serve him or her better, to get lower prices, to get new innovations, to create new opportunities—the more of that juice that goes through the system, the better.

To be accurate, there is one big difference between the way the FCC and the DOJ do merger reviews: DOJ is infinitely better at it. Two weeks ago the FCC's already-faltering merger review process hit rock-bottom when a staff member (an ostensible antitrust expert) heading up the FCC's review of the SBC-Ameritech merger (which DOJ has already approved) publicly proclaimed that, unless the FCC imposed major conditions, the proposed transaction ''flunks the public interest test.'' An ''unnamed agency spokeswoman'' then cheerfully agreed that a majority of the Commissioners shared the same view.

Can you imagine either the FTC or DOJ countenancing such happenings during the course of their merger review processes? I think not. This appallingly unprofessional behavior by the FCC staff drove the value of SBC and Ameritech stock down over $2 billion, and it confirmed that, if this is what passes for FCC merger review ''expertise,'' the FCC has no business being in it.

Mr. President, this bill will restore integrity and professionalism to federal review of telecommunications industry mergers. It does not touch either DOJ's or FTC's broad authority to review all mergers, including all telecommunications industry mergers. It would make sure that any FCC concerns are heard by incorporating the FCC into DOJ and FTC merger review proceedings. Nor does it touch the FCC's broad authority to adopt and enforce rules to govern the behavior of telecommunications companies. What it does do is tell the FCC that, in cases where either DOJ or FTC has reviewed a proposed telecommunications merger and stated in writing no intent to intervene, the FCC must follow the determination of these expert agencies and transfer any FCC licenses without further delay.

Under this bill the FCC may independently review proposed mergers when neither DOJ nor FTC states in writing its intent not to intervene. Nevertheless, because DOJ and FTC review all mergers and have authority to intervene in any merger, their non-intervention is any proposed merger appropriately signifies that they find the transaction at issue is unobjectionable. Therefore, any FCC review in such cases is subject to a strict 60-day deadline, and the FCC is directed to presume approval without attaching further conditions or obligations on any of the parties. Nothing (except extreme unlikelihood) would preclude the FCC from rebutting the presumption with hard facts, nor would the FCC be precluded from subsequently exercising its existing enforcement and rulemaking prerogatives to deal with any unanticipated problems.

Mr. President, we can streamline the way the federal government reviews telecom industry mergers and still safeguard the public interest. That's what this bill is intended to do by eliminating bureaucratic mismanagement while preserving essential federal review and enforcement prerogatives. I urge my colleagues to give it careful consideration and support.

This bill, the Telecom Merger Review Act of 1999, would do nothing to change the authority that the Department of Justice and the Federal Trade Commission currently have to review all telecom industry mergers.

Mr. President: I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1125

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Telecommunications Merger Review Act of 1999''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) A stated intent of the Congress in enacting the Telecommunications Act of 1996 was to reduce regulation.

(2) Under existing law, the Department of Justice and the Federal Trade Commission exercise primary authority to review all mergers, including telecommunications industry mergers. The Federal Communications Commission has only limited authority under the Clayton Act to review telecommunications industry mergers.

(3) The Department of Justice and the Federal Trade Commission have extensive expertise in analyzing issues of industry concentration and its effects on competition. The Federal Communications Commission has only limited expertise in analyzing such issues.

(4) Notwithstanding the limitations on its Clayton Act jurisdiction and on its substantive expertise, the Federal Communications Commission exercises broad authority over telecommunications industry mergers pursuant to the nonspecific public interest standard and other provisions in the Communications Act of 1934 that allow it to impose terms and conditions on the assignment and transfer of licenses and other authorizations.

(5) The Federal Communications Commission's exercise of broad authority over telecommunications industry mergers overreaches its intended statutory authority and its substantive expertise and produces delay and inconsistency in its decisions.

(6) Under existing law, parties to a proposed telecommunications industry merger are unable to proceed without the prior approval of the Federal Communications Commission, even if the Department of Justice or the Federal Trade Commission have already approved the merger.

(7) The Federal Communications Commission's existing rulemaking and enforcement prerogatives constitute normal and effective means of assuring that all licensees, including parties to a telecommunications industry merger, operate in the public interest.

(8) The primary jurisdiction and preeminent expertise of the Department of Justice and the Federal Trade Commission on all matters involving industry concentration and its effects on competition, combined with the Federal Communications Commission's existing rulemaking and enforcement prerogatives, make the exercise of separate telecommunications industry merger approval authority by the Federal Communications Commission unnecessary.

(9) Because the duplication of effort, inconsistency, and delay resulting from the Federal Communications Commission's review of telecommunications industry mergers is unnecessary, it imposes unwarranted costs on the industry, on the Commission, and on the public, and it fails to serve the public interest.

SEC. 3. REPEAL OF MERGER APPROVAL AUTHORITY.

Section 11(a) of the Clayton Act (15 U.S.C. 21(a)) is amended by striking ''in the Federal Communications Commission where applicable to common carriers engaged in wire or radio communication or radio transmission of energy;''.

SEC. 4. REPEAL OF AUTHORITY TO CONDITION LICENSES, ETC.

(a) BASIC ADMINISTRATIVE AUTHORITY.—Section 4(i) of the Communications Act of 1934 (15 U.S.C. 154(i)) is amended by adding at the end thereof the following: ''The authority of the Commission to impose terms or conditions on the transfer or assignment of

any license or other authorization assigned or transferred in a merger or other transaction subject to review by the Department of Justice or the Federal Trade Commission is subject to section 314.''.

(b) PUBLIC CONVENIENCE AND NECESSITY.—Section 214(c) of the Communications Act of 1934 (47 U.S.C. 214(c)) is amended by inserting after ''require.'' the following: ''The authority of the Commission to impose terms or conditions on the transfer or assignment of any such certificate assigned or transferred in a merger or other transaction subject to review by the Department of Justice or the Federal Trade Commission is subject to section 314.''.

(c) RESTRICTIONS AND CONDITIONS NECESSARY TO CARRY OUT 1934 ACT; TREATIES; INTERNATIONAL CONVENTIONS.—Section 303(r) of the Communications Act of 1934 (47 U.S.C. 303(r)) is amended by adding at the end thereof the following: ''The authority of the Commission under this paragraph to impose terms or conditions on the transfer or assignment of any license or other authority assigned or transferred in a merger or other transaction subject to review by the Department of Justice or the Federal Trade Commission is subject to section 314.''.

(d) ALIEN-OPERATED AMATEUR RADIO STATIONS.—Section 310(d) of the Communications Act of 1934 (47 U.S.C. 310(d)) is amended by adding at the end thereof the following: ''The authority of the Commission to impose terms or conditions on the transfer or assignment of any authorization issued under this section that is assigned or transferred in a merger or other transaction subject to review by the Department of Justice or the Federal Trade Commission is subject to section 314.''.

(e) PRESERVATION OF COMPETITION IN COMMERCE.—Section 314 of the Communications Act of 1934 (47 U.S.C. 314) is amended to read as follows:

''SEC. 314. PRESERVATION OF COMPETITION IN COMMERCE.

''(a) IN GENERAL.—Notwithstanding any other provision of law, the Commission has no authority to review a merger or other transaction, or to impose any term or condition on the assignment or transfer of any license or other authorization issued under this Act that is proposed to be assigned or transferred in the course of a merger or other transaction, while that merger or other transaction is subject to review by either the Department of Justice or the Federal Trade Commission.

''(b) COMMUNICATIONS MERGERS PRIMARILY REVIEWABLE BY DOJ AND FTC.—The Department of Justice, or the Federal Trade Commission, has primary authority under existing law to review mergers and other transactions involving the proposed assignment or transfer of any license or other authorization issued under this Act. The Commission may file comments in any proceeding before the Department of Justice or the Federal Trade Commission to review a merger or other transaction involving the proposed assignment or transfer of any license or other authorization issued under this Act if those comments reflect the views of a majority of the Commission.

''(c) COMMISSION SHALL IMPLEMENT DOJ OR FTC DECISION WITHOUT ADDITIONAL TERMS OR CONDITIONS.—If—

''(1) the Department of Justice or the Federal Trade Commission reviews a merger or other transaction involving the proposed assignment or transfer of any license or other authorization issued under this Act; and

''(2) it issues a written decision of absolute or conditional approval of, or issues a written statement of nonintervention in, the proposed merger or other transaction,

then the Commission shall authorize the assignment or transfer of any license or other authorization involved in the merger or transaction in accordance with the decision, if any, or as proposed, if a written statement of nonintervention is issued. The Commission may not impose any other term or condition on the assignment or transfer of the license or other authorization so assigned or transferred, or impose any other obligation on any party to that merger or transaction.

''(d) COMMISSION REVIEW OF MERGERS ABSENT DOJ OR FTC PRONOUNCEMENT.—

''(1) IN GENERAL.—The Commission may not review any application for assignment or transfer of a license or other authorization issued under this Act in connection with a merger or other transaction unless neither the Department of Justice nor the Federal Trade Commission issues a decision or statement described in subsection (c)(2) in connection with that merger or other transaction.

''(2) 60-DAY TURNAROUND.—The Commission shall conclude any review of a merger or other transaction it may conduct under paragraph (1) within 60 days after the date on which the Department of Justice and the Federal Trade Commission, whichever is appropriate, issues such a decision or statement.

''(3) PRESUMPTION; DEFAULT APPROVAL.—In reviewing an application under paragraph (1), the Commission shall apply a presumption in favor of unconditional approval of the application. If the Commission fails to issue a final decision within the 60-day period described in paragraph (2), the application shall be deemed to have been granted unconditionally by the Commission.''.

By Ms. MIKULSKI (for herself, Mr. KENNEDY, and Mr. DURBIN):

S. 1126. A bill to amend the Federal Food, Drug, and Costmetic Act to improve the safety of imported food, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

IMPORTED FOOD SAFETY IMPROVEMENT ACT OF 1999

Ms. MIKULSKI. Mr. President, I rise today to introduce the ''Imported Food Safety Act of 1999.'' I am proud to be the sponsor of this important legislation which guarantees the improved safety of imported foods.

The health of Americans is not something to take chances with. It is important that we make food safety a top priority. Every person should have the confidence that their food is fit to eat. We should be confident that imported food is as safe as food produced in this country. Cars can't be imported unless they meet U.S. safety requirements. Prescription drugs can't be imported unless they meet FDA standards. You shouldn't be able to import food that isn't up to U.S. standards, either.

We import increasing quantities of fresh fruits and vegetables, seafood, and many other foods. In the past seven years, the amount of food imported into the U.S. has more than doubled. Out of all the produce we eat, 40% of it is imported. Our food supply has gone global, so we need to have global food safety.

The impact of unsafe food is staggering. There have been several frightening examples of food poisoning incidents in the U.S. When Michigan schoolchildren were contaminated with Hepatitis A from imported strawberries in 1997, Americans were put on alert. Thousands of cases of cyclospora infection from imported raspberries—resulting in severe, prolonged diarrhea, weight loss, vomiting, chills and fatigue were also reported that year. Imported cantaloupe eaten in Maryland sickened 25 people. As much as $663 million was spent on food borne illness in Maryland alone. Overall, as many as 33 million people per year become ill and over 9000 die as a result of food borne illness. It is our children and our seniors who suffer the most. Most of the food-related deaths occur in these two populations.

These incidents have scared us and have jump-started the efforts to do more to protect our nation's food supply. Now, I believe in free trade, but I also believe in fair trade. FDA's current system of testing import samples at ports of entry does not protect Americans. It is ineffective and resource-intensive. Less than 2% of imported food is being inspected under the current system. At the same time, the quantity of the imported foods continues to increase.

What this law does is simple: It improves food safety and aims at preventing food borne illness of all imported foods regulated by the FDA. This bill takes a long overdue, big first step.

First, it requires that FDA make equivalence determinations on imported food. This was developed with the FDA by Senator KENNEDY and myself in consultation with the consumer groups.

Today, FDA has no authority to protect Americans against imported food that is unsafe until it is too late. Last year, the GAO found that FDA lacks the authority to require that food coming into the U.S. is produced, prepared, packed or held under conditions that provide the same level of food safety protection as those in the U.S. This means that currently, food offered for import to the U.S., can be imported under any conditions, even if those conditions are unsanitary. The Imported Food Safety Act of 1999, will allow FDA to look at the production at its source. This means that FDA will be able to take preventive measures. FDA will be able to be proactive, rather than just reactive.

That means that when you pack your childrens' lunches for school or sit down at the dinner table, you can rest assured that your food will be safe. Whether your strawberries were grown in a foreign country or on the Eastern Shore, in Maryland, those strawberries will be held to the same standard. You won't have to worry or wonder where your food is coming from. You won't have to worry that your children or families are going to get sick. You will know that the food coming into this country will be subject to equivalent standards.

Secondly, this bill contains strong enforcement measures. Last year, the

Permanent Subcommittee on Investigations, under the leadership of Senator SUE COLLINS, held numerous hearings on the safety of imported food. These enforcement measures are largely a product of those facts uncovered during those hearings. Senator COLLINS developed these enforcement provisions and introduced a bill which focuses on enforcement. I refer those with special interest in enforcement to also consider her bill.

Finally, this bill covers emergency situations by allowing FDA to ban imported food that has been connected to outbreaks of food borne illness. When our children, parents and communities are getting seriously sick, the Secretary of Health and Human Services can immediately issue an emergency ban. We don't have to wait till someone else gets seriously sick or dies. We no longer have to go through the current bureaucratic mechanism that is inefficient and resource intensive. We can stop the food today, to protect our citizens.

My goal is to strengthen the food supply, whatever the source of the food may be. This bill won't create trade barriers. It just calls for free trade of safe food. It calls for international concern and consensus on guaranteeing standards for public health.

This bill is important because it will save lives and makes for a safer world. Everyone should have security in knowing that the food they eat is fit to eat. I'd like to thank FDA for their advice and consultation in developing this legislation. I also want to thank the Consumer Federation of America for their insight and recommendations.

I look forward to working on a bipartisan basis to enact this legislation. I pledge my commitment to fight for ways to make America's food supply safer. This bill is an important step in that direction.

Mr. President, I ask unanimous consent that the statement of Ms. Carol Tucker Foreman, Distinguished Fellow and Director of the Food Policy Institute, be printed in the RECORD.

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

STATEMENT OF CAROL TUCKER FOREMAN, DISTINGUISHED FELLOW AND DIRECTOR OF THE FOOD POLICY INSTITUTE

I am here today on behalf of the Consumer Federation of America and the National Consumers' League to endorse the Imported Food Safety Act of 1999. I thank Senators Mikulski, Kennedy and Durbin and Congresswoman Eshoo for introducing this very important legislation.

It will improve the Food and Drug Administration's capacity to protect American consumers from food-borne illness caused by adulterated imported food.

Food-borne illness is a serious public health problem in the U.S. Food poisoning kills 9,000 Americans each year and causes as many as 33 million illnesses. It costs us at least $5 billion each year in medical costs and time lost from work. The human toll is incalculable.

Americans eat from a global plate. We want a wide variety of foods available on a year round basis. Health experts urge us to eat more fruits and vegetables. Imports make fresh fruits available to us even in the middle of February.

But no one wants imported foods served with a side helping of food poisoning. We want all our food, domestic and imported, to be safe.

We have not had that assurance. In recent years there have been a number of incidents of food-borne illness arising from imported food products. Last year, the Senate Permanent Subcommittee on Investigations revealed serious problems with the Food and Drug Administration's capacity to protect Americans from unsafe food.

The General Accounting Office reported that FDA can't protect us because the agency has no authority to require that foods coming into the United States be produced and packaged under circumstances that provide the same level of health protection required for domestic food producers and processors.

Most American consumers, and frankly most food producers and processors as well, would be shocked to learn that imported food is not required to be produced in a manner that provides the same level of health protection as domestic products and that FDA has no authority to check, in advance, for adequate public health safeguards. FDA can act only after the fact—after adulterated food has been found or someone has gotten sick.

The USDA inspects meat, poultry and egg products. GAO noted that USDA has the necessary power to protect consumers. The Department has the authority to require that meat and poultry produced abroad and imported into the U.S. be produced in a system that provides a level of health protection equivalent to that imposed on U.S. producers. That level of protection may include limits on bacteria that cause human illness. In addition, USDA has federally sworn inspectors who examine the foreign systems and check food at the docks.

The Food and Drug Administration has jurisdiction over all other food products, including the fresh fruits and vegetables that are so susceptible to contamination. FDA has no similar authority, no inspectors who visit foreign plants and virtually no inspectors to check food at the docks. Last year, FDA checked only two percent of the food imported into the U.S. In fact, FDA has established only a limited number of performance standards for domestically produced foods.

That point bears repeating. If you eat meat and poultry produced in another country and imported into the U.S., you can do so knowing they were produced under circumstances at least as clean and sanitary as meat, poultry and eggs produced in the U.S. If you consume fresh fruits and vegetables produced in another country, you have no such assurance, even though you will cook your meat, poultry and eggs but may well eat the fruits and vegetables raw, increasing the chance that you will consume disease causing bacteria.

In a recent study, the Center for Science in the Public Interest surveyed 225 food-borne illness outbreaks that occurred between 1990 and 1998. Foods regulated by the FDA caused over twice as many outbreaks as foods regulated by the USDA. Fruits, vegetables and salads caused 48 outbreaks. Seafood, both finfish and shellfish, caused 32 outbreaks.

USDA's more rigorous system of inspection has certainly not stopped foreign produced meat products from entering the country. We import hundreds of millions of pounds of meat each year from Australia, to Argentina and Denmark and a host of other countries. Neither foreign nor domestic producers have suffered any loss of trade.

The Imported Food Safety Act sets up a system for the Secretary of Health and Human Services to use in establishing equivalency; gives FDA more authority to visit other countries; provides important enforcement authority and controls over imported foods; prohibits port shopping and increases penalties for importing contaminated foods and authorizes new funding for FDA to carry out these functions.

Americans do care about food safety. The Food Marketing Institute, the nation's super market trade association, recently released its annual survey of trends among super market shoppers. Ninety percent of those surveyed said food safety was very important or somewhat important to them in making food selections. The Imported Food Safety Act will increase assurance among consumers that the food supply is safe.

The Imported Food Safety Act is an important part of a package of food safety legislation which Congress should address this year. Other parts of the package include legislation to promote the use of specific microbial standards for both domestic and foreign produce, introduced by Senator Harkin; require registration of importers, introduced by Senator Dorgan. Congress should act now before confidence is diminished.

Mr. KENNEDY. Mr. President, it is a privilege to be a sponsor of this important bill, and I commend Senator MIKULSKI for her leadership on this legislation to close the critical gaps in our imported food safety laws.

Citizens deserve to know that the food they eat is safe and wholesome, regardless of its source. The United States has one of the safest food supplies in the world. Yet every year, millions of Americans become sick, and thousands die, from eating contaminated food. Billions of dollars a year in medical costs and lost productivity are caused by food-borne illnesses. Often, the source of the problem is imported food.

We've heard recently about the thousands of cases of illness from Cyclospora in raspberries from Guatemala. But this high profile case is by no means the only case.

In 1997, school children in five states contracted Hepatitis A from frozen strawberries served in the school cafeterias. Fecal contamination is a potential source of Hepatitis A, and the strawberries the children ate came from a farm in Mexico where workers had little access to sanitary facilities.

Earlier this year, cases of typhoid fever in Florida were linked to a frozen tropical fruit product from Guatemala. Again, poor sanitary conditions appear to be at the root of the problem.

Gastrointestinal illness has been linked to soft cheeses from Europe. Bacterial food poisoning has been attributed to canned mushrooms from the Far East.

The emergence of highly virulent strains of bacteria, and an increase in the number of organisms that are resistant to antibiotics, make microbial contamination of food a major public health challenge.

Ensuring the safety of imported food is a huge task. Americans now enjoy a wide variety of foods from around the world and have access to fresh fruits

and vegetables year round. In 1997, the Food Safety Inspection Service of the Department of Agriculture handled 118,000 entries of imported meat and poultry. The FDA handled far more—2.7 million entries of other imported food. Current FDA procedures and resources allowed for less than two percent of those 2.7 million imports to be physically inspected. Clearly, we need to do better.

The authority of the FDA is not sufficient to prevent contaminated food imports from reaching our shores. The Agency has no legal authority to require that food imported into the United States is prepared, packed and stored under conditions that provide the same level of public health protection as similar food produced in the U.S. Under current procedures, the FDA takes random samples of imports as they arrive at the border. The imports often continue on their way to stores in all parts of the country while testing is being done, and it is often difficult to recall the food if a problem is found. Unscrupulous importers make the most of the loopholes in the law, including substituting cargo, falsifying laboratory results, and attempting to bring a refused shipment in again, at a later date or at a different port.

The legislation we are introducing today will give the Secretary of Health and Human Services the additional authority needed to assure that food imports are as safe as food grown and prepared in this country.

It will give the FDA greater authority to deal with outbreaks of foodborne illness and to bar further imports of dangerous foods until improvements at the source can guarantee the safety of future shipments. This authority covers foods that have repeatedly been associated with food-borne disease, have repeatedly been found to be adulterated, or have been linked to a catastrophic outbreak of food-borne illness.

It will close loopholes in the law and give the FDA better tools to deal with unscrupulous importers.

It will authorize the Centers for Disease Control and Prevention to target resources toward enhanced surveillance and prevention activities to deal with food-borne illnesses, including new diagnostic tests, better training of health professionals, and increased public awareness about food safety.

Too many citizens today are at unnecessary risk of food-borne illness. The measure we are proposing is designed to reduce that risk as much as possible, both immediately and for the long term. We know that there are powerful special interests that put profits ahead of safety, but Americans need and deserve laws that better protect their food supply. This is essential legislation, and I look forward to working with my colleagues to see that it is enacted as soon as possible.

By Mr. KYL (for himself, Mr. KERREY, Mr. NICKLES, Mr. BREAUX, Mr. MACK, Mr. ROBB, and Mr. GRAMM):

S. 1128. A bill to amend the Internal Revenue Code of 1986 to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers, to provide for a carryover basis at death, and to establish a partial capital gains exclusion for inherited assets; to the Committee on Finance.

ESTATE TAX ELIMINATION ACT OF 1999

Mr. KYL. Mr. President, I rise today with my colleagues, Senators BOB KERREY, DON NICKLES, JOHN BREAUX, sCONNIE MACK, CHUCK ROBB, and PHIL GRAMM to introduce a bill that attempts to forge bipartisan consensus with regard to the future of the federal estate tax. The legislation we are offering today is titled the Estate Tax Elimination Act of 1999.

Mr. President, we know that many Americans are troubled by the estate tax's complexity and high rates, and by the mere fact that it is triggered by a person's death rather than the realization of income. For a long time, I have advocated its repeal, because I believe death should not be a taxable event.

Other people agree that the tax is problematic, but are concerned the appreciated value of certain assets might escape taxation forever if the estate tax is repealed while the step-up in basis allowed under Section 1014 of the Internal Revenue Code remains in effect.

The legislation we are introducing today attempts to reconcile these positions by eliminating both the estate tax and the step-up, and attributing a carryover basis to inherited property so that all gains are taxed at the time the property is sold and income is realized. This is an explicit trade-off: estate-tax repeal for implementation of a carryover basis. Both must occur, or this plan will not work.

The concept of a carryover basis is not new. It exists in current law with respect to gifts, Section 1015 of the Internal Revenue Code, and property transferred in cases of divorce, Section 1041, and in connection with involuntary conversions of property relating to theft, destruction, seizure, requisition, or condemnation.

In the latter case, when an owner receives compensation for involuntarily converted property, a taxable gain normally results to the extent that the value of the compensation exceeds the basis of the converted property. However, Section 1033 of the Internal Revenue Code allows the taxpayer to defer the recognition of the gain until the property is sold. The Kyl-Kerrey bill would treat the transfer of property at death—perhaps the most involuntary conversion of all—the same way, deferring recognition of any gain until the inherited property is sold.

Our bill would also establish a limited capital-gains exclusion for inherited property to ensure that small estates, which are currently exempt from tax by virtue of the unified credit and the step-up in basis, do not find themselves with a new tax liability when the proposed law takes effect.

Mr. President, I have asked the Joint Tax Committee to review the proposal and provide an official revenue estimate. We are awaiting the results of that review now.

I hope the members of the Finance Committee will take a serious and careful look at this bipartisan proposal. With it, we ought to be able to finally eliminate the estate tax—and do it this year.

Mr. President, I ask unanimous consent that a section-by-section analysis of the bill be printed in the RECORD.

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

S. ___, THE ESTATE TAX ELIMINATION ACT
SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Designates the bill, the ''Estate Tax Elimination Act of 1999.''

Section 2. Repeal of certain Federal transfer taxes

Repeals Subtitle B of the Internal Revenue Code (IRC), thus eliminating the federal estate, gift, and generation-skipping transfer taxes as of the date of enactment.

Section 3. Termination of a step-up in basis at death

Amends IRC Section 1014 to eliminate the step-up in basis at death with respect to property acquired from a decedent dying after the date of enactment. The basis for such property is to be determined pursuant a new IRC Section 1022 (section 4 of the bill).

Section 4. Carryover basis at death

Establishes a new IRC Section 1022 to provide for carryover basis for certain property acquired from a decedent.

(a) If property is classified as carryover basis property, its new basis in the hands of the acquiring person will be its initial basis, increased by its allowable share of the decedent's exclusion allowance determined under (c) below.

(b) Carryover basis property means property which has been acquired from a decedent who died after the date of enactment, and which is not any of the following:

(1) Property acquired from the decedent and sold, exchanged, or otherwise disposed of by the acquiring person before the decedent's death;

(2) An item of income in respect of a decedent;

(3) Life-insurance proceeds under IRC Section 2042;

(4) Foreign personal holding company stock as described in IRC Section 1014(b)(5); or

(5) Property transferred to a surviving spouse, the value of which would have been deductible from the value of the taxable estate of the decedent under IRC Section 2056.

(6) Tangible personal property (e.g., household effects) valued at $50,000 or less which was a capital asset in the hands of the decedent and for which the executor has made an election on a required information return.

(c) The decedent's general exclusion allowance is equal to the lesser of:

(1) an applicable amount for the year of the decedent's death as follows:

$650,000 in 1999
$675,000 in 2000 and 2001
$700,000 in 2002 and 2003
$850,000 in 2004
$950,000 in 2005
$1 million in 2006 and thereafter.

or the aggregate net appreciation (fair market value, less initial basis) of all carryover basis property.

Except that, if the decedent had a deceased spouse whose own exclusion allowance was less than the applicable amount for that spouse, the decedent's applicable amount will be increased by the unallocated portion of the deceased spouse's applicable amount.

(2) As per current law, family-owned businesses and farms would be eligible for an additional exclusion, which combined with the general exclusion allowance could total up to $1.3 million.

(3) The executor will allocate the exclusion-allowance amount to the carryover basis property on a required information return. Any allocation may be changed at any time up to the 30th day after the initial-basis finality date, which means the last day on which the initial basis of property may be changed in an administrative or judicial proceeding under new IRC Section 7480. The basis adjustment for any property shall not exceed the net appreciation in such property and may not increase the basis of such property above its fair market value.

In the case of any carryover basis property which was a personal or household effect, the basis of such property in the hands of the acquiring person shall not exceed its fair market value for purposes of determining loss.

A nonresident, not a citizen of the United States, is ineligible for a basis adjustment based upon a decedent's exclusion allowance.

(d) Establishes a new IRC Section 7480 to provide procedures for receiving a binding determination of the initial basis of carryover basis property.

(e) Establishes a new IRC Section 6039H to require an executor to file an information return providing all of the necessary information with respect to carryover basis property. An executor is required to furnish, in writing, the adjusted basis of such item to each person acquiring an item or carryover basis property from a decedent.

By Mr. DOMENICI:

S. 1129. A bill to facilitate the acquisition of inholdings in Federal land management units and the disposal of surplus public land, and for other purposes; to the Committee on Energy and Natural Resources.

FEDERAL LAND TRANSACTION FACILITATION ACT

Mr. DOMENICI. Mr. President, today I introduce the Federal Land Transaction Facilitation Act, which addresses longstanding problems encountered by Federal land managers first, in disposing of surplus federal property, and secondly, in acquiring private inholdings within federally designated areas. This legislation builds on existing laws and provides resources dedicated to the consolidation of federal agency land holdings.

I first introduced this bill prior to the end of the 105th Congress, as Title II to the Valles Caldera Preservation Act. This portion of that legislation was independent of the proposed acquisition of land in New Mexico, and perhaps more important. Again this year, Congress will commit large sums of federal taxpayer dollars to purchase new property. Before we do, however, it seems prudent to provide a framework for the orderly disposal of unneeded federal property that also commits resources to meet our current obligations to those who hold land surrounded by federal property.

Currently, one-third of the land area in New Mexico is owned by the Federal government. On average, across the eleven Western States, the Federal government owns approximately one half of the land. I agree that this public land is an important natural resource that requires our most thoughtful consideration in the way it is managed and used by the public.

To best conserve our existing national treasures for future use and enjoyment, we must devise, with the concurrence of other members of Congress and the President, a definite plan and timetable to dispose of surplus land through sale or exchange into private, or State and local government ownership.

The Federal Land Transaction Facilitation Act provides for the orderly disposition of unneeded Federal property on a state by state basis. It also addresses the problem of what are known as ''inholdings'' within federally managed areas. These interrelated problems give rise to an interrelated solution proposed in this legislation.

There are currently more than 45 million acres of privately owned land trapped within the boundaries of Federal land management units, including national parks, national forests, national monuments, national wildlife refuges, and wilderness areas. In many cases, the location of these tracts, referred to as inholdings, makes the exercise of private property rights difficult for the land owner. In addition, management of the public land is made more cumbersome for the Federal managers.

There are also cases where inholders have been waiting generations for the federal government to set aside funding and prioritize the acquisition of their property. With rapidly growing public demand for the use of public land, it is increasingly difficult for federal managers to address problems created by inholdings in many areas.

This legislation directs the Department of the Interior to identify inholdings existing within Federal land management units that landowners that have indicated a desire to sell to the Federal government. Inholdings will only be considered for acquisition by the Secretary of Interior if, after public notice, landowners indicate their willingness to sell. The Secretary will then establish a priority for their acquisition considering, among other factors, those which have existed as inholdings for the longest time.

Additionally, this legislation authorizes the use of the proceeds generated from sale of land no longer needed by the Bureau of Land Management (BLM) to purchase these inholdings from willing sellers. This will enhance the ability of the Federal land management agencies to work cooperatively with private land owners, and with State and local governments, to consolidate the ownership of public and private land in a manner that would allow for better overall resource management.

There is an abundance of public domain land that the BLM has determined it no longer needs to fulfil its mission. Under the Federal Land Policy and Management Act of 1976 (FLPMA), the BLM has identified an estimated four to six million acres of public domain land for disposal, with public input and consultation with State and local governments as required by law.

Let me state this very clearly—the BLM already has authority under an existing law, FLPMA, to exchange or sell land out of Federal ownership. Through its public process for land use planning, when the agency has determined that certain land would be more useful to the public under private or local governmental control, it is already authorized to dispose of this land, either by sale or exchange. This legislation maintains every aspect of existing law. It also provides an orderly process, and sufficient resources, for the BLM to exercise it.

The sale or exchange of land which I have often referred to as ''surplus,'' would be beneficial to local communities, adjoining land owners, and BLM land mangers, alike. First, it would allow for the reconfiguration of land ownership patterns to better facilitate resource management. Second, it would contribute to administrative efficiency within federal land management units, by allowing for better allocation of fiscal and human resources within the agency. Finally, in certain locations, the sale of public land which has been identified for disposal is the best way for the public to realize a fair value for this land.

The problem is that an orderly process for the efficient disposition of lands identified for disposal does not currently exist. This legislation corrects that problem by directing the BLM to fulfil all legal requirements for the transfer of land out of Federal ownership, and providing a dedicated source of funding generated from the sale of this land to continue this process.

I want to make it clear that this program will in no way detract from other programs with similar purposes. The bill clearly states that proceeds generated from the disposal of public land, and dedicated to the acquisition of inholdings, will supplement, and not replace, funds appropriated for that purpose through the Land and Water Conservation Fund. In addition, the bill states that the BLM should rely on non-Federal entities to conduct appraisals and other research required for the sale or exchange of this land, allowing for the least disruption of existing land and resource management programs.

This bill has been a long time in the making. For over a year, now, I have been working with and talking to knowledgeable people, both inside and outside of the current administration, to develop many of the ideas embodied in this bill. Prior to adjournment of the 105th Congress, my staff and I worked closely with the administration on this legislation. I have since received additional comments from the

Interior Department, and have included many of their suggestions into this bill.

I feel comfortable in stating that by working together, we have reached agreement in principle on the best way to proceed with these very important issues involving the management of public land resources, namely, the disposition of surplus public land in combination with a program to address problems associated with inholdings within our Federal land management units.

I look forward to hearings on this matter, and anticipate that most of my fellow Senators will agree that Federal Land Transaction Facilitation Act logically addresses this management issue. I believe that in the end, we will be able to stand together and tell the American people that we truly have accomplished a great and innovative thing with this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1129

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Federal Land Transaction Facilitation Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the Bureau of Land Management has authority under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) to sell land identified for disposal under its land use planning;

(2) the Bureau of Land Management has authority under that Act to exchange Federal land for non-Federal land if the exchange would be in the public interest;

(3) through land use planning under that Act, the Bureau of Land Management has identified certain tracts of public land for disposal;

(4) the land management agencies of the Department of the Interior have authority under existing law to acquire land consistent with land use plans and the mission of each agency;

(5) the sale or exchange of land identified for disposal and the acquisition of certain non-Federal land from willing landowners would—

(A) allow for the reconfiguration of land ownership patterns to better facilitate resource management;

(B) contribute to administrative efficiency within Federal land management units; and

(C) allow for increased effectiveness of the allocation of fiscal and human resources within the Federal land management agencies;

(6) a more expeditious process for disposal and acquisition of land, established to facilitate a more effective configuration of land ownership patterns, would benefit the public interest;

(7) many private individuals own land within the boundaries of Federal land management units and desire to sell the land to the Federal Government;

(8) such land lies within national parks, national monuments, national wildlife refuges, and other areas designated for special management;

(9) Federal land management agencies are facing increased workloads from rapidly growing public demand for the use of public land, making it difficult for Federal managers to address problems created by the existence of inholdings in many areas;

(10) in many cases, inholders and the Federal Government would mutually benefit from Federal acquisition of the land on a priority basis;

(11) proceeds generated from the disposal of public land may be properly dedicated to the acquisition of inholdings and other land that will improve the resource management ability of the Bureau of Land Management and adjoining landowners;

(12) using proceeds generated from the disposal of public land to purchase inholdings and other such land from willing sellers would enhance the ability of the Federal land management agencies to—

(A) work cooperatively with private landowners and State and local governments; and

(B) promote consolidation of the ownership of public and private land in a manner that would allow for better overall resource management;

(13) in certain locations, the sale of public land that has been identified for disposal is the best way for the public to receive fair market value for the land; and

(14) to allow for the least disruption of existing land and resource management programs, the Bureau of Land Management may use non-Federal entities to prepare appraisal documents for agency review and approval consistent with applicable provisions of the Uniform Standards for Federal Land Acquisition.

SEC. 3. DEFINITIONS.

In this Act:

(1) EXCEPTIONAL RESOURCE.—The term ''exceptional resource'' means a resource of scientific, historic, cultural, or recreational value that has been documented by a Federal, State, or local governmental authority, and for which extraordinary conservation and protection is required to maintain the resource for the benefit of the public.

(2) FEDERALLY DESIGNATED AREA.—The term ''Federally designated area'' means land administered by the Secretary in Alaska and the eleven contiguous Western States (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)) that on the date of enactment of this Act was within the boundary of—

(A) a national monument, area of critical environmental concern, national conservation area, national riparian conservation area, national recreation area, national scenic area, research natural area, national outstanding natural area, or a national natural landmark managed by the Bureau of Land Management;

(B) a unit of the National Park System;

(C) a unit of the National Wildlife Refuge System; or

(D) a wilderness area designated under the Wilderness Act (16 U.S.C. 1131 et seq.), the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.), or the National Trails System Act (16 U.S.C. 1241 et seq.).

(3) INHOLDING.—The term ''inholding'' means any right, title, or interest, held by a non-Federal entity, in or to a tract of land that lies within the boundary of a federally designated area.

(4) PUBLIC LAND.—The term ''public land'' means public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)).

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 4. IDENTIFICATION OF INHOLDINGS.

(a) IN GENERAL.—The Secretary shall establish a procedure to—

(1) identify, by State, inholdings within federally designated areas for which the landowner has indicated a desire to sell the land or an interest in land to the Federal Government; and

(2) establish the date on which the land or interest in land identified became an inholding.

(b) NOTICE OF POLICY.—The Secretary shall provide, in the Federal Register and through such other means as the Secretary may determine to be appropriate, periodic notice to the public of the policy under subsection (a), including any information required by the Secretary to consider an inholding for acquisition under section 6.

(c) IDENTIFICATION.—An inholding—

(1) shall be considered for identification under this section only if the Secretary receives notification of a desire to sell from the landowner in response to public notice given under subsection (b); and

(2) shall be deemed to have been established as of the later of—

(A) the earlier of—

(i) the date on which the land was withdrawn from the public domain; or

(ii) the date on which the land was established or designated for special management; or

(B) the date on which the inholding was acquired by the current owner.

(d) APPLICATION TO THE SECRETARY OF AGRICULTURE.—If funds become available under section 6(c)(2)(E)—

(1) this section shall apply to the Secretary of Agriculture; and

(2) private land within an area described in that section shall be deemed to be an inholding for the purposes of this Act.

(e) NO OBLIGATION TO CONVEY OR ACQUIRE.—The identification of an inholding under this section creates no obligation on the part of a landowner to convey the inholding or any obligation on the part of the United States to acquire the inholding.

SEC. 5. DISPOSAL OF PUBLIC LAND.

(a) IN GENERAL.—The Secretary shall establish a program, using funds made available under section 6, to complete appraisals and satisfy other legal requirements for the sale or exchange of public land identified for disposal under approved land use plans (as in effect on the date of enactment of this Act) under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712).

(b) SALE OF PUBLIC LAND.—

(1) IN GENERAL.—The sale of public land so identified shall be conducted in accordance with sections 203 and 209 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713, 1719).

(2) EXCEPTIONS TO COMPETITIVE BIDDING REQUIREMENTS.—The exceptions to competitive bidding requirements under section 203(f) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713(f)) shall apply to this section in cases in which the Secretary determines it to be necessary.

(c) REPORT IN PUBLIC LAND STATISTICS.—The Secretary shall provide in the annual publication of Public Land Statistics, a report of activities under this section.

(d) TERMINATION OF AUTHORITY.—The authority provided under this section shall terminate 10 years after the date of enactment of this Act.

SEC. 6. FEDERAL LAND DISPOSAL ACCOUNT.

(a) DEPOSIT OF PROCEEDS.—Notwithstanding any other law (except a law that specifically provides for a proportion of the proceeds to be distributed to any trust funds of any States), the gross proceeds of the sale or exchange of public land under this Act shall be deposited in a separate account in the Treasury of the United States to be known as the ''Federal Land Disposal Account''.

(b) AVAILABILITY.—Amounts in the Federal Land Disposal Account shall be available to the Secretary, without further Act of appropriation, to carry out this Act.

(c) USE OF THE FEDERAL LAND DISPOSAL ACCOUNT.—

(1) IN GENERAL.—Funds in the Federal Land Disposal Account shall be expended in accordance with this subsection.

(2) FUND ALLOCATION.—

(A) PURCHASE OF LAND.—Except as authorized under subparagraph (C), funds shall be used to purchase—

(i) inholdings; and

(ii) land adjacent to federally designated areas that contains exceptional resources.

(B) INHOLDINGS.—Not less than 80 percent of the funds allocated for the purchase of land within each State shall be used to acquire—

(i) inholdings identified under section 4; and

(ii) National Forest System land as authorized under subparagraph (E).

(C) ADMINISTRATIVE AND OTHER EXPENSES.—An amount not to exceed 20 percent of the funds in the Federal Land Disposal Account shall be used for administrative and other expenses necessary to carry out the land disposal program under section 5.

(D) SAME STATE PURCHASES.—Of the amounts not used under subparagraph (C), not less than 80 percent shall be expended within the State in which the funds were generated. Any remaining funds may be expended in any other State.

(E) PURCHASE OF NATIONAL FOREST SYSTEM LAND.—Beginning 5 years after the date of enactment of this Act, if, for any fiscal year, the Secretary determines that funds allocated for the acquisition of inholdings under this section exceed the availability of inholdings within a State, the Secretary may use the excess funds to purchase land, on behalf of the Secretary of Agriculture, within the boundaries of a national recreation area, national scenic area, national monument, national volcanic area, or any other area designated for special management by an Act of Congress within the National Forest System.

(3) PRIORITY.—The Secretary may develop and use criteria for priority of acquisition that are based on—

(A) the date on which land or interest in land became an inholding;

(B) the existence of exceptional resources on the land; and

(C) management efficiency.

(4) BASIS OF SALE.—Any acquisition of land under this section shall be—

(A) from a willing seller;

(B) contingent on the conveyance of title acceptable to the Secretary (and the Secretary of Agriculture, in the case of an acquisition of National Forest System land) using title standards of the Attorney General; and

(C) at not less than fair market value consistent with applicable provisions of the Uniform Appraisal Standards for Federal Land Acquisitions.

(d) CONTAMINATED SITES AND SITES DIFFICULT AND UNECONOMIC TO MANAGE.—Funds in the Federal Land Disposal Account shall not be used to purchase land or an interest in land that, as determined by the Secretary—

(1) contains a hazardous substances or is otherwise contaminated; or

(2) because of the location or other characteristics of the land, would be difficult or uneconomic to manage as Federal land.

(e) INVESTMENT.—Amounts in the Federal Land Disposal Account shall earn interest at a rate determined by the Secretary of the Treasury based on the current average market yield on outstanding marketable obligations of the United States of comparable maturities.

(f) LAND AND WATER CONSERVATION FUND ACT.—Funds made available under this section shall be supplemental to any funds appropriated under the Land and Water Conservation Fund Act (16 U.S.C. 460*l*–4 et seq.).

(g) TERMINATION.—On termination of activities under section 5—

(1) the Federal Land Disposal Account shall be terminated; and

(2) any remaining balance in the account shall become available for appropriation under section 3 of the Land and Water Conservation Fund Act (16 U.S.C.460*l*–6).

SEC. 7. SPECIAL PROVISIONS.

(a) IN GENERAL.—Nothing in this Act provides an exemption from any limitation on the acquisition of land or interest in land under any Federal Law in effect on the date of enactment of this Act.

(b) OTHER LAW.—This Act shall not apply to land eligible for sale under—

(1) Public Law 96–568 (commonly known as the ''Santini-Burton Act'') (94 Stat. 3381); or

(2) the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2343).

(c) EXCHANGES.—Nothing in this Act precludes, preempts, or limits the authority to exchange land under—

(1) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); or

(2) the Federal Land Exchange Facilitation Act of 1988 (102 Stat. 1086) or the amendments made by that Act.

(d) NO NEW RIGHT OR BENEFIT.—Nothing in this Act creates a right or benefit, substantive or procedural, enforceable at law or in equity by a party against the United States, its agencies, its officers, or any other person.

By Mr. MCCAIN (for himself, Mr. ASHCROFT, Mr. BOND, Mr. BURNS, Mr. GORTON, and Mr. INHOFE):

S. 1130. A bill to amend title 49, United States Code, with respect to liability of motor vehicle rental or leasing companies for the negligent operation of rented or leased motor vehicles; to the Committee on Commerce, Science, and Transportation.

MOTOR VEHICLE RENTAL FAIRNESS ACT OF 1999

Mr. MCCAIN. Mr. President, I rise to introduce the Motor Vehicle Rental Fairness Act of 1999. The measure is short, simple and important. It will assure that companies who rent or lease motor vehicles are not held liable for accidents caused by their customers when there is no way the companies could prevent these accidents.

Normally under our system of jurisprudence, defendants in lawsuits are held liable based upon their action or inaction. Unfortunately, a small number of states ignore this general principle. This minority of states subject rental and leasing companies to unlimited liability for accidents caused by their customers that involve the company's vehicles—despite the fact that the company was not at fault. This type of vicarious liability, liability without fault, holds these companies liable even when they have not been negligent in any way and the vehicle operated perfectly.

The measure I am introducing prevents states from holding companies liable for accidents based solely upon their ownership of the vehicles. The bill makes clear that rental companies would still be liable if the vehicle did not operate properly. It makes clear that companies are not excused from meeting state minimum insurance requirements on their motor vehicles. Minimum insurance requirements ensure that people involved in accidents with vehicles owned by rental companies have recourse to recover some damages.

The reason most often cited for imposing vicarious liability is to ensure that an innocent third party can recover damages in an accident. Unfortunately, this quest for a financially responsible defendant has lead to absurd results. If a vehicle is purchased from a bank or finance company, then there is no vicarious liability. However, if that same vehicle is leased, vicarious liability applies.

This problem attracted my attention because of the impact the policies of a small number of states have on interstate commerce. Settlements and judgments from vicarious liability claims against rental companies cost the industry over $100 million annually. And let me be clear, it is the consumer who is paying this cost.

For these reasons, this bill and the reforms it implements are long overdue. Everyone, companies and individuals alike should be held liable only for harm they caused or could have prevented. The only way these companies can prevent this harm would be to go out of business. This is an absurd expectation that will be remedied by this bill.

I look forward to hearings on this matter and working with my colleagues to ensure its passage. I ask unanimous consent that a copy of the bill be printed in the RECORD.

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

S. 1130

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Motor Vehicle Rental Fairness Act of 1999''.

SEC. 2. FINDING.

The Congress finds that the vicarious liability laws, the ultimate insurer laws, and the common law in a small minority of States—

(1) impose a disproportionate and undue burden on interstate commerce by increasing rental rates for motor vehicle rental and leasing customers throughout the United States; and

(2) pose a significant competitive barrier to entry for smaller motor vehicle rental and leasing companies attempting to compete in these markets,

in contravention of a fundamental principle of fairness that there should be no liability in the absence of fault.

SEC. 3. LIMITATION ON LIABILITY.

(a) IN GENERAL.—Part C of subtitle VI of title 49, United States Code, is amended by adding at the end thereof the following:

''CHAPTER 333. LIABILITY FOR COMPANIES THAT RENT OR LEASE MOTOR VEHICLES.

''Sec.
''33301. Limitation of liability

''§ 33301. Limitation of liability

''(a) IN GENERAL.—Notwithstanding any State statutory or common law, no State or political subdivision of a State may hold any business entity engaged in the trade or business of renting or leasing motor vehicles liable to others for harm caused by a person to himself or herself, to another person, or to property resulting from that person's operation of a rented or leased motor vehicle solely because that business entity is the owner of the motor vehicle.

''(b) APPLICATION WITH CERTAIN OTHER LAWS.—

''(1) NEGLIGENCE.—Subsection (a) does not apply to liability imposed under a State's statutory or common law based on negligence of a motor vehicle owner.

''(2) FINANCIAL RESPONSIBILITY LAWS.—Nothing in this section supersedes the law of any State or political subdivision thereof—

''(A) imposing financial responsibility or insurance standards on the owner of a motor vehicle for the privilege of registering and operating a motor vehicle; or

''(B) imposing liability on business entities engaged in the trade or business of renting or leasing motor vehicles for failure of such entity to meet financial responsibility or liability insurance requirements under State law.

''(c) DEFINITIONS.—In this section:

''(1) BUSINESS ENTITY.—The term 'business entity' means a sole proprietorship, corporation, trust, limited liability company, company, association, firm, partnership, society, joint stock company, or other legal entity, and includes a department, agency, or instrumentality of the government of the United States, a State, or a political subdivision of a State.

''(2) MOTOR VEHICLE.—The term 'motor vehicle' has the meaning given that term by section 13102(14).

''(3) OWNER.—In this section, the term ''owner'' means—

''(A) a person who is a record or beneficial owner or long-term lessee of a motor vehicle;

''(B) a person entitled to the use and possession of a motor vehicle subject to a security interest in another person;

''(C) a lessee or bailee of a motor vehicle in the trade or business of renting or leasing motor vehicles, having the use or possession thereof, under a lease, bailment, or otherwise.

''(4) PERSON.—The term 'person' has the meaning given to it by section 1 of title 1, but also includes a government entity.

''(5) GOVERNMENT ENTITY.—The term 'government entity' means an agency, instrumentality, or other entity of Federal, State, or local government (including multijurisdictional agencies, instrumentalities, and entities).''.

(b) CONFORMING AMENDMENT.—The analysis for part C of subtitle VII of title 49, United States Code, is amended by inserting after the item relating to chapter 331, the following:

''333. Liability for companies that rent or lease motor vehicles ..... 33301''.

SEC. 4. EFFECTIVE DATE.

Section 33301 of title 49, United States Code, as added by section 3 of this Act, applies to any civil action commenced on or after the date of enactment of this Act.

● Mr. ASHCROFT. Mr. President, I rise today in support of the legislation being introduced by the distinguished Chairman of the Senate Commerce Committee—the senior Senator from Arizona. I strongly support the reforms to state vicarious liability laws contained in the ''Motor Vehicle Rental Fairness Act of 1999'' and urge my colleagues to support this important bill and move it swiftly towards enactment.

I commend the chairman for taking the lead on this important legislation. His bill, of which I am proud to be an original co-sponsor, seeks to put a halt to an absurd aberration in our legal system. Under the vicarious liability laws of a very small number of states, companies that rent or lease motor vehicles are held strictly liable if their renters or lessees are negligent and cause an accident. The company does not have to be negligent in any way. The vehicle may operate perfectly and be maintained properly. These states simply hold the company liable because of their ownership of the vehicle.

The only way for these companies to avoid this liability would be to stop renting or leasing these vehicles. This is not an acceptable resolution to this problem. The American justice system should be based on the general principle that a defendant should be held liable only for harm he or she could prevent—not merely because the defendant has a ''deep pocket.''

Vicarious liability laws undermine competition in these states and have driven smaller rental and leasing companies out of business. In fact, vicarious liability acts as a tax on all rental and leasing companies—and their customers—nationwide because these companies must try to recover their losses from vicarious claims through rental rates nationwide.

It is time to put a stop to this legal disconnect. Hold these companies liable if they are negligent. Hold them liable if they fail to properly maintain one of the vehicles they rent or lease. But do not hold them liable simply for being in business—for fulfilling the needs of our traveling constituents.

Mr. President, I look forward to hearings on the Senator from Arizona's legislation at the earliest possible date and hope to move this legislation through this body as quickly as possible.●

By Mr. EDWARDS (for himself and Mr. HAGEL):

S. 1131. A bill to promote research into, and the development of an ultimate cure for, the disease known as Fragile X; to the Committee on Health, Education, Labor, and Pensions.

FRAGILE X RESEARCH BREAKTHROUGH ACT OF 1999

Mr. EDWARDS. Mr. President, I rise today with my colleague, Senator HAGEL, to introduce the Fragile X Research Breakthrough Act of 1999.

Most of my colleagues have probably never heard of Fragile X. But it is the leading known cause of mental retardation. And the measure we introduce today could help put us on the path to treat and ultimately, we hope, cure the disorder. This measure will launch a concerted and aggressive federal effort to deal with Fragile X.

Fragile X—which is a genetic defect that results in mental retardation—was only recently discovered. Given its prevalence, it's surprising that it took us so long to discover this problem.

One in 2,000 males and one in 4,000 females have the gene defect. One in every 260 women is a carrier. Current studies estimate that as many as 90,000 Americans suffer from Fragile X. Yet up to 80 to 90 percent of them are undiagnosed. It does not affect one racial or ethnic group more than another.

Scientists have only known exactly what causes Fragile X since 1991. Fragile X occurs when a specific gene, which should hold a string of molecules that repeat six to fifty times, over-expands. It causes the gene to hold anywhere from 200 to 1,000 copies of the same sequence, repeating over and over, much like a record skipping out of control. The result of this error is that instructions needed for the creation of a specific protein in the brain are lost. Consequently, the Fragile X protein is either low or absent in the affected person. The lower the level of the protein, the more severe the resulting disabilities.

People with Fragile X have effects ranging from mild learning disabilities to severe mental retardation. Behavioral problems associated with Fragile X include aggression, anxiety, and seizures. The effects on both the victims of the disorder and their families are profound, taking a huge emotional and financial toll. People with Fragile X have a normal life expectancy but usually incur special costs that add up to over $2 million on average over their lifetime. Because it is inherited, many families have more than one child with Fragile X.

But although Fragile X is now known in the scientific community, it is still neither widely studied by scientists nor known by the public at large.

That's shocking, considering its devastating effect. Let me give you an example. In 1989 Katie Clapp gave birth to her first child, Andy. She and her husband, Dr. Michael Tranfaglia were thrilled. There were some concerns initially because Andy was missing one kidney and had some other medical problems. But they were quickly remedied, and Michael knew from his training as a medical doctor that Andy could do fine with one kidney. Testing did not reveal any other problems, so the couple breathed easy.

But soon Andy started showing other signs of problems. He had difficulty feeding and was inconsolable except when held by his mother. He was not as responsive as other children his age, except to scream when put down. Over the first year of life, he began to miss achievement milestones, such as sitting up and walking. Michael was in his residency training at the University of North Carolina hospital, so a

wealth of medical resources were within his reach. Andy was seen by neurologists and geneticists, but there were no answers.

When Andy was two years old, Katie became pregnant with a second child. She wanted to be sure that her next baby would be born free of Andy's problems. So Andy was tested some more for genetics abnormalities, but nothing showed up. Yet Andy's problems were becoming more and more apparent, and causing greater difficulties for the family.

Finally, when he was three and a half years old, Andy went to a new physician, a developmental pediatrician. During the initial visit with the doctor, Michael and Katie got their first indication that there might be a name for the problem they had been living with. The doctor suggested that Andy be tested for something called Fragile X. The test was performed, and came back positive. Katie Clapp and Michael Tranfaglia soon learned that not only did Andy have this inherited genetic disorder, but that their baby daughter Laura was also afflicted.

Recent advances in Fragile X research now make it possible to test definitively for the disorder through DNA analysis. Yet many doctors are still not familiar with Fragile X, and subtle symptoms in early childhood can make it difficult to detect.

But there is good news. Because scientists have identified the missing protein that causes the disorder, there is hope for a cure. And because Fragile X is the only single-gene disease known to directly impact human intelligence, understanding the disease can give us insight into human intelligence and learning and into dealing with other single gene defects. Understanding Fragile X may also unlock some of the mysteries of autism, schizophrenia, and other neurological disorders. But we need to fund research efforts into this devastating disease.

Mr. President, my proposal seeks to capitalize on the good news. It would:

Expand and coordinate research into Fragile X under the direction of the National Institute of Child Health and Human Development—a division of the National Institutes of Health;

Establish at least three Fragile X centers, which would receive grants for research and development aimed at improving the diagnosis and treatment of, and finding a cure for, Fragile X;

Allow patients with Fragile X to participate in clinical trials;

Coordinate activities and exchange of information between the centers for better understanding of the disorder, and

Encourage wide scale research into Fragile X by allowing qualified health professionals who conduct research into the disorder to be repaid for principal and interest on educational loans under the National Health Service Corps Loan Repayment Program.

Today, in our country, thousands of children have Fragile X, but their parent have never heard of the disease. These parents know something is wrong, but they cannot give the problem a name, and neither can any doctor they have consulted. Like Katie and Michael, they may know their child has a disability, but they do not know why. They do not know that if they have more children, those children may also be at risk. They do not know there are treatments for the problem.

They do not know that someone is working on a cure.

The same holds true for many adults in our society. They are living in group homes and in institutions around the country. They have been cared for during entire lifetimes by devoted family members. Yet they have never had a diagnosis beyond ''mental retardation.''

This summer in North Carolina, we are hosting a very special gathering of very special people. The Special Olympics World games will begin with an opening ceremony in Raleigh on June 26th, and the Games will run through July 4th. Among the participants will be many athletes who have Fragile X. Some of them know it, but many others, along with their families, do not even know that their particular disorder has a name. And with a name comes knowledge, and with knowledge comes hope for a better future—even for a cure.

The job of these extraordinary athletes this summer is to make the most of their abilities and to achieve personal goals and triumphs. Our role in the games is to support their efforts, and to cheer them on. But our responsibility does not end there. It is our responsibility to make the most of the knowledge we now have, to expand that knowledge, and to give these folks the best chance possible. I ask all of my colleagues to join me in supporting this important research. Thank you.

Mr. President, I ask unanimous consent that a copy of the legislation be printed in the RECORD.

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

S. 1131

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Fragile X Research Breakthrough Act of 1999''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Fragile X is the most common inherited cause of mental retardation. It affects 1 in every 2,000 boys and 1 in every 4,000 girls. One in 260 women is a carrier.

(2) Most children with Fragile X require a lifetime of special care at a cost of over $2,000,000 per child.

(3) Relatively newly-discovered and relatively unknown, even in the medical profession, Fragile X is caused by the absence of a single protein that can be produced synthetically but that cannot yet be effectively assimilated.

(4) Fragile X research, both basic and applied, is vastly underfunded in view of its prevalence, the potential for the development of a cure, the established benefits of currently available interventions, and the significance that Fragile X research has for related disorders.

(5) Fragile X is a powerful research model for other forms of X-linked mental retardation, as well as neuropsychiatric disorders, including autism, schizophrenia, mood disorders, and pervasive developmental disorder. Individuals with Fragile X are a homogeneous study population for advancing understanding of these disorders.

SEC. 3. NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT; RESEARCH ON FRAGILE X.

Subpart 7 of part C of title IV of the Public Health Service Act (42 U.S.C. 285g et seq.) is amended by adding at the end the following:

''SEC. 452E. FRAGILE X.

''(a) EXPANSION AND COORDINATION OF RESEARCH ACTIVITIES.—The Director of the Institute, after consultation with the advisory council for the Institute, shall expand, intensify, and coordinate the activities of the Institute with respect to research on the disease known as Fragile X.

''(b) RESEARCH CENTERS.—

''(1) IN GENERAL.—The Director of the Institute, after consultation with the advisory council for the Institute, shall make grants to, or enter into contracts with, public or nonprofit private entities for the development and operation of centers to conduct research for the purposes of improving the diagnosis and treatment of, and finding the cure for, Fragile X.

''(2) NUMBER OF CENTERS.—In carrying out paragraph (1), the Director of the Institute shall, to the extent that amounts are appropriated, provide for the establishment of at least 3 Fragile X research centers.

''(3) ACTIVITIES.—

''(A) IN GENERAL.—Each center assisted under paragraph (1) shall, with respect to Fragile X—

''(i) conduct basic and clinical research, which may include clinical trials of—

''(I) new or improved diagnostic methods; and

''(II) drugs or other treatment approaches; and

''(ii) conduct research to find a cure.

''(B) FEES.—A center may use funds provided under paragraph (1) to provide fees to individuals serving as subjects in clinical trials conducted under subparagraph (A).

''(4) COORDINATION AMONG CENTERS.—The Director of the Institute shall, as appropriate, provide for the coordination of the activities of the centers assisted under this section, including providing for the exchange of information among the centers.

''(5) CERTAIN ADMINISTRATIVE REQUIREMENTS.—Each center assisted under paragraph (1) shall use the facilities of a single institution, or be formed from a consortium of cooperating institutions, meeting such requirements as may be prescribed by the Director of the Institute.

''(6) DURATION OF SUPPORT.—Support may be provided to a center under paragraph (1) for a period of not to exceed 5 years. Such period may be extended for 1 or more additional periods, each of which may not exceed 5 years, if the operations of such center have been reviewed by an appropriate technical and scientific peer review group established by the Director and if such group has recommended to the Director that such period be extended.

''(7) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there are authorized to be appropriated $10,000,000 for fiscal year 2000, and such sums as may be necessary for each subsequent fiscal year.''.

SEC. 4. NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT; LOAN REPAYMENT PROGRAM REGARDING RESEARCH ON FRAGILE X.

Part G of title IV of the Public Health Service Act (42 U.S.C. 288 et seq.) is amended by inserting after section 487E the following:

''SEC. 487F. LOAN REPAYMENT PROGRAM REGARDING RESEARCH ON FRAGILE X.

''(a) IN GENERAL.—The Secretary, in consultation with the Director of the National Institute of Child Health and Human Development, shall establish a program under which the Federal Government enters into contracts with qualified health professionals (including graduate students) who agree to conduct research regarding Fragile X in consideration of the Federal Government's agreement to repay, for each year of such service, not more than $35,000 of the principal and interest of the educational loans owed by such health professionals.

''(b) APPLICABILITY OF CERTAIN PROVISIONS.—With respect to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III, the provisions of such subpart (including section 338B(g)(3)) shall, except as inconsistent with subsection (a) of this section, apply to the program established in such subsection in the same manner and to the same extent as such provisions apply to the National Health Service Corps Loan Repayment Program established in such subpart.

''(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $2,000,000 for fiscal year 2000, and such sums as may be necessary for each subsequent fiscal year. Amounts appropriated for a fiscal year under the preceding sentence shall remain available until the expiration of the second fiscal year beginning after the fiscal year for which the amounts were appropriated.''.

Mr. HAGEL. Mr. President, I rise this morning to join my colleague and friend, the distinguished junior Senator from North Carolina, Senator EDWARDS, in introducing the Fragile X Breakthrough Act of 1999.

Although many of you may not have heard of Fragile X, it is the leading cause of inherited mental retardation. It affects tens of thousands of children in this country every year. Fragile X is caused by a defective gene that fails to product specific protein necessary for proper brain function. Those afflicted with this condition often suffer mild to severe mental retardation, anxiety, seizures, and a variety of learning disorders. Most children with Fragile X will require a lifetime of specialized care at a cost of over $2 million each.

For those afflicted and their families—like John and Megan Massey from Scottsbluff, Nebraska, whose two sons Jack and Jacob suffer from this disease—it is a frustrating, life-crippling, and heart-wrenching condition. But there is hope. In 1991, medical researchers were able to identify the specific gene that fails to produce the necessary protein and is responsible for Fragile X. Since then, researchers have been able to develop a synthetic version of this protein, and are now working on a way to deliver it to the brain's flawed cells.

Congress has an unprecedented opportunity to play a key role in solving the mystery of this disease, and encouraging the development of a treatment and eventual cure. The Fragile X Breakthrough Act is a practical, proactive, and cost-effective vehicle by which Congress can accomplish these goals.

The National Institute of Child and Human Development (NICHD) is required by law to establish research centers in order to conduct clinical and scientific research aimed at helping infants and children. In accordance with that charge, the Fragile X Breakthrough Act authorizes $10 million for the NICHD, to make grants or enter into contracts with public or private entities to develop and operate three Fragile X research centers. It also provides $2 million for a program that encourages physicians to conduct Fragile X research, by offering to repay a portion of their educational loans. These proposals closely follow the recommendations that emerged from an international scientific conference held by the NICHD and the Fragile X Foundation (FRAXA) in December of 1998.

We are closing in on one of the principal genetic causes of mental retardation. Let's give the NICHD the authority and funding to accelerate Fragile X research, so that the final, critical breakthroughs can be made. Let's give these children the chance to lead normal, productive lives. If not for Jacob and Jack Massey, then for those children who will inevitably follow.

By Mr. BREAUX (for himself and Mr. HATCH):

S. 1132. A bill to amend the Internal Revenue Code of 1986 to allow the reinvestment of employee stock ownership plan dividends without the loss of any dividend reduction; to the Committee on Finance.

ESOP DIVIDEND REINVESTMENT AND PARTICIPANT SECURITY ACT OF 1999

Mr. BREAUX. Mr. President, I rise today to introduce a measure that will not only promote employee ownership, but also enhance retirement savings. The ''ESOP Dividend Reinvestment and Participant Security Act of 1999'' will grant many workers their long-sought desire to share in the growth of their company while not sacrificing one nickel of their retirement security. This legislation will permit employees to reinvest dividends paid on employer securities held in an ESOP without going through the administrative complexity that companies currently face in order to encourage workers to keep their dividends in the plan.

Under current law, an employer may deduct the dividends paid on employer securities in an ESOP only if the dividends are used to repay an ESOP loan or they are paid in cash to participants. This runs counter to one of the most important themes expressed by this administration as well as many others since the passage of ERISA—what to do about ''leakage'' in our retirement programs, or assets coming out of plans prematurely. In short, we need to encourage our nation's workers to keep their money in their retirement plans and not let small amounts drip out over time so that little is left by the time they enter retirement. The bill I am introducing today addresses this issue and would bolster the retirement security of ESOP participants because it would encourage both employees and employers to reinvest their dividends in the company.

Not only does the current approach of denying a deduction for reinvested dividends discourage the accumulation of assets for retirement, it also thwarts one of the primary purposes of an ESOP—providing an efficient means for employees to build an ownership interest in their company. Congress has steadfastly maintained the ESOP dividend deductibility rules for over 15 years in order to encourage employers to establish ESOPs that hold dividend-paying company stock. These rules clearly are intended to provide ESOP participants a broader opportunity to share in the company's growth and to ultimately use such growth to provide retirement assets. Unfortunately, our present rules fall short of the mark.

This bill fulfills the promise inherent in the original ESOP dividend deduction provision. The ''ESOP Dividend Reinvestment and Participant Security Act of 1999'' would give employees the ability to retain the dividends paid on employer stock in the ESOP and to reinvest these amounts in the employer stock for continuing growth and accumulation. No employee would then be forced to receive dividends that could instead be used to build retirement savings. And, all employees could receive the benefit of participating in their company's growth.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1132

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''ESOP Dividend Reinvestment and Participant Security Act of 1999''.

SEC. 2. ESOP DIVIDENDS MAY BE REINVESTED WITHOUT LOSS OF DIVIDEND DEDUCTION.

(a) IN GENERAL.—Section 404(k)(2)(A) of the Internal Revenue Code of 1986 (defining applicable dividends) is amended by striking ''or'' at the end of clause (ii), by redesignating clause (iii) as clause (iv), and by inserting after clause (ii) the following new clause:

''(iii) is, at the election of such participants or their beneficiaries—

''(I) payable as provided in clause (i) or (ii), or

''(II) paid to the plan and reinvested in qualifying employee securities, or''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1999.

By Mr. GRAMS:

S. 1133. A bill to amend the Poultry Products Inspection Act to cover birds

of the order Ratitae that are raised for use as human food; to the Committee on Agriculture, Nutrition, and Forestry.

POULTRY PRODUCTS INSPECTION ACT AMENDMENTS LEGISLATION

● Mr. GRAMS. Mr. President, I rise today to introduce a bill to amend the Poultry Products Inspection Act to include birds of the Ratitae order, such as ostriches, emus, and rheas, in the mandatory USDA meat inspection program. Currently producers of ratitae participate in a voluntary inspection program, but costs are borne by the producers and can add as much as $2 per pound to the price of the product. The USDA currently absorbs the cost of inspection for the more traditional agricultural products, such as turkey, poultry, and beef.

I introduce this legislation to encourage agricultural entrepreneurship and diversification, and to level the economic playing field for those farmers willing to take innovative risks to bring new products to American and global consumers. Ratite meat is reported to be high in protein and low in fat and cholesterol, and byproducts from the animals are being studied by universities and medical labs for their potential uses. I would also note that farmers engaged in producing ratite meat can now be found all over the country, not just in Minnesota.

With the increasing focus in our country on food safety, I believe this bill is a small but important step toward both encouraging development of alternative agricultural products and ensuring the safety of the food our citizens consume.

I ask my colleagues to join with me in support of this bill to help family farms diversify into new products that will provide them with new income sources and give American consumers more variety at the grocery store.●

By Mr. ROTH:

S. 1134. An original bill to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes; from the Committee on Finance; placed on the calendar.

AFFORDABLE EDUCATION ACT OF 1999

Mr. ROTH. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1134

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

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Affordable Education Act of 1999''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

TITLE I—EDUCATION SAVINGS INCENTIVES

SEC. 101. MODIFICATIONS TO EDUCATION INDIVIDUAL RETIREMENT ACCOUNTS.

(a) MAXIMUM ANNUAL CONTRIBUTIONS.—

(1) IN GENERAL.—Section 530(b)(1)(A)(iii) (defining education individual retirement account) is amended by striking ''$500'' and inserting ''the contribution limit for such taxable year''.

(2) CONTRIBUTION LIMIT.—Section 530(b) (relating to definitions and special rules) is amended by adding at the end the following new paragraph:

''(4) CONTRIBUTION LIMIT.—The term 'contribution limit' means $500 ($2,000 in the case of any taxable year beginning after December 31, 1999, and ending before January 1, 2004).''

(3) CONFORMING AMENDMENT.—Section 4973(e)(1)(A) is amended by striking ''$500'' and inserting ''the contribution limit (as defined in section 530(b)(4)) for such taxable year''.

(b) TAX-FREE EXPENDITURES FOR ELEMENTARY AND SECONDARY SCHOOL EXPENSES.—

(1) IN GENERAL.—Section 530(b)(2) (defining qualified higher education expenses) is amended to read as follows:

''(2) QUALIFIED EDUCATION EXPENSES.—

''(A) IN GENERAL.—The term 'qualified education expenses' means—

''(i) qualified higher education expenses (as defined in section 529(e)(3)), and

''(ii) qualified elementary and secondary education expenses (as defined in paragraph (5)).

Such expenses shall be reduced as provided in section 25A(g)(2).

''(B) QUALIFIED STATE TUITION PROGRAMS.—Such term shall include any contribution to a qualified State tuition program (as defined in section 529(b)) on behalf of the designated beneficiary (as defined in section 529(e)(1)); but there shall be no increase in the investment in the contract for purposes of applying section 72 by reason of any portion of such contribution which is not includible in gross income by reason of subsection (d)(2).''

(2) QUALIFIED ELEMENTARY AND SECONDARY EDUCATION EXPENSES.—Section 530(b) (relating to definitions and special rules), as amended by subsection (a)(2), is amended by adding at the end the following new paragraph:

''(5) QUALIFIED ELEMENTARY AND SECONDARY EDUCATION EXPENSES.—

''(A) IN GENERAL.—The term 'qualified elementary and secondary education expenses' means—

''(i) expenses for tuition, fees, academic tutoring, special needs services, books, supplies, computer equipment (including related software and services), and other equipment which are incurred in connection with the enrollment or attendance of the designated beneficiary of the trust as an elementary or secondary school student at a public, private, or religious school, and

''(ii) expenses for room and board, uniforms, transportation, and supplementary items and services (including extended day programs) which are required or provided by a public, private, or religious school in connection with such enrollment or attendance.

''(B) SPECIAL RULE FOR HOMESCHOOLING.—Such term shall include expenses described in subparagraph (A)(i) in connection with education provided by homeschooling if the requirements of any applicable State or local law are met with respect to such education.

''(C) SCHOOL.—The term 'school' means any school which provides elementary education or secondary education (kindergarten through grade 12), as determined under State law.''

(3) SPECIAL RULES FOR APPLYING EXCLUSION TO ELEMENTARY AND SECONDARY EXPENSES.—Section 530(d)(2) (relating to distributions for qualified higher education expenses) is amended by adding at the end the following new subparagraph:

''(E) SPECIAL RULES FOR ELEMENTARY AND SECONDARY EXPENSES.—

''(i) IN GENERAL.—The aggregate amount of qualified elementary and secondary education expenses taken into account for purposes of this paragraph with respect to any education individual retirement account for all taxable years shall not exceed the sum of the aggregate contributions to such account for taxable years beginning after December 31, 1999, and before January 1, 2004, and earnings on such contributions.

''(ii) SPECIAL OPERATING RULES.—For purposes of clause (i)—

''(I) the trustee of an education individual retirement account shall keep separate accounts with respect to contributions and earnings described in clause (i), and

''(II) if there are distributions in excess of qualified elementary and secondary education expenses for any taxable year, such excess distributions shall be allocated first to contributions and earnings not described in clause (i).''

(4) CONFORMING AMENDMENTS.—Section 530 is amended—

(A) by striking ''higher'' each place it appears in subsections (b)(1) and (d)(2), and

(B) by striking ''HIGHER'' in the heading for subsection (d)(2).

(c) WAIVER OF AGE LIMITATIONS FOR CHILDREN WITH SPECIAL NEEDS.—Section 530(b)(1) (defining education individual retirement account) is amended by adding at the end the following flush sentence:

''The age limitations in the preceding sentence and paragraphs (5) and (6) of subsection (d) shall not apply to any designated beneficiary with special needs (as determined under regulations prescribed by the Secretary).''

(d) ENTITIES PERMITTED TO CONTRIBUTE TO ACCOUNTS.—Section 530(c)(1) (relating to reduction in permitted contributions based on adjusted gross income) is amended by striking ''The maximum amount which a contributor'' and inserting ''In the case of a contributor who is an individual, the maximum amount the contributor''.

(e) TIME WHEN CONTRIBUTIONS DEEMED MADE.—

(1) IN GENERAL.—Section 530(b) (relating to definitions and special rules), as amended by subsection (b)(2), is amended by adding at the end the following new paragraph:

''(6) TIME WHEN CONTRIBUTIONS DEEMED MADE.—An individual shall be deemed to have made a contribution to an education individual retirement account on the last day of the preceding taxable year if the contribution is made on account of such taxable year and is made not later than the time prescribed by law for filing the return for such taxable year (not including extensions thereof).''

(2) EXTENSION OF TIME TO RETURN EXCESS CONTRIBUTIONS.—Subparagraph (C) of section 530(d)(4) (relating to additional tax for distributions not used for educational expenses) is amended—

(A) by striking clause (i) and inserting the following new clause:

''(i) such distribution is made before the 1st day of the 6th month of the taxable year following the taxable year, and'', and

(B) by striking ''DUE DATE OF RETURN'' in the heading and inserting ''JUNE''.

(f) COORDINATION WITH HOPE AND LIFETIME LEARNING CREDITS AND QUALIFIED TUITION PROGRAMS.—

(1) IN GENERAL.—Section 530(d)(2)(C) is amended to read as follows:

''(C) COORDINATION WITH HOPE AND LIFETIME LEARNING CREDITS AND QUALIFIED TUITION PROGRAMS.—

''(i) CREDIT COORDINATION.—

''(I) IN GENERAL.—Except as provided in subclause (II), subparagraph (A) shall not apply for any taxable year to any qualified higher education expenses with respect to any individual if a credit is allowed under section 25A with respect to such expenses for such taxable year.

''(II) SPECIAL COORDINATION RULE.—In the case of any taxable year beginning after December 31, 1999, and before January 1, 2004, subclause (I) shall not apply, but the total amount of qualified higher education expenses otherwise taken into account under subparagraph (A) with respect to an individual for such taxable year shall be reduced (after the application of the reduction provided in section 25A(g)(2)) by the amount of such expenses which were taken into account in determining the credit allowed to the taxpayer or any other person under section 25A with respect to such expenses.

''(ii) COORDINATION WITH QUALIFIED TUITION PROGRAMS.—If the aggregate distributions to which subparagraph (A) and section 529(c)(3)(B) apply exceed the total amount of qualified higher education expenses otherwise taken into account under subparagraph (A) (after the application of clause (i)) with respect to an individual for any taxable year, the taxpayer shall allocate such expenses among such distributions for purposes of determining the amount of the exclusion under subparagraph (A) and section 529(c)(3)(B).''

(2) CONFORMING AMENDMENTS.—

(A) Subsection (e) of section 25A is amended to read as follows:

''(e) ELECTION NOT TO HAVE SECTION APPLY.—A taxpayer may elect not to have this section apply with respect to the qualified tuition and related expenses of an individual for any taxable year.''

(B) Section 135(d)(2)(A) is amended by striking ''allowable'' and inserting ''allowed''.

(C) Section 530(b)(2)(A) is amended by striking '', reduced as provided in section 25A(g)(2)''.

(D) Section 530(d)(2)(D) is amended—

(i) by striking ''or credit'', and

(ii) by striking ''CREDIT OR'' in the heading.

(E) Section 4973(e)(1) is amended by adding ''and'' at the end of subparagraph (A), by striking subparagraph (B), and by redesignating subparagraph (C) as subparagraph (B).

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1999.

SEC. 102. MODIFICATIONS TO QUALIFIED TUITION PROGRAMS.

(a) ELIGIBLE EDUCATIONAL INSTITUTIONS PERMITTED TO MAINTAIN QUALIFIED TUITION PROGRAMS.—

(1) IN GENERAL.—Section 529(b)(1) (defining qualified State tuition program) is amended by inserting ''or by 1 or more eligible educational institutions'' after ''maintained by a State or agency or instrumentality thereof''.

(2) PRIVATE QUALIFIED TUITION PROGRAMS LIMITED TO BENEFIT PLANS.—Clause (ii) of section 529(b)(1)(A) is amended by inserting ''in the case of a program established and maintained by a State or agency or instrumentality thereof,'' before ''may make''.

(3) CONFORMING AMENDMENTS.—

(A) Sections 72(e)(9), 135(c)(2)(C), 135(d)(1)(D), 529, 530(b)(2)(B), 4973(e), and 6693(a)(2)(C) are each amended by striking ''qualified State tuition'' each place it appears and inserting ''qualified tuition''.

(B) The headings for sections 72(e)(9) and 135(c)(2)(C) are each amended by striking ''QUALIFIED STATE TUITION'' and inserting ''QUALIFIED TUITION''.

(C) The headings for sections 529(b) and 530(b)(2)(B) are each amended by striking ''QUALIFIED STATE TUITION'' and inserting ''QUALIFIED TUITION''.

(D) The heading for section 529 is amended by striking ''state''.

(E) The item relating to section 529 in the table of sections for part VIII of subchapter F of chapter 1 is amended by striking ''State''.

(b) EXCLUSION FROM GROSS INCOME OF EDUCATION DISTRIBUTIONS FROM QUALIFIED TUITION PROGRAMS.—

(1) IN GENERAL.—Section 529(c)(3)(B) (relating to distributions) is amended to read as follows:

''(B) DISTRIBUTIONS FOR QUALIFIED HIGHER EDUCATION EXPENSES.—

''(i) IN GENERAL.—For purposes of this paragraph—

''(I) no amount shall be includible in gross income under subparagraph (A) by reason of a distribution which consists of providing a benefit to the distributee which, if paid for by the distributee, would constitute payment of a qualified higher education expense, and

''(II) the amount which (determined without regard to subclause (I)) would be includible in gross income under subparagraph (A) by reason of any other distribution shall not be so includible in an amount which bears the same ratio to the amount which would be so includible as the qualified higher education expenses bear to such aggregate distributions.

''(ii) NONAPPLICATION OF CLAUSE.—In the case of any taxable year beginning before January 1, 2004, clause (i) shall not apply with respect to any distribution in such taxable year under a qualified tuition program established and maintained by 1 or more eligible educational institutions.

''(iii) IN-KIND DISTRIBUTIONS.—Any benefit furnished to a designated beneficiary under a qualified tuition program shall be treated as a distribution to the beneficiary for purposes of this paragraph.

''(iv) COORDINATION WITH HOPE AND LIFETIME LEARNING CREDITS.—

''(I) IN GENERAL.—Except as provided in subclause (II), clause (i) shall not apply for any taxable year to any qualified higher education expenses with respect to any individual if a credit is allowed under section 25A with respect to such expenses for such taxable year.

''(II) SPECIAL COORDINATION RULE.—In the case of any taxable year beginning after December 31, 1999, and before January 1, 2004, subclause (I) shall not apply, but the total amount of qualified higher education expenses otherwise taken into account under clause (i) with respect to an individual for such taxable year shall be reduced (after the application of the reduction provided in section 25A(g)(2)) by the amount of such expenses which were taken into account in determining the credit allowed to the taxpayer or any other person under section 25A with respect to such expenses.

''(v) COORDINATION WITH EDUCATION IRAS.—If the aggregate distributions to which clause (i) and section 530(d)(2)(A) apply exceed the total amount of qualified higher education expenses otherwise taken into account under clause (i) (after the application of clause (iv)) with respect to an individual for any taxable year, the taxpayer shall allocate such expenses among such distributions for purposes of determining the amount of the exclusion under clause (i) and section 530(d)(2)(A).''

(2) CONFORMING AMENDMENTS.—

(A) Section 135(d)(2)(B) is amended by striking ''section 530(d)(2)'' and inserting ''sections 529(c)(3)(B)(i) and 530(d)(2)''.

(B) Section 221(e)(2)(A) is amended by inserting ''529,'' after ''135,''.

(c) BENEFICIARY MAY CHANGE PROGRAM.—Section 529(c)(3)(C) (relating to change in beneficiaries) is amended—

(1) by striking ''transferred to the credit'' in clause (i) and inserting ''transferred—

''(I) to another qualified tuition program for the benefit of the designated beneficiary, or

''(II) to the credit'',

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

''(iii) LIMITATION ON CERTAIN ROLLOVERS.—Clause (i)(I) shall only apply to the first 3 transfers with respect to a designated beneficiary.'', and

(3) by inserting ''OR PROGRAMS'' after ''BENEFICIARIES'' in the heading.

(d) MEMBER OF FAMILY INCLUDES FIRST COUSIN.—Section 529(e)(2) (defining member of family) is amended by striking ''and'' at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and by inserting ''; and'', and by adding at the end the following new subparagraph:

''(D) any first cousin of such beneficiary.''

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1999.

TITLE II—EDUCATIONAL ASSISTANCE

SEC. 201. EXTENSION OF EXCLUSION FOR EMPLOYER-PROVIDED EDUCATIONAL ASSISTANCE.

(a) IN GENERAL.—Section 127(d) (relating to termination of exclusion for educational assistance programs) is amended by striking ''May 31, 2000'' and inserting ''June 30, 2004''.

(b) REPEAL OF LIMITATION ON GRADUATE EDUCATION.—

(1) IN GENERAL.—The last sentence of section 127(c)(1) is amended by striking '', and such term also does not include any payment for, or the provision of any benefits with respect to, any graduate level course of a kind normally taken by an individual pursuing a program leading to a law, business, medical, or other advanced academic or professional degree''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to expenses relating to courses beginning after December 31, 1999.

SEC. 202. ELIMINATION OF 60-MONTH LIMIT ON STUDENT LOAN INTEREST DEDUCTION.

(a) IN GENERAL.—Section 221 (relating to interest on education loans) is amended by striking subsection (d) and by redesignating subsections (e), (f), and (g) as subsections (d), (e), and (f), respectively.

(b) CONFORMING AMENDMENT.—Section 6050S(e) is amended by striking ''section 221(e)(1)'' and inserting ''section 221(d)(1)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to any loan interest paid after December 31, 1999.

SEC. 203. EXCLUSION OF CERTAIN AMOUNTS RECEIVED UNDER THE NATIONAL PUBLIC HEALTH SERVICE CORPS SCHOLARSHIP PROGRAM AND THE F. EDWARD HEBERT ARMED FORCES HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM.

(a) IN GENERAL.—Section 117(c) (relating to the exclusion from gross income amounts received as a qualified scholarship) is amended—

(1) by striking ''Subsections (a)'' and inserting the following:

''(1) IN GENERAL.—Except as provided in paragraph (2), subsections (a)'', and

(2) by adding at the end the following new paragraph:

''(2) EXCEPTIONS.—Paragraph (1) shall not apply to any amount received by an individual under—

''(A) the National Public Health Service Corps Scholarship Program under section 338A(g)(1)(A) of the Public Health Service Act, or

''(B) the Armed Forces Health Professions Scholarship and Financial Assistance program under subchapter I of chapter 105 of title 10, United States Code.''

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to amounts received in taxable years beginning after December 31, 1993.

TITLE III—LIBERALIZATION OF TAX-EXEMPT FINANCING RULES FOR PUBLIC SCHOOL CONSTRUCTION

SEC. 301. ADDITIONAL INCREASE IN ARBITRAGE REBATE EXCEPTION FOR GOVERNMENTAL BONDS USED TO FINANCE EDUCATIONAL FACILITIES.

(a) IN GENERAL.—Section 148(f)(4)(D)(vii) (relating to increase in exception for bonds financing public school capital expenditures) is amended by striking ''$5,000,000'' the second place it appears and inserting ''$10,000,000''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to obligations issued in calendar years beginning after December 31, 1999.

SEC. 302. TREATMENT OF QUALIFIED PUBLIC EDUCATIONAL FACILITY BONDS AS EXEMPT FACILITY BONDS.

(a) TREATMENT AS EXEMPT FACILITY BOND.—Subsection (a) of section 142 (relating to exempt facility bond) is amended by striking ''or'' at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting '', or'', and by adding at the end the following new paragraph:

''(13) qualified public educational facilities.''

(b) QUALIFIED PUBLIC EDUCATIONAL FACILITIES.—Section 142 (relating to exempt facility bond) is amended by adding at the end the following new subsection:

''(k) QUALIFIED PUBLIC EDUCATIONAL FACILITIES.—

''(1) IN GENERAL.—For purposes of subsection (a)(13), the term 'qualified public educational facility' means any school facility which is—

''(A) part of a public elementary school or a public secondary school, and

''(B) owned by a private, for-profit corporation pursuant to a public-private partnership agreement with a State or local educational agency described in paragraph (2).

''(2) PUBLIC-PRIVATE PARTNERSHIP AGREEMENT DESCRIBED.—A public-private partnership agreement is described in this paragraph if it is an agreement—

''(A) under which the corporation agrees—

''(i) to do 1 or more of the following: construct, rehabilitate, refurbish, or equip a school facility, and

''(ii) at the end of the term of the agreement, to transfer the school facility to such agency for no additional consideration, and

''(B) the term of which does not exceed the term of the issue to be used to provide the school facility.

''(3) SCHOOL FACILITY.—For purposes of this subsection, the term 'school facility' means—

''(A) school buildings,

''(B) functionally related and subordinate facilities and land with respect to such buildings, including any stadium or other facility primarily used for school events, and

''(C) any property, to which section 168 applies (or would apply but for section 179), for use in the facility.

''(4) PUBLIC SCHOOLS.—For purposes of this subsection, the terms 'elementary school' and 'secondary school' have the meanings given such terms by section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801), as in effect on the date of the enactment of this subsection.

''(5) ANNUAL AGGREGATE FACE AMOUNT OF TAX-EXEMPT FINANCING.—

''(A) IN GENERAL.—An issue shall not be treated as an issue described in subsection (a)(13) if the aggregate face amount of bonds issued by the State pursuant thereto (when added to the aggregate face amount of bonds previously so issued during the calendar year) exceeds an amount equal to the greater of—

''(i) $10 multiplied by the State population, or

''(ii) $5,000,000.

''(B) ALLOCATION RULES.—

''(i) IN GENERAL.—Except as otherwise provided in this subparagraph, the State may allocate the amount described in subparagraph (A) for any calendar year in such manner as the State determines appropriate.

''(ii) RULES FOR CARRYFORWARD OF UNUSED LIMITATION.—A State may elect to carry forward an unused limitation for any calendar year for 3 calendar years following the calendar year in which the unused limitation arose under rules similar to the rules of section 146(f), except that the only purpose for which the carryforward may be elected is the issuance of exempt facility bonds described in subsection (a)(13).''

(c) EXEMPTION FROM GENERAL STATE VOLUME CAPS.—Paragraph (3) of section 146(g) (relating to exception for certain bonds) is amended—

(1) by striking ''or (12)'' and inserting ''(12), or (13)'', and

(2) by striking ''and environmental enhancements of hydroelectric generating facilities'' and inserting ''environmental enhancements of hydroelectric generating facilities, and qualified public educational facilities''.

(d) EXEMPTION FROM LIMITATION ON USE FOR LAND ACQUISITION.—Section 147(h) (relating to certain rules not to apply to mortgage revenue bonds, qualified student loan bonds, and qualified 501(c)(3) bonds) is amended by adding at the end the following new paragraph:

''(3) EXEMPT FACILITY BONDS FOR QUALIFIED PUBLIC-PRIVATE SCHOOLS.—Subsection (c) shall not apply to any exempt facility bond issued as part of an issue described in section 142(a)(13) (relating to qualified public educational facilities).''

(e) CONFORMING AMENDMENT.—The heading for section 147(h) is amended by striking ''MORTGAGE REVENUE BONDS, QUALIFIED STUDENT LOAN BONDS, AND QUALIFIED 501(c)(3) BONDS'' and inserting ''CERTAIN BONDS''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after December 31, 1999.

SEC. 303. FEDERAL GUARANTEE OF SCHOOL CONSTRUCTION BONDS BY FEDERAL HOUSING FINANCE BOARD.

(a) IN GENERAL.—Section 149(b)(3) (relating to exceptions) is amended by adding at the end the following new subparagraph:

''(E) CERTAIN GUARANTEED SCHOOL CONSTRUCTION BONDS.—Any bond issued as part of an issue 95 percent or more of the net proceeds of which are used for public school construction shall not be treated as federally guaranteed for any calendar year by reason of any guarantee by the Federal Housing Finance Board (through any Federal Home Loan Bank) under the Federal Home Loan Bank Act (12 U.S.C. 1421 et seq.), as in effect on the date of the enactment of this subparagraph, to the extent the face amount of such bond, when added to the aggregate face amount of such bonds previously so guaranteed for such year, does not exceed $500,000,000.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to bonds issued after December 31, 1999.

TITLE IV—REVENUE PROVISIONS

SEC. 401. MODIFICATION TO FOREIGN TAX CREDIT CARRYBACK AND CARRYOVER PERIODS.

(a) IN GENERAL.—Section 904(c) (relating to limitation on credit) is amended—

(1) by striking ''in the second preceding taxable year,'', and

(2) by striking ''or fifth'' and inserting ''fifth, sixth, or seventh''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to credits arising in taxable years beginning after December 31, 2001.

SEC. 402. LIMITATION ON USE OF NON-ACCRUAL EXPERIENCE METHOD OF ACCOUNTING.

(a) IN GENERAL.—Section 448(d)(5) (relating to special rule for services) is amended—

(1) by inserting ''in fields described in paragraph (2)(A)'' after ''services by such person'', and

(2) by inserting ''CERTAIN PERSONAL'' before ''SERVICES'' in the heading.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

(2) CHANGE IN METHOD OF ACCOUNTING.—In the case of any taxpayer required by the amendments made by this section to change its method of accounting for its first taxable year ending after the date of the enactment of this Act—

(A) such change shall be treated as initiated by the taxpayer,

(B) such change shall be treated as made with the consent of the Secretary of the Treasury, and

(C) the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account over a period (not greater than 4 taxable years) beginning with such first taxable year.

SEC. 403. RETURNS RELATING TO CANCELLATIONS OF INDEBTEDNESS BY ORGANIZATIONS LENDING MONEY.

(a) IN GENERAL.—Paragraph (2) of section 6050P(c) (relating to definitions and special rules) is amended by striking ''and'' at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting '', and'', and by inserting after subparagraph (C) the following new subparagraph:

''(D) any organization a significant trade or business of which is the lending of money.''

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to discharges of indebtedness after December 31, 1999.

SEC. 404. EXTENSION OF INTERNAL REVENUE SERVICE USER FEES.

(a) IN GENERAL.—Chapter 77 (relating to miscellaneous provisions) is amended by adding at the end the following new section:

''SEC. 7527. INTERNAL REVENUE SERVICE USER FEES.

''(a) GENERAL RULE.—The Secretary shall establish a program requiring the payment of user fees for—

''(1) requests to the Internal Revenue Service for ruling letters, opinion letters, and determination letters, and

''(2) other similar requests.

''(b) PROGRAM CRITERIA.—

''(1) IN GENERAL.—The fees charged under the program required by subsection (a)—

''(A) shall vary according to categories (or subcategories) established by the Secretary,

''(B) shall be determined after taking into account the average time for (and difficulty of) complying with requests in each category (and subcategory), and

''(C) shall be payable in advance.

''(2) EXEMPTIONS, ETC.—The Secretary shall provide for such exemptions (and reduced fees) under such program as the Secretary determines to be appropriate.

''(3) AVERAGE FEE REQUIREMENT.—The average fee charged under the program required by subsection (a) shall not be less than the amount determined under the following table:

''Category	Average Fee
Employee plan ruling and opinion ..	$250
Exempt organization ruling	$350
Employee plan determination	$300
Exempt organization determination.	$275
Chief counsel ruling	$200.

''(c) TERMINATION.—No fee shall be imposed under this section with respect to requests made after September 30, 2009.''

(b) CONFORMING AMENDMENTS.—

(1) The table of sections for chapter 77 is amended by adding at the end the following new item:

''Sec. 7527. Internal Revenue Service user fees.''

(2) Section 10511 of the Revenue Act of 1987 is repealed.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to requests made after the date of the enactment of this Act.

SEC. 405. PROPERTY SUBJECT TO A LIABILITY TREATED IN SAME MANNER AS ASSUMPTION OF LIABILITY.

(a) REPEAL OF PROPERTY SUBJECT TO A LIABILITY TEST.—

(1) SECTION 357.—Section 357(a)(2) (relating to assumption of liability) is amended by striking '', or acquires from the taxpayer property subject to a liability''.

(2) SECTION 358.—Section 358(d)(1) (relating to assumption of liability) is amended by striking ''or acquired from the taxpayer property subject to a liability''.

(3) SECTION 368.—

(A) Section 368(a)(1)(C) is amended by striking '', or the fact that property acquired is subject to a liability,''.

(B) The last sentence of section 368(a)(2)(B) is amended by striking '', and the amount of any liability to which any property acquired from the acquiring corporation is subject,''.

(b) CLARIFICATION OF ASSUMPTION OF LIABILITY.—

(1) IN GENERAL.—Section 357 is amended by adding at the end the following new subsection:

''(d) DETERMINATION OF AMOUNT OF LIABILITY ASSUMED.—

''(1) IN GENERAL.—For purposes of this section, section 358(d), section 362(d), section 368(a)(1)(C), and section 368(a)(2)(B), except as provided in regulations—

''(A) a recourse liability (or portion thereof) shall be treated as having been assumed if, as determined on the basis of all facts and circumstances, the transferee has agreed to, and is expected to, satisfy such liability (or portion), whether or not the transferor has been relieved of such liability, and

''(B) except to the extent provided in paragraph (2), a nonrecourse liability shall be treated as having been assumed by the transferee of any asset subject to such liability.

''(2) EXCEPTION FOR NONRECOURSE LIABILITY.—The amount of the nonrecourse liability treated as described in paragraph (1)(B) shall be reduced by the lesser of—

''(A) the amount of such liability which an owner of other assets not transferred to the transferee and also subject to such liability has agreed with the transferee to, and is expected to, satisfy, or

''(B) the fair market value of such other assets (determined without regard to section 7701(g)).

''(3) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this subsection and section 362(d). The Secretary may also prescribe regulations which provide that the manner in which a liability is treated as assumed under this subsection is applied, where appropriate, elsewhere in this title.''

(2) LIMITATION ON BASIS INCREASE ATTRIBUTABLE TO ASSUMPTION OF LIABILITY.—Section 362 is amended by adding at the end the following new subsection:

''(d) LIMITATION ON BASIS INCREASE ATTRIBUTABLE TO ASSUMPTION OF LIABILITY.—

''(1) IN GENERAL.—In no event shall the basis of any property be increased under subsection (a) or (b) above the fair market value of such property (determined without regard to section 7701(g)) by reason of any gain recognized to the transferor as a result of the assumption of a liability.

''(2) TREATMENT OF GAIN NOT SUBJECT TO TAX.—Except as provided in regulations, if—

''(A) gain is recognized to the transferor as a result of an assumption of a nonrecourse liability by a transferee which is also secured by assets not transferred to such transferee, and

''(B) no person is subject to tax under this title on such gain,

then, for purposes of determining basis under subsections (a) and (b), the amount of gain recognized by the transferor as a result of the assumption of the liability shall be determined as if the liability assumed by the transferee equaled such transferee's ratable portion of such liability determined on the basis of the relative fair market values (determined without regard to section 7701(g)) of all of the assets subject to such liability.''

(c) APPLICATION TO PROVISIONS OTHER THAN SUBCHAPTER C.—

(1) SECTION 584.—Section 584(h)(3) is amended—

(A) by striking '', and the fact that any property transferred by the common trust fund is subject to a liability,'' in subparagraph (A), and

(B) by striking clause (ii) of subparagraph (B) and inserting:

''(ii) ASSUMED LIABILITIES.—For purposes of clause (i), the term 'assumed liabilities' means any liability of the common trust fund assumed by any regulated investment company in connection with the transfer referred to in paragraph (1)(A).

''(C) ASSUMPTION.—For purposes of this paragraph, in determining the amount of any liability assumed, the rules of section 357(d) shall apply.''

(2) SECTION 1031.—The last sentence of section 1031(d) is amended—

(A) by striking ''assumed a liability of the taxpayer or acquired from the taxpayer property subject to a liability'' and inserting ''assumed (as determined under section 357(d)) a liability of the taxpayer'', and

(B) by striking ''or acquisition (in the amount of the liability)''.

(d) CONFORMING AMENDMENTS.—

(1) Section 351(h)(1) is amended by striking '', or acquires property subject to a liability,''.

(2) Section 357 is amended by striking ''or acquisition'' each place it appears in subsection (a) or (b).

(3) Section 357(b)(1) is amended by striking ''or acquired''.

(4) Section 357(c)(1) is amended by striking '', plus the amount of the liabilities to which the property is subject,''.

(5) Section 357(c)(3) is amended by striking ''or to which the property transferred is subject''.

(6) Section 358(d)(1) is amended by striking ''or acquisition (in the amount of the liability)''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers after October 19, 1998.

SECTION 406. CHARITABLE SPLIT-DOLLAR LIFE INSURANCE, ANNUITY, AND ENDOWMENT CONTRACTS.

(a) IN GENERAL.—Subsection (f) of section 170 (relating to disallowance of deduction in certain cases and special rules) is amended by adding at the end the following new paragraph:

''(10) SPLIT-DOLLAR LIFE INSURANCE, ANNUITY, AND ENDOWMENT CONTRACTS.—

''(A) IN GENERAL.—Nothing in this section or in section 545(b)(2), 556(b)(2), 642(c), 2055, 2106(a)(2), or 2522 shall be construed to allow a deduction, and no deduction shall be allowed, for any transfer to or for the use of an organization described in subsection (c) if in connection with such transfer—

''(i) the organization directly or indirectly pays, or has previously paid, any premium on any personal benefit contract with respect to the transferor, or

''(ii) there is an understanding or expectation that any person will directly or indirectly pay any premium on any personal benefit contract with respect to the transferor.

''(B) PERSONAL BENEFIT CONTRACT.—For purposes of subparagraph (A), the term 'personal benefit contract' means, with respect to the transferor, any life insurance, annuity, or endowment contract if any direct or indirect beneficiary under such contract is the transferor, any member of the transferor's family, or any other person (other than an organization described in subsection (c)) designated by the transferor.

''(C) APPLICATION TO CHARITABLE REMAINDER TRUSTS.—In the case of a transfer to a trust referred to in subparagraph (E), references in subparagraphs (A) and (F) to an organization described in subsection (c) shall be treated as a reference to such trust.

''(D) EXCEPTION FOR CERTAIN ANNUITY CONTRACTS.—If, in connection with a transfer to or for the use of an organization described in subsection (c), such organization incurs an obligation to pay a charitable gift annuity (as defined in section 501(m)) and such organization purchases any annuity contract to fund such obligation, persons receiving payments under the charitable gift annuity shall not be treated for purposes of subparagraph (B) as indirect beneficiaries under such contract if—

''(i) such organization possesses all of the incidents of ownership under such contract,

''(ii) such organization is entitled to all the payments under such contract, and

''(iii) the timing and amount of payments under such contract are substantially the same as the timing and amount of payments to each such person under such obligation (as such obligation is in effect at the time of such transfer).

''(E) EXCEPTION FOR CERTAIN CONTRACTS HELD BY CHARITABLE REMAINDER TRUSTS.—A person shall not be treated for purposes of subparagraph (B) as an indirect beneficiary under any life insurance, annuity, or endowment contract held by a charitable remainder annuity trust or a charitable remainder unitrust (as defined in section 664(d)) solely by reason of being entitled to any payment referred to in paragraph (1)(A) or (2)(A) of section 664(d) if—

''(i) such trust possesses all of the incidents of ownership under such contract, and

''(ii) such trust is entitled to all the payments under such contract.

''(F) EXCISE TAX ON PREMIUMS PAID.—

''(i) IN GENERAL.—There is hereby imposed on any organization described in subsection (c) an excise tax equal to the premiums paid by such organization on any life insurance, annuity, or endowment contract if the payment of premiums on such contract is in connection with a transfer for which a deduction is not allowable under subparagraph (A), determined without regard to when such transfer is made.

''(ii) PAYMENTS BY OTHER PERSONS.—For purposes of clause (i), payments made by any other person pursuant to an understanding or expectation referred to in subparagraph (A) shall be treated as made by the organization.

''(iii) REPORTING.—Any organization on which tax is imposed by clause (i) with respect to any premium shall file an annual return which includes—

''(I) the amount of such premiums paid during the year and the name and TIN of each beneficiary under the contract to which the premium relates, and

''(II) such other information as the Secretary may require.

The penalties applicable to returns required under section 6033 shall apply to returns required under this clause. Returns required under this clause shall be furnished at such time and in such manner as the Secretary shall by forms or regulations require.

''(iv) CERTAIN RULES TO APPLY.—The tax imposed by this subparagraph shall be treated as imposed by chapter 42 for purposes of this title other than subchapter B of chapter 42.

''(G) SPECIAL RULE WHERE STATE REQUIRES SPECIFICATION OF CHARITABLE GIFT ANNUITANT IN CONTRACT.—In the case of an obligation to pay a charitable gift annuity referred to in subparagraph (D) which is entered into under the laws of a State which requires, in order for the charitable gift annuity to be exempt from insurance regulation by such State, that each beneficiary under the charitable gift annuity be named as a beneficiary under an annuity contract issued by an insurance company authorized to transact business in such State, the requirements of clauses (i) and (ii) of subparagraph (D) shall be treated as met if—

''(i) such State law requirement was in effect on February 8, 1999,

''(ii) each such beneficiary under the charitable gift annuity is a bona fide resident of such State at the time the obligation to pay a charitable gift annuity is entered into, and

''(iii) the only persons entitled to payments under such contract are persons entitled to payments as beneficiaries under such obligation on the date such obligation is entered into.

''(H) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this paragraph, including regulations to prevent the avoidance of such purposes.''

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this section, the amendment made by this section shall apply to transfers made after February 8, 1999.

(2) EXCISE TAX.—Except as provided in paragraph (3) of this subsection, section 170(f)(10)(F) of the Internal Revenue Code of 1986 (as added by this section) shall apply to premiums paid after the date of the enactment of this Act.

(3) REPORTING.—Clause (iii) of such section 170(f)(10)(F) shall apply to premiums paid after February 8, 1999 (determined as if the tax imposed by such section applies to premiums paid after such date).

SEC. 407. TRANSFER OF EXCESS DEFINED BENEFIT PLAN ASSETS FOR RETIREE HEALTH BENEFITS.

(a) EXTENSION.—

(1) IN GENERAL.—Section 420(b)(5) (relating to expiration) is amended by striking ''in any taxable year beginning after December 31, 2000'' and inserting ''made after September 30, 2009''.

(2) CONFORMING AMENDMENTS.—

(A) Section 101(e)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1021(e)(3)) is amended by striking ''1995'' and inserting ''2001''.

(B) Section 403(c)(1) of such Act (29 U.S.C. 1103(c)(1)) is amended by striking ''1995'' and inserting ''2001''.

(C) Paragraph (13) of section 408(b) of such Act (29 U.S.C. 1108(b)(13)) is amended—

(i) by striking ''in a taxable year beginning before January 1, 2001'' and inserting ''made before October 1, 2009'', and

(ii) by striking ''1995'' and inserting ''2001''.

(b) APPLICATION OF MINIMUM COST REQUIREMENTS.—

(1) IN GENERAL.—Section 420(c)(3) is amended to read as follows:

''(3) MINIMUM COST REQUIREMENTS.—

''(A) IN GENERAL.—The requirements of this paragraph are met if each group health plan or arrangement under which applicable health benefits are provided provides that the applicable employer cost for each taxable year during the cost maintenance period shall not be less than the higher of the applicable employer costs for each of the 2 taxable years immediately preceding the taxable year of the qualified transfer.

''(B) APPLICABLE EMPLOYER COST.—For purposes of this paragraph, the term 'applicable employer cost' means, with respect to any taxable year, the amount determined by dividing—

''(i) the qualified current retiree health liabilities of the employer for such taxable year determined—

''(I) without regard to any reduction under subsection (e)(1)(B), and

''(II) in the case of a taxable year in which there was no qualified transfer, in the same manner as if there had been such a transfer at the end of the taxable year, by

''(ii) the number of individuals to whom coverage for applicable health benefits was provided during such taxable year.

''(C) ELECTION TO COMPUTE COST SEPARATELY.—An employer may elect to have this paragraph applied separately with respect to individuals eligible for benefits under title XVIII of the Social Security Act at any time during the taxable year and with respect to individuals not so eligible.

''(D) COST MAINTENANCE PERIOD.—For purposes of this paragraph, the term 'cost maintenance period' means the period of 5 taxable years beginning with the taxable year in which the qualified transfer occurs. If a taxable year is in 2 or more overlapping cost maintenance periods, this paragraph shall be applied by taking into account the highest applicable employer cost required to be provided under subparagraph (A) for such taxable year.''

(2) CONFORMING AMENDMENTS.—

(A) Section 420(b)(1)(C)(iii) is amended by striking ''benefits'' and inserting ''cost''.

(B) Section 420(e)(1)(D) is amended by striking ''and shall not be subject to the minimum benefit requirements of subsection (c)(3)'' and inserting ''or in calculating applicable employer cost under subsection (c)(3)(B)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to qualified transfers occurring after December 31, 2000, and before October 1, 2009.

SEC. 408. LIMITATIONS ON WELFARE BENEFIT FUNDS OF 10 OR MORE EMPLOYER PLANS.

(a) BENEFITS TO WHICH EXCEPTION APPLIES.—Section 419A(f)(6)(A) (relating to exception for 10 or more employer plans) is amended to read as follows:

''(A) IN GENERAL.—This subpart shall not apply to a welfare benefit fund which is part of a 10 or more employer plan if the only benefits provided through the fund are 1 or more of the following:

''(i) Medical benefits.

''(ii) Disability benefits.

''(iii) Group term life insurance benefits which do not provide for any cash surrender value or other money that can be paid, assigned, borrowed, or pledged for collateral for a loan.

The preceding sentence shall not apply to any plan which maintains experience-rating arrangements with respect to individual employers.''

(b) LIMITATION ON USE OF AMOUNTS FOR OTHER PURPOSES.—Section 4976(b) (defining disqualified benefit) is amended by adding at the end the following new paragraph:

''(5) SPECIAL RULE FOR 10 OR MORE EMPLOYER PLANS EXEMPTED FROM PREFUNDING LIMITS.—For purposes of paragraph (1)(C), if—

''(A) subpart D of part I of subchapter D of chapter 1 does not apply by reason of section 419A(f)(6) to contributions to provide 1 or more welfare benefits through a welfare benefit fund under a 10 or more employer plan, and

''(B) any portion of the welfare benefit fund attributable to such contributions is used for a purpose other than that for which the contributions were made,

then such portion shall be treated as reverting to the benefit of the employers maintaining the fund.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions paid or accrued after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 409. MODIFICATION OF INSTALLMENT METHOD AND REPEAL OF INSTALLMENT METHOD FOR ACCRUAL METHOD TAXPAYERS.

(a) REPEAL OF INSTALLMENT METHOD FOR ACCRUAL BASIS TAXPAYERS.—

(1) IN GENERAL.—Subsection (a) of section 453 (relating to installment method) is amended to read as follows:

''(a) USE OF INSTALLMENT METHOD.—

''(1) IN GENERAL.—Except as otherwise provided in this section, income from an installment sale shall be taken into account for purposes of this title under the installment method.

''(2) ACCRUAL METHOD TAXPAYER.—The installment method shall not apply to income from an installment sale if such income would be reported under an accrual method of accounting without regard to this section. The preceding sentence shall not apply to a disposition described in subparagraph (A) or (B) of subsection (l)(2).''

(2) CONFORMING AMENDMENTS.—Sections 453(d)(1), 453(i)(1), and 453(k) are each amended by striking ''(a)'' each place it appears and inserting ''(a)(1)''.

(b) MODIFICATION OF PLEDGE RULES.—Paragraph (4) of section 453A(d) (relating to pledges, etc., of installment obligations) is amended by adding at the end the following: ''A payment shall be treated as directly secured by an interest in an installment obligation to the extent an arrangement allows the taxpayer to satisfy all or a portion of the indebtedness with the installment obligation.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales or other dispositions occurring on or after the date of the enactment of this Act.

SEC. 410. INCLUSION OF CERTAIN VACCINES AGAINST STREPTOCOCCUS PNEUMONIAE TO LIST OF TAXABLE VACCINES.

(a) IN GENERAL.—Section 4132(a)(1) (defining taxable vaccine) is amended by adding at the end the following new subparagraph:

''(L) Any conjugate vaccine against streptococcus pneumoniae.''

(b) EFFECTIVE DATE.—

(1) SALES.—The amendment made by this section shall apply to vaccine sales beginning on the day after the date on which the Centers for Disease Control makes a final recommendation for routine administration to children of any conjugate vaccine against streptococcus pneumoniae.

(2) DELIVERIES.—For purposes of paragraph (1), in the case of sales on or before the date described in such paragraph for which delivery is made after such date, the delivery date shall be considered the sale date.

By Mr. WYDEN:

S. 1135. A bill to amend the Communications Act of 1934 to provide that the lowest unit rate for campaign advertising shall not be available for communication in which a candidate attacks an opponent of the candidate unless the candidate does so in person; to the Committee on Commerce, Science, and Transportation.

POLITICAL CANDIDATE PERSONAL RESPONSIBILITY ACT

Mr. WYDEN. Mr. President, today I am introducing legislation, along with Congressman WALDEN in the House of Representatives, that would fight the scourge of negative political campaigns with the simple yet powerful tool of accountability. If candidates choose to run for office by disparaging their opponents rather than standing on their own records and beliefs, they should at least be expected to take responsibility for the ad campaigns that they run. Under this legislation, there would be meaningful financial penalty—in the form of higher advertising rates—for those who fail to do so.

For me, this bill arises out of unpleasant personal experience. I was elected to this body in a special election against the man I am now proud to call my friend and colleague, GORDON SMITH. That campaign was the nastiest, most negative, least edifying political season that my state has ever been through. The unabashedly negative ads that both of our campaigns put on the air were a sour departure from Oregon's tradition of responsible, thoughtful politics.

I eventually became so disgusted with what my own campaign had become, that with only a few weeks before the election, I got rid of all my ads, destroyed negative mailings that were about to be sent out, asked others who were airing negative ads on my behalf to desist, and started over with a campaign that was 100 percent positive. I didn't know if it would be a smart campaign strategy or a kind of political suicide, and I didn't much care. Win or lose, I wanted to be proud of the way that I had conducted myself.

What I learned all too well in that campaign is that negative politics corrupts everything that it touches. It harms not only its target, but its sponsor as well. Negative ads are one of the biggest reasons for the cynicism and even disgust that so many Americans feel toward the political process. They cheapen the very institution of democracy.

There's no way, of course, to mandate a sense of shame or legislate an end to negative ads. But in an era when elections are determined more and more by television and radio advertising, it is not too much to ask that candidates be held responsible for the statements they make in their ads.

Under current campaign law, broadcasters are required to give qualified candidates for federal office their lowest price for ads, what is known as the lowest unit broadcast rate. In order to qualify for this rate, candidates must comply with federal campaign finance laws, and include proper disclaimers in the ad, among other regulations. The Political Candidate Personal Responsibility Act would attach two additional requirements to the discounted ad rate. The first requirement is that for both television and radio advertisements, the lowest unit rate will only be available if a candidate, when referring to his or her opponent, makes the reference him or her self. Radio advertisements must also contain a statement by the candidate in which the candidate identifies him or herself and the office for which the person is running. The second requirement is that in any television or radio ad where a candidate makes reference to his or her opponent, the candidate must appear or be heard for at least 75 percent of the broadcast time. If a candidate chooses to air an advertisement that does not comply with these requirements, he or she will be ineligible to receive the lowest unit rate for a period of 45 days in a primary and 60 days in a general election.

In other words, if you want the benefits of discounted broadcast time, you can't make disparaging statements that you aren't willing to say yourself. No more hiding behind grainy photographs, ominous music, and anonymous announcers.

Ultimately, one of our greatest responsibilities as elected officials is to encourage greater public participation in all levels of the political process. Campaign activities should not only represent the views of the candidates, but they should also encourage voters to participate in the democratic process. The growing negative trend of campaign advertisements degrades the process and discourages people from becoming involved.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1135

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Political Candidate Personal Responsibility Act of 1999''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Local broadcasters are currently required to offer the ''lowest unit charge'' for advertising to candidates for all political offices 45 days before a primary election, and 60 days before a general election.

(2) The ''lowest unit charge'' requirement represents a federally mandated subsidy for political candidates.

(3) Campaigns for Federal office are too frequently dominated by negative and attack-oriented television and radio advertising.

(4) The Government should take action to ensure that it does not subsidize negative and attack oriented advertising where the candidate fails to demonstrate personal responsibility for the tenor of the candidate's advertising.

SEC. 3. LIMITATION ON AVAILABILITY OF LOWEST UNIT CHARGE FOR FEDERAL CANDIDATES ATTACKING OPPOSITION.

(a) IN GENERAL.—Section 315(b) of the Communications Act of 1934 (47 U.S.C. 315(b)) is amended—

(1) by striking ''(b) The charges'' and inserting ''(b)(1) The charges'';

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

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

''(2)(A) In the case of a candidate for Federal office, such candidate shall not be entitled to receive the rate under paragraph (1)(A) for the use of any broadcasting station unless the candidate certifies that the candidate (and any authorized committee of the candidate) shall not make any direct reference to another candidate for the same office, in any broadcast using the rights and conditions of access under this Act, unless—

''(i) such reference meets the requirements of subparagraph (C), and

''(ii) a communication which contains such reference—

''(I) in the case of a television broadcast, contains a clearly identifiable photographic or similar image of the candidate that is prominently displayed during at least 75 percent of the broadcast time, and

''(II) in the case of a radio broadcast, contains the voice of the candidate during at least 75 percent of the broadcast time.

''(B) If a candidate for Federal office (or any authorized committee of such candidate) makes a reference described in subparagraph (A) in any broadcast that does not meet the requirements of subparagraph (C) or makes a communication that does not meet the requirements of subparagraph (A)(ii), such candidate shall not be entitled to receive the rate under paragraph (1)(A) for such broadcast or any other broadcast during any portion of the 45-day and 60-day periods described in paragraph (1)(A), that occur on or after the date of such broadcast, for election to such office.

''(C) A candidate meets the requirements of this subparagraph with respect to any reference to another candidate if—

''(i) in the case of a television broadcast, the reference (and any statement relating to the other candidate) is made by the candidate in a personal appearance on the screen, and

''(ii) in the case of a radio broadcast, the reference (and any statement relating to the other candidate) is made by the candidate in a personal audio statement during which the candidate and the office for which the candidate is running are identified by such candidate.

''(D) For purposes of this paragraph, the terms 'authorized committee' and 'Federal office' have the meanings given such terms by section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431).''

(b) CONFORMING AMENDMENT.—Section 315(b)(1)(A) of the Communications Act of 1934 (47 U.S.C. 315(b)(1)(A)), as redesignated by subsection (a)(2), is amended by inserting ''subject to paragraph (2),'' before ''during the forty-five days''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to broadcasts made after the date of enactment of this Act.

By Mr. MACK (for himself and Mr. GRAHAM):

S. 1136. A bill to amend the Internal Revenue Code of 1986 to provide that an organization shall be exempt from income tax if it is created by a State to provide property and casualty insurance coverage for property for which such coverage is otherwise unavailable; to the Committee on Finance.

EXEMPTION FROM INCOME TAX FOR STATE CREATED ORGANIZATIONS PROVIDING PROPERTY AND CASUALTY INSURANCE

Mr. MACK. Mr. President, today Senator GRAHAM and I introduce legislation that would help protect Florida from economic devastation in the event of a catastrophic windstorm or other peril.

Our legislation would amend Section 501(c) of the Internal Revenue Code to grant tax-exempt status to the Florida Windstorm Underwriting Association (FWUA), the Florida Residential Property and Casualty Joint Underwriting Association (JUA) and similar state-chartered, not-for-profit insurers serving markets in which commercial insurance is not available. The FWUA and JUA are non-profit entities established by the state to provide property and casualty insurance coverage in those markets not adequately served by other insurers.

In most years, Florida is not hit by a major hurricane or natural catastrophe. In those years, the FWUA and JUA take in more premiums than are paid out in claims or expenses. Since these entities are not-for-profit, state law prevents those funds from being distributed—they are instead literally saved for a severely rainy or windy day. Nonetheless, the Internal Revenue Code requires 35% of those funds to be sent to Washington as federal income taxes rather than used to fund reserves. Designating the FWUA and JUA as tax-exempt will help Florida to accumulate the necessary reserves to pay claims brought on by a catastrophe. This bill gives the two Florida catastrophe funds the same tax-exempt status that is already enjoyed by a number of not-for-profit insurance provers.

State law authorizes the FWUA and the JUA to assess property insurance policyholders throughout Florida to pay for losses generated by catastrophic storms or other perils. Thus, the benefits of the tax exemption would reduce the frequency and severity of assessments levied against individual policyholders. Greater funds would be available to cover losses which otherwise would be paid for by higher assessments on Florida policyholders—cutting taxes for the approximately 5,000,000 property owners in the state of Florida.

This legislation has the bipartisan support of the entire Florida Congressional delegation in addition to strong backing from Governor Jeb Bush, the State Insurance Commissioner, the Florida Senate President and Florida's House Speaker. And this change in the tax code would result in only a negligible loss of federal tax revenue, according to Joint Tax.

Our legislation is extremely important to homeowners and businesses throughout the state of Florida, all of whom are subject to assessment if reserves are not sufficient to pay claims in the event of a severe hurricane or other catastrophe. With hundreds of miles of magnificent coastline, Florida remains sensitive to the perils of nature. Enactment of our legislation permits Florida to prepare for the next Hurricane Andrew while alleviating some of the economic hardship exacted on Florida property owners.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1136

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

SECTION 1. EXEMPTION FROM INCOME TAX FOR STATE-CREATED ORGANIZATIONS PROVIDING PROPERTY AND CASUALTY INSURANCE FOR PROPERTY FOR WHICH SUCH COVERAGE IS OTHERWISE UNAVAILABLE.

(a) IN GENERAL.—Subsection (c) of section 501 of the Internal Revenue Code of 1986 (relating to exemption from tax on corporations, certain trusts, etc.) is amended by adding at the end the following new paragraph:

''(28)(A) Any association created before January 1, 1999, by State law and organized and operated exclusively to provide property and casualty insurance coverage for property located within the State for which the State has determined that coverage in the authorized insurance market is limited or unavailable at reasonable rates, if—

''(i) no part of the net earnings of which inures to the benefit of any private shareholder or individual,

''(ii) except as provided in clause (v), no part of the assets of which may be used for, or diverted to, any purpose other than—

''(I) to satisfy, in whole or in part, the liability of the association for, or with respect to, claims made on policies written by the association,

''(II) to invest in investments authorized by applicable law, or

''(III) to pay reasonable and necessary administration expenses in connection with the establishment and operation of the association and the processing of claims against the association,

''(iii) the State law governing the association permits the association to levy assessments on property and casualty insurance policyholders with insurable interests in

property located in the State to fund deficits of the association, including the creation of reserves,

''(iv) the plan of operation of the association is subject to approval by the chief executive officer or other executive branch official of the State, by the State legislature, or both, and

''(v) the assets of the association revert upon dissolution to the State, the State's designee, or an entity designated by the State law governing the association, or State law does not permit the dissolution of the association.

''(B) Subparagraph (A) shall not apply to an association for any taxable year if the association's surplus income for such year exceeds 5 percent of the total insured value of properties insured by the association as of the close of the taxable year unless the association pays a tax equal to 35 percent of such excess for such year. Such tax shall be treated as imposed by chapter 42 for purposes of this title.''

(b) TRANSITIONAL RULE.—No income or gain shall be recognized by an association as a result of a change in status to that of an association described by section 501(c)(28) of the Internal Revenue Code of 1986, as amended by subsection (a).

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1998.

● Mr. GRAHAM. Mr. President, as we prepare for next week's start of the 1999 Hurricane Season, I am pleased to join my colleague, Senator MACK, in introducing legislation that will help protect Florida from economic devastation in the event of a catastrophic disaster.

Our legislation would amend Section 501(c) of the Internal Revenue Code to grant tax-exempt status to state chartered, not-for-profit insurers serving markets in which commercial insurance is not available. In our state, this legislation will primarily assist the Florida Windstorm Underwriting Association (FWUA) and the Florida Residential Property and Casualty Joint Underwriting Association (JUA).

The Florida Windstorm Association was created in 1970. Twenty-two years later, in 1992, the legislature authorized the Joint Underwriting Association. These organizations operate as residual market mechanisms. They provide residential property and casualty insurance coverage for those residents who need, but are unable to procure through the voluntary market.

The JUA was created in direct response to $16 billion in covered losses during Hurricane Andrew. The destructive force of Andrew rendered a number of property insurance companies insolvent. Other firms recovered from the catastrophe by withdrawing from Florida markets.

During those fortunate years when we are not impacted by major hurricanes or other natural catastrophes, the FWUA and JUA take in more premiums that are paid out in claims and expenses. Florida law prevents those funds from being distributed so that needed reserves will accumulate in preparation for inevitable disasters.

Unfortunately, the Internal Revenue Service penalizes Florida for this responsible, forward thinking practice. It requires that 35% of those funds be sent to Washington as federal income taxes rather than used to fund reserves. Designating state chartered, non profit insurers as tax-exempt will help Florida accumulate the necessary reserves to pay claims brought on by a catastrophe.

State law also authorizes the FWUA and the JUA to assess property insurance policyholders for losses generated by natural disasters. Tax exemptions should reduce the frequency and severity of assessments levied against individual policyholders, because it would make more funds available to cover losses which otherwise would be paid for by higher assessments on policyholders.

Mr. President, even seven years later, Hurricane Andrew is still a nightmarish memory for Floridians. The 1999 Hurricane season will begin on June 1, 1999. The National Weather Service expects this hurricane season—which begins next Tuesday, to be another active storm season. It is imperative that the federal government avoids the comfortable habit of ignoring lessons presented by Andrew and other recent catastrophes.

This legislation has bipartisan support in the state's Congressional delegation. It is backed by our state governor, our insurance Commissioner, our state Senate President and House Speaker.

Also, Mr. President, the Joint Committee on Taxation has ruled that this legislation will have a negligible effect on the federal budget.

Our legislation is extremely important to homeowners and businesses throughout Florida, all whom are subject to assessment if reserves are not sufficient to pay claims in the event of a catastrophe. Florida remains sensitive to the perils of nature. Enactment of this legislation will permit our state to prepare for the next Hurricane Andrew while alleviating some of the economic hardship exacted on Florida property owners.●

By Mr. REID (for himself and Mr. FRIST):

S. 1139. A bill to amend title 49, United States Code, relating to civil penalties for unruly passengers of air carriers and to provide for the protection of employees providing air safety information, and for other purposes; to the Committee on Commerce, Science, and Transportation.

INCREASE OF CIVIL PENALTIES ON UNRULY AIRLINE PASSENGERS LEGISLATION

Mr. REID. Mr. President, years ago, when air travel was in its infancy, the greatest threat to passenger safety was mechanical failure.

Over the last half-century, the dedication of the men and women who service our airlines, coupled with advances in technology and know-how, have made air travel the safest method of transportation we have.

But it's not always the most convenient way to travel. As air travel has become safer, it has also become more popular—and more crowded.

As all of my colleagues in this chamber well know, air travel is an increasingly stressful and chaotic experience, at times trying even the most patient among us.

I commend my colleagues for introducing the passenger's bill of rights earlier this Congress, which hopefully will alleviate some of the stress of air travel.

I rise today to address a different aspect of that stress, and that is the safety hazard created to all passengers when a passenger who can't control his behavior or emotions, or simply refuses to do so, acts in a way that jeopardizes the safety of the flight.

Over the last few years, the number of reported incidents in which unruly airline passengers have interfered with flight crews, or even physically assaulted them, has increased dramatically and dangerously.

One airline alone reports that the number of incidents caused by violent or unruly passengers more than tripled in only three years—from 296 cases in 1994 to 921 cases in 1997.

In 1996, the Federal Aviation Administration imposed civil penalties against 121 unruly passengers. In 1997, that number jumped to 195—a sixty percent increase in only one year.

These incidents represent a serious threat to the safety of both flight crews and passengers alike.

Today I, along with my colleague Senator FRIST, am introducing a bill that addresses this problem.

Briefly, my bill will allow the Secretary of Transportation to increase the civil penalty from its current level of $1,100, up to $25,000, on any airline passenger who interferes with the duties or responsibilities of the flight crew or cabin crew or takes any action that poses an imminent threat to the safety of the aircraft or other individuals on the aircraft.

We need not only to punish passengers who threaten the safety of their passengers. We also need to give airlines the power to prevent particularly violent or disruptive passengers from committing similar acts in the future.

When someone drives in an unsafe manner on our roads, local police have the power to fine them. When that someone commits the same offenses repeatedly, or drives in a way that is especially dangerous, local authorities have the power to revoke or suspend their driver's licenses—to take those drivers off the road.

I think we need to do something similar with air travelers who commit particularly dangerous acts, or who insist on repeatedly disrupting airline flight crews. We need them off of our airlines, so that they do not have the opportunity to jeopardize the lives of other passengers in the future.

The bill I am introducing today gives the Secretary of Transportation the authority to raise the civil penalty up to $25,000.

Second, and most important, my bill would also give the Secretary of Transportation the authority to impose a ban of up to one year on all commercial air travel on passengers guilty of such incidents.

The bill enforces this ban by making airlines which provides air transportation to a banned traveler liable to the Government for a civil penalty of up to $25,000.

Third, this bill would give whistleblower protection to flight attendants who report unsafe behavior by co-workers.

Fourth, this bill will make the investigation of in-flight incidents easier by giving the Attorney General the authority to deputize local law enforcement officials to investigate incidents when the plane lands, wherever it lands.

Mr. President, everyone in this body travels extensively by air. Every time we get into an airline, we put our lives in the hands of the hardworking men and women who staff our airlines.

When we, or any other American, gets on an airplane, we should be able to sit back and relax, confident in the knowledge that those men and women can perform the jobs they were trained to do without interference by unreasonable or violent passengers.

We should also be able to board an airline secure in the knowledge that the man or woman sitting in the seat next to us, doesn't have an extensive history of violent or disruptive behavior on airplanes.

We should also have the security of knowing that if a passenger does choose to commit a particularly unruly or violent act that threatens the safety of other passengers or the flight crew, that passenger won't be able to get on another airplane tomorrow and do the same thing to another unsuspecting planeload of passengers.

I urge my colleagues to join me in supporting this important bill.

Mr. President, ask unanimous consent that the text of the bill be printed in the RECORD.

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

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

SECTION 1. PENALTIES FOR UNRULY PASSENGERS.

(a) IN GENERAL.—Chapter 463 of title 49, United States Code, is amended by adding at the end the following:

"§ 46317. Interference with cabin or flight crew

''(a) GENERAL RULE.—

''(1) IN GENERAL.—An individual who interferes with the duties or responsibilities of the flight crew or cabin crew of a civil aircraft or takes any action that poses an imminent threat to the safety of the aircraft or other individuals on the aircraft is liable to the United States Government for a civil penalty of not more than $25,000.

''(2) ADDITIONAL PENALTIES.—In addition or as an alternative to the penalty under paragraph (1), the Secretary of Transportation (referred to in this section as the 'Secretary') may prohibit the individual from flying as a passenger on an aircraft used to provide air transportation for a period of not more than 1 year.

''(b) NOTIFICATION OF AIR CARRIERS.—Not later than 10 days after issuing an order prohibiting an individual from flying under subsection (a)(2), the Secretary shall notify all air carriers of—

''(1) the prohibition; and

''(2) the period of the prohibition.

''(c) RESPONSIBILITY OF AIR CARRIERS.—After a notification of an order issued under subsection (a)(2), an air carrier who provides air transportation for the individual prohibited from flying during the period of the prohibition under that subsection is liable to the United States Government for a civil penalty of not more than $25,000.

''(d) COMPROMISE AND SETOFF.—

''(1) COMPROMISE.—The Secretary may compromise the amount of a civil penalty imposed under this section.

''(2) SETOFF.—The United States Government may deduct the amount of a civil penalty imposed or compromised under this section from amounts the Government owes the person liable for the penalty.''.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 463 of title 49, United States Code, is amended by adding at the end the following:

''46317. Interference with cabin or flight crew.''.

SEC. 2. PROTECTION OF EMPLOYEES PROVIDING AIR SAFETY INFORMATION.

(a) IN GENERAL.—Chapter 421 of title 49, United States Code, is amended by adding at the end the following:

''SUBCHAPTER III—WHISTLEBLOWER PROTECTION PROGRAM

"§ 42121. Protection of employees providing air safety information

''(a) DISCRIMINATION AGAINST AIRLINE EMPLOYEES.—No air carrier or contractor or subcontractor of an air carrier may discharge an employee of the air carrier or the contractor or subcontractor of an air carrier or otherwise discriminate against any such employee with respect to compensation, terms, conditions, or privileges of employment because the employee (or any person acting pursuant to a request of the employee)—

''(1) provided, caused to be provided, or is about to provide or cause to be provided, to the Federal Government information relating to any violation or alleged violation of any order, regulation, or standard of the Federal Aviation Administration or any other provision of Federal law relating to air carrier safety under this subtitle or any other law of the United States;

''(2) has filed, caused to be filed, or is about to file or cause to be filed, a proceeding relating to any violation or alleged violation of any order, regulation, or standard of the Federal Aviation Administration or any other provision of Federal law relating to air carrier safety under this subtitle or any other law of the United States;

''(3) testified or will testify in such a proceeding; or

''(4) assisted or participated or is about to assist or participate in such a proceeding.

''(b) DEPARTMENT OF LABOR COMPLAINT PROCEDURE.—

''(1) FILING AND NOTIFICATION.—

''(A) IN GENERAL.—In accordance with this paragraph, a person may file (or have a person file on behalf of that person) a complaint with the Secretary of Labor if that person believes that an air carrier or contractor or subcontractor of an air carrier discharged or otherwise discriminated against that person in violation of subsection (a).

''(B) REQUIREMENTS FOR FILING COMPLAINTS.—A complaint referred to in subparagraph (A) may be filed not later than 90 days after an alleged violation occurs. The complaint shall state the alleged violation.

''(C) NOTIFICATION.—Upon receipt of a complaint submitted under subparagraph (A), the Secretary of Labor shall notify the air carrier, contractor, or subcontractor named in the complaint and the Administrator of the Federal Aviation Administration of the—

''(i) filing of the complaint;

''(ii) allegations contained in the complaint;

''(iii) substance of evidence supporting the complaint; and

''(iv) opportunities that are afforded to the air carrier, contractor, or subcontractor under paragraph (2).

''(2) INVESTIGATION; PRELIMINARY ORDER.—

''(A) IN GENERAL.—

''(i) INVESTIGATION.—Not later than 60 days after receipt of a complaint filed under paragraph (1) and after affording the person named in the complaint an opportunity to submit to the Secretary of Labor a written response to the complaint and an opportunity to meet with a representative of the Secretary to present statements from witnesses, the Secretary of Labor shall conduct an investigation and determine whether there is reasonable cause to believe that the complaint has merit and notify in writing the complainant and the person alleged to have committed a violation of subsection (a) of the Secretary's findings.

''(ii) ORDER.—Except as provided in subparagraph (B), if the Secretary of Labor concludes that there is reasonable cause to believe that a violation of subsection (a) has occurred, the Secretary shall accompany the findings referred to in clause (i) with a preliminary order providing the relief prescribed under paragraph (3)(B).

''(iii) OBJECTIONS.—Not later than 30 days after the date of notification of findings under this paragraph, the person alleged to have committed the violation or the complainant may file objections to the findings or preliminary order and request a hearing on the record.

''(iv) EFFECT OF FILING.—The filing of objections under clause (iii) shall not operate to stay any reinstatement remedy contained in the preliminary order.

''(v) HEARINGS.—Hearings conducted pursuant to a request made under clause (iii) shall be conducted expeditiously and governed by the Federal Rules of Civil Procedure. If a hearing is not requested during the 30-day period prescribed in clause (iii), the preliminary order shall be deemed a final order that is not subject to judicial review.

''(B) REQUIREMENTS.—

''(i) REQUIRED SHOWING BY COMPLAINANT.—The Secretary of Labor shall dismiss a complaint filed under this subsection and shall not conduct an investigation otherwise required under subparagraph (A) unless the complainant makes a prima facie showing that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

''(ii) SHOWING BY EMPLOYER.—Notwithstanding a finding by the Secretary that the complainant has made the showing required under clause (i), no investigation otherwise required under subparagraph (A) shall be conducted if the employer demonstrates, by clear and convincing evidence, that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

''(iii) CRITERIA FOR DETERMINATION BY SECRETARY.—The Secretary may determine that a violation of subsection (a) has occurred only if the complainant demonstrates that any behavior described in paragraphs (1)

through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

''(iv) PROHIBITION.—Relief may not be ordered under subparagraph (A) if the employer demonstrates by clear and convincing evidence that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

''(3) FINAL ORDER.—

''(A) DEADLINE FOR ISSUANCE; SETTLEMENT AGREEMENTS.—

''(i) IN GENERAL.—Not later than 120 days after conclusion of a hearing under paragraph (2), the Secretary of Labor shall issue a final order that—

''(I) provides relief in accordance with this paragraph; or

''(II) denies the complaint.

''(ii) SETTLEMENT AGREEMENT.—At any time before issuance of a final order under this paragraph, a proceeding under this subsection may be terminated on the basis of a settlement agreement entered into by the Secretary of Labor, the complainant, and the air carrier, contractor, or subcontractor alleged to have committed the violation.

''(B) REMEDY.—If, in response to a complaint filed under paragraph (1), the Secretary of Labor determines that a violation of subsection (a) has occurred, the Secretary of Labor shall order the air carrier, contractor, or subcontractor that the Secretary of Labor determines to have committed the violation to—

''(i) take action to abate the violation;

''(ii) reinstate the complainant to the former position of the complainant and ensure the payment of compensation (including back pay) and the restoration of terms, conditions, and privileges associated with the employment; and

''(iii) provide compensatory damages to the complainant.

''(C) COSTS OF COMPLAINT.—If the Secretary of Labor issues a final order that provides for relief in accordance with this paragraph, the Secretary of Labor, at the request of the complainant, shall assess against the air carrier, contractor, or subcontractor named in the order an amount equal to the aggregate amount of all costs and expenses (including attorney and expert witness fees) reasonably incurred by the complainant (as determined by the Secretary of Labor) for, or in connection with, the bringing of the complaint that resulted in the issuance of the order.

''(4) FRIVOLOUS COMPLAINTS.—A complaint brought under this section that is found to be frivolous or to have been brought in bad faith shall be governed by Rule 11 of the Federal Rules of Civil Procedure.

''(5) REVIEW.—

''(A) APPEAL TO COURT OF APPEALS.—

''(i) IN GENERAL.—Not later than 60 days after a final order is issued under paragraph (3), a person adversely affected or aggrieved by that order may obtain review of the order in the United States court of appeals for the circuit in which the violation allegedly occurred or the circuit in which the complainant resided on the date of that violation.

''(ii) REQUIREMENTS FOR JUDICIAL REVIEW.—A review conducted under this paragraph shall be conducted in accordance with chapter 7 of title 5. The commencement of proceedings under this subparagraph shall not, unless ordered by the court, operate as a stay of the order that is the subject of the review.

''(B) LIMITATION ON COLLATERAL ATTACK.—An order referred to in subparagraph (A) shall not be subject to judicial review in any criminal or other civil proceeding.

''(6) ENFORCEMENT OF ORDER BY SECRETARY OF LABOR.—

''(A) IN GENERAL.—If an air carrier, contractor, or subcontractor named in an order issued under paragraph (3) fails to comply with the order, the Secretary of Labor may file a civil action in the United States district court for the district in which the violation occurred to enforce that order.

''(B) RELIEF.—In any action brought under this paragraph, the district court shall have jurisdiction to grant any appropriate form of relief, including injunctive relief and compensatory damages.

''(7) ENFORCEMENT OF ORDER BY PARTIES.—

''(A) COMMENCEMENT OF ACTION.—A person on whose behalf an order is issued under paragraph (3) may commence a civil action against the air carrier, contractor, or subcontractor named in the order to require compliance with the order. The appropriate United States district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce the order.

''(B) ATTORNEY FEES.—In issuing any final order under this paragraph, the court may award costs of litigation (including reasonable attorney and expert witness fees) to any party if the court determines that the awarding of those costs is appropriate.

''(c) MANDAMUS.—Any nondiscretionary duty imposed by this section shall be enforceable in a mandamus proceeding brought under section 1361 of title 28.

''(d) NONAPPLICABILITY TO DELIBERATE VIOLATIONS.—Subsection (a) shall not apply with respect to an employee of an air carrier, or contractor or subcontractor of an air carrier who, acting without direction from the air carrier (or an agent, contractor, or subcontractor of the air carrier), deliberately causes a violation of any requirement relating to air carrier safety under this subtitle or any other law of the United States.

''(e) CONTRACTOR DEFINED.—In this section, the term 'contractor' means a company that performs safety-sensitive functions by contract for an air carrier.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 421 of title 49, United States Code, is amended by adding at the end the following:

''SUBCHAPTER III—WHISTLEBLOWER PROTECTION PROGRAM

''42121. Protection of employees providing air safety information.

(c) CIVIL PENALTY.—Section 46301(a)(1)(A) of title 49, United States Code, is amended by striking ''subchapter II of chapter 421,'' and inserting ''subchapter II or III of chapter 421,''.

SEC. 3. DEPUTIZING OF STATE AND LOCAL LAW ENFORCEMENT OFFICERS.

(a) DEFINITIONS.—In this section:

(1) AIRCRAFT.—The term ''aircraft'' has the meaning given that term in section 40102 of title 49, United States Code.

(2) AIR TRANSPORTATION.—The term ''air transportation'' has the meaning given that term in section 40102 of title 49, United States Code.

(3) ATTORNEY GENERAL.—The term ''Attorney General'' means the Attorney General of the United States.

(b) ESTABLISHMENT OF A PROGRAM TO DEPUTIZED LOCAL LAW ENFORCEMENT OFFICERS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall—

(A) establish a program under which the Attorney General may deputize State and local law enforcement officers as Deputy United States Marshals for the limited purpose of enforcing Federal laws that regulate security on board aircraft, including laws relating to violent, abusive, or disruptive behavior by passengers of air transportation; and

(B) encourage the participation of law enforcement officers of State and local governments in the program established under subparagraph (A).

(2) CONSULTATION.—In establishing the program under paragraph (1), the Attorney General shall consult with appropriate officials of—

(A) the Federal Government (including the Administrator of the Federal Aviation Administration or a designated representative of the Administrator); and

(B) State and local governments in any geographic area in which the program may operate.

(3) TRAINING AND BACKGROUND OF LAW ENFORCEMENT OFFICERS.—

(A) IN GENERAL.—Under the program established under this subsection, to qualify to serve as a Deputy United States Marshal under the program, a State or local law enforcement officer shall—

(i) meet the minimum background and training requirements for a law enforcement officer under part 107 of title 14, Code of Federal Regulations (or equivalent requirements established by the Attorney General); and

(ii) receive approval to participate in the program from the State or local law enforcement agency that is the employer of that law enforcement officer.

(B) TRAINING NOT FEDERAL RESPONSIBILITY.—The Federal Government shall not be responsible for providing to a State or local law enforcement officer the training required to meet the training requirements under subparagraph (A)(i). Nothing in this subsection may be construed to grant any such law enforcement officer the right to attend any institution of the Federal Government established to provide training to law enforcement officers of the Federal Government.

(c) POWERS AND STATUS OF DEPUTIZED LAW ENFORCEMENT OFFICERS.—

(1) IN GENERAL.—Subject to paragraph (2), a State or local law enforcement officer that is deputized as a Deputy United States Marshal under the program established under subsection (b) may arrest and apprehend an individual suspected of violating any Federal law described in subsection (b)(1)(A), including any individual who violates a provision subject to a civil penalty under section 46301 of title 49, United States Code, or section 46302, 46303, 46504, 46505, or 46507 of that title, or who commits an act described in section 46506 of that title.

(2) LIMITATION.—The powers granted to a State or local law enforcement officer deputized under the program established under subsection (b) shall be limited to enforcing Federal laws relating to security on board aircraft in flight.

(3) STATUS.—A State or local law enforcement officer that is deputized as a Deputy United States Marshal under the program established under subsection (b) shall not—

(A) be considered to be an employee of the Federal Government; or

(B) receive compensation from the Federal Government by reason of service as a Deputy United States Marshal in the program.

(d) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to—

(1) grant a State or local law enforcement officer that is deputized under the program under subsection (b) the power to enforce any Federal law that is not described in subsection (c); or

(2) limit the authority that a State or local law enforcement officer may otherwise exercise in the capacity under any other applicable State or Federal law.

(e) REGULATIONS.—The Attorney General may promulgate such regulations as may be necessary to carry out this section.

ADDITIONAL COSPONSORS

S. 135

At the request of Mr. DURBIN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 135, a bill to amend the Internal Revenue Code of 1986 to increase the deduction for the health insurance costs of self-employed individuals, and for other purposes.

S. 285

At the request of Mr. MCCAIN, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 285, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 309

At the request of Mr. MCCAIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 309, a bill to amend the Internal Revenue Code of 1986 to provide that a member of the uniformed services shall be treated as using a principal residence while away from home on qualified official extended duty in determining the exclusion of gain from the sale of such residence.

S. 341

At the request of Mr. CRAIG, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 341, a bill to amend the Internal Revenue Code of 1986 to increase the amount allowable for qualified adoption expenses, to permanently extend the credit for adoption expenses, and to adjust the limitations on such credit for inflation, and for other purposes.

S. 343

At the request of Mr. BOND, the names of the Senator from Florida (Mr. MACK), the Senator from Idaho (Mr. CRAPO), and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. 343, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for 100 percent of the health insurance costs of self-employed individuals.

S. 414

At the request of Mr. GRASSLEY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 414, a bill to amend the Internal Revenue Code of 1986 to provide a 5-year extension of the credit for producing electricity from wind, and for other purposes.

S. 434

At the request of Mr. BREAUX, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 434, a bill to amend the Internal Revenue Code of 1986 to simplify the method of payment of taxes on distilled spirits.

S. 445

At the request of Mr. JEFFORDS, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 445, a bill to amend title XVIII of the Social Security Act to require the Secretary of Veterans Affairs and the Secretary of Health and Human Services to carry out a demonstration project to provide the Department of Veterans Affairs with medicare reimbursement for medicare healthcare services provided to certain medicare-eligible veterans.

S. 459

At the request of Mr. HATCH, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 472

At the request of Mr. GRASSLEY, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 472, a bill to amend title XVIII of the Social Security Act to provide certain medicare beneficiaries with an exemption to the financial limitations imposed on physical, speech-language pathology, and occupational therapy services under part B of the medicare program, and for other purposes.

S. 661

At the request of Mr. ABRAHAM, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 661, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 662

At the request of Mr. CHAFEE, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 662, a bill to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program.

S. 680

At the request of Mr. HATCH, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 680, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit, and for other purposes.

S. 757

At the request of Mr. LUGAR, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 757, a bill to provide a framework for consideration by the legislative and executive branches of unilateral economic sanctions in order to ensure coordination of United States policy with respect to trade, security, and human rights.

S. 774

At the request of Mr. BREAUX, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 774, a bill to amend the Internal Revenue Code of 1986 to increase the deduction for meal and entertainment expenses of small businesses.

S. 796

At the request of Mr. WELLSTONE, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 796, a bill to provide for full parity with respect to health insurance coverage for certain severe biologically-based mental illnesses and to prohibit limits on the number of mental illness-related hospital days and outpatient visits that are covered for all mental illnesses.

S. 805

At the request of Mr. DURBIN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 805, a bill to amend title V of the Social Security Act to provide for the establishment and operation of asthma treatment services for children, and for other purposes.

S. 868

At the request of Mr. GRAHAM, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 868, a bill to make forestry insurance plans available to owners and operators of private forest land, to encourage the use of prescribed burning and fuel treatment methods on private forest land, and for other purposes.

S. 880

At the request of Mr. INHOFE, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Alaska (Mr. MURKOWSKI) were added as cosponsors of S. 880, a bill to amend the Clean Air Act to remove flammable fuels from the list of substances with respect to which reporting and other activities are required under the risk management plan program.

S. 902

At the request of Mr. TORRICELLI, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 902, a bill to amend title XIX of the Social Security Act to permit States the option to provide medicaid coverage for low-income individuals infected with HIV.

S. 918

At the request of Mr. KERRY, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 918, a bill to authorize the Small Business Administration to provide financial and business development assistance to military reservists' small business, and for other purposes.

S. 922

At the request of Mr. ABRAHAM, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from South Carolina (Mr. THURMOND), and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 922, a bill to prohibit the use of the ''Made in the USA'' label on products of the Commonwealth of the Northern Mariana Islands and to deny such products duty-free and quota-free treatment.

S. 965

At the request of Mr. JEFFORDS, the name of the Senator from Nevada (Mr.

REID) was added as a cosponsor of S. 965, a bill to restore a United States voluntary contribution to the United Nations Population Fund.

S. 1016

At the request of Mr. DEWINE, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Virginia (Mr. ROBB) were added as cosponsors of S. 1016, a bill to provide collective bargaining for rights for public safety officers employed by States or their political subdivisions.

S. 1017

At the request of Mr. GRAHAM, the names of the Senator from Michigan (Mr. LEVIN), the Senator from Vermont (Mr. LEAHY), the Senator from Indiana (Mr. BAYH), and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1017, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on the low-income housing credit.

S. 1020

At the request of Mr. GRASSLEY, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1020, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1056

At the request of Mr. CHAFEE, the names of the Senator from New York (Mr. MOYNIHAN) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 1056, a bill to amend the Internal Revenue Code of 1986 to improve tax equity for the Highway Trust Fund and to reduce the number of separate taxes deposited into the Highway Trust Fund, and for other purposes.

S. 1067

At the request of Mr. ROCKEFELLER, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1067, a bill to promote the adoption of children with special needs.

S. 1070

At the request of Mr. BOND, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1070, a bill to require the Secretary of Labor to wait for completion of a National Academy of Sciences study before promulgating a standard, regulation or guideline on ergonomics.

S. 1074

At the request of Mr. TORRICELLI, the names of the Senator from Ohio (Mr. DEWINE) and the Senator from Washington (Mr. GORTON) were added as cosponsors of S. 1074, a bill to amend the Social Security Act to waive the 24-month waiting period for medicare coverage of individuals with amyotrophic lateral sclerosis (ALS), and to provide medicare coverage of drugs and biologicals used for the treatment of ALS or for the alleviation of symptoms relating to ALS.

SENATE JOINT RESOLUTION 21

At the request of Ms. SNOWE, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of Senate Joint Resolution 21, a joint resolution to designate September 29, 1999, as ''Veterans of Foreign Wars of the United States Day.''

SENATE RESOLUTION 34

At the request of Mr. TORRICELLI, the names of the Senator from Ohio (Mr. DEWINE) and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of Senate Resolution 34, a resolution designating the week beginning April 30, 1999, as ''National Youth Fitness Week.''

SENATE RESOLUTION 59

At the request of Mr. LAUTENBERG, the names of the Senator from Washington (Mrs. MURRAY), the Senator from Nevada (Mr. REID), the Senator from Louisiana (Mr. BREAUX), and the Senator from Virginia (Mr. WARNER) were added as cosponsors of Senate Resolution 59, a resolution designating both July 2, 1999, and July 2, 2000, as ''National Literacy Day.''

SENATE RESOLUTION 81

At the request of Mr. CRAPO, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of Senate Resolution 81, a resolution designating the year of 1999 as ''The Year of Safe Drinking Water'' and commemorating the 25th anniversary of the enactment of the Safe Drinking Water Act.

SENATE RESOLUTION 84

At the request of Ms. SNOWE, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of Senate Resolution 84, a resolution to designate the month of May, 1999, as ''National Alpha 1 Awareness Month.''

SENATE RESOLUTION 99

At the request of Mr. REID, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of Senate Resolution 99, a resolution designating November 20, 1999, as ''National Survivors for Prevention of Suicide Day.''

AMENDMENT NO. 393

At the request of Mr. LEVIN the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of amendment No. 393 proposed to S. 1059, an original bill to authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

SENATE CONCURRENT RESOLUTION 35—PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND A CONDITIONAL ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES

Mr. LOTT submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 35

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Thursday, May 27, 1999, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, June 7, 1999, or until such time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Thursday, May 27, 1999, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 12:30 p.m. on Monday, June 7, 1999, for morning-hour debate, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

SENATE RESOLUTION 108—DESIGNATING THE MONTH OF MARCH EACH YEAR A ''NATIONAL COLORECTAL CANCER AWARENESS MONTH''

Mr. BREAUX (for himself, Mr. MURKOWSKI, Mr. MACK, and Mr. JOHNSON) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 108

Whereas colorectal cancer is the second leading cause of cancer deaths in the United States;

Whereas it is estimated that in 1999, physicians will diagnose 129,400 new cases of colorectal cancer in the United States;

Whereas in 1999, the disease is expected to kill 56,600 individuals in this country;

Whereas less than 50 percent of individuals above age 50 receive annual screenings for colorectal cancer;

Whereas adopting a healthy diet at a young age can significantly reduce the risk of developing colorectal cancer;

Whereas March is also designated as National Nutrition Awareness Month and the prevention of colorectal cancer is highly dependent on dietary factors;

Whereas regular screenings can save large numbers of lives; and

Whereas education can help inform the public of methods of prevention and symptoms of early detection: Now, therefore, be it

Resolved,

SECTION 1. DESIGNATION OF NATIONAL COLORECTAL CANCER AWARENESS MONTH.

The Senate—

(1) designates March of each year as ''National Colorectal Cancer Awareness Month''; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe the month with appropriate ceremonies and activities.

AMENDMENTS SUBMITTED

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000

LOTT (AND OTHERS) AMENDMENT NO. 394

Mr. LOTT. (for himself, Mr. WARNER, Mr. SHELBY, Mr. MURKOWSKI, Mr. DOMENICI, Mr. SPECTER, Mr. THOMAS, Mr. KYL, and Mr. HUTCHINSON) proposed an amendment to the bill (S. 1059) to authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 387, below line 24, add the following:

SEC. 1061. INVESTIGATIONS OF VIOLATIONS OF EXPORT CONTROLS BY UNITED STATES SATELLITE MANUFACTURERS.

(a) NOTICE TO CONGRESS OF INVESTIGATIONS.—The President shall promptly notify Congress whenever an investigation is undertaken of an alleged violation of United States export control laws in connection with a commercial satellite of United States origin.

(b) NOTICE TO CONGRESS OF CERTAIN EXPORT WAIVERS AND LICENSES.—The President shall promptly notify Congress whenever an export license or waiver is granted on behalf of any United States person or firm that is the subject of an investigation described in subsection (a). The notice shall include a justification for the license or waiver.

(c) NOTICE IN APPLICATIONS.—It is the sense of Congress that any United States person or firm subject to an investigation described in subsection (a) that submits to the United States an application for the export of a commercial satellite should include in the application a notice of the investigation.

SEC. 1062. ENHANCEMENT OF ACTIVITIES OF DEFENSE THREAT REDUCTION AGENCY.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations—

(1) to authorize the personnel of the Defense Threat Reduction Agency (DTRA) who monitor satellite launch campaigns overseas to suspend such campaigns at any time if the suspension is required for purposes of the national security of the United States;

(2) to establish appropriate professional and technical qualifications for such personnel;

(3) to allocate funds and other resources to the Agency at levels sufficient to prevent any shortfalls in the number of such personnel;

(4) to establish mechanisms in accordance with the provisions of section 1514(a)(2)(A) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2175; 22 U.S.C. 2778 note) that provide for—

(A) the allocation to the Agency, in advance of a launch campaign, of an amount equal to the amount estimated to be required by the Agency to monitor the launch campaign; and

(B) the reimbursement of the Department, at the end of a launch campaign, for amounts expended by the Agency in monitoring the launch campaign;

(5) to establish a formal technology training program for personnel of the Agency who monitor satellite launch campaigns overseas, including a structured framework for providing training in areas of export control laws;

(6) to review and improve guidelines on the scope of permissible discussions with foreign persons regarding technology and technical information, including the technology and technical information that should not be included in such discussions;

(7) to provide, on at least an annual basis, briefings to the officers and employees of United States commercial satellite entities on United States export license standards, guidelines, and restrictions, and encourage such officers and employees to participate in such briefings;

(8) to establish a system for—

(A) the preparation and filing by personnel of the Agency who monitor satellite launch campaigns overseas of detailed reports of all activities observed by such personnel in the course of monitoring such campaigns;

(B) the systematic archiving of reports filed under subparagraph (A); and

(C) the preservation of such reports in accordance with applicable laws; and

(9) to establish a counterintelligence office within the Agency as part of its satellite launch monitoring program.

(b) ANNUAL REPORT ON IMPLEMENTATION OF SATELLITE TECHNOLOGY SAFEGUARDS.—The Secretary shall submit to Congress each year, as part of the annual report for that year under section 1514(a)(8) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999, the following:

(1) A summary of the satellite launch campaigns and related activities monitored by the Defense Threat Reduction Agency during the preceding year.

(2) A description of any license infractions or violations that may have occurred during such campaigns and activities.

(3) A description of the personnel, funds, and other resources dedicated to the satellite launch monitoring program of the Agency during that year.

(4) An assessment of the record of United States satellite makers in cooperating with Agency monitors, and in complying with United States export control laws, during that year.

SEC. 1063. IMPROVEMENT OF LICENSING ACTIVITIES BY THE DEPARTMENT OF STATE.

Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall prescribe regulations to provide notice to the manufacturer of a commercial satellite of United States origin of the reasons for a denial or approval with conditions, as the case may be, of the application for license involving the overseas launch of such satellite.

SEC. 1064. ENHANCEMENT OF INTELLIGENCE COMMUNITY ACTIVITIES.

(a) CONSULTATION WITH DCI.—The Secretary of State shall consult with the Director of Central Intelligence throughout the review of an application for a license involving the overseas launch of a commercial satellite of United States origin in order to assure that the launch of the satellite, if the license is approved, will meet any requirements necessary to protect the national security interests of the United States.

(b) ADVISORY GROUP.—The Director of Central Intelligence shall establish within the intelligence community an advisory group to provide information and analysis to Congress upon request, and to appropriate departments and agencies of the Federal Government, on licenses involving the overseas launch of commercial satellites of United States origin.

(c) ANNUAL REPORTS ON EFFORTS TO ACQUIRE SENSITIVE UNITED STATES TECHNOLOGY AND TECHNICAL INFORMATION.—The Director of Central Intelligence shall submit each year to Congress and appropriate officials of the executive branch a report on the efforts of foreign governments and entities during the preceding year to acquire sensitive United States technology and technical information. The report shall include an analysis of the applications for licenses for export that were submitted to the United States during that year.

(d) INTELLIGENCE COMMUNITY DEFINED.—In this section, the term ''intelligence community'' has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 1065. ADHERENCE OF PEOPLE'S REPUBLIC OF CHINA TO MISSILE TECHNOLOGY CONTROL REGIME.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the President should take all actions appropriate to obtain a bilateral agreement with the People's Republic of China to adhere to the Missile Technology Control Regime (MTCR) and the MTCR Annex; and

(2) the People's Republic of China should not be permitted to join the Missile Technology Control Regime as a member without having—

(A) demonstrated a sustained and verified commitment to the nonproliferation of missiles and missile technology; and

(B) adopted an effective export control system for implementing guidelines under the Missile Technology Control Regime and the MTCR Annex.

(b) DEFINITIONS.—In this section:

(1) The term ''Missile Technology Control Regime'' means the policy statement, between the United States, the United Kingdom, the Federal Republic of Germany, France, Italy, Canada, and Japan, announced on April 16, 1987, to restrict sensitive missile-relevant transfers based on the MTCR Annex, and any amendments thereto.

(2) The term ''MTCR Annex'' means the Guidelines and Equipment and Technology Annex of the Missile Technology Control Regime, and any amendments thereto.

SEC. 1066. UNITED STATES COMMERCIAL SPACE LAUNCH CAPACITY.

It is the sense of Congress that—

(1) Congress and the President should work together to stimulate and encourage the expansion of a commercial space launch capacity in the United States, including by taking actions to eliminate legal or regulatory barriers to long-term competitiveness in the United States commercial space launch industry; and

(2) Congress and the President should—

(A) reexamine the current United States policy of permitting the export of commercial satellites of United States origin to the People's Republic of China for launch;

(B) review the advantages and disadvantages of phasing out the policy over time, including advantages and disadvantages identified by Congress, the executive branch, the United States satellite industry, the United States space launch industry, the United States telecommunications industry, and other interested persons; and

(C) if the phase out of the policy is adopted, permit launches of commercial satellites of United States origin by the People's Republic of China only if—

(i) such launches are licensed as of the commencement of the phase out of the policy; and

(ii) additional actions are taken to minimize the transfer of technology to the People's Republic of China during the course of such launches.

SEC. 1067. ANNUAL REPORTS ON SECURITY IN THE TAIWAN STRAIT.

(a) IN GENERAL.—Not later than February 1 of each year, beginning in the first calendar year after the date of enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report, in both classified and unclassified form, detailing the security situation in the Taiwan Strait.

(b) REPORT ELEMENTS.—Each report shall include—

(1) an analysis of the military forces facing Taiwan from the People's Republic of China;

(2) an evaluation of additions during the preceding year to the offensive military capabilities of the People's Republic of China; and

(3) an assessment of any challenges during the preceding year to the deterrent forces of the Republic of China on Taiwan, consistent with the commitments made by the United States in the Taiwan Relations Act (Public Law 96–8).

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—The term ''appropriate congressional committees'' means the Committee on Foreign Relations and the Committee on Armed Services of the Senate and the Committee on International Relations and the Committee on Armed Services of the House of Representatives.

SEC. 1068. DECLASSIFICATION OF RESTRICTED DATA AND FORMERLY RESTRICTED DATA.

Section 3161(b) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2260; 50 U.S.C. 435 note) is amended by adding at the end the following:

''(9) The actions to be taken to ensure that records subject to Executive Order No. 12958 that have been released into the public domain since 1995 are reviewed on a page by page basis for Restricted Data or Formerly Restricted Data unless such records have been determined to be highly unlikely to contain Restricted Data or Formerly Restricted Data.''.

On page 541, line 22, insert ''(A)'' after ''(4)''.

On page 542, between lines 2 and 3, insert the following:

(B) The chairman of the Commission may be designated once five members of the Commission have been appointed under paragraph (1).

On page 542, between lines 11 and 12, insert the following:

(8) The Commission may commence its activities under this section upon the designation of the chairman of the Commission under paragraph (4).

On page 546, strike lines 20 through 23.

On page 547, line 1, strike ''(3)'' and insert ''(2)''.

On page 564, between lines 17 and 18, insert the following:

SEC. 3164. CONDUCT OF SECURITY CLEARANCES.

(a) RESPONSIBILITY OF FEDERAL BUREAU OF INVESTIGATION.—Section 145 of the Atomic Energy Act of 1954 (42 U.S.C. 2165) is amended by striking ''the Civil Service Commission'' each place it appears in subsections a., b., and c. and inserting ''the Federal Bureau of Investigation''.

(b) CONFORMING AMENDMENTS.—That section is further amended—

(1) by striking subsections d. and f.; and

(2) by redesignating subsections e., g., and h. as subsections d., e., and f., respectively; and

(3) in subsection d., as so redesignated, by striking ''determine that investigations'' and all that follows and inserting ''require that investigations be conducted by the Federal Bureau of Investigation of any group or class covered by subsections a., b., and c. of this section.''.

(c) TECHNICAL AMENDMENT.—Subsection f. of that section, as so redesignated, is amended by striking ''section 145 b.'' and inserting ''subsection b. of this section''.

SEC. 3165. PROTECTION OF CLASSIFIED INFORMATION DURING LABORATORY-TO-LABORATORY EXCHANGES.

(a) PROVISION OF TRAINING.—The Secretary of Energy shall ensure that all Department of Energy employees and Department of Energy contractor employees participating in laboratory-to-laboratory cooperative exchange activities are fully trained in matters relating to the protection of classified information and to potential espionage and counterintelligence threats.

(b) COUNTERING OF ESPIONAGE AND INTELLIGENCE-GATHERING ABROAD.—(1) The Secretary shall establish a pool of Department employees and Department contractor employees who are specially trained to counter threats of espionage and intelligence-gathering by foreign nationals against Department employees and Department contractor employees who travel abroad for laboratory-to-laboratory exchange activities or other cooperative exchange activities on behalf of the Department.

(2) The Secretary shall ensure that at least one employee from the pool established under paragraph (1) accompanies any group of Department employees or Department contractor employees who travel to any nation designated to be a sensitive country by the Secretary of State.

KERRY (AND OTHERS) AMENDMENT NO. 395

Mr. KERREY (for himself, Mrs. BOXER, Mr. FEINGOLD, Mr. DASCHLE, Mr. KENNEDY, and Mr. BIDEN) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 357, strike line 13 and all that follows through page 358, line 4.

ALLARD (AND OTHERS) AMENDMENT NO. 396

Mr. ALLARD (for himself, Mr. HARKIN, Mr. SESSIONS, Mr. STEVENS, Mr. CONRAD, Mr. DORGAN, Mr. CLELAND, Mr. CRAIG, Mr. BINGAMAN, Mr. BRYAN, Mr. REID, Mr. CAMPBELL, Mr. MURKOWSKI, Ms. SNOWE, Mr. FEINGOLD, Mr. COVERDELL, and Mr. GRASSLEY) proposed an amendment to the bill, S. 1059, supra; as follows:

Strike section 904, and insert the following:

SEC. 904. MANAGEMENT OF THE CIVIL AIR PATROL.

(a) SENSE OF CONGRESS.—It is the sense of Congress that no major change to the governance structure of the Civil Air Patrol should be mandated by Congress until a review of potential improvements in the management and oversight of Civil Air Patrol operations is conducted.

(b) GAO STUDY.—The Comptroller General shall conduct a study of potential improvements to Civil Air Patrol operations, including Civil Air Patrol financial management, Air Force and Civil Air Patrol oversight, and the Civil Air Patrol safety program. Not later than February 15, 2000, the Inspector General shall submit a report on the results of the study to the congressional defense committees.

(c) INSPECTOR GENERAL REVIEW.—(1) The Inspector General of the Department of Defense shall review the financial and management operations of the Civil Air Patrol. The review shall include an audit.

(2) Not later than February 15, 2000, the Inspector General shall submit to the congressional defense committees a report on the review, including, specifically, the results of the audit. The report shall include any recommendations that the Inspector General considers appropriate regarding actions necessary to ensure the proper oversight of the financial and management operations of the Civil Air Patrol.

MURRAY (AND OTHERS) AMENDMENT NO. 397

Mrs. MURRAY (for herself, Ms. SNOWE, Ms. MIKULSKI, Mrs. BOXER, Ms. LANDRIEU, Mr. KERREY, Mr. SCHUMER, Mr. INOUYE, Mr. KENNEDY, Mr. JEFFORDS, and Mr. ROBB) proposed an amendment to the bill, S. 1059, supra; as follows:

In title VII, at the end of subtitle B, add the following:

SEC. 717. RESTORATION OF PREVIOUS POLICY REGARDING RESTRICTIONS ON USE OF DEPARTMENT OF DEFENSE MEDICAL FACILITIES.

Section 1093 of title 10, United States Code, is amended—

(1) by striking subsection (b); and

(2) in subsection (a), by striking ''(a) RESTRICTION ON USE OF FUNDS.—''.

HARKIN (AND BOXER) AMENDMENT NO. 398

(Ordered to lie on the table.)

Mr. HARKIN (for himself, and Mrs. BOXER) submitted an amendment intended to be proposed by them to the bill, S. 1059, supra; as follows:

In title VI, at the end of subtitle E, add the following:

SEC. 676. IMPLEMENTATION OF THE SPECIAL SUPPLEMENTAL NUTRITION PROGRAM.

(a) CLARIFICATION OF BENEFITS RESPONSIBILITY.—Subsection (a) of section 1060a of title 10, United States Code, is amended by striking ''may carry out a program to provide special supplemental food benefits'' and inserting ''shall carry out a program to provide supplemental foods and nutrition education''.

(b) FUNDING.—Subsection (b) of such section is amended to read as follows:

''(b) FEDERAL PAYMENTS.—The Secretary of Defense shall use funds available for the Department of Defense to provide supplemental foods and nutrition education and to pay for costs for nutrition services and administration under the program required under subsection (a).''.

(c) PROGRAM ADMINISTRATION.—Subsection (c)(1)(A) of such section is amended by adding at the end the following: ''In the determining of eligibility for the program benefits, a person already certified for participation in the special supplemental nutrition program for women, infants, and children under section 17 of the Child Nutrition Act of 1996 (42 U.S.C. 1786) shall be considered eligible for the duration of the certification period under that program.''.

(d) NUTRITIONAL RISK STANDARDS.—Subsection (c)(1)(B) of such section is amended by inserting ''and nutritional risk standards'' after ''income eligibility standards''.

(e) DEFINITIONS.—Subsection (f) of such section is amended by adding at the end the following:

''(4) The terms 'costs for nutrition services and administration', 'nutrition education' and 'supplemental foods' have the meanings given the terms in paragraphs (4), (7), and (14), respectively, of section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)).''.

On page 17, line 6, reduce the amount by $18,000,000.

HARKIN (AND FEINGOLD) AMENDMENT NO. 399

(Ordered to lie on the table.)

Mr. HARKIN (for himself and Mr. FEINGOLD) submitted an amendment intended to be proposed by them to the bill, S. 1059, supra; as follows:

In title V, at the end of subtitle D, add the following:

SEC. 552. ELIMINATION OF BACKLOG IN REQUESTS FOR REPLACEMENT OF MILITARY MEDALS AND OTHER DECORATIONS.

(a) SUFFICIENT RESOURCING REQUIRED.—The Secretary of Defense shall make available funds and other resources at the levels that are necessary for ensuring the elimination of the backlog of the unsatisfied requests made to the Department of Defense for the issuance or replacement of military decorations for former members of the Armed Forces. The organizations to which the necessary funds and other resources are to be made available for that purpose are as follows:

(1) The Army Reserve Personnel Command.

(2) The Bureau of Naval Personnel.

(3) The Air Force Personnel Center.

(4) The National Archives and Records Administration

(b) CONDITION.—The Secretary shall allocate funds and other resources under subsection (a) in a manner that does not detract from the performance of other personnel service and personnel support activities within the Department of Defense.

(c) REPORT.—Not later than 45 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the status of the backlog described in subsection (a). The report shall include a plan for eliminating the backlog.

(d) REPLACEMENT DECORATION DEFINED.—For the purposes of this section, the term ''decoration'' means a medal or other decoration that a former member of the Armed Forces was awarded by the United States for military service of the United States.

GORTON (AND MURRAY) AMENDMENT NO. 400

(Ordered to lie on the table.)

Mr. GORTON (for himself and Mrs. MURRAY) submitted an amendment intended to be proposed by them to the bill, S. 1059, supra; as follows:

In title VII, at the end of subtitle A, add the following:

SEC. 705. CONTINUOUS OPEN ENROLLMENT IN MANAGED CARE PLANS OF THE FORMER UNIFORMED SERVICES TREATMENT FACILITIES

Section 724 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 10 U.S.C. 1073 note) is amended by adding at the end the following:

''(g) CONTINUOUS OPEN ENROLLMENT.—Covered beneficiaries shall be permitted to enroll at any time in a managed care plan offered by the designated providers consistent with the enrollment requirements for the TRICARE Prime option under the TRICARE program.''.

BOND (AND KERRY) AMENDMENT NO. 401

(Ordered to lie on the table.)

Mr. BOND (for himself and Mr. KERRY) submitted an amendment intended to be proposed by them to the bill, S. 1059, supra; as follows:

Strike section 805.

ALLARD AMENDMENT NO. 402

(Ordered to lie on the table.)

Mr. ALLARD submitted an amendment intended to be proposed by him to the bill, S. 1059, supra; as follows:

On page 578, below line 21, add the following:

SEC. 3179. USE OF 9975 CANISTERS FOR SHIPMENT OF WASTE FROM ROCKY FLATS ENVIRONMENTAL TECHNOLOGY SITE, COLORADO.

(a) APPROVAL OR DENIAL OF USE.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Energy shall either grant or deny approval for the use of 9975 canisters for the shipment of waste from the Rocky Flats Environmental Technology Site, Colorado.

(b) ALTERNATIVE MEANS OF SHIPMENT OF WASTE.—(1) If approval of the use of 9975 canisters for the shipment of waste from the Rocky Flats Environmental Technology Site is denied under subsection (a), the Secretary shall identify an alternative to 9975 canisters for use for the shipment of waste from the Rocky Flats Environmental Technology Site.

(2) The alternative under paragraph (1) shall be identified not later than 10 days after the date of the denial of approval under subsection (a).

(3) The alternative identified for purposes of paragraph (1) shall be available for use at the time of its identification for purposes of that paragraph, without need for any further approval.

(c) COSTS.—Amounts to cover any costs associated with the identification of an alternative under subsection (b), and any costs associated with delays in the shipment of waste from Rocky Flats Environmental Technology Site as a result of delays in approval, shall be subtracted from amounts appropriated for travel by the Secretary of Energy.

BOXER AMENDMENT NO. 403

(Ordered to lie on the table.)

Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1059 supra; as follows:

In title X, at the end of subtitle A, add the following:

SEC. 10 . TRANSFERS FOR THE ESTABLISHMENT OF ADDITIONAL NATIONAL VETERANS CEMETERIES.

(a) AUTHORITY.—Of the amounts appropriated for the Department of Defense for fiscal year 2000 pursuant to authorizations of appropriations in this Act, the Secretary of Defense shall transfer $100,000,000 to the Department of Veterans Affairs. The Secretary shall select the source of the funds for transfer under this subsection, and make the transfers in a manner that causes the least significant harm to the readiness of the Armed Forces, does not affect the increases in pay and other benefits for Armed Forces personnel, and does not otherwise adversely affect the quality of life of such personnel and their families.

(b) USE OF AMOUNTS TRANSFERRED.—Funds transferred to the Department of Veterans Affairs under subsection (a) shall be made available to establish, in accordance with chapter 24 of the title 38, United States Code, national cemeteries in areas in the United States that the Secretary of Veterans Affairs determines to be most in need of such cemeteries to serve the needs of veterans and their families.

(c) RELATIONSHIP TO OTHER TRANSFER AUTHORITY.—The authority to make transfers under subsection (a) is in addition to the transfer authority provided in section 1001.

SMITH (AND WYDEN) AMENDMENT NO. 404

(Ordered to lie on the table.)

Mr. SMITH of Oregon (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by them to the bill, S. 1059, supra; as follows:

On page 404, below line 22, add the following:

TITLE XIII—CHEMICAL DEMILITARIZATION ACTIVITIES

SEC. 1301. SHORT TITLE.

This title may be cited as the ''Community-Army Cooperation Act of 1999''.

SEC. 1302. FINDINGS AND PURPOSE.

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

(1) Between 1945 and 1989, the national security interests of the United States required the construction, and later, the deployment and storage of weapons of mass destruction throughout the geographical United States.

(2) The United States is a party to international commitments and treaties which require the decommissioning or destruction of certain of these weapons.

(3) The United States has ratified the Chemical Weapons Convention which requires the destruction of the United States chemical weapons stockpile by April 29, 2007.

(4) Section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521) provides that the Department of the Army shall be the executive agent for the destruction of the chemical weapons stockpile.

(5) In 1988, the Department of the Army determined that on-site incineration of chemical weapons at the eight chemical weapons storage locations in the continental United States would provide the safest and most efficient means for the destruction of the chemical weapons stockpile.

(6) The communities in the vicinity of such locations have expressed concern over the safety of the process to be used for the incineration of the chemical weapons stockpile.

(7) Sections 174 and 175 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484) and section 8065 of the Department of Defense Appropriations Act, 1997 (Public Law 104–208) require that the Department of the Army explore methods other than incineration for the destruction of the chemical weapons stockpile.

(8) Compliance with the 2007 deadline for the destruction of the United States chemical weapons stockpile in accordance with

the Chemical Weapons Convention will require an accelerated decommissioning and transporting of United States chemical weapons.

(9) The decommissioning or transporting of such weapons has caused, or will cause, environmental, economic, and social disruptions.

(10) It is appropriate for the United States to mitigate such disruptions.

(b) PURPOSE.—It is the purpose of this title to provide for the mitigation of the environmental, economic, and social disruptions to communities and Indian tribes resulting from the onsite decommissioning of chemical agents and munitions, and related materials, at chemical demilitarization facilities in the United States.

SEC. 1303. SENSE OF CONGRESS.

It is the sense of Congress that the Secretary of Defense and the Secretary of the Army should streamline the administrative structure of the Department of Defense and the Department of the Army, respectively, in order that the officials within such departments with immediate responsibility for the demilitarization of chemical agents and munitions, and related materials, have authority—

(1) to meet the April 29, 2007, deadline for the destruction of United States chemical weapon stockpile as required by the Chemical Weapons Convention; and

(2) to employ sound management principles, including the negotiation and implementation of contract incentives, to—

(A) accelerate the decommissioning of chemical agents and munitions, and related materials; and

(B) enforce budget discipline on the chemical demilitarization program of the United States while mitigating the disruption to communities and Indian tribes resulting from the onsite decommissioning of the chemical weapons stockpile at chemical demilitarization facilities in the United States.

SEC. 1304. DECOMMISSIONING OF UNITED STATES CHEMICAL WEAPONS STOCKPILE.

(a) IN GENERAL.—As executive agent for the chemical demilitarization program of the United States, the Department of the Army shall facilitate, expedite, and accelerate the decommissioning of the United States chemical weapons stockpile so as to complete the decommissioning of that stockpile by April 29, 2007, as required by the Chemical Weapons Convention.

(b) MANAGEMENT WITHIN DEPARTMENT OF THE ARMY.—The Secretary of the Army shall designate or establish in the Office of the Secretary of the Army an office to facilitate compliance with the requirements in subsection (a).

(c) RESPONSIBILITIES OF OFFICE.—The office designated or established under subsection (b) shall have the following responsibilities:

(1) To provide oversight and policy guidance to the Department of the Army on issues relating to compliance with the requirements in subsection (a).

(2) Except as provided in section 1305, to allocate within the Department amounts appropriated for the Department for chemical demilitarization activities.

(3) To negotiate, renegotiate, and execute contracts, including performance-based contracts and incentive-based contracts, with nongovernmental entities.

(4) To negotiate and execute agreements, including incentive-based agreements, with other departments, agencies, and instrumentalities of the United States.

(5) To delegate authority and functions to other departments, agencies, and instrumentalities of the United States.

(6) To negotiate and execute agreements with the chief executive officers of the States.

(7) Such other responsibilities as the Secretary considers appropriate.

SEC. 1305. ECONOMIC ASSISTANCE PAYMENTS.

(a) IN GENERAL.—Upon the direction of the Secretary of the Army, the Comptroller of the Army may make economic assistance payments to communities and Indian tribes directly affected by the decommissioning of chemical agents and munitions, and related materials, at chemical demilitarization facilities in the United States.

(b) SOURCE OF PAYMENTS.—Amounts for payments under this section shall be derived from appropriations available to the Department of the Army for chemical demilitarization activities.

(c) TOTAL AMOUNT OF PAYMENTS.—(1) Subject to paragraph (2), the aggregate amount of payments under this section with respect to a chemical demilitarization facility during the period beginning on the date of the enactment of this Act and ending on April 29, 2007, may not be less than $50,000,000 or more than $60,000,000.

(2) Payments under this section shall cease with respect to a facility upon the transfer of the facility to a State-chartered municipal corporation pursuant to an agreement referred to in section 1412(c)(2)(B) of the Department of Defense Authorization Act, 1986, as amended by section 1306 of this Act.

(d) DATE OF PAYMENT.—(1) Payments under this section with respect to a chemical demilitarization facility shall be made on March 1 and September 2 each year if the decommissioning of chemical agents and munitions, and related materials, occurs at the facility during the applicable payment period with respect to such date.

(2) For purposes of this section, the term ''applicable payment period'' means—

(A) in the case of a payment to be made on March 1 of a year, the period beginning on July 1 and ending on December 31 of the preceding year; and

(B) in the case of a payment to be made on September 2 of a year, the period beginning on January 1 and ending on June 30 of the year.

(e) ALLOCATION OF PAYMENT—(1) Except as provided in paragraph (2), each payment under this section with respect to a chemical demilitarization facility shall be allocated equally among the communities and Indian tribes that are located within the positive action zone of the facility, as determined by population.

(2) The amount of an allocation under this subsection to a community or Indian tribe shall be reduced by the amount of any tax or fee imposed or assessed by the community or Indian tribe during the applicable payment period against the value of the facility concerned or with respect to the storage or decommissioning of chemical agents and munitions, or related materials, at the facility.

(f) COMPUTATION OF PAYMENT.—(1) Except as provided in paragraph (2), the amount of each payment under this section with respect to a chemical demilitarization facility shall be the amount equal to $10,000 multiplied by the number of tons of chemical agents and munitions, and related materials, decommissioned at the facility during the applicable payment period.

(2)(A) If at the conclusion of the decommissioning of chemical agents and munitions, and related materials, at a facility the aggregate amount of payments made with respect to the facility is less than the minimum amount required by subsection (c)(1), unless payments have ceased with respect to the facility under subsection (c)(2), the amount of the final payment under this section shall be the amount equal to the difference between such aggregate amount and the minimum amount required by subsection (c)(1).

(B) This paragraph shall not apply with respect to a facility if the decommissioning of chemical agents and munitions, and related materials, continues at the facility after April 29, 2007.

(g) INTEREST ON UNTIMELY PAYMENTS.—(1) Any payment that is made under this section for an applicable payment period after the date specified for that period in subsection (d) shall include, in addition to the payment amount otherwise provided for under this section, interest at the rate of 1.5 percent per month.

(2) Amounts for payments of interest under this paragraph shall be derived from amounts available for the Department of Defense, other than amounts available for chemical demilitarization activities.

(h) USE OF PAYMENTS.—A community or Indian tribe receiving a payment under this section may utilize amounts of the payment for such purposes as the community or Indian tribe, as the case may be, considers appropriate in its sole discretion.

SEC. 1306. ENVIRONMENTAL PROTECTION AND USE OF FACILITIES.

Paragraph (2) of section 1412(c) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(c)) is amended to read as follows:

''(2)(A) Facilities constructed to carry out this section may not be used for any other purpose than the destruction of the following:

''(i) The United States stockpile of lethal chemical agents and munitions that exist on November 8, 1985.

''(ii) Any items designated by the Secretary of Defense after that date to be lethal chemical agents and munitions, or related materials.

''(B) Facilities constructed to carry out this section shall, when no longer needed for the purposes for which they were constructed, be disposed of in accordance with agreements between the office designated or established under section 1304(b) of the National Defense Authorization Act for Fiscal Year 2000 and the chief executive officer of the State in which the facilities are located.

''(C) An agreement referred to in subparagraph (B) that provides for the transfer of facilities from the United States to a State-chartered municipal corporation shall include provisions as follows:

''(i) That any profits generated by the corporation from the use of such facilities shall be used exclusively for the benefit of communities and Indian tribes located within the positive action zone of such facilities, as determined by population.

''(ii) That any profits referred to in clause (i) shall be apportioned among the communities and Indian tribes concerned on the basis of population, as determined by the most recent decennial census.

''(iii) That the transfer of such facilities shall include any lands extending 50 feet in all directions from such facilities.

''(iv) That the transfer of such facilities include any easements necessary for reasonable access to such facilities.

''(D) An agreement referred to in subparagraph (B) may not take effect if executed after December 31, 2000.''.

SEC. 1307. ACTIONS REGARDING ACTIVITIES AT CHEMICAL DEMILITARIZATION FACILITIES.

(a) LIMITATION ON JURISDICTION.—(1) An action seeking the cessation of the construction, operation, or demolition of a chemical demilitarization facility in the United States may be commenced only in a district court of the United States.

(2) No administrative office exercising quasi-judicial powers, and no court of any State, may order the cessation of the construction, operation, or demolition of a

chemical demilitarization facility in the United States.

(b) LIMITATIONS ON STANDING.—(1)(A) Except as provided in paragraph (2), as of a date specified in subparagraph (B), no person shall have standing to bring an action against the United States relating to the decomissioning of chemical agents and munitions, and related materials, at a chemical demilitarization facility except—

(i) the State in which the facility is located; or

(ii) a community or Indian tribe located within 2 miles of the facility.

(B) A date referred to in this subparagraph for a chemical demilitarization facility is the earlier of—

(i) the date on which the first payment is made with respect to the facility under section 1305; or

(ii) the date on which an agreement referred to in section 1412(c)(2)(B) of the Department of Defense Authorization Act, 1986, as amended by section 1306 of this Act, becomes effective for the facility in accordance with the provisions of such section 1412(c)(2)(B).

(2) Paragraph (1) shall not apply in the case of an action by a State, community, or Indian tribe to determine whether the State, community, or Indian tribe, as the case may be, has a legal or equitable interest in the facility concerned.

(c) INTERIM RELIEF.—(1) During the pendency of an action referred to in subsection (a), a district court of the United States may issue a temporary restraining order against the ongoing construction, operation, or demolition of a chemical demilitarization facility if the petitioner proves by clear and convincing evidence that the construction, operation, or demolition of the facility, as the case may be, is will cause demonstrable harm to the public, the environment, or the personnel who are employed at the facility.

(2) The Secretary of Defense or the Secretary of the Army may appeal immediately any temporary restraining order issued under paragraph (1) to the court of appeals of the United States.

(d) STANDARDS TO BE EMPLOYED IN ACTIONS.—In considering an action under this section, including an appeal from an order under subsection (c), the courts of the United States shall—

(1) treat as an irrebuttable presumption the presumption that any activities at a chemical demilitarization facility that are undertaken in compliance with standards of the Department of Health and Human Services, the Department of Transportation, or the Environmental Protection Agency relating to the safety of the public, the environment, and personnel at the facility will provide maximum safety to the public, environment, and such personnel; and

(2) in the case of an action seeking the cessation of construction or operation of a facility, compare the benefit to be gained by granting the specific relief sought by the petitioner against with the increased risk, if any, to the public, environment, or personnel at the facility that would result from deterioration of chemical agents and munitions, or related materials, during the cessation of the construction or operation.

(e) PARTICIPATION IN ACTIONS AS BAR TO PAYMENTS.—(1) No community or Indian tribe which participates in any action the result of which is to defer, delay, or otherwise impede the decommissioning of chemical agents and munitions, or related materials, in a chemical demilitarization facility may receive any payment or portion thereof made with respect to the facility under section 1305 while so participating in such action.

(f) IMPLEADING OF CONTRACTORS.—(1) The Department of the Army may, in an action with respect to a chemical demilitarization facility, implead a nongovernmental entity having contractual responsibility for the decommissioning of chemical agents and munitions, or related materials, at the facility for purposes of determining the responsibility of the entity for any matters raised by the action.

(2)(A) A court of the United States may assess damages against a nongovernmental entity impleaded under paragraph (1) for acts of commission or omission of the entity that contribute to the failure of the United States to decommission chemical agents and munitions, and related materials, at the facility concerned by April 29, 2007, in accordance with the Chemical Weapons Convention.

(B) The damages assessed under subparagraph (A) may include the imposition of liability on an entity for any payments that would otherwise be required of the United States under section 1305 with respect to the facility concerned.

SEC. 1308. DEFINITIONS.

In this title:

(1) CHEMICAL AGENT AND MUNITION.—The term ''chemical agent and munition'' has the meaning given that term in section 1412(j)(1) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(j)(1)).

(2) CHEMICAL WEAPONS CONVENTION.—The term ''Chemical Weapons Convention'' means the Convention on the Prohibition of the Development, Production, Stockpiling, and Use of Chemical Weapons and on Their Destruction, opened for signature on January 13, 1993.

(3) COMMUNITY.—The term ''community'' means a country, parish, or other unit of local government.

(4) DECOMMISSION.—The term ''decommission'', with respect to a chemical agent and munition, or related material, means the destruction, dismantlement, demilitarization, or other physical act done to the chemical agent and munition, or related material, in compliance with the Chemical Weapons Convention or the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521).

(5) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

SMITH (AND OTHERS) AMENDMENT NO. 405

Mr. SMITH of New Hampshire (for himself, Mr. FRIST, Mr. BOND, Ms. LANDRIEU, Mr. ROBB, Mr. HAGEL, Mr. BREAUX, Mr. TORRICELLI, Mr. HELMS, Mr. INHOFE, Mr. DURBIN, and Mr. EDWARDS) proposed an amendment to the bill, S. 1059, supra; as follows:

In title X, at the end of subtitle D, add the following:

SEC. 1061. SENSE OF CONGRESS REGARDING THE U.S.S. INDIANAPOLIS.

(a) COURT-MARTIAL CONVICTION OF LAST COMMANDER.—It is the sense of Congress that—

(1) the court-martial charges against then-Captain Charles Butler McVay III, United States Navy, arising from the sinking of the U.S.S. INDIANAPOLIS (CA–35) on July 30, 1945, while under his command were not morally sustainable;

(2) Captain McVay's conviction was a miscarriage of justice that led to his unjust humiliation and damage to his naval career; and

(3) the American people should now recognize Captain McVay's lack of culpability for the tragic loss of the U.S.S. INDIANAPOLIS and the lives of the men who died as a result of her sinking.

(b) PRESIDENTIAL UNIT CITATION FOR FINAL CREW.—(1) It is the sense of Congress that the President should award a Presidential Unit Citation to the final crew of the U.S.S. INDIANAPOLIS (CA–35) in recognition of the courage and fortitude displayed by the members of that crew in the face of tremendous hardship and adversity after their ship was torpedoed and sunk on July 30, 1945.

(2) A citation described in paragraph (1) may be awarded without regard to any provision of law or regulation prescribing a time limitation that is otherwise applicable with respect to recommendation for, or the award of, such a citation.

SMITH (AND OTHERS) AMENDMENT NO. 406

Mr. SMITH of New Hampshire (for himself, Mr. SESSIONS, Mr. ALLARD, Mr. CRAIG, Mr. INHOFE, and Mr. HUTCHINSON) proposed an amendment to the bill S. 1059, supra; as follows:

In title X, at the end of subtitle D, add the following new section:

SEC. ___. RESTRICTION ON USE OF FUNDS FOR MILITARY OPERATIONS IN THE FEDERAL REPUBLIC OF YUGOSLAVIA (SERBIA AND MONTENEGRO).

(a) IN GENERAL.—Except as provided in subsection (b), none of the funds available to the Department of Defense (including prior appropriations) may be used for the purpose of conducting military operations by the Armed Forces of the United States in the Federal Republic of Yugoslavia (Serbia and Montenegro) unless Congress first enacts a law containing specific authorization for the conduct of those operations.

(b) EXCEPTIONS.—Subsection (a) shall not apply to—

(1) any intelligence or intelligence-related activity or surveillance or the provision of logistical support; or

(2) any measure necessary to defend the Armed Forces of the United States against an immediate threat.

(c) EFFECTIVE DATE.—This section shall take effect on October 1, 1999.

MADE IN USA LABEL DEFENSE ACT OF 1999

ABRAHAM AMENDMENT NO. 407

(Ordered referred to the Committee on Finance.)

Mr. ABRAHAM submitted an amendment intended to be proposed by him to the bill (S. 922) to prohibit the use of the ''Made in the USA'' label on products of the Commonwealth of the Northern Mariana Islands and to deny such products duty-free and quota-free treatment; as follows:

At the appropriate place, insert the following new section:

SEC. ___. ADDITIONAL REVENUES DEDICATED TO TAX RELIEF OR DEBT REDUCTION.

Notwithstanding any other provisions of law, including section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985—

(1) the Office of Management and Budget shall estimate the revenue increase resulting from the enactment of this Act, for fiscal years 2000 through 2009; and

(2) the amount estimated pursuant to paragraph (1) shall only be available for revenue reduction (without any requirement of an increase in revenues or reduction in direct spending) or debt reduction.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000

HATCH AMENDMENT NOS. 408–409

(Ordered to lie on the table.)

Mr. HATCH submitted two amendments intended to be proposed by him to the bill, S. 1059, supra; as follows:

AMENDMENT NO. 408

At the appropriate place, insert the following new section:

SEC. .AUTHORITY FOR PUBLIC BENEFIT TRANSFER TO CERTAIN TAX-SUPPORTED EDUCATIONAL INSTITUTIONS OF SURPLUS PROPERTY UNDER THE BASE CLOSURE LAWS.

(a) IN GENERAL.—(1) Notwithstanding any provision of the applicable base closure law or any provision of the applicable base closure law or any provision of the Federal Property and Administrative Services Act of 1949, the Administrator of General Services may transfer to institutions described in subsection (b) the facilities described in subsection (c). Any such transfer shall be without consideration to the United States.

(2) transfer under paragraph (1) may include real property associated with the facility concerned.

(3) An institution seeking a transfer under paragraph (1) shall submit to the Administrator an application for the transfer. The application shall include such information as the Administrator shall specify.

(b) COVERED INSTITUTIONS.—An institution eligible for the transfer of a facility under subsection (a) is any tax-supported educational institution that agrees to use the facility for—

(1) student instruction;

(2) the provision of services to individuals with disabilities;

(3) the health and welfare of students;

(4) the storage of instructional materials or other materials directly related to the administration of student instruction; or

(5) other educational purposes.

(c) AVAILABLE FACILITIES.—A facility available for transfer under subsection (a) is any facility that—

(1) is located at a military installation approved for closure or realignment under a base closure law;

(2) has been determined to be surplus property under that base closure law; and

(3) is available for disposal as of the date of the enactment of this Act.

(d) DEFINITIONS.—In this section:

(1) The term ''base closure laws'' means the following:

(A) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note.)

(B) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

(2) The term ''tax-supported educational institution'' means any tax-supported educational institution covered by section 203(k)(1)(A) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(k)(1)(A)).

AMENDMENT NO. 409

On page 54, after line 24, insert the following:

Subtitle E—Other Matters

SEC. 251. REPORT ON AIR FORCE DISTRIBUTED MISSION TRAINING.

(a) REQUIREMENT.—The Secretary of the Air Force shall submit to Congress, not later than January 31, 2000, a report on the Air Force Distributed Mission Training program.

(b) CONTENT OF REPORT.—The report shall include a discussion of the following:

(1) The progress that the Air Force has made to demonstrate and prove the Air Force Distributed Mission Training concept of linking geographically separated, high-fidelity simulators to provide a mission rehearsal capability for Air Force units, and any units of any of the other Armed Forces as may be necessary, to train together from their home stations.

(2) The actions that have been taken or are planned to be taken within the Department of the Air Force to ensure that—

(A) an independent study of all requirements, technologies, and acquisition strategies essential to the formulation of a sound Distributed Mission Training program is under way; and

(B) all Air Force laboratories and other Air Force facilities necessary to the research, development, testing, and evaluation of the Distributed Mission Training program have been assessed regarding the availability of the necessary resources to demonstrate and prove the Air Force Distributed Mission Training concept.

SMITH AMENDMENT NO. 410

(Ordered to lie on the table.)

Mr. SMITH of Oregon submitted an amendment intended to be proposed by him to the bill, S. 1059, supra; as follows:

On page 404, below line 22, add the following:

TITLE XIII—CHEMICAL DEMILITARIZATION ACTIVITIES

SEC. 1301. SHORT TITLE.

This title may be cited as the ''Community-Army Cooperation Act of 1999''.

SEC. 1302. FINDINGS AND PURPOSE.

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

(1) Between 1945 and 1989, the national security interests of the United States required the construction, and later, the deployment and storage of weapons of mass destruction throughout the geographical United States.

(2) The United States is a party to international commitments and treaties which require the decommissioning or destruction of certain of these weapons.

(3) The United States has ratified the Chemical Weapons Convention which requires the destruction of the United States chemical weapons stockpile by April 29, 2007.

(4) Section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521) provides that the Department of the Army shall be the executive agent for the destruction of the chemical weapons stockpile.

(5) In 1988, the Department of the Army determined that on-site incineration of chemical weapons at the eight chemical weapons storage locations in the continental United States would provide the safest and most efficient means for the destruction of the chemical weapons stockpile.

(6) The communities in the vicinity of such locations have expressed concern over the safety of the process to be used for the incineration of the chemical weapons stockpile.

(7) Sections 174 and 175 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484) and section 8065 of the Department of Defense Appropriations Act, 1997 (Public Law 104–208) require that the Department of the Army explore methods other than incineration for the destruction of the chemical weapons stockpile.

(8) Compliance with the 2007 deadline for the destruction of the United States chemical weapons stockpile in accordance with the Chemical Weapons Convention will require an accelerated decommissioning and transporting of United States chemical weapons.

(9) The decommissioning or transporting of such weapons has caused, or will cause, environmental, economic, and social disruptions.

(10) It is appropriate for the United States to mitigate such disruptions.

(b) PURPOSE.—It is the purpose of this title to provide for the mitigation of the environmental, economic, and social disruptions to communities and Indian tribes resulting from the onsite decommissioning of chemical agents and munitions, and related materials, at chemical demilitarization facilities in the United States.

SEC. 1303. SENSE OF CONGRESS.

It is the sense of Congress that the Secretary of Defense and the Secretary of the Army should streamline the administrative structure of the Department of Defense and the Department of the Army, respectively, in order that the officials within such departments with immediate responsibility for the demilitarization of chemical agents and munitions, and related materials, have authority—

(1) to meet the April 29, 2007, deadline for the destruction of United States chemical weapon stockpile as required by the Chemical Weapons Convention; and

(2) to employ sound management principles, including the negotiation and implementation of contract incentives, to—

(A) accelerate the decommissioning of chemical agents and munitions, and related materials; and

(B) enforce budget discipline on the chemical demilitarization program of the United States while mitigating the disruption to communities and Indian tribes resulting from the onsite decommissioning of the chemical weapons stockpile at chemical demilitarization facilities in the United States.

SEC. 1304. DECOMMISSIONING OF UNITED STATES CHEMICAL WEAPONS STOCKPILE.

(a) IN GENERAL.—As executive agent for the chemical demilitarization program of the United States, the Department of the Army shall facilitate, expedite, and accelerate the decommissioning of the United States chemical weapons stockpile so as to complete the decommissioning of that stockpile by April 29, 2007, as required by the Chemical Weapons Convention.

SEC. 1305. ECONOMIC ASSISTANCE PAYMENTS.

(a) IN GENERAL.—Upon the direction of the Secretary of the Army, the Comptroller of the Army shall make economic assistance payments to communities and Indian tribes directly affected by the decommissioning of chemical agents and munitions, and related materials, at chemical demilitarization facilities in the United States.

(b) SOURCE OF PAYMENTS.—Amounts for payments under this section shall be derived from appropriations available to the Department of the Army for chemical demilitarization activities.

(c) TOTAL AMOUNT OF PAYMENTS.—(1) Subject to paragraph (2), the aggregate amount of payments under this section with respect to a chemical demilitarization facility during the period beginning on the date of the enactment of this Act and ending on April 29, 2007, may not be less than $50,000,000 or more than $60,000,000.

(2) Payments under this section shall cease with respect to a facility upon the transfer of the facility to a State-chartered municipal corporation pursuant to an agreement referred to in section 1412(c)(2)(B) of the Department of Defense Authorization Act, 1986, as amended by section 1306 of this Act.

(d) DATE OF PAYMENT.—(1) Payments under this section with respect to a chemical demilitarization facility shall be made on

March 1 and September 2 each year if the decommissioning of chemical agents and munitions, and related materials, occurs at the facility during the applicable payment period with respect to such date.

(2) For purposes of this section, the term ''applicable payment period'' means—

(A) in the case of a payment to be made on March 1 of a year, the period beginning on July 1 and ending on December 31 of the preceding year; and

(B) in the case of a payment to be made on September 2 of a year, the period beginning on January 1 and ending on June 30 of the year.

(e) ALLOCATION OF PAYMENT—(1) Except as provided in paragraph (2), each payment under this section with respect to a chemical demilitarization facility shall be allocated equally among the communities and Indian tribes that are located within the positive action zone of the facility, as determined by population.

(2) The amount of an allocation under this subsection to a community or Indian tribe shall be reduced by the amount of any tax or fee imposed or assessed by the community or Indian tribe during the applicable payment period against the value of the facility concerned or with respect to the storage or decommissioning of chemical agents and munitions, or related materials, at the facility.

(f) COMPUTATION OF PAYMENT.—(1) Except as provided in paragraph (2), the amount of each payment under this section with respect to a chemical demilitarization facility shall be the amount equal to $10,000 multiplied by the number of tons of chemical agents and munitions, and related materials, decommissioned at the facility during the applicable payment period.

(2)(A) If at the conclusion of the decommissioning of chemical agents and munitions, and related materials, at a facility the aggregate amount of payments made with respect to the facility is less than the minimum amount required by subsection (c)(1), unless payments have ceased with respect to the facility under subsection (c)(2), the amount of the final payment under this section shall be the amount equal to the difference between such aggregate amount and the minimum amount required by subsection (c)(1).

(B) This paragraph shall not apply with respect to a facility if the decommissioning of chemical agents and munitions, and related materials, continues at the facility after April 29, 2007.

(g) INTEREST ON UNTIMELY PAYMENTS.—(1) Any payment that is made under this section for an applicable payment period after the date specified for that period in subsection (d) shall include, in addition to the payment amount otherwise provided for under this section, interest at the rate of 1.5 percent per month.

(2) Amounts for payments of interest under this paragraph shall be derived from amounts available for the Department of Defense, other than amounts available for chemical demilitarization activities.

(h) USE OF PAYMENTS.—A community or Indian tribe receiving a payment under this section may utilize amounts of the payment for such purposes as the community or Indian tribe, as the case may be, considers appropriate in its sole discretion.

SEC. 1306. ENVIRONMENTAL PROTECTION AND USE OF FACILITIES.

Paragraph (2) of section 1412(c) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(c)) is amended to read as follows:

''(2)(A) Facilities constructed to carry out this section may not be used for any other purpose than the destruction of the following:

''(i) The United States stockpile of lethal chemical agents and munitions that exist on November 8, 1985.

''(ii) Any items designated by the Secretary of Defense after that date to be lethal chemical agents and munitions, or related materials.

''(B) Facilities constructed to carry out this section shall, when no longer needed for the purposes for which they were constructed, be disposed of in accordance with agreements between the office designated or established under section 1304(b) of the National Defense Authorization Act for Fiscal Year 2000 and the chief executive officer of the State in which the facilities are located.

''(C) An agreement referred to in subparagraph (B) that provides for the transfer of facilities from the United States to a State-chartered municipal corporation shall include provisions as follows:

''(i) That any profits generated by the corporation from the use of such facilities shall be used exclusively for the benefit of communities and Indian tribes located within the positive action zone of such facilities, as determined by population.

''(ii) That any profits referred to in clause (i) shall be apportioned among the communities and Indian tribes concerned on the basis of population, as determined by the most recent decennial census.

''(iii) That the transfer of such facilities shall include any lands extending 50 feet in all directions from such facilities.

''(iv) That the transfer of such facilities include any easements necessary for reasonable access to such facilities.

''(D) An agreement referred to in subparagraph (B) may not take effect if executed after December 31, 2000.''.

SEC. 1307. ACTIONS REGARDING ACTIVITIES AT CHEMICAL DEMILITARIZATION FACILITIES.

(a) LIMITATION ON JURISDICTION.—(1) An action seeking the cessation of the construction, operation, or demolition of a chemical demilitarization facility in the United States may be commenced only in a district court of the United States.

(2) No administrative office exercising quasi-judicial powers, and no court of any State, may order the cessation of the construction, operation, or demolition of a chemical demilitarization facility in the United States.

(b) LIMITATIONS ON STANDING.—(1)(A) Except as provided in paragraph (2), as of a date specified in subparagraph (B), no person shall have standing to bring an action against the United States relating to the decomissioning of chemical agents and munitions, and related materials, at a chemical demilitarization facility except—

(i) the State in which the facility is located; or

(ii) a community or Indian tribe located within the Positive Action Zone of the facility.

(B) A date referred to in this subparagraph for a chemical demilitarization facility is the earlier of—

(i) the date on which the first payment is made with respect to the facility under section 1305; or

(ii) the date on which an agreement referred to in section 1412(c)(2)(B) of the Department of Defense Authorization Act, 1986, as amended by section 1306 of this Act, becomes effective for the facility in accordance with the provisions of such section 1412(c)(2)(B).

(2) Paragraph (1) shall not apply in the case of an action by a State, community, or Indian tribe to determine whether the State, community, or Indian tribe, as the case may be, has a legal or equitable interest in the facility concerned.

(c) INTERIM RELIEF.—(1) During the pendency of an action referred to in subsection (a), a district court of the United States may issue a temporary restraining order against the ongoing construction, operation, or demolition of a chemical demilitarization facility if the petitioner proves by clear and convincing evidence that the construction, operation, or demolition of the facility, as the case may be, is will cause demonstrable harm to the public, the environment, or the personnel who are employed at the facility.

(2) The Secretary of Defense or the Secretary of the Army may appeal immediately any temporary restraining order issued under paragraph (1) to the court of appeals of the United States.

(d) STANDARDS TO BE EMPLOYED IN ACTIONS.—In considering an action under this section, including an appeal from an order under subsection (c), the courts of the United States shall—

(1) treat as an irrebuttable presumption the presumption that any activities at a chemical demilitarization facility that are undertaken in compliance with standards of the Department of Health and Human Services, the Department of Transportation, or the Environmental Protection Agency relating to the safety of the public, the environment, and personnel at the facility will provide maximum safety to the public, environment, and such personnel; and

(2) in the case of an action seeking the cessation of construction or operation of a facility, compare the benefit to be gained by granting the specific relief sought by the petitioner against with the increased risk, if any, to the public, environment, or personnel at the facility that would result from deterioration of chemical agents and munitions, or related materials, during the cessation of the construction or operation.

(e) PARTICIPATION IN ACTIONS AS BAR TO PAYMENTS.—(1) No community or Indian tribe which participates in any action the result of which is to defer, delay, or otherwise impede the decommissioning of chemical agents and munitions, or related materials, in a chemical demilitarization facility may receive any payment or portion thereof made with respect to the facility under section 1305 while so participating in such action.

(f) IMPLEADING OF CONTRACTORS.—(1) The Department of the Army may, in an action with respect to a chemical demilitarization facility, implead a nongovernmental entity having contractual responsibility for the decommissioning of chemical agents and munitions, or related materials, at the facility for purposes of determining the responsibility of the entity for any matters raised by the action.

(2)(A) A court of the United States may assess damages against a nongovernmental entity impleaded under paragraph (1) for acts of commission or omission of the entity that contribute to the failure of the United States to decommission chemical agents and munitions, and related materials, at the facility concerned by April 29, 2007, in accordance with the Chemical Weapons Convention.

(B) The damages assessed under subparagraph (A) may include the imposition of liability on an entity for any payments that would otherwise be required of the United States under section 1305 with respect to the facility concerned.

SEC. 1308. DEFINITIONS.

In this title:

(1) CHEMICAL AGENT AND MUNITION.—The term ''chemical agent and munition'' has the meaning given that term in section 1412(j)(1) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(j)(1)).

(2) CHEMICAL WEAPONS CONVENTION.—The term ''Chemical Weapons Convention''

means the Convention on the Prohibition of the Development, Production, Stockpiling, and Use of Chemical Weapons and on Their Destruction, opened for signature on January 13, 1993.

(3) COMMUNITY.—The term ''community'' means a country, parish, or other unit of local government.

(4) DECOMMISSION.—The term ''decommission'', with respect to a chemical agent and munition, or related material, means the destruction, dismantlement, demilitarization, or other physical act done to the chemical agent and munition, or related material, in compliance with the Chemical Weapons Convention or the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521).

(5) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. ROBERTS. Mr. President, I ask consent for the Committee on Agriculture, Nutrition, and Forestry to meet on May 26, 1999 in SH–216 to consider livestock issues.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, May 26, 1999, at 2:00 p.m. on FCC oversight.

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

COMMITTEE ON FINANCE

Mr. ROBERTS. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Wednesday, May 26, 1999 beginning at 10:00 a.m. in room 215 Dirksen.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, May 26, 1999 at 10:15 a.m. to hold a hearing.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday May 26, 1999, at 9:30 a.m. to conduct a hearing on American Indian Youth Activities and Initiatives. The hearing will be held in room 485 of the Russell Senate Office Building.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, May 26, 1999 at 2:00 p.m. to hold a closed hearing on intelligence matters.

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

SUBCOMMITTEE ON CONSTITUTION, FEDERALISM, AND PROPERTY RIGHTS

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Subcommittee on Constitution, Federalism, and Property Rights, of the Senate Judiciary Committee, be authorized to meet during the session of the Senate on Wednesday, May 26, 1999 to hold a hearing, at 2:00 p.m., in room SD–222 of the Senate Dirksen Office Building on: ''S.J. Res. 3, proposing an amendment to the Constitution, Rights of Crime Victims.''

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

SUBCOMMITTEE ON EMPLOYMENT, SAFETY, AND TRAINING

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Employment, Safety, and Training be authorized to meet for a hearing on ''Increasing MSHA and Small Mine Cooperation'' during the session of the Senate on Wednesday, May 26, 1999, at 9:30 a.m.

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

SUBCOMMITTEE ON FOREST AND PUBLIC LAND MANAGEMENT

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, May 26, for purposes of conducting a Forests and Public Land Management Subcommittee hearing which is scheduled to begin at 2:30 p.m. The purpose of this hearing is to receive testimony on S. 510, the American Land Sovereignty Protection Act.

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

SUBCOMMITTEE ON IMMIGRATION

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Subcommittee on Immigration, of the Senate Judiciary Committee, be authorized to meet during the session of the Senate on Wednesday, May 26, 1999 at 10:00 a.m. to hold a hearing in room 226, Senate Dirksen Office Building, on: ''The Contribution of Immigrants to America's Armed Forces.''

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

SUBCOMMITTEE ON INTERNATIONAL SECURITY, PROLIFERATION, AND FEDERAL SERVICES

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Governmental Affairs Committee Subcommittee on International Security, Proliferation, and Federal Services be permitted to meet on Wednesday, May 26, 1999, at 2:00 p.m. for a hearing to examine the unclassified report of the House Select Committee on U.S. National Security and Military/Commercial Concerns with the People's Republic of China.

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

SUBCOMMITTEE ON SECURITIES

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Subcommittee on Securities of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, May 26, 1999, to conduct a hearing on ''Corporate Trades 1.''

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

ADDITIONAL STATEMENTS

JEMEZ-PECOS REPATRIATION

• Mr. BINGAMAN. Mr. President, I rise today to commemorate a truly historic event that took place in my state of New Mexico last Saturday—the nation's largest act of Native American repatriation. The ''Jemez-Pecos Repatriation'' resulted in the reburial of nearly 2,000 human remains and artifacts unearthed from what should have been their final resting place over 70 years ago.

On the Wednesday before the reburial, over 300 people started the 120 mile walk from Jemez Pueblo in northern New Mexico to the ruins of the Pecos Pueblo. The journey is a long one in the dry New Mexico sun. The group, both young and old, traveled across three counties and through the beautiful Jemez Mountains before arriving at the former site of the Pecos Pueblo. But the journey of their ancestors is much more remarkable.

Prior to the 1820's, the Pueblo was a thriving community and center for trade. The Pecos interacted extensively with the Plains Indians to the east, the neighboring Pueblos to the west and the nearby Spanish communities. However, years of disease and warfare eventually decimated the population. In 1838, the remaining residents of Pecos Pueblo relocated to the Pueblo of Jemez, in order to protect their traditional leaders, sacred objects and culture. This decision reflects the fact that Jemez and Pecos cultures were intricately linked by blood, language and spiritual beliefs as well as through their ''origin stories''. In 1936, Congress formally merged the two tribes into one, with the Pueblo of Jemez named as the legal representative of the Pecos culture and administrative matters.

When the Pecos Pueblo was abandoned in 1838, it likely did not occur to the few surviving members of the Pecos that their burial site would be disturbed during the next century. However, the famed archaeologist Alfred V. Kidder unearthed the remains and artifacts during ten excavations between 1915 and 1929. The remains were housed at the Peabody Museum of Archaeology and Ethnology in Cambridge,

Massachusetts and the artifacts were held at the Robert S. Peabody Museum of Archaeology at Phillips Academy in Andover, Massachusetts. On May 18, 1999, Harvard University turned over the human remains and artifacts of nearly 2,000 people formerly buried at the Pecos Pueblo to the Pueblo of Jemez.

Last Saturday, in a solemn private ceremony, the thousands of human remains and artifacts were reburied in the Pecos National Historical Park in a grave that was 6 feet deep, 600 feet long and 10 feet wide. The current burial site is near the former Pecos Pueblo.

The historical event last Saturday reflects the close relationship of the Jemez and Pecos people and the strong commitment the Pueblo of Jemez has to the beliefs of their ancestors. Some of the remains and artifacts that were reburied date back to the 12th century.

With the passage of the Native American Graves Protection and Repatriation Act in 1990, the current members of the Pueblo of Jemez were able to fulfill the dreams of many of their ancestors who longed to have the remains of their people returned to their homeland. NAGPRA was drafted to protect burial sites on tribal and federal land and to enable tribes to obtain the return of human remains and associated funery objects to the culturally affiliated tribes.

I commend the Pueblo of Jemez, and particularly the Governor, Raymond Gachupin, and the many governors before him, who worked tirelessly to get to this day of repatriation. It took eight years of negotiations and persistence to achieve the final goal of repatriation. In a private tribal ceremony on May 22, 1999, the remains and artifacts of the Pecos ancestors were returned to their rightful place. Many people would be angry or resentful if their ancestors were unearthed and relocated. But for the descendants of the Pueblos of Jemez and Pecos, May 22, 1999 was looked upon as a day of unity and healing. By focusing on the future, the descendants truly honored their ancestors. I understand that at the end of the ceremony, the New Mexico sky turned dark and the rain began to fall. Mr. President, rain in May is not a common occurrence in New Mexico, but neither is the repatriation of 2,000 Native Americans. I want to convey my respect and admiration to the members of the Pueblo of Jemez, past and present, for their commitment and dedication to the Jemez-Pecos Repatriation.●

SMALL BUSINESS ADMINISTRATION'S YOUNG ENTREPRENEUR OF THE YEAR: MR. THOMAS MICHAEL DUNN

● Mr. ASHCROFT. Mr. President, it is with great pride that I stand before this body to congratulate yet another truly remarkable Missourian, Mr. Thomas Michael Dunn—the Small Business Administration's Young Entrepreneur of the Year. Mr. Dunn, at the age of 26, is the second Missourian to win a national award from the Small Business Administration this year.

This young man's story is impressive. Tom began his lawn care business while still attending St. Louis University High School, and continued to operate his business during the summers while pursuing a double major in marketing and management at Indiana University. In his junior year of college, Tom began his first venture, operating a party favor franchise. By his senior year, the business was transformed into a flourishing million dollar industry.

Beginning in 1994, Dunn Lawn and Land employed only two staff members, and had only two lawn mowers. By 1998, Dunn Lawn and Land employed over 22 employees, eight trucks, over 12 lawn machines and $1.2 million in revenue. Today, Dunn Lawn and Land offers a variety of services including lawn mowing, landscape bed and plant maintenance, lawn renovation, leaf removal, fertilizer and weed control, irrigation services and complete landscape design and installation.

In addition to his thriving lawn maintenance business, Tom remains an active community leader. He has created the Impact Group of Cardinal Glennon Children's Hospital, which provides funds for special projects at the hospital.

Mr. Dunn was selected for this prestigious award because of his extraordinary success as a small business owner and demonstrated entrepreneurial potential for long-term economic growth. The Young Entrepreneur of the Year award is part of the SBA's National Small Business Week celebration. This annual event is held in recognition of the nation's small business community's contributions to the American economy and society. Winners are selected on their record of stability, growth in employment and sales, sound financial status, innovation, ability to respond to adversity, and community service.

It honors me to stand before you today to congratulate Mr. Dunn as the Small Business Administration's Young Entrepreneur of the Year. I envy Mr. Dunn's initiative, and am proud to say he is a Missourian. He is a role model for the children of the next generation, and is living proof that with hard work and dedication any one individual can succeed no matter how old they are. Mr. Dunn's success exemplifies the ''American Dream,'' and what it means to be ''a man with a mission.''●

TRIBUTE TO DANIEL BELL

● Mr. MOYNIHAN. Mr. President, David Ignatius has written a charming brief essay for The Washington Post on his former teacher Daniel Bell, ''the dean of American sociology.'' Professor Bell, who is now Scholar in Residence at the American Academy of Arts and Sciences in Cambridge, Massachusetts, was a colleague and neighbor of mine for many years and a friend for even longer. He has no equal, and as he turns 80 he is indeed, as Mr. Ignatius writes, ''a kind of national treasure—a strategic intellectual reserve.'' The nation is hugely in his debt. (A thought which I fear would horrify him!)

I ask that the article by David Ignatius in The Washington Post of May 23, 1999 be printed in the RECORD.

The article follows:

[From The Washington Post, May 23, 1999]

BIG QUESTIONS FOR DANIEL BELL

(By David Ignatius)

CAMBRIDGE—Having a conversation about ideas with Daniel Bell is a little like getting to rally with John McEnroe. Trying to keep up is hopeless, but it's exhilarating just to be on the court with him.

Bell, the dean of American sociology, turned 80 this month. In an era when big ideas have largely gone out of fashion, he continues to think bigger than anyone I know, of any age. That makes him a kind of national treasure—a strategic intellectual reserve.

The questions that interest Bell today remain the great, woolly ones that make most people throw up their hands: What are the forces shaping modern life? What are the relationships between economics, politics and culture? Where is the human story heading?

You can chart the intellectual history of the past 50 years in part through Bell's attempts to answer these big questions: ''The End of Ideology,'' published in 1960; ''The Coming of Post-Industrial Society,'' published in 1973; ''The Cultural Contradictions of Capitalism,'' published in 1976.

Next month, Basic Books will reissue Bell's prophetic study of post-industrial society. This was in many ways the first serious effort to describe the new technological society that has emerged in the United States over the past quarter-century. Many of Bell's ideas are now commonplace—we are surrounded by evidence that his analysis was correct—but at the time, the transformation wasn't so obvious.

To accompany the 1999 edition, Bell has written a new 30,000-word foreword. (''I don't know how to write short,'' he says.) Bell writes that in the new information age, even the boundaries of time and space no longer hold. Economic activity is global and instantaneous; the traditional infrastructure that gave rise to cities—roads, rivers and harbors—is becoming irrelevant. We are connected with everywhere. Yet with all diffusion of information, Bell observes, true knowledge remains rare and precious.

The problem that vexes Bell is one of scale. He argues that societies tend to work smoothly when economic, social and political activities fit well together. But there is an obvious mismatch in today's global economy—where financial life is centralized as never before but political life is increasingly fragmented along ethnic and even tribal lines.

''The national state has become too small for the big problems of life, and too big for the small problems,'' Bell writes. ''We find that the older social structures are cracking because political scales of sovereignty and authority do not match the economic scales.''

Bell is part of the Dream Team of American letters—the group of Jewish intellectuals who grew up poor in New York in the 1930s, learned their debating skills in the alcoves of City College and went on to found the magazines and write he books that

shaped America's understanding of itself. Because of the antisemitism of American universities at the time, most of them couldn't get teaching jobs at first. But today, their names are legendary: Irving Kristol, Irving Howe, Nathan Glazer, Norman Podhoretz and Bell.

What's especially admirable about Bell is how little he's changed over the years. Many of the New York intellectuals began as radical socialists and ended up as neo-conservatives—a long journey, indeed. But Bell holds roughly the same views he did when he was 15.

''I'm a socialist in economics, a liberal in politics and a conservative in culture.'' he said. He thinks it's a mistake to force these different areas of thought onto a single template. That ways lies dogmatism.

Another of Bell's virtues is that he doesn't go looking for fights. He explains that as a matter of life history. His father died in the influenza epidemic of 1920, when Bell was just eight months old. His mother had to work in a garment factory—leaving him in an orphanage part of the time. Bell wanted to hold onto his friends, he says.

Religion has been an anchor in Bell's life, too. Indeed, he said he began to doubt the Marxist view of history when he considered the durability of the world's great religions. He concluded that there were certain fundamental, existential questions—about the meaning of life and death—that were universal and unchanging, for which the great religions had provided enduring answers.

The most endearing aspect of Bell's personality is his sense of humor. Big thinkers are not always nimble and light-hearted, but Bell can't go five minutes without telling a joke—usually some sort of Jewish folk tale. Ask why he left an early job at Fortune to go teach at Columbia, and he recalls telling his boss, Henry Luce, that there were four reasons: ''June, July, August and September.''

Recounting his family history, Bell remembers a grandmother's remark when told at the end of World War I that because of a border change, the family now lived in Poland, rather than Russia. ''Thank God! I was getting so tired of those Russian winters!''

Bell was my teacher and friend nearly 30 years ago at Harvard. In those days, he taught a seminar on the history of avant-garde movements. One of the assignments was to think up a name for a polemical avant-garde journal.

So I ask Bell to take his own test. what name would he give a journal if he was to start one today? He replies instantly: ''THINK.''

As much as anyone in American life, he can lay claim to that one.●

NATIONAL DRUG COURT WEEK

● Mr. CAMPBELL. Mr. President, as I did around this time last year, I want to recognize National Drug Court Week which is taking place next week. Since the Senate will be in recess at that time, I take this opportunity today to applaud our nation's drug courts and the people who have made them the successes they are today.

Next week, the National Association of Drug Court Professionals will sponsor a training conference, suitably titled ''Celebrating Ten Years of Drug Courts: Honoring the Past, Looking to the Future,'' which will be held in Miami Beach, Florida. This year approximately 3,000 professionals from across the country, including judges, prosecutors, defense attorneys, law enforcement officers, corrections personnel, rehabilitation and treatment providers, educators, researchers and community leaders will be attending the conference. These Drug Court professionals' dedication has had a significant positive impact on the communities they serve.

The two and a half day conference will coincide with National Drug Court Week, June 1st though 7th, 1999. All across America, state and local governments have been recognizing drug courts and their dedicated professionals with resolutions, ceremonies and celebrations.

The Drug Court growth rate has been accelerating over the past several years. While the first Drug Court was established in 1989, there are currently over 600 Drug Courts that are either operating or being established. This surge in growth is a product of success.

Drug Courts are revolutionizing the criminal justice system. The strategy behind Drug Courts departs from traditional criminal justice practice by placing non-violent drug abusing offenders into intensive court supervised drug treatment programs instead of prison. Some Drug Courts target first time offenders, while others concentrate on habitual offenders. They all aim to reduce drug abuse and crime by employing a number of tools including comprehensive judicial monitoring, drug testing and supervision, treatment and rehabilitative services, and sanctions and incentives for drug offenders.

Statistics show us that Drug Courts work. It has been well documented that both drug use and associated criminal behavior are substantially reduced among those offenders participating in the Drug Courts. More than 70 percent of drug court clients have successfully completed the program or remain as active participants.

Drug Courts are also clearly cost-effective and help convert many drug-using offenders into productive members of society. Traditional incarceration has yielded few gains for our drug offenders. The costs are too high and the rehabilitation rate is minimal. Our Drug Courts are proving to be an effective alternative to traditional rehabilitation methods and are make strides forward in our fight against both drugs and crime.

In 1997, General McCaffrey and I had the opportunity to visit the Denver Drug Court. Through this experience I was able to meet with Denver's Drug Court professionals and observe their judicial procedures and other program activities first hand. I was impressed with the Denver Drug Court professionals and procedures, and believe they will yield many successes.

Today, as the chairman of the Treasury and General Government Appropriations Subcommittee, which funds the Office of National Drug Control Policy, I feel it is fitting to recognize on the floor of the U.S. Senate the important contributions our nation's Drug Court professionals are making toward reducing drug use and crime in our communities in time for National Drug Court Week.

Thank you Mr. President.●

TRIBUTE TO TIOGUE SCHOOL: 1999 U.S. DEPARTMENT OF EDUCATION BLUE RIBBON SCHOOL

● Mr. REED. Mr. President, I rise today to recognize the achievement of Tiogue School of Coventry, Rhode Island, which was recently honored as a U.S. Department of Education Blue Ribbon School. This is the second time in 3 years that a school from Coventry has earned this honor.

It is a highly regarded distinction to be named a Blue Ribbon School. Through an intensive selection process beginning at the state level and continuing through a federal Review Panel of 100 top educators, 266 of the very best public and private schools in the Nation were identified as deserving of this special recognition. These schools are particularly effective in meeting local, state, and national goals. However, this honor signifies not just who is best, but what works in educating today's children.

Now, more than ever, it is important that we make every effort to reach out to students, that we truly engage and challenge them, and that we make their education come alive. That is what Tiogue School is doing. Tiogue is a kindergarten through sixth grade school, which proudly says that it is a school ''where everybody is somebody'' and where children come first. These are more than just catch-phrases for Tiogue, which seeks to reach out to every student in the community and engages teachers, parents, and business and community leaders in the important job of education.

Teams of teachers work to develop appropriate but rigorous standards for all students. The results are impressive. Tiogue students have exceeded the norms on state assessments in each of the past five years. But Tiogue's teachers also work to develop a curriculum that extends far beyond what the assessments measure. Each year, the school focuses on a particular issue, subject, or theme. As a preface to the Summer Olympics, students studied world cultures with a focus on the diverse background of the student population. During another year, students studied the arts and worked to develop their skills as artists, writers, musicians, and dancers. This year, Tiogue is taking their education to another level with an exploration of outer space.

Mr. President, Tiogue School is dedicated to the highest standards. It is a school committed to a process of continuous improvement with a focus on high student achievement. Most importantly, Tiogue recognizes the value of the larger community and seeks its support and involvement. This school and community are making a huge difference in the lives of its students.

Mr. President, the Blue Ribbon School initiative shows us the very best we can do for students and the techniques that can be replicated in other schools to help all students succeed. I am proud to say that in Rhode Island we can look to a school like Tiogue School. Under the leadership of its principal, Denise Richtarik, its capable faculty, and its involved parents, Tiogue School will continue to be a shining example for years to come.●

93RD ANNIVERSARY OF THE BOYS AND GIRLS CLUBS OF AMERICA

● Mr. GRAMS. Mr. President, I rise today to pay tribute to the national Federated Boys Clubs, known today as the Boys and Girls Club of America.

Although the Boys Clubs were not organized nationally until 1906, origins of the club can be traced as far back as the mid-1800s. As early as 1853, a Club-like facility was established in New York City for the purpose of lodging newsboys. However, the first Boys Club, as we know it today, wasn't established until 1860. The Dashaway Club in Hartford, Connecticut is recognized as the first known Boys Club, which provided afterschool activities for children from disadvantaged homes.

Soon the idea of a shelter for youth to spend time during non-school hours caught on. These clubs offered a safe place for children to congregate and stay out of trouble. Rapidly, Boys Clubs sprouted up around the country. In the early years, the clubs were concentrated mostly in New England. By 1906, 53 separate Boys Clubs were in existence. It was decided that these clubs should somehow work collectively. On May 13, 1906, a group of businessmen and Boys Clubs representatives met to discuss the idea of a national federation. Thus, the Boys Clubs of America was born.

Although the clubs continue to operate autonomously, the national organization provides staff recruitment and training, program research, facility construction, fundraising, and marketing. In addition, the national club addresses legislative and public policy issues affecting young people. In 1956, the Boys Club celebrated its 50th anniversary and received a U.S. Congressional Charter. As more and more clubs were formed, the organization grew and began serving girls as well as boys. In 1990, the name was officially changed to the Boys and Girls Clubs of America. Today, there are over 2,200 clubs operating nationwide, serving over three million children. Minnesota is proud to be home to 21 Boys and Girls Clubs, serving 33,456 children.

The Boys and Girls Clubs provides hope, inspiration, and the opportunity for children to realize their full potential as citizens. These clubs provide guidance, support, and leadership, while encouraging youth to abstain from drugs and alcohol, strive for scholastic achievement, become involved in community service, develop personal talents such as music or art, and explore career opportunities. Dedicated volunteers have helped the Boys and Girls Clubs of America become a success.

Mr. President, on the 93rd anniversary of its founding, I applaud the hard work and dedication of the men, women and youth who have contributed to the success of the Boys and Girls Clubs of America. Through their persistence and encouragement, youth across the country have benefitted greatly.●

TRIBUTE TO 1998 AIR FORCE ACADEMY FOOTBALL TEAM

● Mr. ALLARD. Mr. President, I rise today to recognize the accomplishments of the 1998 United States Air Force Academy Football Team.

The 1998 ''Falcons'' may go down in history as one of the greatest football teams in Academy history. Their 12–1 record included their first outright Western Athletic Conference Championship, a bowl victory over the University of Washington, and the Commander-in-Chief's Trophy, which is the most prized possession of the three service academies.

This team of over-achieving young men was lead by their Head Football Coach Fisher DeBerry, and his assistant coaches Richard Bell, Todd Bynum, Dee Dowis, Dick Enga, Larry Fedora, Jimmy Hawkins, Jeff Hayes, Cal McCombs, Tom Miller, Bob Noblitt, Jappy Oliver, Chuck Peterson, and Sammy Steinmark. They are recognized as one of the finest coaching staffs in the country.

On offense, the team was lead by seniors Mike Barron, Joe Cashman, Spanky Gilliam, Ryan Hill, Frank Mindrup, Blane Morgan, James Nate, Dylan Newman, Matt Paroda, Brian Phillips, Barry Roche, Jemal Singleton, Matt Waszak, and Eric Woodring.

The defense was lead by seniors Tim Curry, Bryce Fisher, Billy Free, Jeff Haugh, Jason Sanderson, Mike Tyler, and Charlton Warren.

Special team seniors Jason Kirkland and Alex Wright took care of the punting and place kicking duties.

The most impressive thing about these outstanding young men is that following their graduation from the Academy they will all be moving on to serve our county as 2nd Lieutenants in the United States Air Force. They are true student athletes who play the game for the enjoyment of the sport. These young men are tremendous role models for the youth of our country, and our nation can take pride in their accomplishments.

I commend the Superintendent of the Air Force Academy, Lt. General Tad Oelstrom, and Athletic Director Randy Spetman for their leadership in development an outstanding group of young men. They clearly possess the ''right stuff.''●

A TRIBUTE TO TWO GREAT NAVAL HEROES

● Mr. ABRAHAM. Mr. President, I rise today to honor the wartime heroism and distinguished military service of Commander David H. McClintock and Captain Bladen D. Claggett, retired officers of the United States Navy. Few men have exhibited the degree of bravery shown by these two men during the Second World War. While fighting for the U.S. Navy, these men took part in the greatest naval battle of all time, Leyte Gulf. Their actions at this, the most substantial attack of the Pacific War, severely limited the Japanese fleet at Leyte Gulf and eventually led to a Japanese retreat from the area.

In October of 1944, Commander David H. McClintock of the U.S.S. *Darter* discovered the Japanese main fleet and fired the first shots of the Battle for Leyte Gulf sinking the Japanese Flagship *Atago*, and crippling the Japanese heavy cruiser *Takao*. Captain Bladen D. Claggett of the U.S.S. *Dace* was also involved in the battle engaging and sinking the Japanese heavy Cruiser *Maya*. In attempting to close on the crippled cruiser, the *Darter* ran aground. The *Darter*'s entire crew was rescued by the *Dace*, which ran the risk of grounding herself during the rescue.

The actions of these two brave men and their crews will be remembered forever, not only because of the heroics involved, but because they played a major role in preventing a disastrous defeat of the landing force at Leyte Gulf.

Today, I salute the captains and crews of the U.S.S. *Darter* and U.S.S. *Dace*. I commend Captain David H. McClintock and Captain Bladen D. Claggett for their distinguished careers and contributions to the United States of America. I extend my sincerest congratulations to Captain David H. McClintock and Captain Bladen D. Claggett, who will be present at a ground-breaking ceremony May 29th, 1999, to establish an exhibit to the Marquette Maritime Museum commemorating their most heroic deeds.●

TRIBUTE TO IDA KLAUS

● Mr. MOYNIHAN. Mr. President, just days ago Ida Klaus, properly described as a ''labor law pioneer,'' died at the age of 94. I had the great privilege of working with her in the Kennedy Administration in 1961 when she advised us on the development of Executive Order 10988, ''Employee-Management Cooperation in the Federal Service,'' a defining event in the history of federal employment. She was a brilliant person, warm and concerned for others in a way that made possible her great achievements.

Mr. President, I ask that her obituary from The New York Times of May 20, 1999 be printed in the RECORD.

The obituary follows:

IDA KLAUS, 94, LABOR LAWYER FOR U.S. AND NEW YORK, DIES

(By Nick Ravo)

Ida Klaus, a labor law pioneer who became a high-ranking New York City official in the 1950's and who wrote the law that gave city employees the right to bargain collectively, died on Monday at her home in Manhattan. She was 94.

Ms. Klaus was a lifelong labor advocate whose sympathy for the working classes was instilled in her by her mother. As a young child growing up in the Brownsville section of Brooklyn, she helped give free food from the family grocery to striking factory workers.

She organized her first union while still in her teens. She was one of three college women working as a waitress in the summer with several professional waiters at the Gross & Baum Hotel in Saratoga Springs, N.Y. One day, she heard that the hotel planned to lay off some of the waiters.

''I don't known where I got the nerve, but I said, 'Let's get together and have a meeting,' '' she said in a 1974 interview in The New York Times.

Ms. Klaus became the spokeswoman for the waiters and waitresses, and told the hotel management that if anyone was discharged, they would all go.

''At which point, Mr. Baum said he knew he shouldn't have hired college girls,'' she recalled. ''But he didn't fire anyone.''

Ms. Klaus's desire to become a lawyer also derived from the experience of watching her mother battle the court system for 10 years over her husband's estate.

But after graduating from Hunter College and, in 1925, from the Teachers Institute of Jewish Theological Seminary of America, now the Albert A. List College, she was denied admission to Columbia University Law School because she was a woman.

She taught Hebrew until 1928, when she was admitted to the law school with the first class to accept women. She received her law degree in 1931.

After graduation, Ms. Klaus worked as a review lawyer for the National Labor Relations Board in Washington. In 1948, she took the post of solicitor for the National Labor Relations Board, a position that made her the highest-ranking female lawyer in the Federal Government.

In 1954, she was hired as counsel to the New York City Department of Labor under Mayor Robert F. Wagner. She became known as the author of the so-called Little Wagner Act, the city version of the National Labor Relations Act of 1935, which recognized workers' rights to organize and bargain collectively through unions of their choosing. The Federal Wagner Act was named for the Mayor's father, Senator Robert F. Wagner.

She also wrote Mayor Wagner's executive order creating the first detailed code of labor relations for city employees.

''She is one of the pioneers and champions of bringing law and order into labor relations,'' said Robert S. Rifkin, a lawyer and longtime friend whose father, Simon H. Rifkin, was a law clerk for Ms. Klaus. ''She believed labor relations ought not to be under the rule of tooth and claw.''

Ms. Klaus briefly worked in the Kennedy Administration in 1961 as a consultant for the first labor relations task force for Federal employees.

She returned to New York in 1962 as director of staff relations for the Board of Education, where she negotiated what was reported to be the first citywide teachers' contract in the country.

She left in 1975 to become a private arbitrator. In 1980, President Jimmy Carter appointed her one of the three negotiators in the Long Island Rail Road strike.

Ms. Klaus, was born on Jan. 8, 1905, received Columbia Law School's Medal for excellence in 1996, and an honorary doctorate in 1994 from the Jewish Theological Seminary.

No close relatives survive.●

JUSTICE CLARENCE THOMAS: A GENTLEMAN OF PRINCIPLE

● Mr. HELMS. Mr. President, Monday morning I was delighted—and highly gratified—to find that the national media are finally catching up to a fact that many of us have known all along: The Honorable Mr. Justice Clarence Thomas is one of the brightest, most principled, and intellectually engaging member of the United States Supreme Court in a generation.

An article in Monday's The Washington Post headed ''After a Quiet Spell, Justice Finds Voice'' drew a profile of a Justice who refuses to subvert to his own personal views the plain meaning of statutes passed by Congress; a Justice who is committed to protecting our basic American political structure by respecting state sovereignty; and who exercises the patient to undertake the exhaustive historical research needed to ascertain the original intent of the Founding Fathers in framing our Constitution.

Clearly, Mr. President, Mr. Justice Thomas is a remarkable American—one who bears no resemblance to the often cruel and totally false caricatures his critics have attempted to create. I shall not catalogue or dwell upon the many injustices Mr. Justice Thomas has suffered at the hands of those who—for their own petty political purposes—have heaped abuse upon this fine man except to make this simple observation: Clarence Thomas has found the strength to serve his country and remain true to his principles in the face of viciously unfair personal criticism and his courage speaks volumes about the strength of his character.

Mr. President, I ask that the article from The Washington Post be printed in the RECORD.

The article follows:

[From the Washington Post, May 24, 1999]

AFTER A QUITE SPELL, JUSTICE FINDS VOICE—CONSERVATIVE THOMAS EMERGES FROM THE SHADOW OF SCALIA

(By Joan Biskupic)

He's been known by the company he's kept.

For the past eight years, Supreme Court Justice Clarence Thomas has walked in the shadow of Justice Antonin Scalia. The pair have voted together more than any other two justices, staking out the court's conservative flank but also inspiring criticism that Thomas is simply a ''clone'' or ''puppet'' of the forceful, fiery-tempered Scalia.

But increasingly, Thomas has been breaking from Scalia, taking pains to elaborate his own views and securing his position as the most conservative justice on the court.

So far this term, Thomas has more than doubled the number of opinions he has written to explain his individual rationale, compared with the two previous terms. And even though the most controversial, divisive cases of the term are yet to be announced, Thomas already has voted differently from Scalia in several significant disputes, including last week's case on welfare payments for residents new to a state and an earlier case on how public schools must treat disabled children. Through these and other opinions, a more complex portrait is emerging of the court's second black justice, who had been best known among the public for the sexual harassment accusations made against him during his 1991 confirmation hearings.

''I think Thomas has turned out to be a much more interesting justice than his critics and probably even his supporters expected,'' said Cass R. Sunstein, a University of Chicago law professor. ''He is the strongest originalist on the court, more willing to go back to history and 'first principles' of the Constitution.''

''People in conservative legal circles are definitely noticing that Thomas has found his voice,'' said Daniel E. Troy, a District lawyer and protege of former conservative judge Robert H. Bork. ''He is more willing to strike out on his own.''

This term offers new evidence of Thomas's independent thinking. Of the 45 decisions handed down so far (31 still remain), Thomas has differed from Scalia in the bottom-line ruling of five, and in five other cases he has been on the same side as Scalia but has offered a separate rationale. It's a substantial departure from their previous pattern: Since 1991, Thomas and Scalia have voted together about 90 percent of the time. As recently as two years ago, the two voted together in all but one case.

For years, the reputations and practices of the two men have helped feed the widespread impression that Thomas was content to follow Scalia's lead. Scalia, a former law professor at the University of Chicago and a longtime judge, was already known for his narrow textualist reading of the Constitution and federal statutes when he joined the high court in 1986. His creative, aggressive approach inspired an admiring appeals court judge to call Scalia a ''giant flywheel in the great judicial machine.''

Thomas, meanwhile, had little reputation as a scholar when he joined the court in 1991. He had worked in the federal bureaucracy for nearly a decade, becoming prominent as chairman of the Equal Employment Opportunity Commission. His conservatism, which included opposition to affirmative action programs, was viewed mostly in political terms.

These impressions were reinforced by the two justices' behavior at the high court. Scalia, the first Italian American justice, is a stylist of the first order, with a sharp, sardonic edge. Last year, for example, when he rejected a legal standard used by the majority, he took a page from Cole Porter, saying: ''Today's opinion resuscitates the ne plus ultra, the Napoleon Brandy, the Mahatma Ghandi, the Celophane of subjectivity, th' ol' shocks-the-conscience' test. In another case, he said, ''I join the opinion of the court except that portion which takes seriously, and thus encourages in the future, an argument that should be laughed out of court.''

Thomas, by contrast, was quiet in his early years, rarely speaking during oral arguments and writing few of his own concurring or dissenting opinions. He let Scalia hold the pen: Whatever their joint views, Scalia, 63, tended to write them up. Thomas, 50, merely signed on. Legal scholars on both the right and left publicly criticized Thomas as a pawn.

Now, however, Thomas is showing an increased willingness to express himself, speaking before broader audiences and writing more of his own opinions.

Thomas and Scalia are still very like-minded justices. More than the other conservative members of the Rehnquist Court,

they believe the Constitution should be interpreted by looking at its exact words and establishing the intentions of the men who wrote it. They are unwilling to read into a statute anything not explicitly stated. They want the government—particularly the federal government—to get out of people's lives.

But Thomas is becoming the more consistent standard-bearer of this brand of conservatism. He would go further than Scalia in overturning past court rulings that he believes conflict with the Constitution. And he is more likely than Scalia to delve into legal history predating the writing of the Constitution in 1787 and more inclined to reject recent case law.

In last week's welfare case, for example, Thomas began by tracing a core constitutional provision from the 1606 Charter of Virginia: ''Unlike the majority, I would look to history to ascertain the original meaning of the Clause,'' he wrote. While Scalia signed onto the majority opinion striking down limited welfare benefits for residents newly arrived in a state, Thomas and Chief Justice William H. Rehnquist dissented. Thomas wrote that the majority was wrongly interpreting the 14th Amendment's Privileges or Immunities Clause, raising ''the specter that the . . . Clause will become yet another convenient tool for inventing new rights, limited solely by the predilections of those who happen at the time to be members of this court.''

Thomas has also distinguished himself from Scalia by seeking more strongly to buttress state authority. He has emphasized that the Constitution's authority flows from ''the consent of the people of each individual state, not the consent of the undifferentiated people of the nation as a whole.''

This accent on states' rights was evident in a case earlier this term when only Thomas fully dissented from a voting rights decision that he believed too broadly interpreted a federal law targeting discrimination at the polls. ''The section's interference with state sovereignty is quite drastic,'' he complained.

In another example of Thomas's narrower reading of federal law, he and Scalia were on opposite sides when the court interpreted a statute intended to guarantee equal educational opportunities for disabled schoolchildren. Scalia voted with the majority in the March case to find that the federal disabilities law requires public schools to provide a wide variety of medical care for children with severe handicaps.

Thomas dissented with Justice Anthony M. Kennedy. ''Congress enacted [the law] to increase the educational opportunities available to disabled children, not to provide medical care for them,'' Thomas wrote. ''[W]e must . . . avoid saddling the states with obligations that they did not anticipate.''

Because Scalia did not write separately in any of those three recent cases—on welfare, voting rights and disabled children—it is impossible to compare directly his thinking with Thomas's. But differences between the two were visible when they both dissented from an April ruling that said defendants who plead guilty do not lose their right to remain silent during a sentencing hearing and that judges cannot use their silence against them. Scalia wrote the main opinion for the four dissenting justices, attempting to discredit the case law on which the majority relied. But Thomas also wrote a separate opinion that went still further, suggesting that an earlier case should be overturned altogether. The ''so-called penalty'' of having one's silence used adversely, Thomas wrote, ''lacks any constitutional significance.''

Some legal experts observe that Thomas's willingness to give voice to his solitary views recalls Rehnquist's position on the court in the 1970s and Scalia's in the late 1980s, before Thomas came on. He's at a point, said Troy and other observers, where he is comfortable enough to express his singular views but not so frustrated with writing alone that he is prepared to compromise.

''Thomas comes to it more as an outsider,'' said Alan Meese, a William and Mary law professor, who has followed the writings of Scalia and Thomas. ''He probably says when he looks at [an earlier ruling], 'My God, we said that? That's loony.' ''

Mr. HELMS. Mr. President, it is abundantly clear that more judges like Clarence Thomas on the Supreme Court * * *. As further proof, I offer the disastrous decision of the Supreme Court—from which Justice Thomas sensibly dissented—in the case of Davis v. Monroe County School Board. By a 5–4 margin, the Supreme Court held that public schools can be held liable under federal law for failing to stop so-called sexual harassment on the part of school children.

Exactly what constitutes sexual harassment on the part of children is not defined by the Court, Mr. President. Moreover, what constitutes the vague ''deliberate indifference'' standard that public school administrators must now avoid is anyone's guess. The meaning will no doubt be haggled over in countless frivolous lawsuits in federal court that will impose unnecessary financial costs on beleaguered school districts.

As the cacophony countless exhortations to spend ever-increasing amounts of money on federal education programs continue, Mr. President, should we not also address the financial problems federal laws cause to local school boards in our increasingly litigious society? For if more distinguished judges like Clarence Thomas are not present to rein in lawsuit-happy interest groups (e.g. the National Women's Law Center, which brought this case in the first place), we will find even the most trivial aspects of children's regrettable but predictable boorishness regulated by federal judges.

Playground teasing and immature behavior does not require a federal lawsuit, Mr. President; it may require a good spanking. Unfortunately, we often find that reasonable discipline measures result in legal action as well. Pity the taxpayer who pays the bill, Mr. President—and pity the students and teachers who must navigate this baffling legal minefield.

So thank Heaven for Clarence Thomas, who is doing his level best to hold the line against foolish decisions. We must hope the Senate will soon act to rectify the devastating financial effects frivolous lawsuits are imposing on school boards and local taxpayers across the country.●

VIOLENT AND REPEAT JUVENILE ACCOUNTABILITY AND REHABILITATION ACT OF 1999

On May 20, 1999, the Senate passed S. 254, the Violent and Repeat Juvenile Accountability and Rehabilitation Act of 1999. The text of the bill follows:

S. 254

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) at the outset of the 20th century, the States adopted a separate justice system for juvenile offenders;

(2) violent crimes committed by juveniles, such as homicide, rape, and robbery, were an unknown phenomenon then, but the rate at which juveniles commit such crimes has escalated astronomically since that time;

(3) in 1994—

(A) the number of persons arrested overall for murder in the United States decreased by 5.8 percent, but the number of persons who are less than 15 years of age arrested for murder increased by 4 percent; and

(B) the number of persons arrested for all violent crimes increased by 1.3 percent, but the number of persons who are less than 15 years of age arrested for violent crimes increased by 9.2 percent, and the number of persons less than 18 years of age arrested for such crimes increased by 6.5 percent;

(4) from 1985 to 1996, the number of persons arrested for all violent crimes increased by 52.3 percent, but the number of persons under age 18 arrested for violent crimes rose by 75 percent;

(5) the number of juvenile offenders is expected to undergo a massive increase during the first 2 decades of the twenty-first century, culminating in an unprecedented number of violent offenders who are less than 18 years of age;

(6) the rehabilitative model of sentencing for juveniles, which Congress rejected for adult offenders when Congress enacted the Sentencing Reform Act of 1984, is inadequate and inappropriate for dealing with many violent and repeat juvenile offenders;

(7) the Federal Government should encourage the States to experiment with progressive solutions to the escalating problem of juveniles who commit violent crimes and who are repeat offenders, including prosecuting such offenders as adults, but should not impose specific strategies or programs on the States;

(8) an effective strategy for reducing violent juvenile crime requires greater collection of investigative data and other information, such as fingerprints and DNA evidence, as well as greater sharing of such information—

(A) among Federal, State, and local agencies, including the courts; and

(B) among the law enforcement, educational, and social service systems;

(9) data regarding violent juvenile offenders should be made available to the adult criminal justice system if recidivism by criminals is to be addressed adequately;

(10) holding juvenile proceedings in secret denies victims of crime the opportunity to attend and be heard at such proceedings, helps juvenile offenders to avoid accountability for their actions, and shields juvenile proceedings from public scrutiny and accountability;

(11) the injuries and losses suffered by the victims of violent crime are no less painful or devastating because the offender is a juvenile; and

(12) the prevention, investigation, prosecution, adjudication, and punishment of criminal offenses committed by juveniles, and the rehabilitation and correction of juvenile offenders are, and should remain, primarily the responsibility of the States, to be carried out without interference from the Federal Government.

(b) PURPOSES.—The purposes of this Act are—

(1) to reform Federal juvenile justice programs and policies in order to promote the emergence of juvenile justice systems in which the paramount concerns are providing for the safety of the public and holding juvenile wrongdoers accountable for their actions, while providing the wrongdoer a genuine opportunity for self-reform;

(2) to revise the procedures in Federal court that are applicable to the prosecution of juvenile offenders; and

(3) to encourage and promote, consistent with the ideals of federalism, adoption of policies by the States to ensure that the victims of violent crimes committed by juveniles receive the same level of justice as do victims of violent crimes that are committed by adults.

SEC. 3. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

TITLE I—JUVENILE JUSTICE REFORM

SEC. 101. SURRENDER TO STATE AUTHORITIES.

Section 5001 of title 18, United States Code, is amended by striking the first undesignated paragraph and inserting the following:

''Whenever any person who is less than 18 years of age is been arrested and charged with the commission of an offense (or an act of delinquency that would be an offense were it committed by an adult) punishable in any court of the United States or of the District of Columbia, the United States Attorney for the district in which such person has been arrested may forego prosecution pursuant to section 5032(a)(2) if, after investigation by the United States Attorney, it appears that—

''(1) such person has committed an act that is also an offense or an act of delinquency under the law of any State or the District of Columbia;

''(2) such State or the District of Columbia, as applicable, can and will assume jurisdiction over such juvenile and will take such juvenile into custody and deal with the juvenile in accordance with the law of such State or the District of Columbia, as applicable; and

''(3) it is in the best interests of the United States and of the juvenile offender.''.

SEC. 102. TREATMENT OF FEDERAL JUVENILE OFFENDERS.

(a) IN GENERAL.—Section 5032 of title 18, United States Code, is amended to read as follows:

''§ 5032. Delinquency proceedings in district courts; juveniles tried as adults; transfer for other criminal prosecution

''(a) IN GENERAL.—

''(1) DELINQUENCY PROCEEDINGS IN DISTRICT COURTS.—A juvenile who is alleged to have committed a Federal offense shall, except as provided in paragraph (2), be tried in the appropriate district court of the United States—

''(A) in the case of an offense described in subsection (c), and except as provided in subsection (i), if the juvenile was not less than 14 years of age at the time of the offense, as an adult at the discretion of the United States Attorney in the appropriate jurisdiction, upon certification by that United States Attorney (which certification shall not be subject to review in or by any court, except as provided in subsection (d)(2)) that—

''(i) there is a substantial Federal interest in the case or the offense to warrant the exercise of Federal jurisdiction; or

''(ii) the ends of justice otherwise so require;

''(B) in the case of a felony offense that is not described in subsection (c), and except as provided in subsection (i), if the juvenile was not less than 14 years of age at the time of the offense, as an adult, upon certification by the Attorney General (which certification shall not be subject to review in or by any court, except as provided in subsection (d)(2)) that—

''(i) there is a substantial Federal interest in the case or the offense to warrant the exercise of Federal jurisdiction; or

''(ii) the ends of justice otherwise so require;

''(C) in the case of a juvenile who has, on a prior occasion, been tried and convicted as an adult under this section, as an adult; and

''(D) in all other cases, as a juvenile.

''(2) REFERRAL BY UNITED STATES ATTORNEY; APPLICATION TO CONCURRENT JURISDICTION.—

''(A) IN GENERAL.—If the United States Attorney in the appropriate jurisdiction (or in the case of an offense under paragraph (1)(B), the Attorney General), declines prosecution of an offense under this section, the matter may be referred to the appropriate legal authorities of the State or Indian tribe with jurisdiction over both the offense and the juvenile.

''(B) APPLICATION TO CONCURRENT JURISDICTION.—The United States Attorney in the appropriate jurisdiction (or, in the case of an offense under paragraph (1)(B), the Attorney General), in cases in which both the Federal Government and a State or Indian tribe have penal provisions that criminalize the conduct at issue and both have jurisdiction over the juvenile, shall exercise a presumption in favor of referral pursuant to subparagraph (A), unless the United States Attorney pursuant to paragraph (1)(A) (or the Attorney General pursuant to paragraph (1)(B)) certifies (which certification shall not be subject to review in or by any court) that—

''(i) the prosecuting authority or the juvenile court or other appropriate court of the State or Indian tribe refuses, declines, or will refuse or will decline to assume jurisdiction over the conduct or the juvenile; and

''(ii) there is a substantial Federal interest in the case or the offense to warrant the exercise of Federal jurisdiction.

''(C) DEFINITION.—In this subsection, the term 'Indian tribe' has the meaning given the term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

''(b) JOINDER; LESSER INCLUDED OFFENSES.—In a prosecution under this section, a juvenile may be prosecuted and convicted as an adult for any offense that is properly joined under the Federal Rules of Criminal Procedure with an offense described in subsection (c), and may also be convicted of a lesser included offense.

''(c) OFFENSES DESCRIBED.—An offense is described in this subsection if it is a Federal offense that—

''(1) is a serious violent felony or a serious drug offense (as those terms are defined in section 3559(c), except that section 3559(c)(3) does not apply to this subsection); or

''(2) is a conspiracy or an attempt to commit an offense described in paragraph (1).

''(d) WAIVER TO JUVENILE STATUS IN CERTAIN CASES; LIMITATIONS ON JUDICIAL REVIEW.—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, a determination to approve or not to approve, or to institute or not to institute, a prosecution under subsection (a)(1) shall not be reviewable in any court.

''(2) DETERMINATION BY COURT ON TRIAL AS ADULT OF CERTAIN JUVENILE.—In any prosecution of a juvenile under subsection (a)(1)(A) if the juvenile was less than 16 years of age at the time of the offense, or under subsection (a)(1)(B), upon motion of the defendant and after a hearing, the court in which criminal charges have been filed shall determine whether to issue an order to provide for the transfer of the defendant to juvenile status for the purposes of proceeding against the defendant or for referral under subsection (a).

''(3) TIME REQUIREMENTS.—A motion by a defendant under paragraph (2) shall not be considered unless that motion is filed not later than 30 days after the date on which the defendant—

''(A) appears through counsel to answer an indictment; or

''(B) expressly waives the right to counsel and elects to proceed pro se.

''(4) PROHIBITION.—The court shall not order the transfer of a defendant to juvenile status under paragraph (2) unless the defendant establishes by a preponderance of the evidence or information that removal to juvenile status would be in the interest of justice. In making a determination under paragraph (2), the court may consider—

''(A) the nature of the alleged offense, including the extent to which the juvenile played a leadership role in an organization, or otherwise influenced other persons to take part in criminal activities;

''(B) whether prosecution of the juvenile as an adult is necessary to protect property or public safety;

''(C) the age and social background of the juvenile;

''(D) the extent and nature of the prior criminal or delinquency record of the juvenile;

''(E) the intellectual development and psychological maturity of the juvenile;

''(F) the nature of any treatment efforts and the response of the juvenile to those efforts; and

''(G) the availability of programs designed to treat any identified behavioral problems of the juvenile.

''(5) STATUS OF ORDERS.—

''(A) IN GENERAL.—An order of the court made in ruling on a motion by a defendant to transfer a defendant to juvenile status under this subsection shall not be a final order for the purpose of enabling an appeal, except that an appeal by the United States shall lie to a court of appeals pursuant to section 3731 from an order of a district court removing a defendant to juvenile status.

''(B) APPEALS.—Upon receipt of a notice of appeal of an order under this paragraph, a court of appeals shall hear and determine the appeal on an expedited basis.

''(6) INADMISSIBILITY OF EVIDENCE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), no statement made by a defendant during or in connection with a hearing under this subsection shall be admissible against the defendant in any criminal prosecution.

''(B) EXCEPTIONS.—The prohibition under subparagraph (A) shall apply, except—

''(i) for impeachment purposes; or

''(ii) in a prosecution for perjury or giving a false statement.

''(7) RULES.—The rules concerning the receipt and admissibility of evidence under this subsection shall be the same as prescribed in section 3142(f).

''(e) APPLICABLE PROCEDURES.—Any prosecution in a district court of the United States under this section—

''(1) in the case of a juvenile tried as an adult under subsection (a), shall proceed in the same manner as is required by this title and by the Federal Rules of Criminal Procedure in any proceeding against an adult; and

''(2) in all other cases, shall proceed in accordance with this chapter, unless the juvenile has requested in writing, upon advice of counsel, to be proceeded against as an adult.

''(f) APPLICATION OF LAWS.—

''(1) APPLICABILITY OF SENTENCING PROVISIONS.—

''(A) IN GENERAL.—Except as otherwise provided in this chapter, and subject to subparagraph (C) of this paragraph, in any case in which a juvenile is prosecuted in a district court of the United States as an adult, the juvenile shall be subject to the same laws, rules, and proceedings regarding sentencing (including the availability of probation, restitution, fines, forfeiture, imprisonment, and supervised release) that would be applicable in the case of an adult, except that no person shall be subject to the death penalty for an offense committed before the person attains the age of 18 years.

''(B) STATUS AS ADULT.—No juvenile sentenced to a term of imprisonment shall be released from custody on the basis that the juvenile has attained the age of 18 years.

''(C) APPLICABLE GUIDELINES.—Each juvenile tried as an adult shall be sentenced in accordance with the Federal sentencing guidelines promulgated under section 994(z) of title 28, United States Code, once such guidelines are promulgated and take effect.

''(2) APPLICABILITY OF MANDATORY RESTITUTION PROVISIONS TO CERTAIN JUVENILES.—If a juvenile is tried as an adult for any offense to which the mandatory restitution provisions of sections 3663A, 2248, 2259, 2264, and 2323 apply, those sections shall apply to that juvenile in the same manner and to the same extent as those provisions apply to adults.

''(g) OPEN PROCEEDINGS.—

''(1) IN GENERAL.—Any offense tried or adjudicated in a district court of the United States under this section shall be open to the general public, in accordance with rules 10, 26, 31(a), and 53 of the Federal Rules of Criminal Procedure, unless good cause is established by the moving party or is otherwise found by the court, for closure.

''(2) STATUS ALONE INSUFFICIENT.—The status of the defendant as a juvenile, absent other factors, shall not constitute good cause for purposes of this subsection.

''(h) AVAILABILITY OF RECORDS.—

''(1) IN GENERAL.—In making a determination concerning the arrest or prosecution of a juvenile in a district court of the United States under this section, the United States Attorney of the appropriate jurisdiction, or, as appropriate, the Attorney General, shall have complete access to the prior Federal juvenile records of the subject juvenile and, to the extent permitted by State law, the prior State juvenile records of the subject juvenile.

''(2) CONSIDERATION OF ENTIRE RECORD.—In any case in which a juvenile is found guilty or adjudicated delinquent in an action under this section, the district court responsible for imposing sentence shall have complete access to the prior Federal juvenile records of the subject juvenile and, to the extent permitted under State law, the prior State juvenile records of the subject juvenile. At sentencing, the district court shall consider the entire available prior juvenile record of the subject juvenile.

''(i) APPLICATION TO INDIAN COUNTRY.—Notwithstanding sections 1152 and 1153, certification under subparagraph (A) or (B) of subsection (a)(1) shall not be made nor granted with respect to a juvenile who is subject to the criminal jurisdiction of an Indian tribal government if the juvenile is less than 15 years of age at the time of offense and is alleged to have committed an offense for which there would be Federal jurisdiction based solely on commission of the offense in Indian country (as defined in section 1151), unless the governing body of the tribe having jurisdiction over the place where the alleged offense was committed has, before the occurrence of the alleged offense, notified the Attorney General in writing of its election that prosecution as an adult may take place under this section.''.

(b) CONFORMING AMENDMENTS.—

(1) CHAPTER ANALYSIS.—The analysis for chapter 403 of title 18, United States Code, is amended by striking the item relating to section 5032 and inserting the following:

''5032. Delinquency proceedings in district courts; juveniles tried as adults; transfer for other criminal prosecution.''.

(2) ADULT SENTENCING.—Section 3553 of title 18, United States Code, is amended by adding at the end the following:

''(g) LIMITATION ON APPLICABILITY OF STATUTORY MINIMUMS IN CERTAIN PROSECUTIONS OF PERSONS YOUNGER THAN 16.—Notwithstanding any other provision of law, in the case of a defendant convicted for conduct that occurred before the juvenile attained the age of 16 years, the court shall impose a sentence without regard to any statutory minimum sentence, if the court finds at sentencing, after affording the Government an opportunity to make a recommendation, that the juvenile has not been previously adjudicated delinquent for, or convicted of, a serious violent felony or a serious drug offense (as those terms are defined in section 3559(c)).

''(h) TREATMENT OF JUVENILE CRIMINAL HISTORY IN FEDERAL SENTENCING.—

''(1) IN GENERAL.—

''(A) SENTENCING GUIDELINES.—Pursuant to its authority under section 994 of title 28, the United States Sentencing Commission (referred to in this subsection as the 'Commission') shall amend the Federal sentencing guidelines to provide that, in determining the criminal history score under the Federal sentencing guidelines for any adult offender or any juvenile offender being sentenced as an adult, prior juvenile convictions and adjudications for offenses described in paragraph (2) shall receive a score similar to that which the defendant would have received if those offenses had been committed by the defendant as an adult, if any portion of the sentence for the offense was imposed or served within 15 years after the commencement of the instant offense.

''(B) REVIEWS.—The Commission shall review the criminal history treatment of juvenile adjudications or convictions for offenses other than those described in paragraph (2) to determine whether the treatment should be adjusted as described in subparagraph (A), and make any amendments to the Federal sentencing guidelines as necessary to make whatever adjustments the Commission concludes are necessary to implement the results of the review.

''(2) OFFENSES DESCRIBED.—The offenses described in this paragraph include any—

''(A) crime of violence;

''(B) controlled substance offense;

''(C) other offense for which the defendant received a sentence or disposition of imprisonment of 1 year or more; and

''(D) other offense punishable by a term of imprisonment of more than 1 year for which the defendant was prosecuted as an adult.

''(3) DEFINITIONS.—The Federal sentencing guidelines described in paragraph (1) shall define the terms 'crime of violence' and 'controlled substance offense' in substantially the same manner as those terms are defined in Guideline Section 4B1.2 of the November 1, 1995, Guidelines Manual.

''(4) JUVENILE ADJUDICATIONS.—In carrying out this subsection, the Commission—

''(A) shall assign criminal history points for juvenile adjudications based principally on the nature of the acts committed by the juvenile; an

''(B) may provide for some adjustment of the score in light of the length of sentence the juvenile received.

''(5) EMERGENCY AUTHORITY.—The Commission shall promulgate the Federal sentencing guidelines and amendments under this subsection as soon as practicable, and in any event not later than 90 days after the date of enactment of the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999, in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that authority had not expired, except that the Commission shall submit to Congress the emergency guidelines or amendments promulgated under this section, and shall set an effective date for those guidelines or amendments not earlier than 30 days after their submission to Congress.

''(6) CAREER OFFENDER DETERMINATION.—Pursuant to its authority under section 994 of title 28, the Commission shall amend the Federal sentencing guidelines to provide for inclusion, in any determination regarding whether a juvenile or adult defendant is a career offender under section 994(h) of title 28, and any computation of the sentence that any defendant found to be a career offender should receive, of any act for which the defendant was previously convicted or adjudicated delinquent as a juvenile that would be a felony covered by that section if it had been committed by the defendant as an adult.''.

SEC. 103. DEFINITIONS.

Section 5031 of title 18, United States Code, is amended to read as follows:

''§ 5031. Definitions

''In this chapter:

''(1) ADULT INMATE.—The term 'adult inmate' means an individual who has attained the age of 18 years and who is in custody for, awaiting trial on, or convicted of criminal charges committed while an adult or an act of juvenile delinquency committed while a juvenile.

''(2) JUVENILE.—The term 'juvenile' means—

''(A) a person who has not attained the age of 18 years; or

''(B) for the purpose of proceedings and disposition under this chapter for an alleged act of juvenile delinquency, a person who has not attained the age of 21 years.

''(3) JUVENILE DELINQUENCY.—The term 'juvenile delinquency' means the violation of a law of the United States committed by a person before the eighteenth birthday of that person, if the violation—

''(A) would have been a crime if committed by an adult; or

''(B) is a violation of section 922(x).

''(4) PROHIBITED PHYSICAL CONTACT.—

''(A) IN GENERAL.—The term 'prohibited physical contact' means—

''(i) any physical contact between a juvenile and an adult inmate; and

''(ii) proximity that provides an opportunity for physical contact between a juvenile and an adult inmate.

''(B) EXCLUSION.—The term does not include supervised proximity between a juvenile and an adult inmate that is brief and inadvertent, or accidental, in secure areas of a facility that are not dedicated to use by juvenile offenders and that are nonresidential, which may include dining, recreational, educational, vocational, health care, entry areas, and passageways.

''(5) SUSTAINED ORAL COMMUNICATION.—

''(A) IN GENERAL.—The term 'sustained oral communication' means the imparting or interchange of speech by or between a juvenile and an adult inmate.

''(B) EXCEPTION.—The term does not include—

''(i) communication that is accidental or incidental; or

''(ii) sounds or noises that cannot reasonably be considered to be speech.

''(6) STATE.—The term 'State' includes a State of the United States, the District of Columbia, any commonwealth, territory, or possession of the United States and, with regard to an act of juvenile delinquency that would have been a misdemeanor if committed by an adult, an Indian tribe (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 4506(e))).

''(7) VIOLENT JUVENILE.—The term 'violent juvenile' means any juvenile who is alleged to have committed, has been adjudicated delinquent for, or has been convicted of an offense that, if committed by an adult, would be a crime of violence (as defined in section 16).''.

SEC. 104. NOTIFICATION AFTER ARREST.

Section 5033 of title 18, United States Code, is amended—

(1) in the first sentence, by striking ''immediately notify the Attorney General and'' and inserting the following: ''immediately, or as soon as practicable thereafter, notify the United States Attorney of the appropriate jurisdiction and shall promptly take reasonable steps to notify''; and

(2) in the second sentence of the second undesignated paragraph, by inserting before the period at the end the following: '', and the juvenile shall not be subject to detention under conditions that permit prohibited physical contact with adult inmates or in which the juvenile and an adult inmate can engage in sustained oral communication''.

SEC. 105. RELEASE AND DETENTION PRIOR TO DISPOSITION.

(a) DUTIES OF MAGISTRATE.—Section 5034 of title 18, United States Code, is amended—

(1) by striking ''The magistrate shall insure'' and inserting the following:

''(a) IN GENERAL.—

''(1) REPRESENTATION BY COUNSEL.—The magistrate shall ensure'';

(2) by striking ''The magistrate may appoint'' and inserting the following:

''(2) GUARDIAN AD LITEM.—The magistrate may appoint'';

(3) by striking ''If the juvenile'' and inserting the following:

''(b) RELEASE PRIOR TO DISPOSITION.—Except as provided in subsection (c), if the juvenile''; and

(4) by adding at the end the following:

''(c) RELEASE OF CERTAIN JUVENILES.—A juvenile who is to be tried as an adult pursuant to section 5032 shall be released pending trial only in accordance with the applicable provisions of chapter 207. The release shall be conducted in the same manner and shall be subject to the same terms, conditions, and sanctions for violation of a release condition as provided for an adult under chapter 207.

''(d) PENALTY FOR AN OFFENSE COMMITTED WHILE ON RELEASE.—

''(1) IN GENERAL.—A juvenile alleged to have committed, while on release under this section, an offense that, if committed by an adult, would be a Federal criminal offense, shall be subject to prosecution under section 5032.

''(2) APPLICABILITY OF CERTAIN PENALTIES.—Section 3147 shall apply to a juvenile who is to be tried as an adult pursuant to section 5032 for an offense committed while on release under this section.''.

(b) DETENTION PRIOR TO DISPOSITION.—Section 5035 of title 18, United States Code, is amended—

(1) by striking ''A juvenile'' and inserting the following:

''(a) IN GENERAL.—Except as provided in subsection (b), a juvenile'';

(2) in subsection (a), as redesignated—

(A) in the third sentence, by striking ''regular contact'' and inserting ''prohibited physical contact or sustained oral communication''; and

(B) after the fourth sentence, by inserting the following: ''To the extent practicable, violent juveniles shall be kept separate from nonviolent juveniles.''; and

(3) by adding at the end the following:

''(b) DETENTION OF CERTAIN JUVENILES.—

''(1) IN GENERAL.—A juvenile who is to be tried as an adult pursuant to section 5032 shall be subject to detention in accordance

with chapter 207 in the same manner, to the same extent, and subject to the same terms and conditions as an adult would be subject to under that chapter.

''(2) EXCEPTION.—A juvenile shall not be detained or confined in any institution in which the juvenile has prohibited physical contact or sustained oral communication with adult inmates. To the extent practicable, violent juveniles shall be kept separate from nonviolent juveniles.''.

SEC. 106. SPEEDY TRIAL.

Section 5036 of title 18, United States Code, is amended—

(1) by inserting ''who is to be proceeded against as a juvenile pursuant to section 5032 and'' after ''If an alleged delinquent'';

(2) by striking ''thirty'' and inserting ''70''; and

(3) by striking ''the court,'' and all that follows through the end of the section and inserting the following: ''the court. The periods of exclusion under section 3161(h) shall apply to this section. In determining whether an information should be dismissed with or without prejudice, the court shall consider the seriousness of the alleged act of juvenile delinquency, the facts and circumstances of the case that led to the dismissal, and the impact of a reprosecution on the administration of justice.''.

SEC. 107. DISPOSITIONAL HEARINGS.

Section 5037 of title 18, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—

''(1) DISPOSITIONAL HEARING.—

''(A) IN GENERAL.—In a proceeding under section 5032(a)(1)(D), if the court finds a juvenile to be a juvenile delinquent, the court shall hold a hearing concerning the appropriate disposition of the juvenile not later than 40 court days after the finding of juvenile delinquency, unless the court has ordered further study pursuant to subsection (e).

''(B) PREDISPOSITION REPORT.—A predisposition report shall be prepared by the probation officer, who shall promptly provide a copy to the juvenile, the juvenile's counsel, and the attorney for the Government. Victim impact information shall be included in the predisposition report, and victims or, in appropriate cases, their official representatives, shall be provided the opportunity to make a statement to the court in person or to present any information in relation to the disposition.

''(2) ACTIONS OF COURT AFTER HEARING.—After a dispositional hearing under paragraph (1), after considering any pertinent policy statements promulgated by the United States Sentencing Commission pursuant to section 994 of title 28, and in conformance with any guidelines promulgated by the United States Sentencing Commission pursuant to section 994(z)(1)(B) of title 28, the court shall—

''(A) place the juvenile on probation or commit the juvenile to official detention (including the possibility of a term of supervised release), and impose any fine that would be authorized if the juvenile had been tried and convicted as an adult; and

''(B) enter an order of restitution pursuant to section 3663.'';

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by inserting ''or supervised release'' after ''probation'';

(B) by striking ''extend—'' and all that follows through ''The provisions'' and inserting the following: ''extend, in the case of a juvenile, beyond the maximum term of probation that would be authorized by section 3561, or beyond the maximum term of supervised release authorized by section 3583, if the juvenile had been tried and convicted as an adult. The provisions dealing with supervised release set forth in section 3583 and the provisions''; and

(C) in the last sentence, by inserting ''or supervised release'' after ''on probation''; and

(3) in subsection (c), by striking ''may not extend—'' and all that follows through ''Section 3624'' and inserting the following: ''may not extend beyond the earlier of the 26th birthday of the juvenile or the termination date of the maximum term of imprisonment, exclusive of any term of supervised release, that would be authorized if the juvenile had been tried and convicted as an adult. No juvenile sentenced to a term of imprisonment shall be released from custody simply because the juvenile attains the age of 18 years. Section 3624''.

SEC. 108. USE OF JUVENILE RECORDS.

Section 5038 of title 18, United States Code, is amended to read as follows:

''§ 5038. Use of juvenile records

''(a) IN GENERAL.—Throughout a juvenile delinquency proceeding under section 5032 or 5037, the records of such proceeding shall be safeguarded from disclosure to unauthorized persons, and shall only be released to the extent necessary for purposes of—

''(1) compliance with section 5032(h);

''(2) docketing and processing by the court;

''(3) responding to an inquiry received from another court of law;

''(4) responding to an inquiry from an agency preparing a presentence report for another court;

''(5) responding to an inquiry from a law enforcement agency, if the request for information is related to the investigation of a crime or a position within that agency or analysis requested by the Attorney General;

''(6) responding to a written inquiry from the director of a treatment agency or the director of a facility to which the juvenile has been committed by the court;

''(7) responding to an inquiry from an agency considering the person for a position immediately and directly affecting national security;

''(8) responding to an inquiry from any victim of such juvenile delinquency or, if the victim is deceased, from a member of the immediate family of the victim, related to the final disposition of such juvenile by the court in accordance with section 5032 or 5037, as applicable; and

''(9) communicating with a victim of such juvenile delinquency or, in appropriate cases, with the official representative of a victim, in order to—

''(A) apprise the victim or representative of the status or disposition of the proceeding;

''(B) effectuate any other provision of law; or

''(C) assist in the allocution at disposition of the victim or the representative of the victim.

''(b) RECORDS OF ADJUDICATION.—

''(1) TRANSMISSION TO FBI.—Upon an adjudication of delinquency under section 5032 or 5037, the court shall transmit to the Director of the Federal Bureau of Investigation a record of such adjudication.

''(2) MAINTAINING RECORDS.—The Director of the Federal Bureau of Investigation shall maintain, in the central repository of the Federal Bureau of Investigation, in accordance with the established practices and policies relating to adult criminal history records of the Federal Bureau of Investigation—

''(A) a fingerprint supported record of the Federal adjudication of delinquency of any juvenile who commits an act that, if committed by an adult, would constitute the offense of murder, armed robbery, rape (except statutory rape), or a felony offense involving sexual molestation of a child, or a conspiracy or attempt to commit any such offense, that is equivalent to, and maintained and disseminated in the same manner and for the same purposes, as are adult criminal history records for the same offenses; and

''(B) a fingerprint supported record of the Federal adjudication of delinquency of any juvenile who commits an act that, if committed by an adult, would be any felony offense (other than an offense described in subparagraph (A)) that is equivalent to, and maintained and disseminated in the same manner, as are adult criminal history records for the same offenses—

''(i) for use by and within the criminal justice system for the detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, sentencing, disposition, correctional supervision, or rehabilitation of an accused person, criminal offender, or juvenile delinquent; and

''(ii) for purposes of responding to an inquiry from an agency considering the subject of the record for a position or clearance immediately and directly affecting national security.

''(3) AVAILABILITY OF RECORDS TO SCHOOLS IN CERTAIN CIRCUMSTANCES.—Notwithstanding paragraph (2), the Director of the Federal Bureau of Investigation shall make an adjudication record of a juvenile maintained pursuant to subparagraph (A) or (B) of that paragraph, or conviction record described in subsection (d), available to an official of an elementary, secondary, or post-secondary school, in appropriate circumstances (as defined by and under rules issued by the Attorney General), if—

''(A) the subject of the record is a student enrolled at the school, or a juvenile who seeks, intends, or is instructed to enroll at that school;

''(B) the school official is subject to the same standards and penalties under applicable Federal and State law relating to the handling and disclosure of information contained in juvenile adjudication records as are employees of law enforcement and juvenile justice agencies in the State; and

''(C) information contained in the record is not used for the sole purpose of denying admission.

''(c) NOTIFICATION OF RIGHTS.—A district court of the United States that exercises jurisdiction over a juvenile shall notify the juvenile, and a parent or guardian of the juvenile, in writing, and in clear and nontechnical language, of the rights of the juvenile relating to the adjudication record of the juvenile. Any juvenile may petition the court after a period of 5 years to have a record relating to such juvenile and described in this section (except a record relating to an offense described in subsection (b)(2)(A)) removed from the Federal Bureau of Investigation database if that juvenile can establish by clear and convincing evidence that the juvenile is no longer a danger to the community.

''(d) RECORDS OF JUVENILES TRIED AS ADULTS.—In any case in which a juvenile is tried as an adult in Federal court, the Federal criminal record of the juvenile shall be made available in the same manner as is applicable to the records of adult defendants.''.

SEC. 109. IMPLEMENTATION OF A SENTENCE FOR JUVENILE OFFENDERS.

(a) IN GENERAL.—Section 5039 of title 18, United States Code, is amended to read as follows:

''§ 5039. Implementation of a sentence

''(a) IN GENERAL.—Except as otherwise provided in this chapter, the sentence for a juvenile who is adjudicated delinquent or found

guilty of an offense under any proceeding in a district court of the United States under section 5032 shall be carried out in the same manner as for an adult defendant.

''(b) SENTENCES OF IMPRISONMENT, PROBATION, AND SUPERVISED RELEASE.—Subject to subsection (d), the implementation of a sentence of imprisonment is governed by subchapter C of chapter 229 and, if the sentence includes a term of probation or supervised release, by subchapter A of chapter 229.

''(c) SENTENCES OF FINES AND ORDERS OF RESTITUTION; SPECIAL ASSESSMENTS.—

''(1) IN GENERAL.—A sentence of a fine, an order of restitution, or a special assessment under section 3013 shall be implemented and collected in the same manner as for an adult defendant.

''(2) PROHIBITION.—The parent, guardian, or custodian of a juvenile sentenced to pay a fine may not be made liable for such payment by any court.

''(d) SEGREGATION OF JUVENILES; CONDITIONS OF CONFINEMENT.—

''(1) IN GENERAL.—No juvenile committed for incarceration, whether pursuant to an adjudication of delinquency or conviction for an offense, to the custody of the Attorney General may, before the juvenile attains the age of 18 years, be placed or retained in any jail or correctional institution in which the juvenile has prohibited physical contact with adult inmate or can engage in sustained oral communication with adult inmates. To the extent practicable, violent juveniles shall be kept separate from nonviolent juveniles.

''(2) REQUIREMENTS.—Each juvenile who is committed for incarceration shall be provided with—

''(A) adequate food, heat, light, sanitary facilities, bedding, clothing, and recreation; and

''(B) as appropriate, counseling, education, training, and medical care (including necessary psychiatric, psychological, or other care or treatment).

''(3) COMMITMENT TO FOSTER HOME OR COMMUNITY-BASED FACILITY.—Except in the case of a juvenile who is found guilty of a violent felony or who is adjudicated delinquent for an offense that would be a violent felony if the juvenile had been prosecuted as an adult, the Attorney General shall commit a juvenile to a foster home or community-based facility located in or near his home community if that commitment is—

''(A) practicable;

''(B) in the best interest of the juvenile; and

''(C) consistent with the safety of the community.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 403 of title 18, United States Code, is amended by striking the item relating to section 5039 and inserting the following:

''5039. Implementation of a sentence.''.

SEC. 110. MAGISTRATE JUDGE AUTHORITY REGARDING JUVENILE DEFENDANTS.

Section 3401(g) of title 18, United States Code, is amended—

(1) in the second sentence, by inserting after ''magistrate judge may, in any'' the following: ''class A misdemeanor or any''; and

(2) in the third sentence, by striking '', except that no'' and all that follows before the period at the end of the subsection.

SEC. 111. FEDERAL SENTENCING GUIDELINES.

(a) APPLICATION OF GUIDELINES TO CERTAIN JUVENILE DEFENDANTS.—Section 994(h) of title 28, United States Code, is amended by inserting '', or in which the defendant is a juvenile who is tried as an adult,'' after ''old or older''.

(b) GUIDELINES FOR JUVENILE CASES.—

(1) IN GENERAL.—Section 994 of title 28, United States Code, is amended by adding at the end the following:

''(z) GUIDELINES FOR JUVENILE CASES.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999, the Commission, by affirmative vote of not less than 4 members of the Commission, and pursuant to its rules and regulations and consistent with all pertinent provisions of any Federal statute, shall promulgate and distribute to all courts of the United States and to the United States Probation System—

''(A) guidelines, as described in this section, for use by a sentencing court in determining the sentence to be imposed in a criminal case if the defendant committed the offense as a juvenile, and is tried as an adult pursuant to section 5032 of title 18, United States Code; and

''(B) guidelines, as described in this section, for use by a court in determining the sentence to be imposed on a juvenile adjudicated delinquent pursuant to section 5032 of title 18, United States Code, and sentenced pursuant to a dispositional hearing under section 5037 of title 18, United States Code.

''(2) DETERMINATIONS.—In carrying out this subsection, the Commission shall make the determinations required by subsection (a)(1) and promulgate the policy statements and guidelines required by paragraphs (2) and (3) of subsection (a).

''(3) CONSIDERATIONS.—In addition to any other considerations required by this section, the Commission, in promulgating guidelines—

''(A) pursuant to paragraph (1)(A), shall presume the appropriateness of adult sentencing provisions, but may make such adjustments to sentence lengths and to provisions governing downward departures from the guidelines as reflect the specific interests and circumstances of juvenile defendants; and

''(B) pursuant to paragraph (1)(B), shall ensure that the guidelines—

''(i) reflect the broad range of sentencing options available to the court under section 5037 of title 18, United States Code; and

''(ii) effectuate a policy of an accountability-based juvenile justice system that provides substantial and appropriate sanctions, that are graduated to reflect the severity or repeated nature of violations, for each delinquent act, and reflect the specific interests and circumstances of juvenile defendants.

''(4) REVIEW PERIOD.—The review period specified by subsection (p) applies to guidelines promulgated pursuant to this subsection and any amendments to those guidelines.''.

(2) TECHNICAL CORRECTION TO ASSURE COMPLIANCE OF SENTENCING GUIDELINES WITH PROVISIONS OF ALL FEDERAL STATUTES.—Section 994(a) of title 28, United States Code, is amended by striking ''consistent with all pertinent provisions of this title and title 18, United States Code,'' and inserting ''consistent with all pertinent provisions of any Federal statute''.

SEC. 112. STUDY AND REPORT ON INDIAN TRIBAL JURISDICTION.

Not later than 18 months after the date of enactment of this Act, the Attorney General shall conduct a study of the juvenile justice systems of Indian tribes (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e))) and shall report to the Chairman and Ranking Member of the Committee on the Judiciary and the Committee on Indian Affairs of the Senate and the Chairman and Ranking Member of the Committee on the Judiciary of the House of Representatives on—

(1) the extent to which tribal governments are equipped to adjudicate felonies, misdemeanors, and acts of delinquency committed by juveniles subject to tribal jurisdiction; and

(2) the need for and benefits from expanding the jurisdiction of tribal courts and the authority to impose the same sentences that can be imposed by Federal or State courts on such juveniles.

TITLE II—JUVENILE GANGS

SEC. 201. SOLICITATION OR RECRUITMENT OF PERSONS IN CRIMINAL STREET GANG ACTIVITY.

(a) PROHIBITED ACTS.—Chapter 26 of title 18, United States Code, is amended by adding at the end the following:

''§ 522. Recruitment of persons to participate in criminal street gang activity

''(a) PROHIBITED ACT.—It shall be unlawful for any person, to use any facility in, or travel in, interstate or foreign commerce, or cause another to do so, to recruit, solicit, induce, command, or cause another person to be or remain as a member of a criminal street gang, or conspire to do so, with the intent that the person being recruited, solicited, induced, commanded or caused to be or remain a member of such gang participate in an offense described in section 521(c) of this title.

''(b) PENALTIES.—Any person who violates subsection (a) shall—

''(1) if the person recruited, solicited, induced, commanded, or caused—

''(A) is a minor, be imprisoned not less than 4 years and not more than 10 years, fined in accordance with this title, or both; or

''(B) is not a minor, be imprisoned not less than 1 year and not more than 10 years, fined in accordance with this title, or both; and

''(2) be liable for any costs incurred by the Federal Government or by any State or local government for housing, maintaining, and treating the minor until the minor attains the age of 18 years.

''(c) DEFINITIONS.—In this section:

''(1) CRIMINAL STREET GANG.—The term 'criminal street gang' has the meaning given the term in section 521.

''(2) MINOR.—The term 'minor' means a person who is younger than 18 years of age.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 26 of title 18, United States Code, is amended by adding at the end the following:

''522. Recruitment of persons to participate in criminal street gang activity.''.

SEC. 202. INCREASED PENALTIES FOR USING MINORS TO DISTRIBUTE DRUGS.

Section 420 of the Controlled Substances Act (21 U.S.C. 861) is amended—

(1) in subsection (b), by striking ''one year'' and inserting ''3 years''; and

(2) in subsection (c), by striking ''one year'' and inserting ''5 years''.

SEC. 203. PENALTIES FOR USE OF MINORS IN CRIMES OF VIOLENCE.

(a) IN GENERAL.—Chapter 1 of title 18, United States Code, is amended by adding at the end the following:

''§ 25. Use of minors in crimes of violence

''(a) PENALTIES.—Except as otherwise provided by law, whoever, being not less than 18 years of age, knowingly and intentionally uses a minor to commit a Federal offense that is a crime of violence, or to assist in avoiding detection or apprehension for such an offense, shall—

''(1) be subject to 2 times the maximum imprisonment and 2 times the maximum fine that would otherwise be imposed for the offense; and

''(2) for second or subsequent convictions under this subsection, be subject to 3 times the maximum imprisonment and 3 times the maximum fine that would otherwise be imposed for the offense.

''(b) DEFINITIONS.—In this section:

''(1) CRIME OF VIOLENCE.—The term 'crime of violence' has the meaning given the term in section 16 of this title.

''(2) MINOR.—The term 'minor' means a person who is less than 18 years of age.

''(3) USES.—The term 'uses' means employs, hires, persuades, induces, entices, or coerces.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 18, United States Code, is amended by adding at the end the following:

''25. Use of minors in crimes of violence.''.

SEC. 204. CRIMINAL STREET GANGS.

(a) IN GENERAL.—Section 521 of title 18, United States Code, is amended—

(1) in subsection (a), in the second undesignated paragraph—

(A) by striking ''5'' and inserting ''3'';

(B) by inserting '', whether formal or informal'' after ''or more persons''; and

(C) in subparagraph (A), by inserting ''or activities'' after ''purposes'';

(2) in subsection (b), by inserting after ''10 years'' the following: ''and such person shall be subject to the forfeiture prescribed in section 412 of the Controlled Substances Act (21 U.S.C. 853)'';

(3) in subsection (c)—

(A) in paragraph (2), by striking ''and'' at the end;

(B) in paragraph (3), by striking the period at the end and inserting a semicolon;

(C) by adding at the end the following:

''(3) that is a violation of section 522 (relating to the recruitment of persons to participate in criminal gang activity);

''(4) that is a violation of section 844, 875, or 876 (relating to extortion and threats), section 1084 (relating to gambling), section 1955 (relating to gambling), or chapter 73 (relating to obstruction of justice);

''(5) that is a violation of section 1956 (relating to money laundering), to the extent that the violation of such section is related to a Federal or State offense involving a controlled substance (as that term is defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)); or

''(6) that is a violation of section 274(a)(1)(A), 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1324(a)(1)(A), 1327, or 1328) (relating to alien smuggling); and

''(7) a conspiracy, attempt, or solicitation to commit an offense described in paragraphs (1) through (6).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 3663(c)(4) of title 18, United States Code, is amended by striking ''chapter 46'' and inserting ''section 521, chapter 46,''.

SEC. 205. HIGH INTENSITY INTERSTATE GANG ACTIVITY AREAS.

(a) DEFINITIONS.—In this section:

(1) GOVERNOR.—The term ''Governor'' means a Governor of a State or the Mayor of the District of Columbia.

(2) HIGH INTENSITY INTERSTATE GANG ACTIVITY AREA.—The term ''high intensity interstate gang activity area'' means an area within a State that is designated as a high intensity interstate gang activity area under subsection (b)(1).

(3) STATE.—The term ''State'' means a State of the United States or the District of Columbia.

(b) HIGH INTENSITY INTERSTATE GANG ACTIVITY AREAS.—

(1) DESIGNATION.—The Attorney General, upon consultation with the Secretary of the Treasury and the Governors of appropriate States, may designate as a high intensity interstate gang activity area a specified area that is located—

(A) within a State; or

(B) in more than 1 State.

(2) ASSISTANCE.—In order to provide Federal assistance to a high intensity interstate gang activity area, the Attorney General may—

(A) facilitate the establishment of a regional task force, consisting of Federal, State, and local law enforcement authorities, for the coordinated investigation, disruption, apprehension, and prosecution of criminal activities of gangs and gang members in the high intensity interstate gang activity area; and

(B) direct the detailing from any Federal department or agency (subject to the approval of the head of that department or agency, in the case of a department or agency other than the Department of Justice) of personnel to the high intensity interstate gang activity area.

(3) CRITERIA FOR DESIGNATION.—In considering an area (within a State or within more than 1 State) for designation as a high intensity interstate gang activity area under this section, the Attorney General shall consider—

(A) the extent to which gangs from the area are involved in interstate or international criminal activity;

(B) the extent to which the area is affected by the criminal activity of gang members who—

(i) are located in, or have relocated from, other States; or

(ii) are located in, or have immigrated (legally or illegally) from, foreign countries;

(C) the extent to which the area is affected by the criminal activity of gangs that originated in other States or foreign countries;

(D) the extent to which State and local law enforcement agencies have committed resources to respond to the problem of criminal gang activity in the area, as an indication of their determination to respond aggressively to the problem;

(E) the extent to which a significant increase in the allocation of Federal resources would enhance local response to gang-related criminal activities in the area; and

(F) any other criteria that the Attorney General considers to be appropriate.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $100,000,000 for each of fiscal years 1999 through 2004, to be used in accordance with paragraph (2).

(2) USE OF FUNDS.—Of amounts made available under paragraph (1) in each fiscal year—

(A) 60 percent shall be used to carry out subsection (b)(2); and

(B) 40 percent shall be used to make grants for community-based programs to provide crime prevention and intervention services that are designed for gang members and at-risk youth in areas designated pursuant to this section as high intensity interstate gang activity areas.

(3) REQUIREMENT.—

(A) IN GENERAL.—The Attorney General shall ensure that not less than 10 percent of amounts made available under paragraph (1) in each fiscal year are used to assist rural States affected as described in subparagraphs (B) and (C) of subsection (b)(3).

(B) DEFINITION OF RURAL STATE.—In this paragraph, the term ''rural State'' has the meaning given the term in section 1501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796bb(b)).

SEC. 206. INCREASING THE PENALTY FOR USING PHYSICAL FORCE TO TAMPER WITH WITNESSES, VICTIMS, OR INFORMANTS.

Section 1512 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''as provided in paragraph (2)'' and inserting ''as provided in paragraph (3)'';

(B) by redesignating paragraph (2) as paragraph (3);

(C) by inserting after paragraph (1) the following:

''(2) USE OF PHYSICAL FORCE TO TAMPER WITH WITNESSES, VICTIMS, OR INFORMANTS.—Whoever uses physical force or the threat of physical force against any person, or attempts to do so, with intent to—

''(A) influence, delay, or prevent the testimony of any person in an official proceeding;

''(B) cause or induce any person to—

''(i) withhold testimony, or withhold a record, document, or other object, from an official proceeding;

''(ii) alter, destroy, mutilate, or conceal an object with intent to impair the object's integrity or availability for use in an official proceeding;

''(iii) evade legal process summoning that person to appear as a witness, or to produce a record, document, or other object, in an official proceeding; or

''(iv) be absent from an official proceeding to which such person has been summoned by legal process; or

''(C) hinder, delay, or prevent the communication to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation, parole, or release pending judicial proceedings;

shall be punished as provided in paragraph (3).''; and

(D) in paragraph (3), as redesignated, by striking subparagraph (B) and inserting the following:

''(B) in the case of—

''(i) an attempt to murder; or

''(ii) the use of physical force against any person;

imprisonment for not more than 20 years.'';

(2) in subsection (b), by striking ''or physical force''; and

(3) by adding at the end the following:

''(j) CONSPIRACY.—Whoever conspires to commit any offense under this section or section 1513 shall be subject to the same penalties as those prescribed for the offense the commission of which was the object of the conspiracy.''.

SEC. 207. AUTHORITY TO MAKE GRANTS TO PROSECUTORS' OFFICES TO COMBAT GANG CRIME AND YOUTH VIOLENCE.

(a) IN GENERAL.—Section 31702 of subtitle Q of title III of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13862) is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(5) to allow the hiring of additional prosecutors, so that more cases can be prosecuted and backlogs reduced;

''(6) to provide funding to enable prosecutors to address drug, gang, and youth violence problems more effectively;

''(7) to provide funding to assist prosecutors with funding for technology, equipment, and training to assist prosecutors in reducing the incidence of, and increase the successful identification and speed of prosecution of young violent offenders; and

''(8) to provide funding to assist prosecutors in their efforts to engage in community prosecution, problem solving, and conflict resolution techniques through collaborative efforts with police, school officials, probation officers, social service agencies, and community organizations.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 31707 of subtitle Q of title III of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13867) is amended to read as follows:

''SEC. 31707. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this subtitle, $50,000,000 for 2000 through 2004.''.

SEC. 208. INCREASE IN OFFENSE LEVEL FOR PARTICIPATION IN CRIME AS A GANG MEMBER.

(a) DEFINITION OF CRIMINAL STREET GANG.—In this section, the term ''criminal street gang'' has the meaning given that term in section 521(a) of title 18, United States Code, as amended by section 204 of this Act.

(b) AMENDMENT OF SENTENCING GUIDELINES.—

(1) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal Sentencing Guidelines to provide an appropriate enhancement for any Federal offense described in section 521(c) of title 18, United States Code as amended by section 204 of this Act, if the offense was both committed in connection with, or in furtherance of, the activities of a criminal street gang and the defendant was a member of the criminal street gang at the time of the offense.

(2) FACTORS TO BE CONSIDERED.—In determining an appropriate enhancement under this section, the United States Sentencing Commission shall give great weight to the seriousness of the offense, the offender's relative position in the criminal gang, and the risk of death or serious bodily injury to any person posed by the offense.

(c) CONSTRUCTION WITH OTHER GUIDELINES.—The amendment made by subsection (b) shall provide that the increase in the offense level shall be in addition to any other adjustment under chapter 3 of the Federal Sentencing Guidelines.

SEC. 209. INTERSTATE AND FOREIGN TRAVEL OR TRANSPORTATION IN AID OF CRIMINAL GANGS.

(a) TRAVEL ACT AMENDMENT.—Section 1952 of title 18, United States Code, is amended to read as follows:

''§ 1952. Interstate and foreign travel or transportation in aid of racketeering enterprises

''(a) PROHIBITED CONDUCT AND PENALTIES.—

''(1) IN GENERAL.—Whoever—

''(A) travels in interstate or foreign commerce or uses the mail or any facility in interstate or foreign commerce, with intent to—

''(i) distribute the proceeds of any unlawful activity; or

''(ii) otherwise promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on, of any unlawful activity; and

''(B) after travel or use of the mail or any facility in interstate or foreign commerce described in subparagraph (A), performs, attempts to perform, or conspires to perform an act described in clause (i) or (ii) of subparagraph (A);

shall be fined under this title, imprisoned not more than 10 years, or both.

''(2) CRIMES OF VIOLENCE.—Whoever—

''(A) travels in interstate or foreign commerce or uses the mail or any facility in interstate or foreign commerce, with intent to commit any crime of violence to further any unlawful activity; and

''(B) after travel or use of the mail or any facility in interstate or foreign commerce described in subparagraph (A), commits, attempts to commit, or conspires to commit any crime of violence to further any unlawful activity;

shall be fined under this title, imprisoned for not more than 20 years, or both, and if death results shall be sentenced to death or be imprisoned for any term of years or for life.

''(b) DEFINITIONS.—In this section:

''(1) CONTROLLED SUBSTANCE.—The term 'controlled substance' has the meaning given that term in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

''(2) STATE.—The term 'State' includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

''(3) UNLAWFUL ACTIVITY.—The term 'unlawful activity' means—

''(A) any business enterprise involving gambling, liquor on which the Federal excise tax has not been paid, narcotics or controlled substances, or prostitution offenses in violation of the laws of the State in which the offense is committed or of the United States;

''(B) extortion, bribery, arson, burglary if the offense involves property valued at not less than $10,000, assault with a deadly weapon, assault resulting in bodily injury, shooting at an occupied dwelling or motor vehicle, or retaliation against or intimidation of witnesses, victims, jurors, or informants, in violation of the laws of the State in which the offense is committed or of the United States;

''(C) the use of bribery, force, intimidation, or threat, directed against any person, to delay or influence the testimony of or prevent from testifying a witness in a State criminal proceeding or by any such means to cause any person to destroy, alter, or conceal a record, document, or other object, with intent to impair the object's integrity or availability for use in such a proceeding; or

''(D) any act that is indictable under section 1956 or 1957 of this title or under subchapter II of chapter 53 of title 31.''.

(b) AMENDMENT OF SENTENCING GUIDELINES.—

(1) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend chapter 2 of the Federal Sentencing Guidelines to provide an appropriate increase in the offense levels for traveling in interstate or foreign commerce in aid of unlawful activity.

(2) UNLAWFUL ACTIVITY DEFINED.—In this subsection, the term ''unlawful activity'' has the meaning given that term in section 1952(b) of title 18, United States Code, as amended by this section.

(3) SENTENCING ENHANCEMENT FOR RECRUITMENT ACROSS STATE LINES.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal Sentencing Guidelines to provide an appropriate enhancement for a person who, in violating section 522 of title 18, United States Code (as added by section 201 of this Act), recruits, solicits, induces, commands, or causes another person residing in another State to be or to remain a member of a criminal street gang, or crosses a State line with the intent to recruit, solicit, induce, command, or cause another person to be or to remain a member of a criminal street gang.

SEC. 210. PROHIBITIONS RELATING TO FIREARMS.

(a) SERIOUS JUVENILE DRUG OFFENSES AS ARMED CAREER CRIMINAL PREDICATES.—Section 924(e)(2)(A) of title 18, United States Code, is amended—

(1) in clause (i), by striking ''or'' at the end;

(2) in clause (ii), by adding ''or'' at the end; and

(3) by adding at the end the following:

''(iii) any act of juvenile delinquency that, if committed by an adult, would be an offense described in clause (i) or (ii);''.

(b) TRANSFER OF FIREARMS TO MINORS FOR USE IN CRIME.—Section 924(h) of title 18, United States Code, is amended by inserting ''and if the transferee is a person who is under 18 years of age, imprisoned not less than 3 years,'' after ''10 years,''.

SEC. 211. CLONE PAGERS.

(a) IN GENERAL.—Section 2511(2)(h) of title 18, United States Code, is amended by striking clause (i) and inserting the following:

''(i) to use a pen register, trap and trace device, or clone pager, as those terms are defined in chapter 206 of this title (relating to pen registers, trap and trace devices, and clone pagers); or'';

(b) EXCEPTION.—Section 3121 of title 18, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—Except as provided in this section, no person may install or use a pen register, trap and trace device, or clone pager without first obtaining a court order under section 3123 or 3129 of this title, or under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.).'';

(2) in subsection (b), by striking ''a pen register or a trap and trace device'' and inserting ''a pen register, trap and trace device, or clone pager''; and

(3) by striking the section heading and inserting the following:

''§ 3121. General prohibition on pen register, trap and trace device, and clone pager use; exception''.

(c) ASSISTANCE.—Section 3124 of title 18, United States Code, is amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively;

(2) by inserting after subsection (b) the following:

''(c) CLONE PAGER.—Upon the request of an attorney for the Government or an officer of a law enforcement agency authorized to use a clone pager under this chapter, a provider of electronic communication service shall furnish to such investigative or law enforcement officer all information, facilities, and technical assistance necessary to accomplish the use of the clone pager unobtrusively and with a minimum of interference with the services that the person so ordered by the court provides to the subscriber, if such assistance is directed by a court order, as provided in section 3129(b)(2) of this title.''; and

(3) by striking the section heading and inserting the following:

''§ 3124. Assistance in installation and use of a pen register, trap and trace device, or clone pager''.

(d) EMERGENCY INSTALLATIONS.—Section 3125 of title 18, United States Code, is amended—

(1) by striking ''pen register or a trap and trace device'' and ''pen register or trap and trace device'' each place they appear and inserting ''pen register, trap and trace device, or clone pager'';

(2) in subsection (a), by striking ''an order approving the installation or use is issued in accordance with section 3123 of this title'' and inserting ''an application is made for an order approving the installation or use in accordance with section 3122 or section 3128 of this title'';

(3) in subsection (b), by adding at the end the following: ''If such application for the

use of a clone pager is denied, or in any other case in which the use of the clone pager is terminated without an order having been issued, an inventory shall be served as provided for in section 3129(e) of this title.''; and

(4) by striking the section heading and inserting the following:

''§ 3125. Emergency installation and use of pen register, trap and trace device, and clone pager''.

(e) REPORTS.—Section 3126 of title 18, United States Code, is amended—

(1) by striking ''pen register orders and orders for trap and trace devices'' and inserting ''orders for pen registers, trap and trace devices, and clone pagers''; and

(2) by striking the section heading and inserting the following:

''§ 3126. Reports concerning pen registers, trap and trace devices, and clone pagers''.

(f) DEFINITIONS.—Section 3127 of title 18, United States Code, is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking ''or'' at the end; and

(B) by striking subparagraph (B) and inserting the following:

''(B) with respect to an application for the use of a pen register or trap and trace device, a court of general criminal jurisdiction of a State authorized by the law of that State to enter orders authorizing the use of a pen register or a trap and trace device; or

''(C) with respect to an application for the use of a clone pager, a court of general criminal jurisdiction of a State authorized by the law of that State to issue orders authorizing the use of a clone pager;'';

(2) in paragraph (5), by striking ''and'' at the end;

(3) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(7) the term 'clone pager' means a numeric display device that receives communications intended for another numeric display paging device.''.

(g) APPLICATIONS.—Chapter 206 of title 18, United States Code, is amended by adding at the end the following:

''§ 3128. Application for an order for use of a clone pager

''(a) APPLICATION.—

''(1) FEDERAL REPRESENTATIVES.—Any attorney for the Government may apply to a court of competent jurisdiction for an order or an extension of an order under section 3129 of this title authorizing the use of a clone pager.

''(2) STATE REPRESENTATIVES.—A State investigative or law enforcement officer may, if authorized by a State statute, apply to a court of competent jurisdiction of such State for an order or an extension of an order under section 3129 of this title authorizing the use of a clone pager.

''(b) CONTENTS OF APPLICATION.—An application under subsection (a) of this section shall include—

''(1) the identity of the attorney for the Government or the State law enforcement or investigative officer making the application and the identity of the law enforcement agency conducting the investigation;

''(2) the identity, if known, of the individual or individuals using the numeric display paging device to be cloned;

''(3) a description of the numeric display paging device to be cloned;

''(4) a description of the offense to which the information likely to be obtained by the clone pager relates;

''(5) the identity, if known, of the person who is subject of the criminal investigation; and

''(6) an affidavit or affidavits, sworn to before the court of competent jurisdiction, establishing probable cause to believe that information relevant to an ongoing criminal investigation being conducted by that agency will be obtained through use of the clone pager.

''§ 3129. Issuance of an order for use of a clone pager

''(a) IN GENERAL.—Upon an application made under section 3128 of this title, the court shall enter an ex parte order authorizing the use of a clone pager within the jurisdiction of the court if the court finds that the application has established probable cause to believe that information relevant to an ongoing criminal investigation being conducted by that agency will be obtained through use of the clone pager.

''(b) CONTENTS OF AN ORDER.—An order issued under this section—

''(1) shall specify—

''(A) the identity, if known, of the individual or individuals using the numeric display paging device to be cloned;

''(B) the numeric display paging device to be cloned;

''(C) the identity, if known, of the subscriber to the pager service; and

''(D) the offense to which the information likely to be obtained by the clone pager relates; and

''(2) shall direct, upon the request of the applicant, the furnishing of information, facilities, and technical assistance necessary to use the clone pager under section 3124 of this title.

''(c) TIME PERIOD AND EXTENSIONS.—

''(1) IN GENERAL.—An order issued under this section shall authorize the use of a clone pager for a period not to exceed 30 days. Such 30-day period shall begin on the earlier of the day on which the investigative or law enforcement officer first begins use of the clone pager under the order or the tenth day after the order is entered.

''(2) EXTENSIONS.—Extensions of an order issued under this section may be granted, but only upon an application for an order under section 3128 of this title and upon the judicial finding required by subsection (a). An extension under this paragraph shall be for a period not to exceed 30 days.

''(3) REPORT.—Within a reasonable time after the termination of the period of a clone pager order or any extensions thereof under this subsection, the applicant shall report to the issuing court the number of numeric pager messages acquired through the use of the clone pager during such period.

''(d) NONDISCLOSURE OF EXISTENCE OF CLONE PAGER.—An order authorizing the use of a clone pager shall direct that—

''(1) the order shall be sealed until otherwise ordered by the court; and

''(2) the person who has been ordered by the court to provide assistance to the applicant may not disclose the existence of the clone pager or the existence of the investigation to the listed subscriber, or to any other person, until otherwise ordered by the court.

''(e) NOTIFICATION.—

''(1) IN GENERAL.—Within a reasonable time, not later than 90 days after the date of termination of the period of a clone pager order or any extensions thereof, the issuing judge shall cause to be served, on the individual or individuals using the numeric display paging device that was cloned, an inventory including notice of—

''(A) the fact of the entry of the order or the application;

''(B) the date of the entry and the period of clone pager use authorized, or the denial of the application; and

''(C) whether or not information was obtained through the use of the clone pager.

''(2) POSTPONEMENT.—Upon an ex-parte showing of good cause, a court of competent jurisdiction may in its discretion postpone the serving of the notice required by this subsection.''.

(h) CLERICAL AMENDMENTS.—The table of sections for chapter 206 of title 18, United States Code, is amended—

(1) by striking the item relating to section 3121 and inserting the following:

''3121. General prohibition on pen register, trap and trace device, and clone pager use; exception.'';

(2) by striking the items relating to sections 3124, 3125, and 3126 and inserting the following:

''3124. Assistance in installation and use of a pen register, trap and trace device, or clone pager.

''3125. Emergency installation and use of pen register, trap and trace device, and clone pager.

''3126. Reports concerning pen registers, trap and trace devices, and clone pagers.''; and

(3) by adding at the end the following:

''3128. Application for an order for use of a clone pager.

''3129. Issuance of an order for use of a clone pager''.

(i) CONFORMING AMENDMENT.—Section 704(a) of the Communications Act of 1934 (47 U.S.C. 605(a)) is amended by striking ''chapter 119,'' and inserting ''chapters 119 and 206 of''.

TITLE III—JUVENILE CRIME CONTROL, ACCOUNTABILITY, AND DELINQUENCY PREVENTION

Subtitle A—Reform of the Juvenile Justice and Delinquency Prevention Act of 1974

SEC. 301. FINDINGS; DECLARATION OF PURPOSE; DEFINITIONS.

Title I of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended to read as follows:

''TITLE I—FINDINGS AND DECLARATION OF PURPOSE

''SEC. 101. FINDINGS.

''Congress makes the following findings:

''(1) During the past decade, the United States has experienced an alarming increase in arrests of adolescents for murder, assault, and weapons offenses.

''(2) In 1994, juveniles accounted for 1 in 5 arrests for violent crimes, including murder, robbery, aggravated assault, and rape, including 514 such arrests per 100,000 juveniles 10 through 17 years of age.

''(3) Understaffed and overcrowded juvenile courts, prosecutorial and public defender offices, probation services, and correctional facilities no longer adequately address the changing nature of juvenile crime, protect the public, or correct youth offenders.

''(4) The juvenile justice system has proven inadequate to meet the needs of society and the needs of children who may be at risk of becoming delinquents are not being met.

''(5) Existing programs and policies have not adequately responded to the particular threats that drugs, alcohol abuse, violence, and gangs pose to the youth of the Nation.

''(6) Projected demographic increases in the number of youth offenders require reexamination of current prosecution and incarceration policies for serious violent youth offenders and crime prevention policies.

''(7) State and local communities require assistance to deal comprehensively with the problems of juvenile delinquency.

''(8) Existing Federal programs have not provided the States with necessary flexibility, nor have these programs provided the coordination, resources, and leadership required to meet the crisis of youth violence.

''(9) Overlapping and uncoordinated Federal programs have created a multitude of

Federal funding streams to States and units of local government, that have become a barrier to effective program coordination, responsive public safety initiatives, and the provision of comprehensive services for children and youth.

''(10) Violent crime by juveniles constitutes a growing threat to the national welfare that requires an immediate and comprehensive governmental response, combining flexibility and coordinated evaluation.

''(11) The role of the Federal Government should be to encourage and empower communities to develop and implement policies to protect adequately the public from serious juvenile crime as well as implement quality prevention programs that work with at-risk juveniles, their families, local public agencies, and community-based organizations.

''(12) A strong partnership among law enforcement, local government, juvenile and family courts, schools, public recreation agencies, businesses, philanthropic organizations, families, and the religious community, can create a community environment that supports the youth of the Nation in reaching their highest potential and reduces the destructive trend of juvenile crime.

''SEC. 102. PURPOSE AND STATEMENT OF POLICY.

''(a) IN GENERAL.—The purposes of this Act are to—

''(1) empower States and communities to develop and implement comprehensive programs that support families, reduce risk factors, and prevent serious youth crime and juvenile delinquency;

''(2) protect the public and to hold juveniles accountable for their acts;

''(3) encourage and promote, consistent with the ideals of federalism, the adoption by the States of policies recognizing the rights of victims in the juvenile justice system, and ensuring that the victims of violent crimes committed by juveniles receive the same level of justice as do the victims of violent crimes committed by adults;

''(4) provide for the thorough and ongoing evaluation of all federally funded programs addressing juvenile crime and delinquency;

''(5) provide technical assistance to public and private nonprofit entities that protect public safety, administer justice and corrections to delinquent youth, or provide services to youth at risk of delinquency, and their families;

''(6) establish a centralized research effort on the problems of youth crime and juvenile delinquency, including the dissemination of the findings of such research and all related data;

''(7) establish a Federal assistance program to deal with the problems of runaway and homeless youth;

''(8) assist States and units of local government in improving the administration of justice for juveniles;

''(9) assist the States and units of local government in reducing the level of youth violence and juvenile delinquency;

''(10) assist States and units of local government in promoting public safety by supporting juvenile delinquency prevention and control activities;

''(11) encourage and promote programs designed to keep in school juvenile delinquents expelled or suspended for disciplinary reasons;

''(12) assist States and units of local government in promoting public safety by encouraging accountability for acts of juvenile delinquency;

''(13) assist States and units of local government in promoting public safety by improving the extent, accuracy, availability and usefulness of juvenile court and law enforcement records and the openness of the juvenile justice system;

''(14) assist States and units of local government in promoting public safety by encouraging the identification of violent and hardcore juveniles;

''(15) assist States and units of local government in promoting public safety by providing resources to States to build or expand juvenile detention facilities;

''(16) provide for the evaluation of federally assisted juvenile crime control programs, and the training necessary for the establishment and operation of such programs;

''(17) ensure the dissemination of information regarding juvenile crime control programs by providing a national clearinghouse; and

''(18) provide technical assistance to public and private nonprofit juvenile justice and delinquency prevention programs.

''(b) STATEMENT OF POLICY.—It is the policy of Congress to provide resources, leadership, and coordination to—

''(1) combat youth violence and to prosecute and punish effectively violent juvenile offenders;

''(2) enhance efforts to prevent juvenile crime and delinquency; and

''(3) improve the quality of juvenile justice in the United States.

''SEC. 103. DEFINITIONS.

''In this Act:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Office of Juvenile Crime Control and Prevention, appointed in accordance with section 201.

''(2) ADULT INMATE.—The term 'adult inmate' means an individual who—

''(A) has reached the age of full criminal responsibility under applicable State law; and

''(B) has been arrested and is in custody for, awaiting trial on, or convicted of criminal charges.

''(3) BOOT CAMP.—The term 'boot camp' means a residential facility (excluding a private residence) at which there are provided—

''(A) a highly regimented schedule of discipline, physical training, work, drill, and ceremony characteristic of military basic training;

''(B) regular, remedial, special, and vocational education;

''(C) counseling and treatment for substance abuse and other health and mental health problems;

''(D) supervision by properly screened staff, who are trained and experienced in working with juveniles or young adults, in highly structured, disciplined surroundings, characteristic of a military environment; and

''(E) participation in community service programs, such as counseling sessions, mentoring, community service, or restitution projects, and a comprehensive aftercare plan developed through close coordination with Federal, State, and local agencies, and in cooperation with business and private organizations, as appropriate.

''(4) BUREAU OF JUSTICE ASSISTANCE.—The term 'Bureau of Justice Assistance' means the bureau established by section 401 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3741).

''(5) BUREAU OF JUSTICE STATISTICS.—The term 'Bureau of Justice Statistics' means the bureau established by section 302(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3732).

''(6) COLLOCATED FACILITIES.—The term 'collocated facilities' means facilities that are located in the same building, or are part of a related complex of buildings located on the same grounds.

''(7) COMBINATION.—The term 'combination' as applied to States or units of local government means any grouping or joining together of such States or units for the purpose of preparing, developing, or implementing a juvenile crime control and delinquency prevention plan.

''(8) COMMUNITY-BASED.—The term 'community-based' facility, program, or service means a small, open group home or other suitable place located near the juvenile's home or family and programs of community supervision and service that maintain community and consumer participation in the planning operation, and evaluation of their programs which may include, medical, educational, vocational, social, and psychological guidance, training, special education, counseling, alcoholism treatment, drug treatment, and other rehabilitative services.

''(9) COMPREHENSIVE AND COORDINATED SYSTEM OF SERVICES.—The term 'comprehensive and coordinated system of services' means a system that—

''(A) ensures that services and funding for the prevention and treatment of juvenile delinquency are consistent with policy goals of preserving families and providing appropriate services in the least restrictive environment so as to simultaneously protect juveniles and maintain public safety;

''(B) identifies, and intervenes early for the benefit of, young children who are at risk of developing emotional or behavioral problems because of physical or mental stress or abuse, and for the benefit of their families;

''(C) increases interagency collaboration and family involvement in the prevention and treatment of juvenile delinquency; and

''(D) encourages private and public partnerships in the delivery of services for the prevention and treatment of juvenile delinquency.

''(10) CONSTRUCTION.—The term 'construction' means erection of new buildings or acquisition, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings, or any combination of such activities (including architects' fees but not the cost of acquisition of land for buildings).

''(11) FEDERAL JUVENILE CRIME CONTROL, PREVENTION, AND JUVENILE OFFENDER ACCOUNTABILITY PROGRAM.—The term 'Federal juvenile crime control, prevention, and juvenile offender accountability program' means any Federal program a primary objective of which is the prevention of juvenile crime or reduction of the incidence of arrest, the commission of criminal acts or acts of delinquency, violence, the use of alcohol or illegal drugs, or the involvement in gangs among juveniles.

''(12) GENDER-SPECIFIC SERVICES.—The term 'gender-specific services' means services designed to address needs unique to the gender of the individual to whom such services are provided.

''(13) GRADUATED SANCTIONS.—The term 'graduated sanctions' means an accountability-based juvenile justice system that protects the public, and holds juvenile delinquents accountable for acts of delinquency by providing substantial and appropriate sanctions that are graduated in such a manner as to reflect (for each act of delinquency or offense) the severity or repeated nature of that act or offense, and in which there is sufficient flexibility to allow for individualized sanctions and services suited to the individual juvenile offender.

''(14) HOME-BASED ALTERNATIVE SERVICES.—The term 'home-based alternative services' means services provided to a juvenile in the home of the juvenile as an alternative to incarcerating the juvenile, and includes home detention.

''(15) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation,

or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

''(16) JUVENILE.—The term 'juvenile' means a person who has not attained the age of 18 years who is subject to delinquency proceedings under applicable State law.

''(17) JUVENILE POPULATION.—The term 'juvenile population' means the population of a State under 18 years of age.

''(18) JAIL OR LOCKUP FOR ADULTS.—The term 'jail or lockup for adults' means a locked facility that is used by a State, unit of local government, or any law enforcement authority to detain or confine adults—

''(A) pending the filing of a charge of violating a criminal law;

''(B) awaiting trial on a criminal charge; or

''(C) convicted of violating a criminal law.

''(19) JUVENILE DELINQUENCY PROGRAM.—The term 'juvenile delinquency program' means any program or activity related to juvenile delinquency prevention, control, diversion, treatment, rehabilitation, planning, education, training, and research, including—

''(A) drug and alcohol abuse programs;

''(B) the improvement of the juvenile justice system; and

''(C) any program or activity that is designed to reduce known risk factors for juvenile delinquent behavior, by providing activities that build on protective factors for, and develop competencies in, juveniles to prevent and reduce the rate of delinquent juvenile behavior.

''(20) LAW ENFORCEMENT AND CRIMINAL JUSTICE.—The term 'law enforcement and criminal justice' means any activity pertaining to crime prevention, control, or reduction or the enforcement of the criminal law, including, but not limited to police efforts to prevent, control, or reduce crime or to apprehend criminals, activities of courts having criminal jurisdiction and related agencies (including prosecutorial and defender services), activities of corrections, probation, or parole authorities, and programs relating to the prevention, control, or reduction of juvenile delinquency or narcotic addiction.

''(21) NATIONAL INSTITUTE OF JUSTICE.—The term 'National Institute of Justice' means the institute established by section 202(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3721).

''(22) NONPROFIT ORGANIZATION.—The term 'nonprofit organization' means an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of the Internal Revenue Code of 1986.

''(23) OFFICE.—The term 'Office' means the Office of Juvenile Crime Control and Prevention established under section 201.

''(24) OFFICE OF JUSTICE PROGRAMS.—The term 'Office of Justice Programs' means the office established by section 101 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711).

''(25) OUTCOME OBJECTIVE.—The term 'outcome objective' means an objective that relates to the impact of a program or initiative, that measures the reduction of high risk behaviors, such as incidence of arrest, the commission of criminal acts or acts of delinquency, failure in school, violence, the use of alcohol or illegal drugs, involvement of youth gangs, violent and unlawful acts of animal cruelty, and teenage pregnancy, among youth in the community.

''(26) PROCESS OBJECTIVE.—The term 'process objective' means an objective that relates to the manner in which a program or initiative is carried out, including—

''(A) an objective relating to the degree to which the program or initiative is reaching the target population; and

''(B) an objective relating to the degree to which the program or initiative addresses known risk factors for youth problem behaviors and incorporates activities that inhibit the behaviors and that build on protective factors for youth.

''(27) PROHIBITED PHYSICAL CONTACT.—

''(A) IN GENERAL.—The term 'prohibited physical contact' means—

''(i) any physical contact between a juvenile and an adult inmate; and

''(ii) proximity that provides an opportunity for physical contact between a juvenile and an adult inmate.

''(B) EXCLUSION.—The term does not include supervised proximity between a juvenile and an adult inmate that is brief and inadvertent, or accidental, in secure areas of a facility that are not dedicated to use by juvenile offenders and that are nonresidential, which may include dining, recreational, educational, vocational, health care, entry areas, and passageways.

''(28) RELATED COMPLEX OF BUILDINGS.—The term 'related complex of buildings' means 2 or more buildings that share—

''(A) physical features, such as walls and fences, or services beyond mechanical services (heating, air conditioning, water and sewer); or

''(B) the specialized services that are allowable under section 31.303(e)(3)(i)(C)(3) of title 28, Code of Federal Regulations, as in effect on December 10, 1996.

''(29) SECURE CORRECTIONAL FACILITY.—The term 'secure correctional facility' means any public or private residential facility that—

''(A) includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility; and

''(B) is used for the placement, after adjudication and disposition, of any juvenile who has been adjudicated as having committed an offense or any other individual convicted of a criminal offense.

''(30) SECURE DETENTION FACILITY.—The term 'secure detention facility' means any public or private residential facility that—

''(A) includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility; and

''(B) is used for the temporary placement of any juvenile who is accused of having committed an offense or of any other individual accused of having committed a criminal offense.

''(31) SERIOUS CRIME.—The term 'serious crime' means criminal homicide, rape or other sex offenses punishable as a felony, mayhem, kidnapping, aggravated assault, drug trafficking, robbery, larceny or theft punishable as a felony, motor vehicle theft, burglary or breaking and entering, extortion accompanied by threats of violence, and arson punishable as a felony.

''(32) STATE.—The term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

''(33) STATE OFFICE.—The term 'State office' means an office designated by the chief executive officer of a State to carry out this title, as provided in section 507 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3757).

''(34) SUSTAINED ORAL COMMUNICATION.—

''(A) IN GENERAL.—The term 'sustained oral communication' means the imparting or interchange of speech by or between an adult inmate and a juvenile.

''(B) EXCEPTION.—The term does not include—

''(i) communication that is accidental or incidental; or

''(ii) sounds or noises that cannot reasonably be considered to be speech.

''(35) TREATMENT.—The term 'treatment' includes medical and other rehabilitative services designed to protect the public, including any services designed to benefit addicts and other users by—

''(A) eliminating their dependence on alcohol or other addictive or nonaddictive drugs; or

''(B) controlling or reducing their dependence and susceptibility to addiction or use.

''(36) UNIT OF LOCAL GOVERNMENT.—The term 'unit of local government' means—

''(A) any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State;

''(B) any law enforcement district or judicial enforcement district that—

''(i) is established under applicable State law; and

''(ii) has the authority to, in a manner independent of other State entities, establish a budget and raise revenues;

''(C) an Indian tribe that performs law enforcement functions, as determined by the Secretary of the Interior; or

''(D) for the purposes of assistance eligibility, any agency of the government of the District of Columbia or the Federal Government that performs law enforcement functions in and for—

''(i) the District of Columbia; or

''(ii) any Trust Territory of the United States.

''(37) VALID COURT ORDER.—The term 'valid court order' means a court order given by a juvenile court judge to a juvenile—

''(A) who was brought before the court and made subject to such order; and

''(B) who received, before the issuance of such order, the full due process rights guaranteed to such juvenile by the Constitution of the United States.

''(38) VIOLENT CRIME.—The term 'violent crime' means—

''(A) murder or nonnegligent manslaughter, forcible rape, or robbery; or

''(B) aggravated assault committed with the use of a firearm.

''(39) YOUTH.—The term 'youth' means an individual who is not less than 6 years of age and not more than 17 years of age.''.

SEC. 302. JUVENILE CRIME CONTROL AND PREVENTION.

(a) IN GENERAL.—Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended to read as follows:

''TITLE II—JUVENILE CRIME CONTROL AND PREVENTION

''PART A—OFFICE OF JUVENILE CRIME CONTROL AND PREVENTION

''SEC. 201. ESTABLISHMENT OF OFFICE.

''(a) IN GENERAL.—There is established in the Department of Justice, under the general authority of the Attorney General, an Office of Juvenile Crime Control and Prevention.

''(b) ADMINISTRATOR.—

''(1) IN GENERAL.—The Office shall be headed by an Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate, from among individuals who have had experience in juvenile delinquency prevention and crime control programs.

''(2) REGULATIONS.—The Administrator may prescribe regulations consistent with this Act to award, administer, modify, extend, terminate, monitor, evaluate, reject, or

deny all grants and contracts from, and applications for, amounts made available under this title.

''(3) RELATIONSHIP TO ATTORNEY GENERAL.—The Administrator shall have the same reporting relationship with the Attorney General as the directors of other offices and bureaus within the Office of Justice Programs have with the Attorney General.

''(c) DEPUTY ADMINISTRATOR.—There shall be in the Office a Deputy Administrator, who shall be appointed by the Attorney General. The Deputy Administrator shall perform such functions as the Administrator may assign or delegate and shall act as the Administrator during the absence or disability of the Administrator.

''(d) ASSOCIATE ADMINISTRATOR.—

''(1) IN GENERAL.—There shall be in the Office an Associate Administrator, who shall be appointed by the Administrator, and who shall be treated as a career reserved position within the meaning of section 3132 of title 5, United States Code.

''(2) DUTIES.—The duties of the Associate Administrator shall include keeping Congress, other Federal agencies, outside organizations, and State and local government officials informed about activities carried out by the Office.

''(e) DELEGATION AND ASSIGNMENT.—

''(1) IN GENERAL.—Except as otherwise expressly prohibited by law or otherwise provided by this title, the Administrator may—

''(A) delegate any of the functions of the Administrator, and any function transferred or granted to the Administrator after the date of enactment of the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999, to such officers and employees of the Office as the Administrator may designate; and

''(B) authorize successive redelegations of such functions as may be necessary or appropriate.

''(2) RESPONSIBILITY.—No delegation of functions by the Administrator under this subsection or under any other provision of this title shall relieve the Administrator of responsibility for the administration of such functions.

''(f) REORGANIZATION.—The Administrator may allocate or reallocate any function transferred among the officers of the Office, and establish, consolidate, alter, or discontinue such organizational entities in that Office as may be necessary or appropriate.

''SEC. 202. PERSONNEL, SPECIAL PERSONNEL, EXPERTS, AND CONSULTANTS.

''(a) IN GENERAL.—The Administrator may select, employ, and fix the compensation of such officers and employees, including attorneys, as are necessary to perform the functions vested in the Administrator and to prescribe their functions.

''(b) OFFICERS.—The Administrator may select, appoint, and employ not to exceed 4 officers and to fix their compensation at rates not to exceed the maximum rate payable under section 5376 of title 5, United States Code.

''(c) DETAIL OF FEDERAL PERSONNEL.—Upon the request of the Administrator, the head of any Federal agency may detail, on a reimbursable basis, any of its personnel to the Administrator to assist the Administrator in carrying out the functions of the Administrator under this title.

''(d) SERVICES.—The Administrator may obtain services as authorized by section 3109 of title 5, United States Code, at rates not to exceed the rate now or hereafter payable under section 5376 of title 5, United States Code.

''SEC. 203. VOLUNTARY SERVICE.

''The Administrator may accept and employ, in carrying out the provisions of this Act, voluntary and uncompensated services notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)).

''SEC. 204. NATIONAL PROGRAM.

''(a) NATIONAL JUVENILE CRIME CONTROL, PREVENTION, AND JUVENILE OFFENDER ACCOUNTABILITY PLAN.—

''(1) IN GENERAL.—Subject to the general authority of the Attorney General, the Administrator shall develop objectives, priorities, and short- and long-term plans, and shall implement overall policy and a strategy to carry out such plan, for all Federal juvenile crime control, prevention, and juvenile offender accountability programs and activities relating to improving juvenile crime control, the rehabilitation of juvenile offenders, the prevention of juvenile crime, and the enhancement of accountability by offenders within the juvenile justice system in the United States.

''(2) CONTENTS OF PLANS.—

''(A) IN GENERAL.—Each plan described in paragraph (1) shall—

''(i) contain specific, measurable goals and criteria for reducing the incidence of crime and delinquency among juveniles, improving juvenile crime control, and ensuring accountability by offenders within the juvenile justice system in the United States, and shall include criteria for any discretionary grants and contracts, for conducting research, and for carrying out other activities under this title;

''(ii) provide for coordinating the administration of programs and activities under this title with the administration of all other Federal juvenile crime control, prevention, and juvenile offender accountability programs and activities, including proposals for joint funding to be coordinated by the Administrator;

''(iii) provide a detailed summary and analysis of the most recent data available regarding the number of juveniles taken into custody, the rate at which juveniles are taken into custody, the time served by juveniles in custody, and the trends demonstrated by such data;

''(iv) provide a description of the activities for which amounts are expended under this title;

''(v) provide specific information relating to the attainment of goals set forth in the plan, including specific, measurable standards for assessing progress toward national juvenile crime reduction and juvenile offender accountability goals; and

''(vi) provide for the coordination of Federal, State, and local initiatives for the reduction of youth crime, preventing delinquency, and ensuring accountability for juvenile offenders.

''(B) SUMMARY AND ANALYSIS.—Each summary and analysis under subparagraph (A)(iii) shall set out the information required by clauses (i), (ii), and (iii) of this subparagraph separately for juvenile nonoffenders, juvenile status offenders, and other juvenile offenders. Such summary and analysis shall separately address with respect to each category of juveniles specified in the preceding sentence—

''(i) the types of offenses with which the juveniles are charged;

''(ii) the ages of the juveniles;

''(iii) the types of facilities used to hold the juveniles (including juveniles treated as adults for purposes of prosecution) in custody, including secure detention facilities, secure correctional facilities, jails, and lockups;

''(iv) the length of time served by juveniles in custody; and

''(v) the number of juveniles who died or who suffered serious bodily injury while in custody and the circumstances under which each juvenile died or suffered such injury.

''(C) DEFINITION OF SERIOUS BODILY INJURY.—In this paragraph, the term 'serious bodily injury' means bodily injury involving extreme physical pain or the impairment of a function of a bodily member, organ, or mental faculty that requires medical intervention such as surgery, hospitalization, or physical rehabilitation.

''(3) ANNUAL REVIEW.—The Administrator shall annually—

''(A) review each plan submitted under this subsection;

''(B) revise the plans, as the Administrator considers appropriate; and

''(C) not later than March 1 of each year, present the plans to the Committee on the Judiciary of the Senate and the Committee on Education and the Workforce of the House of Representatives.

''(b) DUTIES OF ADMINISTRATOR.—In carrying out this title, the Administrator shall—

''(1) advise the President through the Attorney General as to all matters relating to federally assisted juvenile crime control, prevention, and juvenile offender accountability programs, and Federal policies regarding juvenile crime and justice, including policies relating to juveniles prosecuted or adjudicated in the Federal courts;

''(2) implement and coordinate Federal juvenile crime control, prevention, and juvenile offender accountability programs and activities among Federal departments and agencies and between such programs and activities and other Federal programs and activities that the Administrator determines may have an important bearing on the success of the entire national juvenile crime control, prevention, and juvenile offender accountability effort including, in consultation with the Director of the Office of Management and Budget listing annually those programs to be considered Federal juvenile crime control, prevention, and juvenile accountability programs for the following fiscal year;

''(3) serve as a single point of contact for States, units of local government, and private entities to apply for and coordinate the use of and access to all Federal juvenile crime control, prevention, and juvenile offender accountability programs;

''(4) provide for the auditing of grants provided pursuant to this title;

''(5) collect, prepare, and disseminate useful data regarding the prevention, correction, and control of juvenile crime and delinquency, and issue, not less frequently than once each calendar year, a report on successful programs and juvenile crime reduction methods utilized by States, localities, and private entities;

''(6) ensure the performance of comprehensive rigorous independent scientific evaluations, each of which shall—

''(A) be independent in nature, and shall employ rigorous and scientifically valid standards and methodologies; and

''(B) include measures of outcome and process objectives, such as reductions in juvenile crime, youth gang activity, youth substance abuse, and other high risk factors, as well as increases in protective factors that reduce the likelihood of delinquency and criminal behavior;

''(7) involve consultation with appropriate authorities in the States and with appropriate private entities in the development, review, and revision of the plans required by subsection (a) and in the development of policies relating to juveniles prosecuted or adjudicated in the Federal courts;

''(8) provide technical assistance to the States, units of local government, and private entities in implementing programs funded by grants under this title;

''(9) provide technical and financial assistance to an organization composed of member representatives of the State advisory groups appointed under section 222(b)(2) to carry out activities under this paragraph, if such an organization agrees to carry out activities that include—

''(A) conducting an annual conference of such member representatives for purposes relating to the activities of such State advisory groups;

''(B) disseminating information, data, standards, advanced techniques, and programs models developed through the Institute and through programs funded under section 261; and

''(C) advising the Administrator with respect to particular functions or aspects of the work of the Office; and

''(10) provide technical and financial assistance to an eligible organization composed of member representatives of the State advisory groups appointed under section 222(b)(2) to assist such organization to carry out the functions specified under subparagraph (A).

''(A) To be eligible to receive such assistance such organization shall agree to carry out activities that include—

''(i) conducting an annual conference of such member representatives for purposes relating to the activities of such State advisory groups; and

''(ii) disseminating information, data, standards, advanced techniques, and program models developed through the Institute and through programs funded under section 261.

''(c) INFORMATION, REPORTS, STUDIES, AND SURVEYS FROM OTHER AGENCIES.—The Administrator through the general authority of the Attorney General, may require, through appropriate authority, Federal departments and agencies engaged in any activity involving any Federal juvenile crime control, prevention, and juvenile offender accountability program to provide the Administrator with such information and reports, and to conduct such studies and surveys, as the Administrator determines to be necessary to carry out the purposes of this title.

''(d) UTILIZATION OF SERVICES AND FACILITIES OF OTHER AGENCIES; REIMBURSEMENT.—The Administrator, through the general authority of the Attorney General, may utilize the services and facilities of any agency of the Federal Government and of any other public agency or institution in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement as may be agreed upon.

''(e) COORDINATION OF FUNCTIONS OF ADMINISTRATOR AND SECRETARY OF HEALTH AND HUMAN SERVICES.—All functions of the Administrator shall be coordinated as appropriate with the functions of the Secretary of Health and Human Services under title III.

''(f) ANNUAL JUVENILE DELINQUENCY DEVELOPMENT STATEMENTS.—

''(1) IN GENERAL.—Each Federal agency that administers a Federal juvenile crime control, prevention, and juvenile offender accountability program shall annually submit to the Administrator a juvenile crime control, prevention, and juvenile offender accountability development statement.

''(2) CONTENTS.—Each development statement submitted under paragraph (1) shall contain such information, data, and analyses as the Administrator may require. Such analyses shall include an analysis of the extent to which the program of the Federal agency submitting such development statement conforms with and furthers Federal juvenile crime control, prevention, and juvenile offender accountability, prevention, and treatment goals and policies.

''(3) REVIEW AND COMMENT.—

''(A) IN GENERAL.—The Administrator shall review and comment upon each juvenile crime control, prevention, and juvenile offender accountability development statement transmitted to the Administrator under paragraph (1).

''(B) INCLUSION IN OTHER DOCUMENTATION.—The development statement transmitted under paragraph (1), together with the comments of the Administrator under subparagraph (A), shall be—

''(i) included by the Federal agency involved in every recommendation or request made by such agency for Federal legislation that significantly affects juvenile crime control, prevention, and juvenile offender accountability; and

''(ii) made available for promulgation to and use by State and local government officials, and by nonprofit organizations involved in delinquency prevention programs.

''(g) JOINT FUNDING.—Notwithstanding any other provision of law, if funds are made available by more than 1 Federal agency to be used by any agency, organization, institution, or individual to carry out a Federal juvenile crime control, prevention, or juvenile offender accountability program or activity—

''(1) any 1 of the Federal agencies providing funds may be requested by the Administrator to act for all in administering the funds advanced; and

''(2) in such a case, a single non-Federal share requirement may be established according to the proportion of funds advanced by each Federal agency, and the Administrator may order any such agency to waive any technical grant or contract requirement (as defined in those regulations) that is inconsistent with the similar requirement of the administering agency or which the administering agency does not impose.

''SEC. 205. JUVENILE DELINQUENCY PREVENTION CHALLENGE GRANT PROGRAM.

''(a) AUTHORITY TO MAKE GRANTS.—The Administrator may make grants to eligible States in accordance with this part for the purpose of providing financial assistance to eligible entities to carry out projects designed to prevent juvenile delinquency, including—

''(1) educational projects or supportive services for delinquent or other juveniles—

''(A) to encourage juveniles to remain in elementary and secondary schools or in alternative learning situations in educational settings;

''(B) to provide services to assist juveniles in making the transition to the world of work and self-sufficiency;

''(C) to assist in identifying learning difficulties (including learning disabilities);

''(D) to prevent unwarranted and arbitrary suspensions and expulsions;

''(E) to encourage new approaches and techniques with respect to the prevention of school violence and vandalism;

''(F) that assist law enforcement personnel and juvenile justice personnel to more effectively recognize and provide for learning-disabled and other disabled juveniles;

''(G) that develop locally coordinated policies and programs among education, juvenile justice, public recreation, and social service agencies; or

''(H) to provide services to juveniles with serious mental and emotional disturbances (SED) who are in need of mental health services;

''(2) projects that provide support and treatment to—

''(A) juveniles who are at risk of delinquency because they are the victims of child abuse or neglect; and

''(B) juvenile offenders who are victims of child abuse or neglect and to their families, in order to reduce the likelihood that such juvenile offenders will commit subsequent violations of law;

''(3) to develop, implement or operate projects for the prevention or reduction of truancy through partnerships between local education agencies, local law enforcement, and, as appropriate, other community groups;

''(4) projects that support State and local programs to prevent juvenile delinquency by providing for—

''(A) assessments by qualified mental health professionals of incarcerated juveniles who are suspected of being in need of mental health services;

''(B) the development of individualized treatment plans for juveniles determined to be in need of mental health services pursuant to assessments under subparagraph (A);

''(C) the inclusion of discharge plans for incarcerated juveniles determined to be in need of mental health services; and

''(D) requirements that all juveniles receiving psychotropic medication be under the care of a licensed mental health professional;

''(5) one-on-one mentoring projects that are designed to link at-risk juveniles and juvenile offenders who did not commit serious crime, particularly juveniles residing in high-crime areas and juveniles experiencing educational failure, with responsible adults (such as law enforcement officers, adults working with local businesses, public recreation staff, and adults working for community-based organizations and agencies) who are properly screened and trained and that—

''(A) the State establish criteria to assess the quality of those one-on-one mentoring projects;

''(B) the Administrator develop an annual report on the best mentoring practices in those projects; and

''(C) the State choose exemplary projects, designated Gold Star Mentoring Projects, to receive preferential access to funding;

''(6) community-based projects and services (including literacy and social service programs) that work with juvenile offenders, including those from families with limited English-speaking proficiency, their parents, their siblings, and other family members during and after incarceration of the juvenile offenders, in order to strengthen families, to allow juvenile offenders to remain in their homes, and to prevent the involvement of other juvenile family members in delinquent activities;

''(7) projects designed to provide for the treatment of juveniles for dependence on or abuse of alcohol, drugs, or other harmful substances, giving priority to juveniles who have been arrested for an alleged act of juvenile delinquency or adjudicated delinquent;

''(8) projects that leverage funds to provide scholarships for postsecondary education and training for low-income juveniles who reside in neighborhoods with high rates of poverty, violence, and drug-related crimes;

''(9) projects (including school- or community-based projects) that are designed to prevent, and reduce the rate of, the participation of juveniles in gangs that commit crimes (particularly violent crimes), that unlawfully use firearms and other weapons, or that unlawfully traffic in drugs and that involve, to the extent practicable, families and other community members (including law enforcement personnel and members of the business community) in the activities conducted under such projects, including youth violence courts targeted to juveniles aged 14 and younger;

''(10) comprehensive juvenile justice and delinquency prevention projects that meet

the needs of juveniles through the collaboration of the many local service systems juveniles encounter, including schools, child abuse and neglect courts, courts, law enforcement agencies, child protection agencies, mental health agencies, welfare services, health care agencies, public recreation agencies, and private nonprofit agencies offering services to juveniles;

''(11) to develop, implement, and support, in conjunction with public and private agencies, organizations, and businesses, projects for the employment of juveniles and referral to job training programs (including referral to Federal job training programs);

''(12) delinquency prevention activities that involve youth clubs, sports, recreation and parks, peer counseling and teaching, the arts, leadership development, community service, volunteer service, before- and after-school programs, violence prevention activities, mediation skills training, camping, environmental education, ethnic or cultural enrichment, tutoring, and academic enrichment;

''(13) to establish policies and systems to incorporate relevant child protective services records into juvenile justice records for purposes of establishing treatment plans for juvenile offenders;

''(14) family strengthening activities, such as mutual support groups for parents and their children and postadoption services for families who adopt children with special needs;

''(15) adoptive parent recruitment activities targeted at recruiting permanent adoptive families for older children and children with special needs in the foster care system who are at risk of entering the juvenile justice system;

''(16) projects to coordinate the delivery of adolescent mental health and substance abuse services to children at risk by coordinating councils composed of public and private service providers;

''(17) partnerships between State educational agencies and local educational agencies for the design and implementation of character education and training programs that incorporate the following elements of character: Caring, citizenship, fairness, respect, responsibility and trustworthiness;

''(18) programs for positive youth development that provide youth at risk of delinquency with—

''(A) an ongoing relationship with a caring adult (for example, mentor, tutor, coach, or shelter youth worker);

''(B) safe places and structured activities during nonschool hours;

''(C) a healthy start;

''(D) a marketable skill through effective education; and

''(E) an opportunity to give back through community service;

''(19) projects that use neighborhood courts or panels that increase victim satisfaction and require juveniles to make restitution, or perform community service, for the damage caused by their delinquent acts;

''(20) programs designed and operated to provide eligible offenders with an alternative to adjudication that emphasizes restorative justice;

''(21) projects that expand the use of probation officers—

''(A) particularly for the purpose of permitting nonviolent juvenile offenders, including status offenders, to remain at home with their families as an alternative to detention; and

''(B) to ensure that juveniles follow the terms of their probation; and

''(22) projects that provide for initial intake screening, which may include drug testing, of each juvenile taken into custody—

''(A) to determine the likelihood that such juvenile will commit a subsequent offense; and

''(B) to provide appropriate interventions to prevent such juvenile from committing subsequent offenses.

''(b) ELIGIBILITY OF STATES.—

''(1) APPLICATION.—To be eligible to receive a grant under subsection (a), a State shall submit to the Administrator an application that contains the following:

''(A) An assurance that the State will use—

''(i) not more than 5 percent of such grant, in the aggregate, for—

''(I) the costs incurred by the State to carry out this part; and

''(II) to evaluate, and provide technical assistance relating to, projects and activities carried out with funds provided under this part; and

''(ii) the remainder of such grant to make grants under subsection (c).

''(B) An assurance that, and a detailed description of how, such grant will support, and not supplant State and local efforts to prevent juvenile delinquency.

''(C) An assurance that such application was prepared after consultation with and participation by—

''(i) community-based organizations that carry out programs, projects, or activities to prevent juvenile delinquency; and

''(ii) police, sheriff, prosecutors, State or local probation services, juvenile courts, schools, public recreation agencies, businesses, and religious affiliated fraternal, nonprofit, and social service organizations involved in crime prevention.

''(D) An assurance that each eligible entity described in subsection (c)(1) that receives an initial grant under subsection (c) to carry out a project or activity shall also receive an assurance from the State that such entity will receive from the State, for the subsequent fiscal year to carry out such project or activity, a grant under such section in an amount that is proportional, based on such initial grant and on the amount of the grant received under subsection (a) by the State for such subsequent fiscal year, but that does not exceed the amount specified for such subsequent fiscal year in such application as approved by the State.

''(E) An assurance that each eligible entity described in subsection (c)(1) that receives a grant to carry out a project or activity under subsection (c) has agreed to provide a 50 percent match of the amount of the grant, including the value of in-kind contributions to fund the project or activity, except that the Administrator may for good cause reduce the matching requirement to 33⅓ percent for economically disadvantaged communities.

''(F) An assurance that projects or activities funded by a grant under subsection (a) shall be carried out through or in coordination with a court with a juvenile crime or delinquency docket.

''(G) An assurance that of the grant funds remaining after administrative costs are deducted consistent with subparagraph (A)—

''(i) not less than 80 percent shall be used for the purposes designated in paragraphs (1) through (18) of subsection (a); and

''(ii) not less than 20 percent shall be used for the purposes in paragraphs (19) through (22) of subsection (a).

''(H) Such other information as the Administrator may reasonably require by rule.

''(2) APPROVAL OF APPLICATIONS.—

''(A) APPROVAL REQUIRED.—Subject to subparagraph (A), the Administrator shall approve an application, and amendments to such application submitted in subsequent fiscal years, that satisfy the requirements of paragraph (1).

''(B) LIMITATION.—The Administrator may not approve such application (including amendments to such application) for a fiscal year unless—

''(i)(I) the State submitted a plan under section 222 for such fiscal year; and

''(II) such plan is approved by the Administrator for such fiscal year; or

''(ii) the Administrator waives the application of clause (i) to such State for such fiscal year, after finding good cause for such a waiver.

''(c) GRANTS FOR LOCAL PROJECTS.—

''(1) SELECTION FROM AMONG APPLICATIONS.—

''(A) IN GENERAL.—Using a grant received under subsection (a), a State may make grants to eligible entities whose applications are received by the State in accordance with paragraph (2) to carry out projects and activities described in subsection (a).

''(B) SPECIAL CONSIDERATION.—For purposes of making such grants, the State shall give special consideration to eligible entities that—

''(i) propose to carry out such projects in geographical areas in which there is—

''(I) a disproportionately high level of serious crime committed by juveniles; or

''(II) a recent rapid increase in the number of nonstatus offenses committed by juveniles;

''(ii)(I) agree to carry out such projects or activities that are multidisciplinary and involve 2 or more eligible entities; or

''(II) represent communities that have a comprehensive plan designed to identify at-risk juveniles and to prevent or reduce the rate of juvenile delinquency, and that involve other entities operated by individuals who have a demonstrated history of involvement in activities designed to prevent juvenile delinquency; and

''(iii) state the amount of resources (in cash or in kind) such entities will provide to carry out such projects and activities.

''(2) RECEIPT OF APPLICATIONS.—

''(A) IN GENERAL.—Subject to subparagraph (B), a unit of local government shall submit to the State simultaneously all applications that are—

''(i) timely received by such unit from eligible entities; and

''(ii) determined by such unit to be consistent with a current plan formulated by such unit for the purpose of preventing, and reducing the rate of, juvenile delinquency in the geographical area under the jurisdiction of such unit.

''(B) DIRECT SUBMISSION.—If an application submitted to such unit by an eligible entity satisfies the requirements specified in clauses (i) and (ii) of subparagraph (A), such entity may submit such application directly to the State.

''(d) ELIGIBILITY OF ENTITIES.—

''(1) ELIGIBILITY.—Subject to paragraph (2) and except as provided in paragraph (3), to be eligible to receive a grant under subsection (c), a community-based organization, local juvenile justice system officials (including prosecutors, police officers, judges, probation officers, parole officers, and public defenders), local education authority (as defined in section 14101 of the Elementary and Secondary Education Act of 1965 and including a school within such authority), local recreation agency, nonprofit private organization (including a faith-based organization), unit of local government, or social service provider, and/or other entity with a demonstrated history of involvement in the prevention of juvenile delinquency, shall submit to a unit of local government an application that contains the following:

''(A) An assurance that such applicant will use such grant, and each such grant received for the subsequent fiscal year, to carry out throughout a 2-year period a project or activity described in reasonable detail, and of a

kind described in 1 or more of paragraphs (1) through (22) of subsection (a) as specified in, such application.

''(B) A statement of the particular goals such project or activity is designed to achieve, and the methods such entity will use to achieve, and assess the achievement of, each of such goals.

''(C) A statement identifying the research (if any) such entity relied on in preparing such application.

''(2) REVIEW AND SUBMISSION OF APPLICATIONS.—Except as provided in paragraph (3), an entity shall not be eligible to receive a grant under subsection (c) unless—

''(A) such entity submits to a unit of local government an application that—

''(i) satisfies the requirements specified in subsection (a); and

''(ii) describes a project or activity to be carried out in the geographical area under the jurisdiction of such unit; and

''(B) such unit determines that such project or activity is consistent with a current plan formulated by such unit for the purpose of preventing, and reducing the rate of, juvenile delinquency in the geographical area under the jurisdiction of such unit.

''(3) LIMITATION.—If an entity that receives a grant under subsection (c) to carry out a project or activity for a 2-year period, and receives technical assistance from the State or the Administrator after requesting such technical assistance (if any), fails to demonstrate, before the expiration of such 2-year period, that such project or such activity has achieved substantial success in achieving the goals specified in the application submitted by such entity to receive such grants, then such entity shall not be eligible to receive any subsequent grant under such section to continue to carry out such project or activity.

''(e) REPORTING REQUIREMENT.—Not later than 180 days after the last day of each fiscal year, the Administrator shall submit to the Chairman of the Committee on Education and the Workforce of the House of Representatives and the Chairman of the Committee on the Judiciary of the Senate a report, which shall—

''(1) describe activities and accomplishments of grant activities funded under this section;

''(2) describe procedures followed to disseminate grant activity products and research findings;

''(3) describe activities conducted to develop policy and to coordinate Federal agency and interagency efforts related to delinquency prevention;

''(4) identify successful approaches and making the recommendations for future activities to be conducted under this section; and

''(5) describe, on a State-by-State basis, the total amount of matching contributions made by States and eligible entities for activities funded under this section.

''(f) RESEARCH AND EVALUATION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), of the amount made available to carry out this section in each fiscal year, the Administrator shall use the lesser of 5 percent or $5,000,000 for research, statistics, and evaluation activities carried out in conjunction with the grant programs under this section.

''(2) EXCEPTION.—No amount shall be available as provided in paragraph (1) for a fiscal year, if amounts are made available for that fiscal year for the National Institute of Justice for evaluation research of juvenile delinquency programs pursuant to subsection (b)(6) or (c)(6) of section 313.

''SEC. 206. GRANTS TO YOUTH ORGANIZATIONS.

''(a) GRANT PROGRAM.—The Administrator may make grants to Indian tribes (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act) and national, Statewide, or community-based, nonprofit organizations in crime prone areas, (such as Boys and Girls Clubs, Police Athletic Leagues, 4–H Clubs, YWCA, YMCA, Big Brothers and Big Sisters, and Kids 'N Kops programs) for the purposes of—

''(1) providing constructive activities to youth during after school hours, weekends, and school vacations;

''(2) providing supervised activities in safe environments to youth in those areas, including activities through parks and other recreation areas; and

''(3) providing anti-alcohol and other drug education to prevent alcohol and other drug abuse among youth.

''(b) APPLICATIONS.—

''(1) ELIGIBILITY.—In order to be eligible to receive a grant under this section, the governing body of the Indian tribe or the chief operating officer of a national, Statewide, or community-based nonprofit organization shall submit an application to the Administrator, in such form and containing such information as the Administrator may reasonably require.

''(2) APPLICATION REQUIREMENTS.—Each application submitted in accordance with paragraph (1) shall include—

''(A) a request for a grant to be used for the purposes of this section;

''(B) a description of the communities to be served by the grant, including the nature of juvenile crime, violence, and drug use in the communities;

''(C) written assurances that Federal funds received under this section will be used to supplement and not supplant, non-Federal funds that would otherwise be available for activities funded under this section;

''(D) written assurances that all activities funded under this section will be supervised by an appropriate number of responsible adults;

''(E) a plan for assuring that program activities will take place in a secure environment that is free of crime and drugs; and

''(F) any additional statistical or financial information that the Administrator may reasonably require.

''(c) GRANT AWARDS.—In awarding grants under this section, the Administrator shall consider—

''(1) the ability of the applicant to provide the intended services;

''(2) the history and establishment of the applicant in providing youth activities; and

''(3) the extent to which services will be provided in crime prone areas, including efforts to achieve an equitable geographic distribution of the grant awards.

''(d) ALLOCATION.—Of the amounts made available to carry out this section—

''(1) 20 percent shall be for grants to national or Statewide nonprofit organizations; and

''(2) 80 percent shall be for grants to community-based, nonprofit organizations.

''(e) CONTINUED AVAILABILITY.—Amounts made available under this section shall remain available until expended.

''SEC. 207. GRANTS TO INDIAN TRIBES.

''(a) IN GENERAL.—From the amount reserved under section 208(b) in each fiscal year, the Administrator shall make grants to Indian tribes for programs pursuant to the permissible purposes under section 205 and part B.

''(b) APPLICATIONS.—

''(1) IN GENERAL.—To be eligible to receive a grant under this section, an Indian tribe shall submit to the Administrator an application in such form and containing such information as the Administrator may by regulation require.

''(2) PLANS.—Each application submitted under paragraph (1) shall include a plan for conducting projects described in section 205(a), which plan shall—

''(A) provide evidence that the Indian tribe performs law enforcement functions (as determined by the Secretary of the Interior);

''(B) identify the juvenile justice and delinquency problems and juvenile delinquency prevention needs to be addressed by activities conducted by the Indian tribe in the area under the jurisdiction of the Indian tribe with assistance provided by the grant;

''(C) provide for fiscal control and accounting procedures that—

''(i) are necessary to ensure the prudent use, proper disbursement, and accounting of funds received under this section; and

''(ii) are consistent with the requirements of subparagraph (B); and

''(D) comply with the requirements of section 222(a) (except that such subsection relates to consultation with a State advisory group) and with the requirements of section 222(c); and

''(E) contain such other information, and be subject to such additional requirements, as the Administrator may reasonably prescribe to ensure the effectiveness of the grant program under this section.

''(c) FACTORS FOR CONSIDERATION.—In awarding grants under this section, the Administrator shall consider—

''(1) the resources that are available to each applicant that will assist, and be coordinated with, the overall juvenile justice system of the Indian tribe; and

''(2) for each Indian tribe that receives assistance under such a grant—

''(A) the relative juvenile population; and

''(B) who will be served by the assistance provided by the grant.

''(d) GRANT AWARDS.—

''(1) IN GENERAL.—

''(A) COMPETITIVE AWARDS.—Except as provided in paragraph (2), the Administrator shall annually award grants under this section on a competitive basis. The Administrator shall enter into a grant agreement with each grant recipient under this section that specifies the terms and conditions of the grant.

''(B) PERIOD OF GRANT.—The period of each grant awarded under this section shall be 2 years.

''(2) EXCEPTION.—In any case in which the Administrator determines that a grant recipient under this section has performed satisfactorily during the preceding year in accordance with an applicable grant agreement, the Administrator may—

''(A) waive the requirement that the recipient be subject to the competitive award process described in paragraph (1)(A); and

''(B) renew the grant for an additional grant period (as specified in paragraph (1)(B)).

''(3) MODIFICATIONS OF PROCESSES.—The Administrator may prescribe requirements to provide for appropriate modifications to the plan preparation and application process specified in subsection (b) for an application for a renewal grant under paragraph (2)(B).

''(e) REPORTING REQUIREMENT.—Each Indian tribe that receives a grant under this section shall be subject to the fiscal accountability provisions of section 5(f)(1) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450c(f)(1)), relating to the submission of a single-agency audit report required by chapter 75 of title 31, United States Code.

''(f) MATCHING REQUIREMENT.—Funds appropriated by Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian

lands may be used to provide the non-Federal share of any program or project with a matching requirement funded under this section.

''(g) TECHNICAL ASSISTANCE.—From the amount reserved under section 208(b) in each fiscal year, the Administrator may reserve 1 percent for the purpose of providing technical assistance to recipients of grants under this section.

''SEC. 208. ALLOCATION OF GRANTS.

''(a) IN GENERAL.—Subject to subsections (b), (c), and (d), the amount allocated under section 291 to carry out section 205 in each fiscal year shall be allocated to the States as follows:

''(1) 0.5 percent shall be allocated to each eligible State.

''(2) The amount remaining after the allocation under subparagraph (A) shall be allocated among eligible States as follows:

''(A) 50 percent of such amount shall be allocated proportionately based on the juvenile population in the eligible States.

''(B) 50 percent of such amount shall be allocated proportionately based on the annual average number of arrests for serious crimes committed in the eligible States by juveniles during the then most recently completed period of 3 consecutive calendar years for which sufficient information is available to the Administrator.

''(b) RESERVATION OF FUNDS.—Notwithstanding any other provision of law, from the amounts allocated under section 291 to carry out section 205 and part B in each fiscal year—

''(1) the Administrator shall reserve an amount equal to the amount which all Indian tribes that qualify for a grant under section 207 would collectively be entitled, if such tribes were collectively treated as a State for purposes of subsection (a); and

''(2) the Administrator shall reserve 5 percent to make grants to States under section 209.

''(c) EXCEPTION.—The amount allocated to the Virgin Islands of the United States, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands shall be not less than $75,000 and not more than $100,000.

''(d) ADMINISTRATIVE COSTS.—A State, unit of local government, or eligible unit that receives funds under this part may not use more than 5 percent of those funds to pay for administrative costs.

''SEC. 209. CONFIDENTIAL REPORTING OF INDIVIDUALS SUSPECTED OF IMMINENT SCHOOL VIOLENCE.

''(a) IN GENERAL.—Grants under this section shall be known as 'CRISIS Grants'.

''(b) AUTHORITY TO MAKE GRANTS.—From the amounts reserved by the Administrator under section 208(b)(2), the Administrator shall make a grant to each State in an amount determined under subsection (d), for use in accordance with subsection (c).

''(c) USE OF GRANT AMOUNTS.—Amounts made available to a State under a grant under this section may be used by the State—

''(1) to support the independent State development and operation of confidential, toll-free telephone hotlines that will operate 7 days per week, 24 hours per day, in order to provide students, school officials, and other individuals with the opportunity to report specific threats of imminent school violence or to report other suspicious or criminal conduct by juveniles to appropriate State and local law enforcement entities for investigation;

''(2) to ensure proper State training of personnel who answer and respond to telephone calls to hotlines described in paragraph (1);

''(3) to assist in the acquisition of technology necessary to enhance the effectiveness of hotlines described in paragraph (1), including the utilization of Internet webpages or resources;

''(4) to enhance State efforts to offer appropriate counseling services to individuals who call a hotline described in paragraph (1) threatening to do harm to themselves or others; and

''(5) to further State efforts to publicize the services offered by the hotlines described in paragraph (1) and to encourage individuals to utilize those services.

''(d) ALLOCATION TO STATES.—The total amount reserved to carry out this section in each fiscal year shall be allocated to each State based on the proportion of the population of the State that is less than 18 years of age.

''PART B—FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

''SEC. 221. AUTHORITY TO MAKE GRANTS AND CONTRACTS.

''(a) IN GENERAL.—The Administrator may make grants to States and units of local government, or combinations thereof, to assist them in planning, establishing, operating, coordinating, and evaluating projects directly or through grants and contracts with public and private agencies for the development of more effective education, training, research, prevention, diversion, treatment, and rehabilitation programs in the area of juvenile delinquency and programs to improve the juvenile justice system.

''(b) TRAINING AND TECHNICAL ASSISTANCE.—

''(1) IN GENERAL.—With not to exceed 2 percent of the funds available in a fiscal year to carry out this part, the Administrator shall make grants to and enter into contracts with public and private agencies, organizations, and individuals to provide training and technical assistance to States, units of local governments (and combinations thereof), and local private agencies to facilitate compliance with section 222 and implementation of the State plan approved under section 222(c).

''(2) ELIGIBLE RECIPIENTS.—Grants may be made and contracts may be entered into under paragraph (1) only to public and private agencies, organizations, and individuals that have experience in providing such training and technical assistance. In providing such training and technical assistance, the recipient of a grant or contract under this subsection shall coordinate its activities with the State agency described in section 222(a)(1).

''SEC. 222. STATE PLANS.

''(a) IN GENERAL.—In order to receive formula grants under this part, a State shall submit a plan, developed in consultation with the State Advisory Group established by the State under subsection (b)(2)(A), for carrying out its purposes applicable to a 3-year period. A portion of any allocation of formula grants to a State shall be available to develop a State plan or for other activities associated with such State plan which are necessary for efficient administration, including monitoring, evaluation, and one full-time staff position. The State shall submit annual performance reports to the Administrator, each of which shall describe progress in implementing programs contained in the original plan, and amendments necessary to update the plan, and shall describe the status of compliance with State plan requirements. In accordance with regulations that the Administrator shall prescribe, such plan shall—

''(1) designate a State agency as the sole agency for supervising the preparation and administration of the plan;

''(2) contain satisfactory evidence that the State agency designated in accordance with paragraph (1) has or will have authority, by legislation if necessary, to implement such plan in conformity with this part;

''(3) provide for the active consultation with and participation of units of local government, or combinations thereof, in the development of a State plan that adequately takes into account the needs and requests of units of local government, except that nothing in the plan requirements, or any regulations promulgated to carry out such requirements, shall be construed to prohibit or impede the State from making grants to, or entering into contracts with, local private agencies, including religious organizations;

''(4) to the extent feasible and consistent with paragraph (5), provide for an equitable distribution of the assistance received with the State, including rural areas;

''(5) require that the State or unit of local government that is a recipient of amounts under this part distributes those amounts intended to be used for the prevention of juvenile delinquency and reduction of incarceration, to the extent feasible, in proportion to the amount of juvenile crime committed within those regions and communities;

''(6) provide assurances that youth coming into contact with the juvenile justice system are treated equitably on the basis of gender, race, family income, and disability;

''(7)(A) provide for—

''(i) an analysis of juvenile crime and delinquency problems (including the joining of gangs that commit crimes) and juvenile justice and delinquency prevention needs (including educational needs) of the State (including any geographical area in which an Indian tribe performs law enforcement functions), a description of the services to be provided, and a description of performance goals and priorities, including a specific statement of the manner in which programs are expected to meet the identified juvenile crime problems (including the joining of gangs that commit crimes) and juvenile justice and delinquency prevention needs (including educational needs) of the State;

''(ii) an indication of the manner in which the programs relate to other similar State or local programs that are intended to address the same or similar problems; and

''(iii) a plan for the concentration of State efforts, which shall coordinate all State juvenile crime control, prevention, and delinquency programs with respect to overall policy and development of objectives and priorities for all State juvenile crime control and delinquency programs and activities, including provision for regular meetings of State officials with responsibility in the area of juvenile justice and delinquency prevention;

''(B) contain—

''(i) a plan for providing needed gender-specific services for the prevention and treatment of juvenile delinquency;

''(ii) a plan for providing needed services for the prevention and treatment of juvenile delinquency in rural areas; and

''(iii) a plan for providing needed mental health services to juveniles in the juvenile justice system;

''(8) provide for the coordination and maximum utilization of existing juvenile delinquency programs, programs operated by public and private agencies and organizations, and other related programs (such as education, special education, recreation, health, and welfare programs) in the State;

''(9) provide for the development of an adequate research, training, and evaluation capacity within the State;

''(10) provide that not less than 75 percent of the funds available to the State under section 221, other than funds made available to the State advisory group under this section,

whether expended directly by the State, by the unit of local government, or by a combination thereof, or through grants and contracts with public or private nonprofit agencies, shall be used for—

''(A) community-based alternatives (including home-based alternatives) to incarceration and institutionalization, including—

''(i) for youth who need temporary placement: crisis intervention, shelter, and aftercare; and

''(ii) for youth who need residential placement: a continuum of foster care or group home alternatives that provide access to a comprehensive array of services;

''(B) programs that assist in holding juveniles accountable for their actions, including the use of graduated sanctions and of neighborhood courts or panels that increase victim satisfaction and require juveniles to make restitution for the damage caused by their delinquent behavior;

''(C) comprehensive juvenile crime control and delinquency prevention programs that meet the needs of youth through the collaboration of the many local systems before which a youth may appear, including schools, courts, law enforcement agencies, child protection agencies, mental health agencies, welfare services, health care agencies, public recreation agencies, and private nonprofit agencies offering youth services;

''(D) programs that provide treatment to juvenile offenders who are victims of child abuse or neglect, and to their families, in order to reduce the likelihood that such juvenile offenders will commit subsequent violations of law;

''(E) educational programs or supportive services for delinquent or other juveniles—

''(i) to encourage juveniles to remain in elementary and secondary schools or in alternative learning situations;

''(ii) to provide services to assist juveniles in making the transition to the world of work and self-sufficiency; and

''(iii) enhance coordination with the local schools that such juveniles would otherwise attend, to ensure that—

''(I) the instruction that juveniles receive outside school is closely aligned with the instruction provided in school; and

''(II) information regarding any learning problems identified in such alternative learning situations are communicated to the schools;

''(F) expanding the use of probation officers—

''(i) particularly for the purpose of permitting nonviolent juvenile offenders (including status offenders) to remain at home with their families as an alternative to incarceration or institutionalization; and

''(ii) to ensure that juveniles follow the terms of their probation;

''(G) one-on-one mentoring programs that are designed to link at-risk juveniles and juvenile offenders, particularly juveniles residing in high-crime areas and juveniles experiencing educational failure, with responsible adults (such as law enforcement officers, adults working with local businesses, and adults working with community-based organizations and agencies) who are properly screened and trained;

''(H) programs designed to develop and implement projects relating to juvenile delinquency and learning disabilities, including on-the-job training programs to assist community services, law enforcement, and juvenile justice personnel to more effectively recognize and provide for learning disabled and other juveniles with disabilities;

''(I) projects designed both to deter involvement in illegal activities and to promote involvement in lawful activities on the part of gangs whose membership is substantially composed of youth;

''(J) programs and projects designed to provide for the treatment of youths' dependence on or abuse of alcohol or other addictive or nonaddictive drugs;

''(K) boot camps for juvenile offenders;

''(L) community-based programs and services to work with juveniles, their parents, and other family members during and after incarceration in order to strengthen families so that such juveniles may be retained in their homes;

''(M) other activities (such as court-appointed advocates) that the State determines will hold juveniles accountable for their acts and decrease juvenile involvement in delinquent activities;

''(N) establishing policies and systems to incorporate relevant child protective services records into juvenile justice records for purposes of establishing treatment plans for juvenile offenders;

''(O) programs (including referral to literacy programs and social service programs) to assist families with limited English-speaking ability that include delinquent juveniles to overcome language and other barriers that may prevent the complete treatment of such juveniles and the preservation of their families;

''(P) programs that utilize multidisciplinary interagency case management and information sharing, that enable the juvenile justice and law enforcement agencies, schools, and social service agencies to make more informed decisions regarding early identification, control, supervision, and treatment of juveniles who repeatedly commit violent or serious delinquent acts;

''(Q) programs designed to prevent and reduce hate crimes committed by juveniles;

''(R) court supervised initiatives that address the illegal possession of firearms by juveniles; and

''(S) programs for positive youth development that provide delinquent youth and youth at-risk of delinquency with—

''(i) an ongoing relationship with a caring adult (for example, mentor, tutor, coach, or shelter youth worker);

''(ii) safe places and structured activities during nonschool hours;

''(iii) a healthy start;

''(iv) a marketable skill through effective education; and

''(v) an opportunity to give back through community service;

''(11) shall provide that—

''(A) juveniles who are charged with or who have committed an offense that would not be criminal if committed by an adult, excluding—

''(i) juveniles who are charged with or who have committed a violation of section 922(x)(2) of title 18, United States Code, or of a similar State law;

''(ii) juveniles who are charged with or who have committed a violation of a valid court order; and

''(iii) juveniles who are held in accordance with the Interstate Compact on Juveniles as enacted by the State;

shall not be placed in secure detention facilities or secure correctional facilities; and

''(B) juveniles—

''(i) who are not charged with any offense; and

''(ii) who are—

''(I) aliens; or

''(II) alleged to be dependent, neglected, or abused;

shall not be placed in secure detention facilities or secure correctional facilities;

''(12) provide that—

''(A) juveniles alleged to be or found to be delinquent or juveniles within the purview of paragraph (11) will not be detained or confined in any institution in which they have prohibited physical contact or sustained oral communication with adult inmates; and

''(B) there is in effect in the State a policy that requires individuals who work with both such juveniles and such adult inmates, including in collocated facilities, have been trained and certified to work with juveniles;

''(13) provide that no juvenile will be detained or confined in any jail or lockup for adults except—

''(A) juveniles who are accused of nonstatus offenses and who are detained in such jail or lockup for a period not to exceed 6 hours—

''(i) for processing or release;

''(ii) while awaiting transfer to a juvenile facility; or

''(iii) in which period such juveniles make a court appearance;

''(B) juveniles who are accused of nonstatus offenses, who are awaiting an initial court appearance that will occur within 48 hours after being taken into custody (excluding Saturdays, Sundays, and legal holidays), and who are detained or confined in a jail or lockup—

''(i) in which—

''(I) such juveniles do not have prohibited physical contact or sustained oral communication with adult inmates; and

''(II) there is in effect in the State a policy that requires individuals who work with both such juveniles and such adult inmates, including in collocated facilities, have been trained and certified to work with juveniles; and

''(ii) that—

''(I) is located outside a metropolitan statistical area (as defined by the Office of Management and Budget) and has no existing acceptable alternative placement available;

''(II) is located where conditions of distance to be traveled or the lack of highway, road, or transportation do not allow for court appearances within 48 hours (excluding Saturdays, Sundays, and legal holidays) so that a brief (not to exceed an additional 48 hours) delay is excusable; or

''(III) is located where conditions of safety exist (such as severe adverse, life-threatening weather conditions that do not allow for reasonably safe travel), in which case the time for an appearance may be delayed until 24 hours after the time that such conditions allow for reasonable safe travel;

''(C) juveniles who are accused of nonstatus offenses and who are detained or confined in a jail or lockup that satisfies the requirements of subparagraph (B)(i) if—

''(i) such jail or lockup—

''(I) is located outside a metropolitan statistical area (as defined by the Office of Management and Budget); and

''(II) has no existing acceptable alternative placement available;

''(ii) a parent or other legal guardian (or guardian ad litem) of the juvenile involved consents to detaining or confining such juvenile in accordance with this subparagraph and the parent has the right to revoke such consent at any time;

''(iii) the juvenile has counsel, and the counsel representing such juvenile has an opportunity to present the juvenile's position regarding the detention or confinement involved to the court before the court finds that such detention or confinement is in the best interest of such juvenile and approves such detention or confinement; and

''(iv) detaining or confining such juvenile in accordance with this subparagraph is—

''(I) approved in advance by a court with competent jurisdiction;

''(II) required to be reviewed periodically, at intervals of not more than 5 days (excluding Saturdays, Sundays, and legal holidays),

by such court for the duration of detention or confinement, which review may be in the presence of the juvenile; and

''(III) for a period preceding the sentencing (if any) of such juvenile;

''(14) provide assurances that consideration will be given to and that assistance will be available for approaches designed to strengthen the families of delinquent and other youth to prevent juvenile delinquency (which approaches should include the involvement of grandparents or other extended family members, when possible, and appropriate and the provision of family counseling during the incarceration of juvenile family members and coordination of family services when appropriate and feasible);

''(15) provide for procedures to be established for protecting the rights of recipients of services and for assuring appropriate privacy with regard to records relating to such services provided to any individual under the State plan;

''(16) provide for such fiscal control and fund accounting procedures necessary to assure prudent use, proper disbursement, and accurate accounting of funds received under this title;

''(17) provide reasonable assurances that Federal funds made available under this part for any period shall be so used as to supplement and increase (but not supplant) the level of the State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs described in this part, and shall in no event replace such State, local, and other non-Federal funds;

''(18) provide that the State agency designated under paragraph (1) will, not less often than annually, review its plan and submit to the Administrator an analysis and evaluation of the effectiveness of the programs and activities carried out under the plan, and any modifications in the plan, including the survey of State and local needs, that the agency considers necessary;

''(19) provide assurances that the State or each unit of local government that is a recipient of amounts under this part require that any person convicted of a sexual act or sexual contact involving any other person who has not attained the age of 18 years, and who is not less than 4 years younger than such convicted person, be tested for the presence of any sexually transmitted disease and that the results of such test be provided to the victim or to the family of the victim as well as to any court or other government agency with primary authority for sentencing the person convicted for the commission of the sexual act or sexual contact (as those terms are defined in paragraphs (2) and (3), respectively, of section 2246 of title 18, United States Code) involving a person not having attained the age of 18 years;

''(20) provide that if a juvenile is taken into custody for violating a valid court order issued for committing a status offense—

''(A) an appropriate public agency shall be promptly notified that such juvenile is held in custody for violating such order;

''(B) not later than 24 hours during which such juvenile is so held, an authorized representative of such agency shall interview, in person, such juvenile; and

''(C) not later than 48 hours during which such juvenile is so held—

''(i) such representative shall submit an assessment to the court that issued such order, regarding the immediate needs of such juvenile; and

''(ii) such court shall conduct a hearing to determine—

''(I) whether there is reasonable cause to believe that such juvenile violated such order; and

''(II) the appropriate placement of such juvenile pending disposition of the violation alleged;

''(21) specify a percentage, if any, of funds received by the State under section 221 that the State will reserve for expenditure by the State to provide incentive grants to units of local government that reduce the case load of probation officers within such units;

''(22) provide that the State, to the maximum extent practicable, will implement a system to ensure that if a juvenile is before a court in the juvenile justice system, public child welfare records (including child protective services records) relating to such juvenile that are on file in the geographical area under the jurisdiction of such court will be made known to such court;

''(23) unless the provisions of this paragraph are waived at the discretion of the Administrator for any State in which the services for delinquent or other youth are organized primarily on a statewide basis, provide that at least 50 percent of funds received by the State under this section, other than funds made available to the State advisory group, shall be expended—

''(A) through programs of units of general local government or combinations thereof, to the extent such programs are consistent with the State plan; and

''(B) through programs of local private agencies, to the extent such programs are consistent with the State plan, except that direct funding of any local private agency by a State shall be permitted only if such agency requests such funding after it has applied for and been denied funding by any unit of general local government or combination thereof;

''(24) provide for the establishment of youth tribunals and peer 'juries' in school districts in the State to promote zero tolerance policies with respect to misdemeanor offenses, acts of juvenile delinquency, and other antisocial behavior occurring on school grounds, including truancy, vandalism, underage drinking, and underage tobacco use;

''(25) provide for projects to coordinate the delivery of adolescent mental health and substance abuse services to children at risk by coordinating councils composed of public and private service providers;

''(26) provide assurances that—

''(A) any assistance provided under this Act will not cause the displacement (including a partial displacement, such as a reduction in the hours of nonovertime work, wages, or employment benefits) of any currently employed employee;

''(B) activities assisted under this Act will not impair an existing collective bargaining relationship, contract for services, or collective bargaining agreement; and

''(C) no such activity that would be inconsistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the labor organization involved;

''(27) to the extent that segments of the juvenile population are shown to be detained or confined in secure detention facilities, secure correctional facilities, jails, and lockups, to a greater extent than the proportion of these groups in the general juvenile population, address prevention efforts designed to reduce such disproportionate confinement, without requiring the release or the failure to detain any individual; and

''(28) demonstrate that the State has in effect a policy or practice that requires State or local law enforcement agencies to—

''(A) present before a judicial officer any juvenile who unlawfully possesses a firearm in a school; and

''(B) detain such juvenile in an appropriate juvenile facility or secure community-based placement for not less than 24 hours for appropriate evaluation, upon a finding by the judicial officer that the juvenile may be a danger to himself or herself, to other individuals, or to the community in which that juvenile resides.

''(b) APPROVAL BY STATE AGENCY.—

''(1) STATE AGENCY.—The State agency designated under subsection (a)(1) shall approve the State plan and any modification thereof prior to submission of the plan to the Administrator.

''(2) STATE ADVISORY GROUP.—

''(A) ESTABLISHMENT.—The State advisory group referred to in subsection (a) shall be known as the 'State Advisory Group'. The State Advisory Group shall consist of representatives from both the private and public sector, each of whom shall be appointed for a term of not more than 6 years. The State shall ensure that members of the State Advisory Group shall have experience in the area of juvenile delinquency prevention, the prosecution of juvenile offenders, the treatment of juvenile delinquency, the investigation of juvenile crimes, or the administration of juvenile justice programs, and shall include not less than 1 prosecutor and not less than 1 judge from a court with a juvenile crime or delinquency docket. The chairperson of the State Advisory Group shall not be a full-time employee of the Federal Government or the State government.

''(B) CONSULTATION.—

''(i) IN GENERAL.—The State Advisory Group established under subparagraph (A) shall—

''(I) participate in the development and review of the State plan under this section before submission to the supervisory agency for final action; and

''(II) be afforded an opportunity to review and comment, not later than 30 days after the submission to the State Advisory Group, on all juvenile justice and delinquency prevention grant applications submitted to the State agency designated under subsection (a)(1).

''(ii) AUTHORITY.—The State Advisory Group shall report to the chief executive officer and the legislature of the State on an annual basis regarding recommendations related to the State's compliance under this section.

''(C) FUNDING.—From amounts reserved for administrative costs, the State may make available to the State Advisory Group such sums as may be necessary to assist the State Advisory Group in adequately performing its duties under this paragraph.

''(c) COMPLIANCE WITH STATUTORY REQUIREMENTS.—

''(1) IN GENERAL.—If a State fails to comply with any of the applicable requirements of paragraph (11), (12), (13), (27), or (28) of subsection (a) in any fiscal year beginning after September 30, 2000, the amount allocated to such State for the subsequent fiscal year shall be reduced by not to exceed 10 percent for each such paragraph with respect to which the failure occurs, unless the Administrator determines that the State—

''(A) has achieved substantial compliance with such applicable requirements with respect to which the State was not in compliance; and

''(B) has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance with such applicable requirements within a reasonable time.

''(2) WAIVER.—The Administrator may, upon request by a State showing good cause, waive the application of this subsection with respect to such State.

''SEC. 223. ALLOCATION OF GRANTS.

''(a) IN GENERAL.—Subject to subsections (b), (c), and (d), the amount allocated under

section 291 to carry out this part in each fiscal year that remains after reservation under section 208(b) for that fiscal year shall be allocated to the States as follows:

''(1) 0.5 percent shall be allocated to each eligible State.

''(2) The amount remaining after the allocation under clause (i) shall be allocated proportionately based on the juvenile population in the eligible States.

''(b) SYSTEM SUPPORT GRANTS.—Of the amount allocated under section 291 to carry out this part in each fiscal year that remains after reservation under section 208(b) for that fiscal year, up to 10 percent may be available for use by the Administrator to provide—

''(1) training and technical assistance consistent with the purposes authorized under sections 204, 205, and 221;

''(2) direct grant awards and other support to develop, test, and demonstrate new approaches to improving the juvenile justice system and reducing, preventing, and abating delinquent behavior, juvenile crime, and youth violence;

''(3) for research and evaluation efforts to discover and test methods and practices to improve the juvenile justice system and reduce, prevent, and abate delinquent behavior, juvenile crime, and youth violence; and

''(4) information, including information on best practices, consistent with purposes authorized under sections 204, 205, and 221.

''(c) EXCEPTION.—The amount allocated to the Virgin Islands of the United States, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands shall be not less than $75,000 and not more than $100,000.

''(d) ADMINISTRATIVE COSTS.—A State, unit of local government, or eligible unit that receives funds under this part may not use more than 5 percent of those funds to pay for administrative costs.

''PART C—NATIONAL PROGRAMS

''SEC. 241. ESTABLISHMENT OF NATIONAL INSTITUTE FOR JUVENILE CRIME CONTROL AND DELINQUENCY PREVENTION.

''(a) IN GENERAL.—There is established within the National Institute of Justice a National Institute for Juvenile Crime Control and Delinquency Prevention, the purpose of which shall be to provide—

''(1) through the National Institute of Justice, for the rigorous and independent evaluation of the delinquency and youth violence prevention programs funded under this title; and

''(2) funding for new research, through the National Institute of Justice, on the nature, causes, and prevention of juvenile violence and juvenile delinquency.

''(b) ADMINISTRATION.—The National Institute for Juvenile Crime Control and Delinquency Prevention shall be under the supervision and direction of the Director of the National Institute of Justice (referred to in this part as the 'Director'), in consultation with the Administrator.

''(c) COORDINATION.—The activities of the National Institute for Juvenile Crime Control and Delinquency Prevention shall be coordinated with the activities of the National Institute of Justice.

''(d) DUTIES OF THE INSTITUTE.—

''(1) IN GENERAL.—The Administrator shall transfer appropriated amounts to the National Institute of Justice, or to other Federal agencies, for the purposes of new research and evaluation projects funded by the National Institute for Juvenile Crime Control and Delinquency Prevention, and for evaluation of discretionary programs of the Office of Juvenile Crime Control and Prevention.

''(2) REQUIREMENTS.—Each evaluation and research study funded with amounts transferred under paragraph (1) shall—

''(A) be independent in nature;

''(B) be awarded competitively; and

''(C) employ rigorous and scientifically recognized standards and methodologies, including peer review by nonapplicants.

''(e) POWERS OF THE INSTITUTE.—In addition to the other powers, express and implied, the National Institute for Juvenile Crime Control and Delinquency Prevention may—

''(1) request any Federal agency to supply such statistics, data, program reports, and other material as the National Institute for Juvenile Crime Control and Delinquency Prevention deems necessary to carry out its functions;

''(2) arrange with and reimburse the heads of Federal agencies for the use of personnel or facilities or equipment of such agencies;

''(3) confer with and avail itself of the cooperation, services, records, and facilities of State, municipal, or other public or private local agencies;

''(4) make grants and enter into contracts with public or private agencies, organizations, or individuals for the partial performance of any functions of the National Institute for Juvenile Crime Control and Delinquency Prevention; and

''(5) compensate consultants and members of technical advisory councils who are not in the regular full-time employ of the United States, at a rate now or hereafter payable under section 5376 of title 5, United States Code, and while away from home, or regular place of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

''(f) INFORMATION FROM FEDERAL AGENCIES.—A Federal agency that receives a request from the National Institute for Juvenile Crime Control and Delinquency Prevention under subsection (e)(1) may cooperate with the National Institute for Juvenile Crime Control and Delinquency Prevention and shall, to the maximum extent practicable, consult with and furnish information and advice to the National Institute for Juvenile Crime Control and Delinquency Prevention.

''SEC. 242. INFORMATION FUNCTION.

''The Administrator, in consultation with the Director, shall—

''(1) on a continuing basis, review reports, data, and standards relating to the juvenile justice system in the United States;

''(2) serve as an information bank by collecting systematically and synthesizing the knowledge obtained from studies and research by public and private agencies, institutions, or individuals concerning all aspects of juvenile delinquency, including the prevention and treatment of juvenile delinquency; and

''(3) serve as a clearinghouse and information center for the preparation, publication, and dissemination of all information regarding juvenile delinquency, including State and local juvenile delinquency prevention and treatment programs (including drug and alcohol programs and gender-specific programs) and plans, availability of resources, training and educational programs, statistics, and other pertinent data and information.

''SEC. 242A. STATISTICAL ANALYSIS.

''The Administrator, under the supervision of the Assistant Attorney General for the Office of Justice Programs, and in consultation with the Director, may—

''(1) transfer funds to and enter into agreements with the Bureau of Justice Statistics or, subject to the approval of the Assistant Attorney General for the Office of Justice Programs, to another Federal agency authorized by law to undertake statistical work in juvenile justice matters, for the purpose of providing for the collection, analysis, and dissemination of statistical data and information relating to juvenile crime, the juvenile justice system, and youth violence, and for other purposes, consistent with the Violent and Repeat Juvenile Offender Accountability Act of 1999; and

''(2) plan and identify, in consultation with the Director of the Bureau of Justice Statistics, the purposes and goals of each grant made or contract or other agreement entered into under this title.

''SEC. 243. RESEARCH, DEMONSTRATION, AND EVALUATION FUNCTIONS.

''(a) IN GENERAL.—The Administrator, acting through the National Institute for Juvenile Crime Control and Delinquency Prevention, as appropriate, may—

''(1) conduct, encourage, and coordinate research and evaluation into any aspect of juvenile delinquency, particularly with regard to new programs and methods that show promise of making a contribution toward the prevention and treatment of juvenile delinquency;

''(2) encourage the development of demonstration projects in new, innovative techniques and methods to prevent and treat juvenile delinquency;

''(3) establish or expand programs that, in recognition of varying degrees of the seriousness of delinquent behavior and the corresponding gradations in the responses of the juvenile justice system in response to that behavior, are designed to—

''(A) encourage courts to develop and implement a continuum of post-adjudication restraints that bridge the gap between traditional probation and confinement in a correctional setting (including expanded use of probation, mediation, restitution, community service, treatment, home detention, intensive supervision, electronic monitoring, boot camps and similar programs, and secure community-based treatment facilities linked to other support services such as health, mental health, education (remedial and special), job training, and recreation); and

''(B) assist in the provision by the Administrator of best practices of information and technical assistance, including technology transfer, to States in the design and utilization of risk assessment mechanisms to aid juvenile justice personnel in determining appropriate sanctions for delinquent behavior;

''(4) encourage the development of programs that, in addition to helping youth take responsibility for their behavior, through control and incarceration, if necessary, provide therapeutic intervention such as providing skills;

''(5) encourage the development and establishment of programs to enhance the States' ability to identify chronic serious and violent juvenile offenders who commit crimes such as rape, murder, firearms offenses, gang-related crimes, violent felonies, and serious drug offenses;

''(6) prepare, in cooperation with education institutions, with Federal, State, and local agencies, and with appropriate individuals and private agencies, such studies as it considers to be necessary with respect to prevention of and intervention with juvenile violence and delinquency and the improvement of juvenile justice systems, including—

''(A) evaluations of programs and interventions designed to prevent youth violence and juvenile delinquency;

''(B) assessments and evaluations of the methodological approaches to evaluating the effectiveness of interventions and programs

designed to prevent youth violence and juvenile delinquency;

''(C) studies of the extent, nature, risk, and protective factors, and causes of youth violence and juvenile delinquency;

''(D) comparisons of youth adjudicated and treated by the juvenile justice system compared to juveniles waived to and adjudicated by the adult criminal justice system (including incarcerated in adult, secure correctional facilities);

''(E) recommendations with respect to effective and ineffective primary, secondary, and tertiary prevention interventions, including for which juveniles, and under what circumstances (including circumstances connected with the staffing of the intervention), prevention efforts are effective and ineffective; and

''(F) assessments of risk prediction systems of juveniles used in making decisions regarding pretrial detention;

''(7) disseminate the results of such evaluations and research and demonstration activities particularly to persons actively working in the field of juvenile delinquency;

''(8) disseminate pertinent data and studies to individuals, agencies, and organizations concerned with the prevention and treatment of juvenile delinquency; and

''(9) routinely collect, analyze, compile, publish, and disseminate uniform national statistics concerning—

''(A) all aspects of juveniles as victims and offenders;

''(B) the processing and treatment, in the juvenile justice system, of juveniles who are status offenders, delinquent, neglected, or abused; and

''(C) the processing and treatment of such juveniles who are treated as adults for purposes of the criminal justice system.

''(b) PUBLIC DISCLOSURE.—The Administrator or the Director, as appropriate, shall make available to the public—

''(1) the results of research, demonstration, and evaluation activities referred to in subsection (a)(8);

''(2) the data and studies referred to in subsection (a)(9); and

''(3) regular reports regarding each State's objective measurements of youth violence, such as the number, rate, and trend of homicides committed by youths.

''SEC. 244. TECHNICAL ASSISTANCE AND TRAINING FUNCTIONS.

''The Administrator may—

''(1) provide technical assistance and training assistance to Federal, State, and local governments and to courts, public and private agencies, institutions, and individuals in the planning, establishment, funding, operation, and evaluation of juvenile delinquency programs;

''(2) develop, conduct, and provide for training programs for the training of professional, paraprofessional, and volunteer personnel, and other persons who are working with or preparing to work with juveniles, juvenile offenders (including juveniles who commit hate crimes), and their families;

''(3) develop, conduct, and provide for seminars, workshops, and training programs in the latest proven effective techniques and methods of preventing and treating juvenile delinquency for law enforcement officers, juvenile judges, prosecutors, and defense attorneys, and other court personnel, probation officers, correctional personnel, and other Federal, State, and local government personnel who are engaged in work relating to juvenile delinquency;

''(4) develop technical training teams to aid in the development of training programs in the States and to assist State and local agencies that work directly with juveniles and juvenile offenders; and

''(5) provide technical assistance and training to assist States and units of general local government.

''SEC. 245. ESTABLISHMENT OF TRAINING PROGRAM.

''(a) IN GENERAL.—The Administrator shall establish a training program designed to train enrollees with respect to methods and techniques for the prevention and treatment of juvenile delinquency, including methods and techniques specifically designed to prevent and reduce the incidence of hate crimes committed by juveniles. In carrying out this program the Administrator may make use of available State and local services, equipment, personnel, facilities, and the like.

''(b) QUALIFICATIONS FOR ENROLLMENT.—Enrollees in the training program established under this section shall be drawn from law enforcement and correctional personnel (including volunteer lay personnel), teachers and special education personnel, family counselors, child welfare workers, juvenile judges and judicial personnel, persons associated with law-related education, public recreation personnel, youth workers, and representatives of private agencies and organizations with specific experience in the prevention and treatment of juvenile delinquency.

''SEC. 246. REPORT ON STATUS OFFENDERS.

''Not later than September 1, 2002, the Administrator, through the National Institute of Justice, shall—

''(1) conduct a study on the effect of incarceration on status offenders compared to similarly situated individuals who are not placed in secure detention in terms of the continuation of their inappropriate or illegal conduct, delinquency, or future criminal behavior, and evaluating the safety of status offenders placed in secure detention; and

''(2) submit to the Chairman and Ranking Member of the Committee on the Judiciary of the Senate and the Chairman and Ranking Member of the Committee on Education and the Workforce of the House of Representatives a report on the results of the study conducted under paragraph (1).

''SEC. 247. CONSIDERATIONS FOR APPROVAL OF APPLICATIONS.

''(a) IN GENERAL.—Any agency, institution, or individual seeking to receive a grant, or enter into a contract, under section 243, 244, or 245 shall submit an application at such time, in such manner, and containing or accompanied by such information as the Administrator or the Director, as appropriate, may prescribe.

''(b) APPLICATION CONTENTS.—In accordance with guidelines established by the Administrator or the Director, as appropriate, each application for assistance under section 243, 244, or 245 shall—

''(1) set forth a program for carrying out 1 or more of the purposes set forth in section 243, 244, or 245, and specifically identify each such purpose such program is designed to carry out;

''(2) provide that such program shall be administered by or under the supervision of the applicant;

''(3) provide for the proper and efficient administration of such program;

''(4) provide for regular evaluation of such program; and

''(5) provide for such fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this title.

''(c) FACTORS FOR CONSIDERATION.—In determining whether or not to approve applications for grants and for contracts under this part, the Administrator or the Director, as appropriate, shall consider—

''(1) whether the project uses appropriate and rigorous methodology, including appropriate samples, control groups, psychometrically sound measurement, and appropriate data analysis techniques;

''(2) the experience of the principal and coprincipal investigators in the area of youth violence and juvenile delinquency;

''(3) the protection offered human subjects in the study, including informed consent procedures; and

''(4) the cost-effectiveness of the proposed project.

''(d) SELECTION PROCESS.—

''(1) IN GENERAL.—

''(A) COMPETITIVE PROCESS.—Subject to subparagraph (B), programs selected for assistance through grants or contracts under section 243, 244, or 245 shall be selected through a competitive process, which shall be established by the Administrator or the Director, as appropriate, by rule. As part of such a process, the Administrator or the Director, as appropriate, shall announce in the Federal Register—

''(i) the availability of funds for such assistance;

''(ii) the general criteria applicable to the selection of applicants to receive such assistance; and

''(iii) a description of the procedures applicable to submitting and reviewing applications for such assistance.

''(B) WAIVER.—The competitive process described in subparagraph (A) shall not be required if the Administrator or the Director, as appropriate, makes a written determination waiving the competitive process with respect to a program to be carried out in an area with respect to which the President declares under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) that a major disaster or emergency exists.

''(2) REVIEW PROCESS.—

''(A) IN GENERAL.—Programs selected for assistance through grants and contracts under this part shall be selected after a competitive process that provides potential grantees and contractors with not less than 90 days to submit applications for funds. Applications for funds shall be reviewed through a formal peer review process by qualified scientists with expertise in the fields of criminology, juvenile delinquency, sociology, psychology, research methodology, evaluation research, statistics, and related areas. The peer review process shall conform to the process used by the National Institutes of Health, the National Institute of Justice, or the National Science Foundation.

''(B) ESTABLISHMENT OF PROCESS.—Such process shall be established by the Administrator or the Director, as appropriate, in consultation with the Directors and other appropriate officials of the National Science Foundation and the National Institute of Mental Health. Before implementation of such process, the Administrator or the Director, as appropriate, shall submit such process to such Directors, each of whom shall prepare and furnish to the Chairman of the Committee on Education and the Workforce of the House of Representatives and the Chairman of the Committee on the Judiciary of the Senate a final report containing their comments on such process as proposed to be established.

''(3) EMERGENCY EXPEDITED CONSIDERATION.—In establishing the process required under paragraphs (1) and (2), the Administrator or the Director, as appropriate, shall provide for emergency expedited consideration of a proposed program if the Administrator or the Director, as appropriate, determines such action to be necessary in order to avoid a delay that would preclude carrying out the program.

''(e) EFFECT OF POPULATION.—A city shall not be denied assistance under section 243, 244, or 245 solely on the basis of its population.

''(f) NOTIFICATION PROCESS.—Notification of grants and contracts made under sections 243, 244, and 245 (and the applications submitted for such grants and contracts) shall, upon being made, be transmitted by the Administrator or the Director, as appropriate, to the Chairman of the Committee on Education and the Workforce of the House of Representatives and the Chairman of the Committee on the Judiciary of the Senate.

''SEC. 248. STUDY OF VIOLENT ENTERTAINMENT.

''(a) REQUIREMENT.—The National Institutes of Health shall conduct a study of the effects of violent video games and music on child development and youth violence.

''(b) ELEMENTS.—The study under subsection (a) shall address—

''(1) whether, and to what extent, violence in video games and music adversely affects the emotional and psychological development of juveniles; and

''(2) whether violence in video games and music contributes to juvenile delinquency and youth violence.

''PART D—GANG-FREE SCHOOLS AND COMMUNITIES; COMMUNITY-BASED GANG INTERVENTION

''SEC. 251. DEFINITION OF JUVENILE.

''In this part, the term 'juvenile' means an individual who has not attained the age of 22 years.

''SEC. 252. GANG-FREE SCHOOLS AND COMMUNITIES.

''(a) IN GENERAL.—

''(1) The Administrator shall make grants to or enter into contracts with public agencies (including local educational agencies) and private nonprofit agencies, organizations, and institutions to establish and support programs and activities that involve families and communities and that are designed to carry out any of the following purposes:

''(A) To prevent and to reduce the participation of juveniles in the activities of gangs that commit crimes. Such programs and activities may include—

''(i) individual, peer, family, and group counseling, including the provision of life skills training and preparation for living independently, which shall include cooperation with social services, welfare, and health care programs;

''(ii) education, recreation, and social services designed to address the social and developmental needs of juveniles that such juveniles would otherwise seek to have met through membership in gangs;

''(iii) crisis intervention and counseling to juveniles, who are particularly at risk of gang involvement, and their families, including assistance from social service, welfare, health care, mental health, and substance abuse prevention and treatment agencies where necessary;

''(iv) the organization of neighborhood and community groups to work closely with parents, schools, law enforcement, and other public and private agencies in the community; and

''(v) training and assistance to adults who have significant relationships with juveniles who are or may become members of gangs, to assist such adults in providing constructive alternatives to participating in the activities of gangs.

''(B) To develop within the juvenile adjudicatory and correctional systems new and innovative means to address the problems of juveniles convicted of serious drug-related and gang-related offenses.

''(C) To target elementary school students, with the purpose of steering students away from gang involvement.

''(D) To provide treatment to juveniles who are members of such gangs, including members who are accused of committing a serious crime and members who have been adjudicated as being delinquent.

''(E) To promote the involvement of juveniles in lawful activities in geographical areas in which gangs commit crimes.

''(F) To promote and support, with the cooperation of community-based organizations experienced in providing services to juveniles engaged in gang-related activities and the cooperation of local law enforcement agencies, the development of policies and activities in public elementary and secondary schools that will assist such schools in maintaining a safe environment conducive to learning.

''(G) To assist juveniles who are or may become members of gangs to obtain appropriate educational instruction, in or outside a regular school program, including the provision of counseling and other services to promote and support the continued participation of such juveniles in such instructional programs.

''(H) To expand the availability of prevention and treatment services relating to the illegal use of controlled substances and controlled substance analogues (as defined in paragraphs (6) and (32) of section 102 of the Controlled Substances Act (21 U.S.C. 802)) by juveniles, provided through State and local health and social services agencies.

''(I) To provide services to prevent juveniles from coming into contact with the juvenile justice system again as a result of gang-related activity.

''(J) To provide services authorized in this section at a special location in a school or housing project or other appropriate site.

''(K) To support activities to inform juveniles of the availability of treatment and services for which financial assistance is available under this section.

''(2) From not more than 15 percent of the total amount appropriated to carry out this part in each fiscal year, the Administrator may make grants to and enter into contracts with public agencies and private nonprofit agencies, organizations, and institutions—

''(A) to conduct research on issues related to juvenile gangs;

''(B) to evaluate the effectiveness of programs and activities funded under paragraph (1); and

''(C) to increase the knowledge of the public (including public and private agencies that operate or desire to operate gang prevention and intervention programs) by disseminating information on research and on effective programs and activities funded under this section.

''(b) APPROVAL OF APPLICATIONS.—

''(1) IN GENERAL.—Any agency, organization, or institution seeking to receive a grant, or to enter into a contract, under this section shall submit an application at such time, in such manner, and containing such information as the Administrator may prescribe.

''(2) APPLICATION CONTENTS.—In accordance with guidelines established by the Administrator, each application submitted under paragraph (1) shall—

''(A) set forth a program or activity for carrying out 1 or more of the purposes specified in subsection (a) and specifically identify each such purpose such program or activity is designed to carry out;

''(B) provide that such program or activity shall be administered by or under the supervision of the applicant;

''(C) provide for the proper and efficient administration of such program or activity;

''(D) provide for regular evaluation of such program or activity;

''(E) provide an assurance that the proposed program or activity will supplement, not supplant, similar programs and activities already available in the community;

''(F) describe how such program or activity is coordinated with programs, activities, and services available locally under part B or C of this title, and under chapter 1 of subtitle B of title III of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11801–11805);

''(G) certify that the applicant has requested the State planning agency to review and comment on such application and summarize the responses of such State planning agency to such request;

''(H) provide that regular reports on such program or activity shall be sent to the Administrator and to such State planning agency; and

''(I) provide for such fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this section.

''(3) PRIORITY.—In reviewing applications for grants and contracts under this section, the Administrator shall give priority to applications—

''(A) submitted by, or substantially involving, local educational agencies (as defined in section 1471 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891));

''(B) based on the incidence and severity of crimes committed by gangs whose membership is composed primarily of juveniles in the geographical area in which the applicants propose to carry out the programs and activities for which such grants and contracts are requested; and

''(C) for assistance for programs and activities that—

''(i) are broadly supported by public and private nonprofit agencies, organizations, and institutions located in such geographical area; and

''(ii) will substantially involve the families of juvenile gang members in carrying out such programs or activities.

''SEC. 253. COMMUNITY-BASED GANG INTERVENTION.

''(a) IN GENERAL.—The Administrator shall make grants to or enter into contracts with public and private nonprofit agencies, organizations, and institutions to carry out programs and activities—

''(1) to reduce the participation of juveniles in the illegal activities of gangs;

''(2) to develop regional task forces involving State, local, and community-based organizations to coordinate the disruption of gangs and the prosecution of juvenile gang members and to curtail interstate activities of gangs; and

''(3) to facilitate coordination and cooperation among—

''(A) local education, juvenile justice, employment, recreation, and social service agencies; and

''(B) community-based programs with a proven record of effectively providing intervention services to juvenile gang members for the purpose of reducing the participation of juveniles in illegal gang activities; and

''(4) to support programs that, in recognition of varying degrees of the seriousness of delinquent behavior and the corresponding gradations in the responses of the juvenile justice system in response to that behavior, are designed to—

''(A) encourage courts to develop and implement a continuum of post-adjudication restraints that bridge the gap between traditional probation and confinement in a correctional setting (including expanded use of probation, mediation, restitution, community service, treatment, home detention, intensive supervision, electronic monitoring,

boot camps and similar programs, and secure community-based treatment facilities linked to other support services such as health, mental health, education (remedial and special), job training, and recreation); and

''(B) assist in the provision by the Administrator of information and technical assistance, including technology transfer, to States in the design and utilization of risk assessment mechanisms to aid juvenile justice personnel in determining appropriate sanctions for delinquent behavior.

''(b) ELIGIBLE PROGRAMS AND ACTIVITIES.—Programs and activities for which grants and contracts are to be made under this section may include—

''(1) the hiring of additional State and local prosecutors, and the establishment and operation of programs, including multijurisdictional task forces, for the disruption of gangs and the prosecution of gang members;

''(2) developing within the juvenile adjudicatory and correctional systems new and innovative means to address the problems of juveniles convicted of serious drug-related and gang-related offenses;

''(3) providing treatment to juveniles who are members of such gangs, including members who are accused of committing a serious crime and members who have been adjudicated as being delinquent;

''(4) promoting the involvement of juveniles in lawful activities in geographical areas in which gangs commit crimes;

''(5) expanding the availability of prevention and treatment services relating to the illegal use of controlled substances and controlled substances analogues (as defined in paragraphs (6) and (32) of section 102 of the Controlled Substances Act (21 U.S.C. 802)), by juveniles, provided through State and local health and social services agencies;

''(6) providing services to prevent juveniles from coming into contact with the juvenile justice system again as a result of gang-related activity; or

''(7) supporting activities to inform juveniles of the availability of treatment and services for which financial assistance is available under this section.

''(c) APPROVAL OF APPLICATIONS.—

''(1) IN GENERAL.—Any agency, organization, or institution desiring to receive a grant, or to enter into a contract, under this section shall submit an application at such time, in such manner, and containing such information as the Administrator may prescribe.

''(2) APPLICATION CONTENTS.—In accordance with guidelines established by the Administrator, each application submitted under paragraph (1) shall—

''(A) set forth a program or activity for carrying out 1 or more of the purposes specified in subsection (a) and specifically identify each such purpose such program or activity is designed to carry out;

''(B) provide that such program or activity shall be administered by or under the supervision of the applicant;

''(C) provide for the proper and efficient administration of such program or activity;

''(D) provide for regular evaluation of such program or activity;

''(E) provide an assurance that the proposed program or activity will supplement, not supplant, similar programs and activities already available in the community;

''(F) describe how such program or activity is coordinated with programs, activities, and services available locally under part B of this title and under chapter 1 of subtitle B of title III of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11801–11805);

''(G) certify that the applicant has requested the State planning agency to review and comment on such application and summarize the responses of such State planning agency to such request;

''(H) provide that regular reports on such program or activity shall be sent to the Administrator and to such State planning agency; and

''(I) provide for such fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this section.

''(3) PRIORITY.—In reviewing applications for grants and contracts under subsection (a), the Administrator shall give priority to applications—

''(A) submitted by, or substantially involving, community-based organizations experienced in providing services to juveniles;

''(B) based on the incidence and severity of crimes committed by gangs whose membership is composed primarily of juveniles in the geographical area in which the applicants propose to carry out the programs and activities for which such grants and contracts are requested; and

''(C) for assistance for programs and activities that—

''(i) are broadly supported by public and private nonprofit agencies, organizations, and institutions located in such geographical area; and

''(ii) will substantially involve the families of juvenile gang members in carrying out such programs or activities.

''SEC. 254. PRIORITY.

''In making grants under this part, the Administrator shall give priority to funding programs and activities described in subsections (a)(2) and (b)(1) of section 253.

''PART E—DEVELOPING, TESTING, AND DEMONSTRATING PROMISING NEW INITIATIVES AND PROGRAMS

''SEC. 261. GRANTS AND PROJECTS.

''(a) AUTHORITY TO MAKE GRANTS.—The Administrator may make grants to, and enter into contracts with, States, units of local government, Indian tribal governments, public and private agencies, organizations, and individuals, or combinations thereof, to carry out projects for the development, testing, and demonstration of promising initiatives and programs for the prevention, control, or reduction of juvenile delinquency. The Administrator shall ensure that, to the extent reasonable and practicable, such grants are made to achieve an equitable geographical distribution of such projects throughout the United States.

''(b) USE OF GRANTS.—A grant made under subsection (a) may be used to pay all or part of the cost of the project for which such grant is made.

''SEC. 262. GRANTS FOR TRAINING AND TECHNICAL ASSISTANCE.

''The Administrator may make grants to, and enter into contracts with, public and private agencies, organizations, and individuals to provide training and technical assistance to States, units of local government, Indian tribal governments, local private entities or agencies, or any combination thereof, to carry out the projects for which grants are made under section 261.

''SEC. 263. ELIGIBILITY.

''To be eligible to receive assistance pursuant to a grant or contract under this part, a public or private agency, Indian tribal government, organization, institution, individual, or combination thereof, shall submit an application to the Administrator at such time, in such form, and containing such information as the Administrator may reasonably require by rule.

''SEC. 264. REPORTS.

''Each recipient of assistance pursuant to a grant or contract under this part shall submit to the Administrator such reports as may be reasonably requested by the Administrator to describe progress achieved in carrying the projects for which the assistance was provided.

''PART F—MENTORING

''SEC. 271. MENTORING.

''The purposes of this part are to, through the use of mentors for at-risk youth—

''(1) reduce juvenile delinquency and gang participation;

''(2) improve academic performance; and

''(3) reduce the dropout rate.

''SEC. 272. DEFINITIONS.

''In this part—

''(1) the term 'at-risk youth' means a youth at risk of educational failure, dropping out of school, or involvement in criminal or delinquent activities; and

''(2) the term 'mentor' means a person who works with an at-risk youth on a one-to-one basis, providing a positive role model for the youth, establishing a supportive relationship with the youth, and providing the youth with academic assistance and exposure to new experiences and examples of opportunity that enhance the ability of the youth to become a responsible adult.

''SEC. 273. GRANTS.

''(a) LOCAL EDUCATIONAL GRANTS.—The Administrator shall make grants to local education agencies and nonprofit organizations to establish and support programs and activities for the purpose of implementing mentoring programs that—

''(1) are designed to link at-risk children, particularly children living in high crime areas and children experiencing educational failure, with responsible adults such as law enforcement officers, persons working with local businesses, elders in Alaska Native villages, and adults working for community-based organizations and agencies; and

''(2) are intended to achieve 1 or more of the following goals:

''(A) Provide general guidance to at-risk youth.

''(B) Promote personal and social responsibility among at-risk youth.

''(C) Increase at-risk youth's participation in and enhance their ability to benefit from elementary and secondary education.

''(D) Discourage at-risk youth's use of illegal drugs, violence, and dangerous weapons, and other criminal activity.

''(E) Discourage involvement of at-risk youth in gangs.

''(F) Encourage at-risk youth's participation in community service and community activities.

''(b) FAMILY-TO-FAMILY MENTORING GRANTS.—

''(1) DEFINITIONS.—In this subsection:

''(A) FAMILY-TO-FAMILY MENTORING PROGRAM.—The term 'family-to-family mentoring program' means a mentoring program that—

''(i) utilizes a 2-tier mentoring approach that matches volunteer families with at-risk families allowing parents to directly work with parents and children to work directly with children; and

''(ii) has an afterschool program for volunteer and at-risk families.

''(B) POSITIVE ALTERNATIVES PROGRAM.—The term 'positive alternatives program' means a positive youth development and family-to-family mentoring program that emphasizes drug and gang prevention components.

''(C) QUALIFIED POSITIVE ALTERNATIVES PROGRAM.—The term 'qualified positive alternatives program' means a positive alternatives program that has established a family-to-family mentoring program, as of the date of enactment of the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999.

''(2) AUTHORITY.—The Administrator shall make and enter into contracts with a qualified positive alternatives program.

"SEC. 274. REGULATIONS AND GUIDELINES.

''(a) PROGRAM GUIDELINES.—The Administrator shall issue program guidelines to implement this part. The program guidelines shall be effective only after a period for public notice and comment.

''(b) MODEL SCREENING GUIDELINES.—The Administrator shall develop and distribute to program participants specific model guidelines for the screening of prospective program mentors.

"SEC. 275. USE OF GRANTS.

''(a) PERMITTED USES.—Grants awarded under this part shall be used to implement mentoring programs, including—

''(1) hiring of mentoring coordinators and support staff;

''(2) recruitment, screening, and training of adult mentors;

''(3) reimbursement of mentors for reasonable incidental expenditures such as transportation that are directly associated with mentoring; and

''(4) such other purposes as the Administrator may reasonably prescribe by regulation.

''(b) PROHIBITED USES.—Grants awarded pursuant to this part shall not be used—

''(1) to directly compensate mentors, except as provided pursuant to subsection (a)(3);

''(2) to obtain educational or other materials or equipment that would otherwise be used in the ordinary course of the grantee's operations;

''(3) to support litigation of any kind; or

''(4) for any other purpose reasonably prohibited by the Administrator by regulation.

"SEC. 276. PRIORITY.

''(a) IN GENERAL.—In making grants under this part, the Administrator shall give priority for awarding grants to applicants that—

''(1) serve at-risk youth in high crime areas;

''(2) have 60 percent or more of their youth eligible to receive funds under the Elementary and Secondary Education Act of 1965; and

''(3) have a considerable number of youths who drop out of school each year.

''(b) OTHER CONSIDERATIONS.—In making grants under this part, the Administrator shall give consideration to—

''(1) the geographic distribution (urban and rural) of applications;

''(2) the quality of a mentoring plan, including—

''(A) the resources, if any, that will be dedicated to providing participating youth with opportunities for job training or post-secondary education; and

''(B) the degree to which parents, teachers, community-based organizations, and the local community participate in the design and implementation of the mentoring plan; and

''(3) the capability of the applicant to effectively implement the mentoring plan.

"SEC. 277. APPLICATIONS.

''An application for assistance under this part shall include—

''(1) information on the youth expected to be served by the program;

''(2) a provision for a mechanism for matching youth with mentors based on the needs of the youth;

''(3) An assurance that no mentor or mentoring family will be assigned a number of youths that would undermine their ability to be an effective mentor and ensure a one-to-one relationship with mentored youths;

''(4) an assurance that projects operated in secondary schools will provide youth with a variety of experiences and support, including—

''(A) an opportunity to spend time in a work environment and, when possible, participate in the work environment;

''(B) an opportunity to witness the job skills that will be required for youth to obtain employment upon graduation;

''(C) assistance with homework assignments; and

''(D) exposure to experiences that youth might not otherwise encounter;

''(5) an assurance that projects operated in elementary schools will provide youth with—

''(A) academic assistance;

''(B) exposure to new experiences and activities that youth might not encounter on their own; and

''(C) emotional support;

''(6) an assurance that projects will be monitored to ensure that each youth benefits from a mentor relationship, with provision for a new mentor assignment if the relationship is not beneficial to the youth;

''(7) the method by which mentors and youth will be recruited to the project;

''(8) the method by which prospective mentors will be screened; and

''(9) the training that will be provided to mentors.

"SEC. 278. GRANT CYCLES.

''Each grant under this part shall be made for a 3-year period.

"SEC. 279. FAMILY MENTORING PROGRAM.

''(a) DEFINITIONS.—In this section—

''(1) the term 'cooperative extension services' has the meaning given that term in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103);

''(2) the term 'family mentoring program' means a mentoring program that—

''(A) utilizes a 2-tier mentoring approach that uses college age or young adult mentors working directly with at-risk youth and uses retirement-age couples working with the parents and siblings of at-risk youth; and

''(B) has a local advisory board to provide direction and advice to program administrators; and

''(3) the term 'qualified cooperative extension service' means a cooperative extension service that has established a family mentoring program, as of the date of enactment of the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999.

''(b) MODEL PROGRAM.—The Administrator, in cooperation with the Secretary of Agriculture, shall make a grant to a qualified cooperative extension service for the purpose of expanding and replicating family mentoring programs to reduce the incidence of juvenile crime and delinquency among at-risk youth.

''(c) ESTABLISHMENT OF NEW FAMILY MENTORING PROGRAMS.—

''(1) IN GENERAL.—The Administrator, in cooperation with the Secretary of Agriculture, may make 1 or more grants to cooperative extension services for the purpose of establishing family mentoring programs to reduce the incidence of juvenile crime and delinquency among at-risk youth.

''(2) MATCHING REQUIREMENT AND SOURCE OF MATCHING FUNDS.—

''(A) IN GENERAL.—The amount of a grant under this subsection may not exceed 35 percent of the total costs of the program funded by the grant.

''(B) SOURCE OF MATCH.—Matching funds for grants under this subsection may be derived from amounts made available to a State under subsections (b) and (c) of section 3 of the Smith-Lever Act (7 U.S.C. 343), except that the total amount derived from Federal sources may not exceed 70 percent of the total cost of the program funded by the grant.

"SEC. 280. CAPACITY BUILDING.

''(a) MODEL PROGRAM.—The Administrator may make a grant to a qualified national organization with a proven history of providing one-to-one services for the purpose of expanding and replicating capacity building programs to reduce the incidence of juvenile crime and delinquency among at-risk youth.

''(b) ESTABLISHMENT OF NEW CAPACITY BUILDING PROGRAMS.—

''(1) IN GENERAL.—The Administrator may make one or more grants to national organizations with proven histories of providing one-to-one services for the purpose of expanding and replicating capacity building programs to reduce the incidence of juvenile crime and delinquency among at-risk youth.

''(2) MATCHING REQUIREMENT AND SOURCE OF MATCHING FUNDS.—

''(A) IN GENERAL.—The amount of a grant under this subsection may not exceed 50 percent of the total cost of the programs funded by the grant.

''(B) SOURCE OF MATCH.—Matching funds for grants under this subsection must be derived from a private agency, institution or business.

"PART G—ADMINISTRATIVE PROVISIONS

"SEC. 291. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There is authorized to be appropriated to carry out this title, and to carry out part R of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.), $1,100,000,000 for each of fiscal years 1999 through 2004.

''(b) ALLOCATION OF APPROPRIATIONS.—Of the amount made available under subsection (a) for each fiscal year—

''(1) $500,000,000 shall be for programs under sections 1801 and 1803 of part R of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.), of which $50,000,000 shall be for programs under section 1803;

''(2) $75,000,000 shall be for grants for juvenile criminal history records upgrades pursuant to section 1802 of part R of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.);

''(3) $200,000,000 shall be for programs under section 205 of part A of this title;

''(4) $200,000,000 shall be for programs under part B of this title;

''(5) $40,000,000 shall be for prevention programs under part C of this title—

''(A) of which $20,000,000 shall be for evaluation research of primary, secondary, and tertiary juvenile delinquency programs; and

''(B) $2,000,000 shall be for the study required by section 248;

''(6) $20,000,000 shall be for programs under parts D and E of this title; and

''(7) $20,000,000 shall be for programs under part F of this title, of which $3,000,000 shall be for programs under section 279 and $3,000,000 for programs under section 280.

''(c) SOURCE OF SUMS.—Amounts authorized to be appropriated pursuant to this section may be derived from the Violent Crime Reduction Trust Fund.

''(d) ADMINISTRATION AND OPERATIONS.—There is authorized to be appropriated for the administration and operation of the Office of Juvenile Crime Control and Prevention such sums as may be necessary for each of fiscal years 1999 through 2004.

''(e) AVAILABILITY OF FUNDS.—Amounts made available pursuant to this section and allocated in accordance with this title in any fiscal year shall remain available until expended.

"SEC. 292. RELIGIOUS NONDISCRIMINATION; RESTRICTIONS ON USE OF AMOUNTS; PENALTIES.

''(a) RELIGIOUS NONDISCRIMINATION.—The provisions of section 104 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (42 U.S.C. 604a) shall apply to a State or local government exercising its authority to distribute grants to applicants under this title.

''(b) RESTRICTIONS ON THE USE OF AMOUNTS.—

''(1) EXPERIMENTATION ON INDIVIDUALS.—

''(A) IN GENERAL.—No amounts made available to carry out this title may be used for any biomedical or behavior control experimentation on individuals or any research involving such experimentation.

''(B) DEFINITION OF BEHAVIOR CONTROL.—In this paragraph, the term 'behavior control'—

''(i) means any experimentation or research employing methods that—

''(I) involve a substantial risk of physical or psychological harm to the individual subject; and

''(II) are intended to modify or alter criminal and other antisocial behavior, including aversive conditioning therapy, drug therapy, chemotherapy (except as part of routine clinical care), physical therapy of mental disorders, electroconvulsive therapy, or physical punishment; and

''(ii) does not include a limited class of programs generally recognized as involving no such risk, including methadone maintenance and certain substance abuse treatment programs, psychological counseling, parent training, behavior contracting, survival skills training, restitution, or community service, if safeguards are established for the informed consent of subjects (including parents or guardians of minors).

''(2) PROHIBITION AGAINST PRIVATE AGENCY USE OF AMOUNTS IN CONSTRUCTION.—

''(A) IN GENERAL.—No amount made available to any private agency or institution, or to any individual, under this title (either directly or through a State office) may be used for construction.

''(B) EXCEPTION.—The restriction in clause (i) shall not apply to any juvenile program in which training or experience in construction or renovation is used as a method of juvenile accountability or rehabilitation.

''(3) LOBBYING.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), no amount made available under this title to any public or private agency, organization or institution, or to any individual shall be used to pay for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or other device intended or designed to influence a Member of Congress or any other Federal, State, or local elected official to favor or oppose any Act, bill, resolution, or other legislation, or any referendum, initiative, constitutional amendment, or any other procedure of Congress, any State legislature, any local council, or any similar governing body.

''(B) EXCEPTION.—This paragraph does not preclude the use of amounts made available under this title in connection with communications to Federal, State, or local elected officials, upon the request of such officials through proper official channels, pertaining to authorization, appropriation, or oversight measures directly affecting the operation of the program involved.

''(4) LEGAL ACTION.—No amounts made available under this title to any public or private agency, organization, institution, or to any individual, shall be used in any way directly or indirectly to file an action or otherwise take any legal action against any Federal, State, or local agency, institution, or employee.

''(c) PENALTIES.—

''(1) IN GENERAL.—If any amounts are used for the purposes prohibited in either paragraph (3) or (4) of subsection (b), or in violation of subsection (a)—

''(A) funding for the agency, organization, institution, or individual at issue shall be immediately discontinued in whole or in part; and

''(B) the agency, organization, institution, or individual using amounts for the purpose prohibited in paragraph (3) or (4) of subsection (b), or in violation of subsection (a), shall be liable for reimbursement of all amounts granted to the individual or entity for the fiscal year for which the amounts were granted.

''(2) LIABILITY FOR EXPENSES AND DAMAGES.—In relation to a violation of subsection (b)(4), the individual filing the lawsuit or responsible for taking the legal action against the Federal, State, or local agency or institution, or individual working for the Government, shall be individually liable for all legal expenses and any other expenses of the Government agency, institution, or individual working for the Government, including damages assessed by the jury against the Government agency, institution, or individual working for the Government, and any punitive damages.

"SEC. 293. ADMINISTRATIVE PROVISIONS.

''(a) AUTHORITY OF ADMINISTRATOR.—The Office shall be administered by the Administrator under the general authority of the Attorney General.

''(b) APPLICABILITY OF CERTAIN CRIME CONTROL PROVISIONS.—Sections 809(c), 811(a), 811(b), 811(c), 812(a), 812(b), and 812(d) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3789d(c), 3789f(a), 3789f(b), 3789f(c), 3789g(a), 3789g(b), 3789g(d)) shall apply with respect to the administration of and compliance with this title, except that for purposes of this Act—

''(1) any reference to the Office of Justice Programs in such sections shall be considered to be a reference to the Assistant Attorney General who heads the Office of Justice Programs; and

''(2) the term 'this title' as it appears in such sections shall be considered to be a reference to this title.

''(c) APPLICABILITY OF CERTAIN OTHER CRIME CONTROL PROVISIONS.—Sections 801(a), 801(c), and 806 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711(a), 3711(c), and 3787) shall apply with respect to the administration of and compliance with this title, except that, for purposes of this title—

''(1) any reference to the Attorney General, the Assistant Attorney General who heads the Office of Justice Programs, the Director of the National Institute of Justice, the Director of the Bureau of Justice Statistics, or the Director of the Bureau of Justice Assistance shall be considered to be a reference to the Administrator;

''(2) any reference to the Office of Justice Programs, the Bureau of Justice Assistance, the National Institute of Justice, or the Bureau of Justice Statistics shall be considered to be a reference to the Office of Juvenile Crime Control and Prevention; and

''(3) the term 'this title' as it appears in those sections shall be considered to be a reference to this title.

''(d) RULES, REGULATIONS, AND PROCEDURES.—The Administrator may, after appropriate consultation with representatives of States and units of local government, and an opportunity for notice and comment in accordance with subchapter II of chapter 5 of title 5, United States Code, establish such rules, regulations, and procedures as are necessary for the exercise of the functions of the Office and as are consistent with the purpose of this Act.

''(e) WITHHOLDING.—The Administrator shall initiate such proceedings as the Administrator determines to be appropriate if the Administrator, after giving reasonable notice and opportunity for hearing to a recipient of financial assistance under this title, finds that—

''(1) the program or activity for which the grant or contract involved was made has been so changed that the program or activity no longer complies with this title; or

''(2) in the operation of such program or activity there is failure to comply substantially with any provision of this title.''.

(b) REPEAL.—Title V of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5781 et seq.) is repealed.

SEC. 303. RUNAWAY AND HOMELESS YOUTH.

(a) FINDINGS.—Section 302 of the Runaway and Homeless Youth Act (42 U.S.C. 5701) is amended—

(1) in paragraph (5), by striking ''accurate reporting of the problem nationally and to develop'' and inserting ''an accurate national reporting system to report the problem, and to assist in the development of''; and

(2) by striking paragraph (8) and inserting the following:

''(8) services for runaway and homeless youth are needed in urban, suburban, and rural areas;''.

(b) AUTHORITY TO MAKE GRANTS FOR CENTERS AND SERVICES.—Section 311 of the Runaway and Homeless Youth Act (42 U.S.C. 5711) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) GRANTS FOR CENTERS AND SERVICES.—

''(1) IN GENERAL.—The Secretary shall make grants to public and nonprofit private entities (and combinations of such entities) to establish and operate (including renovation) local centers to provide services for runaway and homeless youth and for the families of such youth.

''(2) SERVICES PROVIDED.—Services provided under paragraph (1)—

''(A) shall be provided as an alternative to involving runaway and homeless youth in the law enforcement, child welfare, mental health, and juvenile justice systems;

''(B) shall include—

''(i) safe and appropriate shelter; and

''(ii) individual, family, and group counseling, as appropriate; and

''(C) may include—

''(i) street-based services;

''(ii) home-based services for families with youth at risk of separation from the family; and

''(iii) drug abuse education and prevention services.'';

(2) in subsection (b)(2), by striking ''the Trust Territory of the Pacific Islands,''; and

(3) by striking subsections (c) and (d).

(c) ELIGIBILITY.—Section 312 of the Runaway and Homeless Youth Act (42 U.S.C. 5712) is amended—

(1) in subsection (b)—

(A) in paragraph (8), by striking ''paragraph (6)'' and inserting ''paragraph (7)'';

(B) in paragraph (10), by striking ''and'' at the end;

(C) in paragraph (11), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(12) shall submit to the Secretary an annual report that includes, with respect to the year for which the report is submitted—

''(A) information regarding the activities carried out under this part;

''(B) the achievements of the project under this part carried out by the applicant; and

''(C) statistical summaries describing—

''(i) the number and the characteristics of the runaway and homeless youth, and youth

at risk of family separation, who participate in the project; and

''(ii) the services provided to such youth by the project.''; and

(2) by striking subsections (c) and (d) and inserting the following:

''(c) APPLICANTS PROVIDING STREET-BASED SERVICES.—To be eligible to use assistance under section 311(a)(2)(C)(i) to provide street-based services, the applicant shall include in the plan required by subsection (b) assurances that in providing such services the applicant will—

''(1) provide qualified supervision of staff, including on-street supervision by appropriately trained staff;

''(2) provide backup personnel for on-street staff;

''(3) provide initial and periodic training of staff who provide such services; and

''(4) conduct outreach activities for runaway and homeless youth, and street youth.

''(d) APPLICANTS PROVIDING HOME-BASED SERVICES.—To be eligible to use assistance under section 311(a) to provide home-based services described in section 311(a)(2)(C)(ii), an applicant shall include in the plan required by subsection (b) assurances that in providing such services the applicant will—

''(1) provide counseling and information to youth and the families (including unrelated individuals in the family households) of such youth, including services relating to basic life skills, interpersonal skill building, educational advancement, job attainment skills, mental and physical health care, parenting skills, financial planning, and referral to sources of other needed services;

''(2) provide directly, or through an arrangement made by the applicant, 24-hour service to respond to family crises (including immediate access to temporary shelter for runaway and homeless youth, and youth at risk of separation from the family);

''(3) establish, in partnership with the families of runaway and homeless youth, and youth at risk of separation from the family, objectives and measures of success to be achieved as a result of receiving home-based services;

''(4) provide initial and periodic training of staff who provide home-based services; and

''(5) ensure that—

''(A) caseloads will remain sufficiently low to allow for intensive (5 to 20 hours per week) involvement with each family receiving such services; and

''(B) staff providing such services will receive qualified supervision.

''(e) APPLICANTS PROVIDING DRUG ABUSE EDUCATION AND PREVENTION SERVICES.—To be eligible to use assistance under section 311(a)(2)(C)(iii) to provide drug abuse education and prevention services, an applicant shall include in the plan required by subsection (b)—

''(1) a description of—

''(A) the types of such services that the applicant proposes to provide;

''(B) the objectives of such services; and

''(C) the types of information and training to be provided to individuals providing such services to runaway and homeless youth; and

''(2) an assurance that in providing such services the applicant shall conduct outreach activities for runaway and homeless youth.''.

(d) APPROVAL OF APPLICATIONS.—Section 313 of the Runaway and Homeless Youth Act (42 U.S.C. 5713) is amended to read as follows:

''SEC. 313. APPROVAL OF APPLICATIONS.

''(a) IN GENERAL.—An application by a public or private entity for a grant under section 311(a) may be approved by the Secretary after taking into consideration, with respect to the State in which such entity proposes to provide services under this part—

''(1) the geographical distribution in such State of the proposed services under this part for which all grant applicants request approval; and

''(2) which areas of such State have the greatest need for such services.

''(b) PRIORITY.—In selecting applications for grants under section 311(a), the Secretary shall give priority to—

''(1) eligible applicants who have demonstrated experience in providing services to runaway and homeless youth; and

''(2) eligible applicants that request grants of less than $200,000.''.

(e) AUTHORITY FOR TRANSITIONAL LIVING GRANT PROGRAM.—Section 321 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–1) is amended—

(1) in the section heading, by striking ''PURPOSE AND'';

(2) in subsection (a), by striking ''(a)''; and

(3) by striking subsection (b).

(f) ELIGIBILITY.—Section 322(a)(9) of the Runaway and Homeless Youth Act (42 U.S.C. 5714–2(a)(9)) is amended by inserting '', and the services provided to such youth by such project,'' after ''such project''.

(g) COORDINATION.—Section 341 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–21) is amended to read as follows:

''SEC. 341. COORDINATION.

''With respect to matters relating to the health, education, employment, and housing of runaway and homeless youth, the Secretary—

''(1) in conjunction with the Attorney General, shall coordinate the activities of agencies of the Department of Health and Human Services with activities under any other Federal juvenile crime control, prevention, and juvenile offender accountability program and with the activities of other Federal entities; and

''(2) shall coordinate the activities of agencies of the Department of Health and Human Services with the activities of other Federal entities and with the activities of entities that are eligible to receive grants under this title.''.

(h) AUTHORITY TO MAKE GRANTS FOR RESEARCH, EVALUATION, DEMONSTRATION, AND SERVICE PROJECTS.—Section 343 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–23) is amended—

(1) in the section heading, by inserting ''EVALUATION,'' after ''RESEARCH,'';

(2) in subsection (a), by inserting ''evaluation,'' after ''research,''; and

(3) in subsection (b)—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) through (10) as paragraphs (2) through (9), respectively.

(i) ASSISTANCE TO POTENTIAL GRANTEES.—Section 371 of the Runaway and Homeless Youth Act (42 U.S.C. 5714a) is amended by striking the last sentence.

(j) REPORTS.—Section 381 of the Runaway and Homeless Youth Act (42 U.S.C. 5715) is amended to read as follows:

''SEC. 381. REPORTS.

''(a) IN GENERAL.—Not later than April 1, 2000, and biennially thereafter, the Secretary shall submit, to the Committee on Education and the Workforce of the House of Representatives and the Committee on the Judiciary of the Senate, a report on the status, activities, and accomplishments of entities that receive grants under parts A, B, C, D, and E, with particular attention to—

''(1) in the case of centers funded under part A, the ability or effectiveness of such centers in—

''(A) alleviating the problems of runaway and homeless youth;

''(B) if applicable or appropriate, reuniting such youth with their families and encouraging the resolution of intrafamily problems through counseling and other services;

''(C) strengthening family relationships and encouraging stable living conditions for such youth; and

''(D) assisting such youth to decide upon a future course of action; and

''(2) in the case of projects funded under part B—

''(A) the number and characteristics of homeless youth served by such projects;

''(B) the types of activities carried out by such projects;

''(C) the effectiveness of such projects in alleviating the problems of homeless youth;

''(D) the effectiveness of such projects in preparing homeless youth for self-sufficiency;

''(E) the effectiveness of such projects in assisting homeless youth to decide upon future education, employment, and independent living;

''(F) the ability of such projects to encourage the resolution of intrafamily problems through counseling and development of self-sufficient living skills; and

''(G) activities and programs planned by such projects for the following fiscal year.

''(b) CONTENTS OF REPORTS.—The Secretary shall include in each report submitted under subsection (a), summaries of—

''(1) the evaluations performed by the Secretary under section 386; and

''(2) descriptions of the qualifications of, and training provided to, individuals involved in carrying out such evaluations.''.

(k) EVALUATION.—Section 384 of the Runaway and Homeless Youth Act (42 U.S.C. 5732) is amended to read as follows:

''SEC. 386. EVALUATION AND INFORMATION.

''(a) IN GENERAL.—If a grantee receives grants for 3 consecutive fiscal years under part A, B, C, D, or E (in the alternative), then the Secretary shall evaluate such grantee on-site, not less frequently than once in the period of such 3 consecutive fiscal years, for purposes of—

''(1) determining whether such grants are being used for the purposes for which such grants are made by the Secretary;

''(2) collecting additional information for the report required by section 383; and

''(3) providing such information and assistance to such grantee as will enable such grantee to improve the operation of the centers, projects, and activities for which such grants are made.

''(b) COOPERATION.—Recipients of grants under this title shall cooperate with the Secretary's efforts to carry out evaluations, and to collect information, under this title.''.

(l) AUTHORIZATION OF APPROPRIATIONS.—Section 385 of the Runaway and Homeless Youth Act (42 U.S.C. 5751) is amended to read as follows:

''SEC. 388. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—

''(1) AUTHORIZATION.—There is authorized to be appropriated to carry out this title (other than part E) such sums as may be necessary for fiscal years 2000, 2001, 2002, 2003, and 2004.

''(2) ALLOCATION.—

''(A) PARTS A AND B.—From the amount appropriated under paragraph (1) for a fiscal year, the Secretary shall reserve not less than 90 percent to carry out parts A and B.

''(B) PART B.—Of the amount reserved under subparagraph (A), not less than 20 percent, and not more than 30 percent, shall be reserved to carry out part B.

''(3) PARTS C AND D.—In each fiscal year, after reserving the amounts required by paragraph (2), the Secretary shall use the remaining amount (if any) to carry out parts C and D.

''(b) SEPARATE IDENTIFICATION REQUIRED.—No funds appropriated to carry out this title may be combined with funds appropriated

under any other Act if the purpose of combining such funds is to make a single discretionary grant, or a single discretionary payment, unless such funds are separately identified in all grants and contracts and are used for the purposes specified in this title.''.

(m) SEXUAL ABUSE PREVENTION PROGRAM.—

(1) AUTHORITY FOR PROGRAM.—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended—

(A) by striking the heading for part F;

(B) by redesignating part E as part F; and

(C) by inserting after part D the following:

''PART E—SEXUAL ABUSE PREVENTION PROGRAM

''SEC. 351. AUTHORITY TO MAKE GRANTS.

''(a) IN GENERAL.—The Secretary may make grants to nonprofit private agencies for the purpose of providing street-based services to runaway and homeless, and street youth, who have been subjected to, or are at risk of being subjected to, sexual abuse, prostitution, or sexual exploitation.

''(b) PRIORITY.—In selecting applicants to receive grants under subsection (a), the Secretary shall give priority to nonprofit private agencies that have experience in providing services to runaway and homeless, and street youth.''.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 388(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5751), as amended by subsection (l) of this section, is amended by adding at the end the following:

''(4) PART E.—There is authorized to be appropriated to carry out part E such sums as may be necessary for fiscal years 2000, 2001, 2002, 2003, and 2004.''.

(n) DEFINITIONS.—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended by inserting after section 386, as amended by subsection (k) of this section, the following:

''SEC. 387. DEFINITIONS.

''In this title:

''(1) DRUG ABUSE EDUCATION AND PREVENTION SERVICES.—The term 'drug abuse education and prevention services'—

''(A) means services to runaway and homeless youth to prevent or reduce the illicit use of drugs by such youth; and

''(B) may include—

''(i) individual, family, group, and peer counseling;

''(ii) drop-in services;

''(iii) assistance to runaway and homeless youth in rural areas (including the development of community support groups);

''(iv) information and training relating to the illicit use of drugs by runaway and homeless youth, to individuals involved in providing services to such youth; and

''(v) activities to improve the availability of local drug abuse prevention services to runaway and homeless youth.

''(2) HOME-BASED SERVICES.—The term 'home-based services'—

''(A) means services provided to youth and their families for the purpose of—

''(i) preventing such youth from running away, or otherwise becoming separated, from their families; and

''(ii) assisting runaway youth to return to their families; and

''(B) includes services that are provided in the residences of families (to the extent practicable), including—

''(i) intensive individual and family counseling; and

''(ii) training relating to life skills and parenting.

''(3) HOMELESS YOUTH.—The term 'homeless youth' means an individual—

''(A) who is—

''(i) not more than 21 years of age; and

''(ii) for the purposes of part B, not less than 16 years of age;

''(B) for whom it is not possible to live in a safe environment with a relative; and

''(C) who has no other safe alternative living arrangement.

''(4) STREET-BASED SERVICES.—The term 'street-based services'—

''(A) means services provided to runaway and homeless youth, and street youth, in areas where they congregate, designed to assist such youth in making healthy personal choices regarding where they live and how they behave; and

''(B) may include—

''(i) identification of and outreach to runaway and homeless youth, and street youth;

''(ii) crisis intervention and counseling;

''(iii) information and referral for housing;

''(iv) information and referral for transitional living and health care services;

''(v) advocacy, education, and prevention services related to—

''(I) alcohol and drug abuse;

''(II) sexual exploitation;

''(III) sexually transmitted diseases, including human immunodeficiency virus (HIV); and

''(IV) physical and sexual assault.

''(5) STREET YOUTH.—The term 'street youth' means an individual who—

''(A) is—

''(i) a runaway youth; or

''(ii) indefinitely or intermittently a homeless youth; and

''(B) spends a significant amount of time on the street or in other areas that increase the risk to such youth for sexual abuse, sexual exploitation, prostitution, or drug abuse.

''(6) TRANSITIONAL LIVING YOUTH PROJECT.—The term 'transitional living youth project' means a project that provides shelter and services designed to promote a transition to self-sufficient living and to prevent long-term dependency on social services.

''(7) YOUTH AT RISK OF SEPARATION FROM THE FAMILY.—The term 'youth at risk of separation from the family' means an individual—

''(A) who is less than 18 years of age; and

''(B)(i) who has a history of running away from the family of such individual;

''(ii) whose parent, guardian, or custodian is not willing to provide for the basic needs of such individual; or

''(iii) who is at risk of entering the child welfare system or juvenile justice system as a result of the lack of services available to the family to meet such needs.''.

(o) REDESIGNATION OF SECTIONS.—Sections 371, 372, 381, 382, and 383 of the Runaway and Homeless Youth Act (42 U.S.C. 5714b–5851 et seq.), as amended by this title, are redesignated as sections 381, 382, 383, 384, and 385, respectively.

(p) TECHNICAL AMENDMENTS.—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended—

(1) in section 331, in the first sentence, by striking ''With'' and all that follows through ''the Secretary'', and inserting ''The Secretary''; and

(2) in section 344(a)(1), by striking ''With'' and all that follows through ''the Secretary'', and inserting ''The Secretary''.

SEC. 304. NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.

(a) FINDINGS.—Section 402 of the Missing Children's Assistance Act (42 U.S.C. 5771) is amended—

(1) in paragraph (7), by striking ''and'' at the end;

(2) in paragraph (8), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(9) for 14 years, the National Center for Missing and Exploited Children has—

''(A) served as the national resource center and clearinghouse congressionally mandated under the provisions of the Missing Children's Assistance Act of 1984; and

''(B) worked in partnership with the Department of Justice, the Federal Bureau of Investigation, the Department of the Treasury, the Department of State, and many other agencies in the effort to find missing children and prevent child victimization;

''(10) Congress has given the Center, which is a private non-profit corporation, access to the National Crime Information Center of the Federal Bureau of Investigation, and the National Law Enforcement Telecommunications System;

''(11) since 1987, the Center has operated the National Child Pornography Tipline, in conjunction with the United States Customs Service and the United States Postal Inspection Service and, beginning this year, the Center established a new CyberTipline on child exploitation, thus becoming 'the 911 for the Internet';

''(12) in light of statistics that time is of the essence in cases of child abduction, the Director of the Federal Bureau of Investigation in February of 1997 created a new NCIC child abduction ('CA') flag to provide the Center immediate notification in the most serious cases, resulting in 642 'CA' notifications to the Center and helping the Center to have its highest recovery rate in history;

''(13) the Center has established a national and increasingly worldwide network, linking the Center online with each of the missing children clearinghouses operated by the 50 States, the District of Columbia, and Puerto Rico, as well as with Scotland Yard in the United Kingdom, the Royal Canadian Mounted Police, INTERPOL headquarters in Lyon, France, and others, which has enabled the Center to transmit images and information regarding missing children to law enforcement across the United States and around the world instantly;

''(14) from its inception in 1984 through March 31, 1998, the Center has—

''(A) handled 1,203,974 calls through its 24-hour toll-free hotline (1–800–THE–LOST) and currently averages 700 calls per day;

''(B) trained 146,284 law enforcement, criminal and juvenile justice, and healthcare professionals in child sexual exploitation and missing child case detection, identification, investigation, and prevention;

''(C) disseminated 15,491,344 free publications to citizens and professionals; and

''(D) worked with law enforcement on the cases of 59,481 missing children, resulting in the recovery of 40,180 children;

''(15) the demand for the services of the Center is growing dramatically, as evidenced by the fact that in 1997, the Center handled 129,100 calls, an all-time record, and by the fact that its new Internet website (www.missingkids.com) receives 1,500,000 'hits' every day, and is linked with hundreds of other websites to provide real-time images of breaking cases of missing children;

''(16) in 1997, the Center provided policy training to 256 police chiefs and sheriffs from 50 States and Guam at its new Jimmy Ryce Law Enforcement Training Center;

''(17) the programs of the Center have had a remarkable impact, such as in the fight against infant abductions in partnership with the healthcare industry, during which the Center has performed 668 onsite hospital walk-throughs and inspections, and trained 45,065 hospital administrators, nurses, and security personnel, and thereby helped to reduce infant abductions in the United States by 82 percent;

''(18) the Center is now playing a significant role in international child abduction cases, serving as a representative of the Department of State at cases under The Hague Convention, and successfully resolving the cases of 343 international child abductions,

and providing greater support to parents in the United States;

''(19) the Center is a model of public/private partnership, raising private sector funds to match congressional appropriations and receiving extensive private in-kind support, including advanced technology provided by the computer industry such as imaging technology used to age the photographs of long-term missing children and to reconstruct facial images of unidentified deceased children;

''(20) the Center was 1 of only 10 of 300 major national charities given an A+ grade in 1997 by the American Institute of Philanthropy; and

''(21) the Center has been redesignated as the Nation's missing children clearinghouse and resource center once every 3 years through a competitive selection process conducted by the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice, and has received grants from that Office to conduct the crucial purposes of the Center.''.

(b) DEFINITIONS.—Section 403 of the Missing Children's Assistance Act (42 U.S.C. 5772) is amended—

(1) in paragraph (1), by striking ''and'' at the end;

(2) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(3) the term 'Center' means the National Center for Missing and Exploited Children.''.

(c) DUTIES AND FUNCTIONS OF THE ADMINISTRATOR.—Section 404 of the Missing Children's Assistance Act (42 U.S.C. 5773) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by striking subsection (b) and inserting the following:

''(b) ANNUAL GRANT TO NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.—

''(1) IN GENERAL.—The Administrator shall annually make a grant to the Center, which shall be used to—

''(A)(i) operate a national 24-hour toll-free telephone line by which individuals may report information regarding the location of any missing child, or other child 13 years of age or younger whose whereabouts are unknown to such child's legal custodian, and request information pertaining to procedures necessary to reunite such child with such child's legal custodian; and

''(ii) coordinate the operation of such telephone line with the operation of the national communications system referred to in part C of the Runaway and Homeless Youth Act (42 U.S.C. 5714–11);

''(B) operate the official national resource center and information clearinghouse for missing and exploited children;

''(C) provide to State and local governments, public and private nonprofit agencies, and individuals, information regarding—

''(i) free or low-cost legal, restaurant, lodging, and transportation services that are available for the benefit of missing and exploited children and their families; and

''(ii) the existence and nature of programs being carried out by Federal agencies to assist missing and exploited children and their families;

''(D) coordinate public and private programs that locate, recover, or reunite missing children with their families;

''(E) disseminate, on a national basis, information relating to innovative and model programs, services, and legislation that benefit missing and exploited children;

''(F) provide technical assistance and training to law enforcement agencies, State and local governments, elements of the criminal justice system, public and private nonprofit agencies, and individuals in the prevention, investigation, prosecution, and treatment of cases involving missing and exploited children; and

''(G) provide assistance to families and law enforcement agencies in locating and recovering missing and exploited children, both nationally and internationally.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this subsection, $10,000,000 for each of fiscal years 2000, 2001, 2002, 2003, and 2004.

''(c) NATIONAL INCIDENCE STUDIES.—The Administrator, either by making grants to or entering into contracts with public agencies or nonprofit private agencies, shall—

''(1) periodically conduct national incidence studies to determine for a given year the actual number of children reported missing each year, the number of children who are victims of abduction by strangers, the number of children who are the victims of parental kidnapings, and the number of children who are recovered each year; and

''(2) provide to State and local governments, public and private nonprofit agencies, and individuals information to facilitate the lawful use of school records and birth certificates to identify and locate missing children.''.

(d) NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.—Section 405(a) of the Missing Children's Assistance Act (42 U.S.C. 5775(a)) is amended by inserting ''the Center and with'' before ''public agencies''.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 408 of the Missing Children's Assistance Act (42 U.S.C. 5777) is amended by striking ''1997 through 2001'' and inserting ''2000 through 2004''.

SEC. 305. TRANSFER OF FUNCTIONS AND SAVINGS PROVISIONS.

(a) DEFINITIONS.—In this section, unless otherwise provided or indicated by the context:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Office of Juvenile Crime Control and Prevention established by operation of subsection (b).

(2) ADMINISTRATOR OF THE OFFICE.—The term ''Administrator of the Office'' means the Administrator of the Office of Juvenile Justice and Delinquency Prevention.

(3) BUREAU OF JUSTICE ASSISTANCE.—The term ''Bureau of Justice Assistance'' means the bureau established under section 401 of title I of the Omnibus Crime Control and Safe Streets Act of 1968.

(4) FEDERAL AGENCY.—The term ''Federal agency'' has the meaning given the term ''agency'' by section 551(1) of title 5, United States Code.

(5) FUNCTION.—The term ''function'' means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

(6) OFFICE OF JUVENILE CRIME CONTROL AND PREVENTION.—The term ''Office of Juvenile Crime Control and Prevention'' means the office established by operation of subsection (b).

(7) OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION.—The term ''Office of Juvenile Justice and Delinquency Prevention'' means the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice, established by section 201 of the Juvenile Justice and Delinquency Prevention Act of 1974, as in effect on the day before the date of enactment of this Act.

(8) OFFICE.—The term ''office'' includes any office, administration, agency, institute, unit, organizational entity, or component thereof.

(b) TRANSFER OF FUNCTIONS.—There are transferred to the Office of Juvenile Crime Control and Prevention all functions that the Administrator of the Office exercised before the date of enactment of this Act (including all related functions of any officer or employee of the Office of Juvenile Justice and Delinquency Prevention), and authorized after the date of enactment of this Act, relating to carrying out the Juvenile Justice and Delinquency Prevention Act of 1974.

(c) TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.—

(1) IN GENERAL.—Except as otherwise provided in this section, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other amounts employed, used, held, arising from, available to, or to be made available in connection with the functions transferred by this section, subject to section 1531 of title 31, United States Code, shall be transferred to the Office of Juvenile Crime Control and Prevention.

(2) UNEXPENDED AMOUNTS.—Any unexpended amounts transferred pursuant to this subsection shall be used only for the purposes for which the amounts were originally authorized and appropriated.

(d) INCIDENTAL TRANSFERS.—

(1) IN GENERAL.—The Director of the Office of Management and Budget, at such time or times as the Director of that Office shall provide, may make such determinations as may be necessary with regard to the functions transferred by this section, and to make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other amounts held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out this section.

(2) TERMINATION OF AFFAIRS.—The Director of the Office of Management and Budget shall provide for the termination of the affairs of all entities terminated by this section and for such further measures and dispositions as may be necessary to effectuate the purposes of this section.

(e) EFFECT ON PERSONNEL.—

(1) IN GENERAL.—Except as otherwise provided by this section, the transfer pursuant to this section of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employee to be separated or reduced in grade or compensation for 1 year after the date of transfer of such employee under this section.

(2) EXECUTIVE SCHEDULE POSITIONS.—Except as otherwise provided in this section, any person who, on the day before the date of enactment of this Act, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in the Office of Juvenile Crime Control and Prevention to a position having duties comparable to the duties performed immediately preceding such appointment shall continue to be compensated in such new position at not less than the rate provided for such previous position, for the duration of the service of such person in such new position.

(3) TRANSITION RULE.—The incumbent Administrator of the Office as of the date immediately preceding the date of enactment of this Act shall continue to serve as Administrator after the date of enactment of this Act until such time as the incumbent resigns, is relieved of duty by the President, or an Administrator is appointed by the President, by and with the advice and consent of the Senate.

(f) SAVINGS PROVISIONS.—

(1) CONTINUING EFFECT OF LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(A) that have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions that are transferred under this section; and

(B) that are in effect at the time this section takes effect, or were final before the date of enactment of this Act and are to become effective on or after the date of enactment of this Act, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Administrator, or other authorized official, a court of competent jurisdiction, or by operation of law.

(2) PROCEEDINGS NOT AFFECTED.—

(A) IN GENERAL.—This section shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the Office of Juvenile Justice and Delinquency Prevention on the date on which this section takes effect, with respect to functions transferred by this section but such proceedings and applications shall be continued.

(B) ORDERS; APPEALS; PAYMENTS.—Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this section had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law.

(C) DISCONTINUANCE OR MODIFICATION.—Nothing in this paragraph shall be construed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this paragraph had not been enacted.

(3) SUITS NOT AFFECTED.—This section shall not affect suits commenced before the date of enactment of this Act, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this section had not been enacted.

(4) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Office of Juvenile Justice and Delinquency Prevention, or by or against any individual in the official capacity of such individual as an officer of the Office of Juvenile Justice and Delinquency Prevention, shall abate by reason of the enactment of this section.

(5) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the preparation or promulgation of a regulation by the Office of Juvenile Justice and Delinquency Prevention relating to a function transferred under this section may be continued, to the extent authorized by this section, by the Office of Juvenile Crime Control and Prevention with the same effect as if this section had not been enacted.

(6) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to affect the authority under section 242A or 243 of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended by this Act.

(g) TRANSITION.—The Administrator may utilize—

(1) the services of such officers, employees, and other personnel of the Office of Juvenile Justice and Delinquency Prevention with respect to functions transferred to the Office of Juvenile Crime Control and Prevention by this section; and

(2) amounts appropriated to such functions for such period of time as may reasonably be needed to facilitate the orderly implementation of this section.

(h) REFERENCES.—Reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to—

(1) the Administrator of the Office of Juvenile Justice and Delinquency Prevention with regard to functions transferred by operation of subsection (b), shall be considered to refer to the Administrator of the Office of Juvenile Crime Control and Prevention; and

(2) the Office of Juvenile Justice and Delinquency Prevention with regard to functions transferred by operation of subsection (b), shall be considered to refer to the Office of Juvenile Crime Control and Prevention.

(i) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 5315 of title 5, United States Code, is amended by striking ''Administrator, Office of Juvenile Justice and Delinquency Prevention'' and inserting ''Administrator, Office of Juvenile Crime Control and Prevention''.

(2) Section 4351(b) of title 18, United States Code, is amended by striking ''Office of Juvenile Justice and Delinquency Prevention'' and inserting ''Office of Juvenile Crime Control and Prevention''.

(3) Subsections (a)(1) and (c) of section 3220 of title 39, United States Code, are each amended by striking ''Office of Juvenile Justice and Delinquency Prevention'' each place it appears and inserting ''Office of Juvenile Crime Control and Prevention''.

(4) Section 463(f) of the Social Security Act (42 U.S.C. 663(f)) is amended by striking ''Office of Juvenile Justice and Delinquency Prevention'' and inserting ''Office of Juvenile Crime Control and Prevention''.

(5) Sections 801(a), 804, 805, and 813 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712(a), 3782, 3785, 3786, 3789i) are amended by striking ''Office of Juvenile Justice and Delinquency Prevention'' each place it appears and inserting ''Office of Juvenile Crime Control and Prevention''.

(6) The Victims of Child Abuse Act of 1990 (42 U.S.C. 13001 et seq.) is amended—

(A) in section 214(b)(1) by striking ''262, 293, and 296 of subpart II of title II'' and inserting ''299B and 299E'';

(B) in section 214A(c)(1) by striking ''262, 293, and 296 of subpart II of title II'' and inserting ''299B and 299E'';

(C) in sections 217 and 222 by striking ''Office of Juvenile Justice and Delinquency Prevention'' each place it appears and inserting ''Office of Juvenile Crime Control and Prevention''; and

(D) in section 223(c) by striking ''section 262, 293, and 296'' and inserting ''sections 262, 299B, and 299E''.

(7) The Missing Children's Assistance Act (42 U.S.C. 5771 et seq.) is amended—

(A) in section 403(2) by striking ''Justice and Delinquency Prevention'' and inserting ''Crime Control and Delinquency Prevention''; and

(B) in subsections (a)(5)(E) and (b)(1)(B) of section 404 by striking ''section 313'' and inserting ''section 331''.

(8) The Crime Control Act of 1990 (42 U.S.C. 13001 et seq.) is amended—

(A) in section 217(c)(1) by striking ''sections 262, 293, and 296 of subpart II of title II'' and inserting ''sections 299B and 299E''; and

(B) in section 223(c) by striking ''section 262, 293, and 296 of title II'' and inserting ''sections 299B and 299E''.

(j) REFERENCES.—In any Federal law (excluding this Act and the Acts amended by this Act), Executive order, rule, regulation, order, delegation of authority, grant, contract, suit, or document a reference to the Office of Juvenile Justice and Delinquency Prevention shall be deemed to include a reference to the Office of Juvenile Crime Control and Prevention.

Subtitle B—Accountability for Juvenile Offenders and Public Protection Incentive Grants

SEC. 321. BLOCK GRANT PROGRAM.

(a) IN GENERAL.—Part R of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.) is amended to read as follows:

''PART R—JUVENILE ACCOUNTABILITY BLOCK GRANTS

''SEC. 1801. PROGRAM AUTHORIZED.

''(a) IN GENERAL.—The Attorney General shall make, subject to the availability of appropriations, grants to States for use by States and units of local government in planning, establishing, operating, coordinating, and evaluating projects, directly or through grants and contracts with public and private agencies, for the development of more effective investigation, prosecution, and punishment (including the imposition of graduated sanctions) of crimes or acts of delinquency committed by juveniles, programs to improve the administration of justice for and ensure accountability by juvenile offenders, and programs to reduce the risk factors (such as truancy, drug or alcohol use, and gang involvement) associated with juvenile crime or delinquency.

''(b) USE OF GRANTS.—Grants under this section may be used by States and units of local government—

''(1) for programs to enhance the identification, investigation, prosecution, and punishment of juvenile offenders, such as—

''(A) the utilization of graduated sanctions;

''(B) the utilization of short-term confinement of juvenile offenders;

''(C) the incarceration of violent juvenile offenders for extended periods of time;

''(D) the hiring of juvenile public defenders, juvenile judges, juvenile probation officers, and juvenile correctional officers to implement policies to control juvenile crime and violence and ensure accountability of juvenile offenders; and

''(E) the development and implementation of coordinated, multi-agency systems for—

''(i) the comprehensive and coordinated booking, identification, and assessment of juveniles arrested or detained by law enforcement agencies, including the utilization of multi-agency facilities such as juvenile assessment centers; and

''(ii) the coordinated delivery of support services for juveniles who have had or are at risk for contact with the juvenile or criminal systems, including utilization of court-established local service delivery councils;

''(2) for programs that require juvenile offenders to make restitution to the victims of offenses committed by those juvenile offenders, including programs designed and operated to further the goal of providing eligible offenders with an alternative to adjudication that emphasizes restorative justice;

''(3) for programs that require juvenile offenders to attend and successfully complete school or vocational training as part of a sentence imposed by a court;

''(4) for programs that require juvenile offenders who are parents to demonstrate parental responsibility by working and paying child support;

''(5) for programs that seek to curb or punish truancy;

''(6) for programs designed to collect, record, retain, and disseminate information

useful in the identification, prosecution, and sentencing of juvenile offenders, such as criminal history information, fingerprints, DNA tests, and ballistics tests;

''(7) for the development and implementation of coordinated multijurisdictional or multiagency programs for the identification, control, supervision, prevention, investigation, and treatment of the most serious juvenile offenses and offenders, popularly known as a 'SHOCAP Program' (Serious Habitual Offenders Comprehensive Action Program);

''(8) for the development and implementation of coordinated multijurisdictional or multiagency programs for the identification, control, supervision, prevention, investigation, and disruption of youth gangs;

''(9) for the construction or remodeling of short- and long-term facilities for juvenile offenders;

''(10) for the development and implementation of technology, equipment, training programs for juvenile crime control, for law enforcement officers, judges, prosecutors, probation officers, and other court personnel who are employed by State and local governments, in furtherance of the purposes identified in this section;

''(11) for partnerships between State educational agencies and local educational agencies for the design and implementation of character education and training programs that incorporate the following elements of character: Caring, citizenship, fairness, respect, responsibility and trustworthiness;

''(12) for programs to seek to target, curb and punish adults who knowingly and intentionally use a juvenile during the commission or attempted commission of a crime, including programs that specifically provide for additional punishments or sentence enhancements for adults who knowingly and intentionally use a juvenile during the commission or attempted commission of a crime;

''(13) for juvenile prevention programs (including curfews, youth organizations, anti-drug, and anti-alcohol programs, anti-gang programs, and after school programs and activities);

''(14) for juvenile drug and alcohol treatment programs;

''(15) for school counseling and other school-base prevention programs;

''(16) for programs that drug test juveniles who are arrested, including follow-up testings; and

''(17) for programs for—

''(A) providing cross-training, jointly with the public mental health system, for State juvenile court judges, public defenders, prosecutors, and mental health and substance abuse agency representatives with respect to the appropriate use of effective, community-based alternatives to juvenile justice or mental health system institutional placements; or

''(B) providing training for State juvenile probation officers and community mental health and substance abuse program representatives on appropriate linkages between probation programs and mental health community programs, specifically focusing on the identification of mental disorders and substance abuse addiction in juveniles on probation, effective treatment interventions for those disorders, and making appropriate contact with mental health and substance abuse case managers and programs in the community, in order to ensure that juveniles on probation receive appropriate access to mental health and substance abuse treatment programs and services.

''(c) REQUIREMENTS.—To be eligible to receive an incentive grant under this section, a State shall submit to the Attorney General an application, in such form as shall be prescribed by the Attorney General, which shall contain assurances that, not later than 1 year after the date on which the State submits such application—

''(1) the State has established or will establish a system of graduated sanctions for juvenile offenders that ensures appropriate sanctions, which are graduated to reflect the severity or repeated nature of violations, for each act of delinquency;

''(2) the State has established or will establish a policy of drug testing (including followup testing) juvenile offenders upon their arrest for any offense within an appropriate category of offenses designated by the chief executive officer of the State; and

''(3) the State has an established policy recognizing the rights and needs of victims of crimes committed by juveniles.

''(d) ALLOCATION AND DISTRIBUTION OF STATE GRANTS.—

''(1) IN GENERAL.—

''(A) STATE AND LOCAL DISTRIBUTION.—Subject to subparagraph (B), of amounts made available to the State, 30 percent may be retained by the State for use pursuant to paragraph (2) and 70 percent shall be reserved by the State for local distribution pursuant to paragraph (3).

''(B) SPECIAL RULE.—The Attorney General may waive the requirements of this paragraph with respect to any State in which the criminal and juvenile justice services for delinquent or other youth are organized primarily on a statewide basis, in which case not more than 50 percent of funds shall be made available to all units of local government in that State pursuant to paragraph (3).

''(2) OTHER DISTRIBUTION.—Of amounts retained by the State under paragraph (1)—

''(A) not less than 50 percent shall be designated for—

''(i) programs pursuant to paragraph (1) or (9) of subsection (b), except that if the State designates any amounts for purposes of construction or remodeling of short- or long-term facilities pursuant to subsection (b)(9), such amounts shall constitute not more than 50 percent of the estimated construction or remodeling cost and that no funds expended pursuant to this subparagraph may be used for the incarceration of any offender who was more than 21 years of age at the time of the offense, and no funds expended pursuant to this subparagraph may be used for construction, renovation, or expansion of facilities for such offenders, except that funds may be used to construct juvenile facilities collocated with adult facilities; or

''(ii) drug testing upon arrest for any offense within the category of offenses designated pursuant to subsection (c)(3), and intensive supervision thereafter pursuant to programs under subsection (b)(7) and subsection (c)(3); and

''(B) not less than 25 percent shall be used for the purposes set forth in paragraph (13), (14), or (15) of subsection (b).

''(3) LOCAL ELIGIBILITY AND DISTRIBUTION.—

''(A) IN GENERAL.—

''(i) LOCAL DISTRIBUTION SUBGRANT ELIGIBILITY.—To be eligible to receive a subgrant, a unit of local government shall provide such assurances to the State as the State shall require, that, to the maximum extent applicable, the unit of local government has laws or policies and programs that comply with the eligibility requirements of subsection (c).

''(ii) COORDINATED LOCAL EFFORT.—Prior to receiving a grant under this section, a unit of local government shall certify that it has or will establish a coordinated enforcement plan for reducing juvenile crime within the jurisdiction of the unit of local government, developed by a juvenile crime enforcement coalition, such coalition consisting of individuals within the jurisdiction representing the police, sheriff, prosecutor, State or local probation services, juvenile court, schools, business, and religious affiliated, fraternal, nonprofit, or social service organizations involved in crime prevention.

''(B) SPECIAL RULE.—The requirements of subparagraph (A) shall apply to an eligible unit that receives funds from the Attorney General under subparagraph (H), except that information that would otherwise be submitted to the State shall be submitted to the Attorney General.

''(C) LOCAL DISTRIBUTION.—From amounts reserved for local distribution under paragraph (1), the State shall allocate to such units of local government an amount that bears the same ratio to the aggregate amount of such funds as—

''(i) the sum of—

''(I) the product of—

''(aa) two-thirds; multiplied by

''(bb) the average law enforcement expenditure for such unit of local government for the 3 most recent calendar years for which such data is available; plus

''(II) the product of—

''(aa) one-third; multiplied by

''(bb) the average annual number of part 1 violent crimes in such unit of local government for the 3 most recent calendar years for which such data is available, bears to—

''(ii) the sum of the products determined under subparagraph (A) for all such units of local government in the State.

''(D) EXPENDITURES.—The allocation any unit of local government shall receive under paragraph (1) for a payment period shall not exceed 100 percent of law enforcement expenditures of the unit for such payment period.

''(E) REALLOCATION.—The amount of any unit of local government's allocation that is not available to such unit by operation of paragraph (2) shall be available to other units of local government that are not affected by such operation in accordance with this subsection.

''(F) UNAVAILABILITY OF DATA FOR UNITS OF LOCAL GOVERNMENT.—If the State has reason to believe that the reported rate of part 1 violent crimes or law enforcement expenditure for a unit of local government is insufficient or inaccurate, the State shall—

''(i) investigate the methodology used by the unit to determine the accuracy of the submitted data; and

''(ii) if necessary, use the best available comparable data regarding the number of violent crimes or law enforcement expenditure for the relevant years for the unit of local government.

''(G) LOCAL GOVERNMENT WITH ALLOCATIONS LESS THAN $5,000.—If, under this section, a unit of local government is allocated less than $5,000 for a payment period, the amount allocated shall be expended by the State on services to units of local government whose allotment is less than such amount in a manner consistent with this part.

''(H) DIRECT GRANTS TO ELIGIBLE UNITS.—

''(i) IN GENERAL.—If a State does not qualify or apply for a grant under this section, by the application deadline established by the Attorney General, the Attorney General shall reserve not more than 70 percent of the allocation that the State would have received for grants under this section under subsection (e) for such fiscal year to provide grants to eligible units that meet the requirements for funding under subparagraph (A).

''(ii) AWARD BASIS.—In addition to the qualification requirements for direct grants for eligible units the Attorney General may use the average amount allocated by the States to like governmental units as a basis for awarding grants under this section.

''(I) ALLOCATION BY UNITS OF LOCAL GOVERNMENT.—Of the total amount made available

under this section to a unit of local government for a fiscal year, not less than 25 percent shall be used for the purposes set forth in paragraph (13), (14), or (15) of subsection (b), and not less than 50 percent shall be designated for—

''(i) paragraph (1) or (9) of subsection (b), except that, if amounts are allocated for purposes of construction or remodeling of short- or long-term facilities pursuant to subsection (b)(9)—

''(I) the unit of local government shall coordinate such expenditures with similar State expenditures;

''(II) Federal funds shall constitute not more than 50 percent of the estimated construction or remodeling cost; and

''(III) no funds expended pursuant to this clause may be used for the incarceration of any offender who was more than 21 years of age at the time of the offense or for construction, renovation, or expansion of facilities for such offenders, except that funds may be used to construct juvenile facilities collocated with adult facilities, including separate buildings for juveniles and separate juvenile wings, cells, or areas collocated within an adult jail or lockup; or

''(ii) drug testing upon arrest for any offense within the category of offenses designated pursuant to subsection (c)(3), and intensive supervision thereafter pursuant to programs under subsection (b)(7) and subsection (c)(3).

''(4) NONSUPPLANTATION.—Amounts made available under this section to the States (or units of local government in the State) shall not be used to supplant State or local funds (or in the case of Indian tribal governments, to supplant amounts provided by the Bureau of Indian Affairs) but shall be used to increase the amount of funds that would in the absence of amounts received under this section, be made available from a State or local source, or in the case of Indian tribal governments, from amounts provided by the Bureau of Indian Affairs.

''(e) ALLOCATION OF GRANTS AMONG QUALIFYING STATES; RESTRICTIONS ON USE.—

''(1) ALLOCATION.—Amounts made available under this section shall be allocated as follows:

''(A) 0.5 percent shall be allocated to each eligible State.

''(B) The amount remaining after the allocation under subparagraph (A) shall be allocated proportionately based on the population that is less than 18 years of age in the eligible States.

''(2) RESTRICTIONS ON USE.—Amounts made available under this section shall be subject to the restrictions of subsections (a) and (b) of section 292 of the Juvenile Justice and Delinquency Prevention Act of 1974, except that the penalties in section 292(c) of such Act do not apply.

''(f) GRANTS TO INDIAN TRIBES.—

''(1) RESERVATION OF FUNDS.—Notwithstanding any other provision of law, from the amounts appropriated pursuant to section 291 of the Juvenile Justice and Delinquency Prevention Act of 1974, for each fiscal year, the Attorney General shall reserve an amount equal to the amount to which all Indian tribes eligible to receive a grant under paragraph (3) would collectively be entitled, if such tribes were collectively treated as a State to carry out this subsection.

''(2) GRANTS TO INDIAN TRIBES.—From the amounts reserved under paragraph (1), the Attorney General shall make grants to Indian tribes for programs pursuant to the permissible purposes under section 1801.

''(3) APPLICATIONS.—To be eligible to receive a grant under this subsection, an Indian tribe shall submit to the Attorney General an application in such form and containing such information as the Attorney General may by regulation require. The requirements of subsection (c) apply to grants under this subsection.

''SEC. 1802. JUVENILE CRIMINAL HISTORY GRANTS.

''(a) IN GENERAL.—The Attorney General, through the Director of the Bureau of Justice Statistics and with consultation and coordination with the Office of Justice Programs and the Attorney General, upon application from a State (in such form and containing such information as the Attorney General may reasonably require) shall make a grant to each eligible State to be used by the State exclusively for purposes of meeting the eligibility requirements of subsection (b).

''(b) ELIGIBILITY.—A State is eligible for a grant under subsection (a) if its application provides assurances that, not later than 3 years after the date on which such application is submitted, the State will—

''(1) maintain, at the adult State central repository in accordance with the State's established practices and policies relating to adult criminal history records—

''(A) a fingerprint supported record of the adjudication of delinquency of any juvenile who commits an act that, if committed by an adult, would constitute the offense of murder, armed robbery, rape (except statutory rape), or a felony offense involving sexual molestation of a child, or a conspiracy or attempt to commit any such offense (all as defined by State law), that is equivalent to, and maintained and disseminated in the same manner and for the same purposes as are adult criminal history records for the same offenses, except that the record may include a notation of expungement pursuant to State law; and

''(B) a fingerprint supported record of the adjudication of delinquency of any juvenile who commits an act that, if committed by an adult, would be a felony other than a felony described in subparagraph (A) that is equivalent to, and maintained and disseminated in the same manner for any criminal justice purpose as are adult criminal history records for the same offenses, except that the record may include a notation of expungement pursuant to State law; and

''(2) will establish procedures by which an official of an elementary, secondary, and post-secondary school may, in appropriate circumstances (as defined by applicable State law), gain access to the juvenile adjudication record of a student enrolled at the school, or a juvenile who seeks, intends, or is instructed to enroll at that school, if—

''(A) the official is subject to the same standards and penalties under applicable Federal and State law relating to the handling and disclosure of information contained in juvenile adjudication records as are employees of law enforcement and juvenile justice agencies in the State; and

''(B) information contained in the juvenile adjudication record may not be used for the purpose of making an admission determination.

''(c) VALIDITY OF CERTAIN JUDGMENTS.—Nothing in this section shall require States, in order to qualify for grants under this title, to modify laws concerning the status of any adjudication of juvenile delinquency or judgment of conviction under the law of the State that entered the judgment.

''(d) DEFINITIONS.—In this section—

''(1) the term 'criminal justice purpose' means the use by and within the criminal justice system for the detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, sentencing, disposition, correctional supervision, or rehabilitation of accused persons, criminal offenders, or juvenile delinquents; and

''(2) the term 'expungement' means the nullification of the legal effect of the conviction or adjudication to which the record applies.

''SEC. 1803. GRANTS TO COURTS FOR STATE JUVENILE JUSTICE SYSTEMS.

''(a) IN GENERAL.—The Attorney General may make grants in accordance with this section to States and units of local government to assist State and local courts with juvenile offender dockets.

''(b) GRANT PURPOSES.—Grants under this section may be used—

''(1) for technology, equipment, and training for judges, probation officers, and other court personnel to implement an accountability-based juvenile justice system that provides substantial and appropriate sanctions that are graduated in such manner as to reflect (for each delinquent act or criminal offense) the severity or repeated nature of that act or offense;

''(2) to hire additional judges, probation officers, other necessary court personnel, victims counselors, and public defenders for juvenile courts or adult courts with juvenile offender dockets, including courts with specialized juvenile drug offense or juvenile firearms offense dockets to reduce juvenile court backlogs, and provide additional services to make more effective systems of graduated sanctions designed to reduce recidivism and deter future crimes or delinquent acts by juvenile offenders;

''(3) to provide funding to enable juvenile courts and juvenile probation officers to address drug, gang, and youth violence problems more effectively; and

''(4) to provide funds to—

''(A) effectively supervise and monitor juvenile offenders sentenced to probation or parole; and

''(B) enforce conditions of probation and parole imposed on juvenile offenders, including drug testing and payment of restitution.

''(c) APPLICATION.—

''(1) IN GENERAL.—Each State or unit of local government that applies for a grant under this section shall submit an application to the Attorney General, in such form and containing such information as the Attorney General may reasonably require.

''(2) REQUIREMENTS.—In submitting an application for a grant under this part, a State or unit of local government shall provide assurances that the State or unit of local government will—

''(A) give priority to the prosecution of violent juvenile offenders;

''(B) seek to reduce any backlogs in juvenile justice cases and provide additional services to make more effective systems of graduated sanctions designed to reduce recidivism and deter future crimes or delinquent acts by juvenile offenders;

''(C) give adequate consideration to the rights and needs of victims of juvenile offenders; and

''(D) use amounts received under this section to supplement (and not supplant) State and local resources.

''(d) ALLOCATION OF GRANTS.—

''(1) IN GENERAL.—

''(A) ALLOCATION TO STATES.—

''(i) IN GENERAL.—In awarding grants under this part, the Attorney General may award grants provided for a State (including units of local government in that State) an aggregate amount equal to 0.75 percent of the amount made available to the Attorney General by appropriations for this section made pursuant to section 291(b)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (reduced by amounts reserved under subsection (e)).

''(ii) ADJUSTMENT.—If the Attorney General determines that an insufficient number of applications have been submitted for a

State, the Attorney General may adjust the aggregate amount awarded for a State under clause (i).

''(B) REMAINING AMOUNTS.—Of the adjusted amounts available to the Attorney General to carry out the grant program under this section referred to in subparagraph (A) that remain after the Attorney General distributes the amounts specified in that subparagraph (referred to in this subparagraph as the 'remaining amount') the Attorney General may award an additional aggregate amount to each State (including any political subdivision thereof) that (or with respect to which a political subdivision thereof) submits an application that is approved by the Attorney General under this section that bears the same ratio to the remaining amount as the population of juveniles residing in that State bears to the population of juveniles residing in all States.

''(2) EQUITABLE DISTRIBUTION.—The Attorney General shall ensure that the distribution of grant amounts made available for a State (including units of local government in that State) under this section is made on an equitable geographic basis, to ensure that—

''(A) an equitable amount of available funds are directed to rural areas, including those jurisdictions serving smaller urban and rural communities located along interstate transportation routes that are adversely affected by interstate criminal gang activity, such as illegal drug trafficking; and

''(B) the amount allocated to a State is equitably divided between the State, counties, and other units of local government to reflect the relative responsibilities of each such unit of local government.

''(e) ADMINISTRATION; TECHNICAL ASSISTANCE.—

''(1) IN GENERAL.—The Attorney General may reserve for each fiscal year not more than 2 percent of amounts appropriated for this section pursuant to section 291(b)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974—

''(A) for the administration of this section; and

''(B) for the provision of technical assistance to recipients of or applicants for grant awards under this section.

''(2) CARRYOVER PROVISION.—Any amounts reserved for any fiscal year pursuant to paragraph (1) that are not expended during that fiscal year shall remain available until expended, except that any amount reserved under this subsection for the succeeding fiscal year from amounts made available by appropriations shall be reduced by an amount equal to the amount that remains available.

''(f) AVAILABILITY OF FUNDS.—Any grant amounts awarded under this section shall remain available until expended.''.

SEC. 322. PILOT PROGRAM TO PROMOTE REPLICATION OF RECENT SUCCESSFUL JUVENILE CRIME REDUCTION STRATEGIES.

(a) PILOT PROGRAM TO PROMOTE REPLICATION OF RECENT SUCCESSFUL JUVENILE CRIME REDUCTION STRATEGIES.—

(1) ESTABLISHMENT.—The Attorney General (or a designee of the Attorney General), in conjunction with the Secretary of the Treasury (or the designee of the Secretary), shall establish a pilot program (referred to in this section as the ''program'') to encourage and support communities that adopt a comprehensive approach to suppressing and preventing violent juvenile crime patterned after successful State juvenile crime reduction strategies.

(2) PROGRAM.—In carrying out the program, the Attorney General shall—

(A) make and track grants to grant recipients (referred to in this section as ''coalitions'');

(B) in conjunction with the Secretary of the Treasury, provide for technical assistance and training, data collection, and dissemination of relevant information; and

(C) provide for the general administration of the program.

(3) ADMINISTRATION.—Not later than 30 days after the date of enactment of this Act, the Attorney General shall appoint or designate an Administrator (referred to in this section as the ''Administrator'') to carry out the program.

(4) PROGRAM AUTHORIZATION.—To be eligible to receive an initial grant or a renewal grant under this section, a coalition shall meet each of the following criteria:

(A) COMPOSITION.—The coalition shall consist of 1 or more representatives of—

(i) the local police department or sheriff's department;

(ii) the local prosecutors' office;

(iii) the United States Attorney's office;

(iv) the Federal Bureau of Investigation;

(v) the Bureau of Alcohol, Tobacco and Firearms;

(vi) State or local probation officers;

(vii) religious affiliated or fraternal organizations involved in crime prevention;

(viii) schools;

(ix) parents or local grass roots organizations such as neighborhood watch groups;

(x) local recreation agencies; and

(xi) social service agencies involved in crime prevention.

(B) OTHER PARTICIPANTS.—If possible, in addition to the representatives from the categories listed in subparagraph (A), the coalition shall include—

(i) representatives from the business community; and

(ii) researchers who have studied criminal justice and can offer technical or other assistance.

(C) COORDINATED STRATEGY.—A coalition shall submit to the Attorney General, or the Attorney General's designee, a comprehensive plan for reducing violent juvenile crime. To be eligible for consideration, a plan shall—

(i) ensure close collaboration among all members of the coalition in suppressing and preventing juvenile crime;

(ii) place heavy emphasis on coordinated enforcement initiatives, such as Federal and State programs that coordinate local police departments, prosecutors, and local community leaders to focus on the suppression of violent juvenile crime involving gangs;

(iii) ensure that there is close collaboration between police and probation officers in the supervision of juvenile offenders, such as initiatives that coordinate the efforts of parents, school officials, and police and probation officers to patrol the streets and make home visits to ensure that offenders comply with the terms of their probation;

(iv) ensure that a program is in place to trace all firearms seized from crime scenes or offenders in an effort to identify illegal gun traffickers; and

(v) ensure that effective crime prevention programs are in place, such as programs that provide after-school safe havens and other opportunities for at-risk youth to escape or avoid gang or other criminal activity, and to reduce recidivism.

(D) ACCOUNTABILITY.—A coalition shall—

(i) establish a system to measure and report outcomes consistent with common indicators and evaluation protocols established by the Administrator and that receives the approval of the Administrator; and

(ii) devise a detailed model for measuring and evaluating the success of the plan of the coalition in reducing violent juvenile crime, and provide assurances that the plan will be evaluated on a regular basis to assess progress in reducing violent juvenile crime.

(5) GRANT AMOUNTS.—

(A) IN GENERAL.—The Administrator may grant to an eligible coalition under this paragraph, an amount not to exceed the amount of non-Federal funds raised by the coalition, including in-kind contributions, for that fiscal year.

(B) NONSUPPLANTING REQUIREMENT.—A coalition seeking funds shall provide reasonable assurances that funds made available under this program to States or units of local government shall be so used as to supplement and increase (but not supplant) the level of the State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for programs described in this section, and shall in no event replace such State, local, or other non-Federal funds.

(C) SUSPENSION OF GRANTS.—If a coalition fails to continue to meet the criteria set forth in this section, the Administrator may suspend the grant, after providing written notice to the grant recipient and an opportunity to appeal.

(D) RENEWAL GRANTS.—Subject to subparagraph (D), the Administrator may award a renewal grant to grant recipient under this subparagraph for each fiscal year following the fiscal year for which an initial grant is awarded, in an amount not to exceed the amount of non-Federal funds raised by the coalition, including in-kind contributions, for that fiscal year, during the 4-year period following the period of the initial grant.

(E) LIMITATION.—The amount of a grant award under this section may not exceed $300,000 for a fiscal year.

(6) PERMITTED USE OF FUNDS.—A coalition receiving funds under this section may expend such Federal funds on any use or program that is contained in the plan submitted to the Administrator.

(7) CONGRESSIONAL CONSULTATION.—

(A) IN GENERAL.—Two years after the date of implementation of the program established in this section, the Comptroller General of the United States shall submit to Congress a report reviewing the effectiveness of the program in suppressing and reducing violent juvenile crime in the participating communities.

(B) CONTENTS OF REPORT.—The report submitted under subparagraph (A) shall include—

(i) an analysis of each community participating in the program, along with information regarding the plan undertaken in the community, and the effectiveness of the plan in reducing violent juvenile crime; and

(ii) recommendations regarding the efficacy of continuing the program.

(b) INFORMATION COLLECTION AND DISSEMINATION WITH RESPECT TO COALITIONS.—

(1) COALITION INFORMATION.—For the purpose of audit and examination, the Attorney General—

(A) shall have access to any books, documents, papers, and records that are pertinent to any grant or grant renewal request under this section; and

(B) may periodically request information from a coalition to ensure that the coalition meets the applicable criteria.

(2) REPORTING.—The Attorney General shall, to the maximum extent practicable and in a manner consistent with applicable law, minimize reporting requirements by a coalition and expedite any application for a renewal grant made under this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $3,000,000 for each of fiscal years 2000 through 2003.

(2) SOURCE OF SUMS.—Amounts authorized to be appropriated pursuant to this subsection may be derived from the Violent Crime Reduction Trust Fund.

SEC. 323. REPEAL OF UNNECESSARY AND DUPLICATIVE PROGRAMS.

(a) VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994.—

(1) TITLE III.—Title III of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13741 et seq.) is amended by striking subtitles A through C, and subtitles G through S.

(2) TITLE XXVII.—Title XXVII of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14191 et seq.) is repealed.

(b) REFORM OF GREAT PROGRAM.—Section 32401(a) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13921(a)) is amended—

(1) by striking paragraph (2) and inserting the following:

''(2) SELECTION OF COMMUNITIES.—

''(A) IN GENERAL.—Each community identified for a GREAT project referred to in paragraph (1) shall be selected by the Secretary of the Treasury on the basis of—

''(i) the level of gang activity and youth violence in the area in which the community is located;

''(ii) the number of schools in the community in which training would be provided under the project;

''(iii) the number of students who would receive the training referred to in clause (ii) in schools referred to in that clause; and

''(iv) a written description from officials of the community explaining the manner in which funds made available to the community under this section would be allocated.

''(B) EQUITABLE SELECTION.—The Secretary of the Treasury shall ensure that—

''(i) communities are identified and selected for GREAT projects under this subsection on an equitable geographic basis (except that this clause shall not be construed to require the termination of any projects selected prior to the beginning of fiscal year 1999); and

''(ii) the communities referred to in clause (i) include rural communities.''; and

(2) in paragraph (3)—

(A) in subparagraph (A), by striking ''50 percent'' and inserting ''85 percent''; and

(B) in subparagraph (B), by striking ''50 percent'' and inserting ''15 percent''.

SEC. 324. EXTENSION OF VIOLENT CRIME REDUCTION TRUST FUND.

(a) IN GENERAL.—Section 310001(b) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) is amended by striking paragraphs (1) through (5) and inserting the following:

''(1) for fiscal year 2001, $6,025,000,000;

''(2) for fiscal year 2002, $6,169,000,000;

''(3) for fiscal year 2003, $6,316,000,000;

''(4) for fiscal year 2004, $6,458,000,000; and

''(5) for fiscal year 2005, $6,616,000,000.''.

(b) DISCRETIONARY LIMITS.—Title XXXI of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211 et seq.) is amended by inserting after section 310001 the following:

''SEC. 310002. DISCRETIONARY LIMITS.

''For the purposes of allocations made for the discretionary category pursuant to section 302(a) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)), the term 'discretionary spending limit' means—

''(1) with respect to fiscal year 2001—

''(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

''(B) for the violent crime reduction category: $6,025,000,000 in new budget authority and $5,718,000,000 in outlays;

''(2) with respect to fiscal year 2002—

''(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

''(B) for the violent crime reduction category: $6,169,000,000 in new budget authority and $6,020,000,000 in outlays; and

''(3) with respect to fiscal year 2003—

''(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

''(B) for the violent crime reduction category: $6,316,000,000 in new budget authority and $6,161,000,000 in outlays;

''(4) with respect to fiscal year 2004—

''(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

''(B) for the violent crime reduction category: $6,458,000 in new budget authority and $6,303,000,000 in outlays; and

''(5) with respect to fiscal year 2005—

''(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

''(B) for the violent crime reduction category: $6,616,000 in new budget authority and $6,452,000,000 in outlays;

as adjusted in accordance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)) and section 314 of the Congressional Budget Act of 1974.''.

SEC. 325. REIMBURSEMENT OF STATES FOR COSTS OF INCARCERATING JUVENILE ALIENS.

(a) IN GENERAL.—Section 501 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1365) is amended—

(1) in subsection (a), by inserting ''or illegal juvenile alien who has been adjudicated delinquent and committed to a juvenile correctional facility by such State or locality'' before the period;

(2) in subsection (b), by inserting ''(including any juvenile alien who has been adjudicated delinquent and has been committed to a correctional facility)'' before ''who is in the United States unlawfully''; and

(3) by adding at the end the following:

''(f) JUVENILE ALIEN DEFINED.—In this section, the term 'juvenile alien' means an alien (as defined in section 101(a)(3) of the Immigration and Nationality Act) who has been adjudicated delinquent and committed to a correctional facility by a State or locality as a juvenile offender.''.

(b) ANNUAL REPORT.—Section 332 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1366) is amended—

(1) by striking ''and'' at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting ''; and''; and

(3) by adding at the end the following:

''(5) the number of illegal juvenile aliens that are committed to State or local juvenile correctional facilities, including the type of offense committed by each juvenile.''.

(c) CONFORMING AMENDMENT.—Section 241(i)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(3)(B)) is amended—

(1) by striking ''or'' at the end of clause (ii);

(2) by striking the period at the end of clause (iii) and inserting ''; or''; and

(3) by adding at the end the following:

''(iv) is a juvenile alien with respect to whom section 501 of the Immigration Reform and Control Act of 1986 applies.''.

Subtitle C—Alternative Education and Delinquency Prevention

SEC. 331. ALTERNATIVE EDUCATION.

Part D of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6421 et seq.) is amended by adding at the end the following:

''Subpart 4—Alternative Education Demonstration Project Grants

''SEC. 1441. PROGRAM AUTHORITY.

''(a) GRANTS.—

''(1) IN GENERAL.—From amounts appropriated under section 1443, the Secretary, in consultation with the Administrator, shall make grants to State educational agencies or local educational agencies for not less than 10 demonstration projects that enable the agencies to develop models for and carry out alternative education for at-risk youth.

''(2) CONSTRUCTION.—Nothing in this subpart shall be construed to affect the requirements of the Individuals with Disabilities Education Act.

''(b) DEMONSTRATION PROJECTS.—

''(1) PARTNERSHIPS.—Each agency receiving a grant under this subpart may enter into a partnership with a private sector entity to provide alternative educational services to at-risk youth.

''(2) REQUIREMENTS.—Each demonstration project assisted under this subpart shall—

''(A) accept for alternative education at-risk or delinquent youth who are referred by a local school or by a court with a juvenile delinquency docket and who—

''(i) have demonstrated a pattern of serious and persistent behavior problems in regular schools;

''(ii) are at risk of dropping out of school;

''(iii) have been convicted of a criminal offense or adjudicated delinquent for an act of juvenile delinquency, and are under a court's supervision; or

''(iv) have demonstrated that continued enrollment in a regular classroom—

''(I) poses a physical threat to other students; or

''(II) inhibits an atmosphere conducive to learning; and

''(B) provide for accelerated learning, in a safe, secure, and disciplined environment, including—

''(i) basic curriculum focused on mastery of essential skills, including targeted instruction in basic skills required for secondary school graduation; and

''(ii) emphasis on—

''(I) personal, academic, social, and workplace skills; and

''(II) behavior modification.

''(c) APPLICABILITY.—Except as provided in subsections (c) and (e) of section 1442, the provisions of section 1401(c), 1402, and 1431, and subparts 1 and 2, shall not apply to this subpart.

''(d) DEFINITION OF ADMINISTRATOR.—In this subpart, the term 'Administrator' means the Administrator of the Office of Juvenile Crime Control and Prevention of the Department of Justice.

''SEC. 1442. APPLICATIONS; GRANTEE SELECTION.

''(a) APPLICATIONS.—Each State educational agency and local educational agency seeking a grant under this subpart shall submit an application in such form, and containing such information, as the Secretary,

in consultation with the Administrator, may reasonably require.

''(b) SELECTION OF GRANTEES.—

''(1) IN GENERAL.—The Secretary shall select State educational agencies and local educational agencies to receive grants under this subpart on an equitable geographic basis, including selecting agencies that serve urban, suburban, and rural populations.

''(2) MINIMUM.—The Secretary shall award a grant under this subpart to not less than 1 agency serving a population with a significant percentage of Native Americans.

''(3) PRIORITY.—In awarding grants under this subpart, the Secretary may give priority to State educational agencies and local educational agencies that demonstrate in the application submitted under subsection (a) that the State has a policy of equitably distributing resources among school districts in the State.

''(c) QUALIFICATIONS.—To qualify for a grant under this subpart, a State educational agency or local educational agency shall—

''(1) in the case of a State educational agency, have submitted a State plan under section 1414(a) that is approved by the Secretary;

''(2) in the case of a local educational agency, have submitted an application under section 1423 that is approved by the State educational agency;

''(3) certify that the agency will comply with the restrictions of section 292 of the Juvenile Justice and Delinquency Prevention Act of 1974;

''(4) explain the educational and juvenile justice needs of the community to be addressed by the demonstration project;

''(5) provide a detailed plan to implement the demonstration project; and

''(6) provide assurances and an explanation of the agency's ability to continue the program funded by the demonstration project after the termination of Federal funding under this subpart.

''(d) MATCHING REQUIREMENT.—

''(1) IN GENERAL.—Grant funds provided under this subpart shall not constitute more than 35 percent of the cost of the demonstration project funded.

''(2) SOURCE OF FUNDS.—Matching funds for grants under this subpart may be derived from amounts available under section 205, or part B of title II, of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) to the State in which the demonstration project will be carried out, except that the total share of funds derived from Federal sources shall not exceed 50 percent of the cost of the demonstration project.

''(e) PROGRAM EVALUATION.—

''(1) IN GENERAL.—Each State educational agency or local educational agency that receives a grant under this subpart shall evaluate the demonstration project assisted under this subpart in the same manner as programs are evaluated under section 1431. In addition, the evaluation shall include—

''(A) an evaluation of the effect of the alternative education project on order, discipline, and an effective learning environment in regular classrooms;

''(B) an evaluation of the project's effectiveness in improving the skills and abilities of at-risk students assigned to alternative education, including an analysis of the academic and social progress of such students; and

''(C) an evaluation of the project's effectiveness in reducing juvenile crime and delinquency, including—

''(i) reductions in incidents of campus crime in relevant school districts, compared with school districts not included in the project; and

''(ii) reductions in recidivism by at-risk students who have juvenile justice system involvement and are assigned to alternative education.

''(2) EVALUATION BY THE SECRETARY.—The Secretary, in cooperation with the Administrator, shall comparatively evaluate each of the demonstration projects funded under this subpart, including an evaluation of the effectiveness of private sector educational services, and shall report the findings of the evaluation to the Committee on Education and the Workforce of the House of Representatives and the Committees on the Judiciary and Health, Education, Labor and Pensions of the Senate not later than June 30, 2005.

''SEC. 1443. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this subpart $15,000,000 for each of fiscal years 2000, 2001, 2002, and 2003.''.

Subtitle D—Parenting as Prevention

SEC. 341. SHORT TITLE.

This subtitle shall be cited as the ''Parenting as Prevention Act''.

SEC. 342. ESTABLISHMENT OF PROGRAM.

The Secretary of Health and Human Services, in consultation with the Attorney General, the Secretary of Education, the Secretary of Housing and Urban Development, the Secretary of Labor, the Secretary of Agriculture, and the Secretary of Defense shall establish a parenting support and education program as provided in sections 343, 344, and 345.

SEC. 343. NATIONAL PARENTING SUPPORT AND EDUCATION COMMISSION.

(a) ESTABLISH COMMISSION.—The Secretary of Health and Human Services shall establish a National Parenting Support and Education Commission (hereinafter referred to as the ''Commission'') to identify the best practices for parenting and to provide practical parenting advice for parents and caregivers based on the best available research data. She shall provide the Commission with necessary staff and other resources to fulfill its duties.

(b) MEMBERSHIP OF COMMISSION.—The Secretary shall appoint the Commission after consultation with the cabinet members identified in section 342. The Commission shall consist of the following members—

(1) an adolescent representative;

(2) a parent representative;

(3) an expert in brain research;

(4) experts in child development, youth development, early childhood education, primary education, and secondary education;

(5) an expert in children's mental health;

(6) an expert on children's health and nutrition;

(7) an expert on child abuse prevention, diagnosis, and treatment;

(8) a representative of parenting support programs;

(9) a representative of parenting education;

(10) a representative from law enforcement;

(11) an expert on firearm safety programs;

(12) a representative from a nonprofit organization that delivers services to children and their families which may include a faith based organization; and

(13) such other representatives as the Secretary deems necessary.

(c) DUTIES OF COMMISSION.—The Commission shall—

(1) identify best parenting practices for parents and caregivers of young children on topics including but not limited to brain stimulation, developing healthy attachments and social relationships, anger management and conflict resolution, character development, discipline, controlling access to television and other entertainment including computers, firearms safety, mental health, health care and nutrition including breastfeeding, encouraging reading and lifelong learning habits, and recognition and treatment of developmental and behavioral problems;

(2) identify best parenting practices of adolescents and pre-adolescents on topics including but not limited to methods of addressing peer pressure with respect to underage drinking, sexual relations, illegal drug use, and other negative behavior; developing healthy social and family relationships; exercising discipline; controlling access to television and other entertainment including computers, video games, and movies; firearm safety; encouraging success in school; and other issues of concern to parents of adolescents;

(3) identify best parenting practices and resources available for parents and caregivers of children with special needs including fetal alcohol syndrome, fetal alcohol effect, mental illness, autism, retardation, learning disabilities, behavioral disorders, chronic illness, and physical disabilities; and

(4) review existing parenting support and education programs and the data evaluating them and make recommendations to the Secretary and the Congress on which are most effective and should receive Federal support within 18 months of appointment.

(d) PUBLIC HEARINGS AND TESTIMONY.—The Commission shall conduct four public hearings, shall solicit and receive testimony from national experts and national organizations, shall conduct a comprehensive review of academic and other research literature, and shall seek information from the Governors on existing brain development and parenting programs which have been most successful.

(e) PUBLICATION OF MATERIALS.—If not otherwise available, the Commission shall prepare materials which may include written material, videotapes, CD's, and other audio and visual material on best parenting practices and shall make them available for distribution to parents, caregivers, and others through State and local government programs, hospitals, maternity centers, and other health care providers, adoption agencies, schools, public housing units, child care centers, and social service providers. If such materials are already available, the Commission may print, reproduce, and distribute such materials.

(f) REPORTING REQUIREMENT.—The Commission shall prepare and submit a report of its findings and recommendations to the Secretary and the Congress no later than 18 months after appointment.

(g) AUTHORIZATION OF FUNDS.—There is authorized to be appropriated in fiscal year 2000 such sums as may be necessary to support the work of the Commission and to produce and distribute the materials described in subsection (e). Such sum shall remain available until expended. Any fund appropriated pursuant to this section shall remain available until expended.

SEC. 344. STATE AND LOCAL PARENTING SUPPORT AND EDUCATION GRANT PROGRAM.

(a) STATE ALLOTMENTS.—The Secretary shall make allotments to eligible States to support parenting support and training programs. Each State shall receive an amount that bears the same relationship to the amount appropriated as the total number of children in the State bears to the total number of children in all States, but no State shall receive less than one-half of one percent of the state allocation. From the amounts provided to each State with Indian or Alaska Native populations exceeding two percent of its total statewide population, the Governor shall set aside two percent for Indian tribes as that term is defined in section

4(e) of the Indian Self-Determination and Education Assistance Act (P.L. 93–638, as amended; 25 U.S.C. 450b(e)) which shall be distributed based on the percentage of Indian children in each tribe except that with respect to Alaska, the funds shall be distributed to the nonprofit entities described in section 419(4)(B) of the Social Security Act pursuant to section 103 of Public Law 104–193 (110 Stat. 2159, 2160; 42 U.S.C. 619(4)(B)) which shall be allocated based on the percentage of Alaska Native children in each region.

(b) STATE PARENTING SUPPORT AND EDUCATION COUNCIL.—To be eligible to receive Federal funding, the Governor of each State shall appoint a State Parenting Support and Education Council (hereinafter referred to as the ''Council'') which shall include parent representatives, representatives of the State government, bipartisan representation from the State legislature, representatives from local communities, and interested children's organizations, except that the Governor may designate an existing entity that includes such groups. The Council shall conduct a needs and resources assessment of parenting support and education programs in the State to determine where programs are lacking or inadequate and identify what additional programs are needed and which programs require additional resources. It shall consider the findings and recommendations of the Parenting Commission in making those determinations. Upon completion of the assessment, the Council may consider grant applications from the State to provide statewide programs, from local communities including schools, and from nonprofit service providers including faith based organizations.

(c) GRANTS.—Grants may be made for:

(1) Parenting support to promote early brain development and childhood development and education including—

(A) assistance to schools to offer classroom instruction on brain stimulation, child development, and early childhood education;

(B) distribution of materials developed by the Commission or another entity that reflect best parenting practices;

(C) development and distribution of referral information on programs and services available to children and families at the local level, including eligibility criteria;

(D) voluntary hospital visits for postpartum women and in-home visits for families with infants, toddlers, or newly adopted children to provide hands-on training and one-on-one instruction on brain stimulation, child development, and early childhood education;

(E) parenting education programs including training with respect to the best parenting practices identified in subsection (c).

(2) Parenting support for adolescents and youth including funds for services and support for parents and other caregivers of young people being served by a range of education, social service, mental health, health, runaway and homeless youth programs. Programs may include the Boys and Girls Club, YMCA and YWCA, after school programs, 4–H programs, or other community based organizations. Eligible activities may include parent-caregiver support groups, peer support groups, parent education classes, seminars or discussion groups on problems facing adolescents, advocates and mentors to help parents understand and work with schools, the courts, and various treatment programs.

(3) Parenting support and education resource centers including—

(A) development of parenting resource centers which may serve as a single point of contact for the provision of comprehensive services available to children and their families including Federal, State, and local governmental and nonprofit services available to children. Such services may include child care, respite care, pediatric care, child abuse prevention programs, nutrition programs, parent training, infant and child CPR and safety training programs, caregiver training and education, and other related programs;

(B) a national toll free anonymous parent hotline with 24 hour a day consultation and advice including referral to local community based services;

(C) respite care for parents with children with special needs, single mothers, and at-risk youth.

(d) REPORTING.—Each entity that receives a grant under this section shall submit a report every 2 years to the Council describing the program it has developed, the number of parents and children served, and the success of the program using specific performance measures.

(e) ADMINISTRATIVE COSTS.—Not more than 5 percent of the amounts received by a State may be used to pay for the administrative expenses of the Council in implementing the grant program.

(f) SUPPLEMENT NOT SUPPLANT.—Funds appropriated pursuant to this section shall be used to supplement and not supplant other Federal, State, and local public funds expended for parenting support and education programs.

(g) AUTHORIZATION OF FUNDS.—There is authorized to be appropriated such sums as are necessary for fiscal year 2000 and subsequent fiscal years.

SEC. 345. GRANTS TO ADDRESS THE PROBLEM OF VIOLENCE RELATED STRESS TO PARENTS AND CHILDREN.

(a) FINDINGS.—The Congress finds that a child's brain is wired between the ages of 0–3. A child's ability to learn, develop healthy family and social relationships, resist peer pressure, and control violent impulses depends on the quality and quantity of brain stimulation he receives. Research shows that children exposed to negative brain stimulation in the form of physical and sexual abuse and violence in the family or community causes the brain to be miswired making it difficult for the child to be successful in life. Intervention early in a child's life to correct the miswiring is much more successful than adult rehabilitation efforts.

(b) IN GENERAL.—The Secretary shall award grants, enter into contracts or cooperative agreements to public and nonprofit private entities, as well as to Indian tribes, Native Hawaiians, and Alaska Native nonprofit corporations to establish national and regional centers of excellence on psychological trauma response and to identify the best practices for treating psychiatric and behavioral disorders resulting from children witnessing or experiencing such stress.

(c) PRIORITIES.—In awarding grants, contracts or cooperative agreements under subsection (a) related to the identifying best practices for treating disorders associated with psychological trauma, the Secretary shall give priority to programs that work with children, adolescents, adults, and families who are survivors and witnesses of child abuse, domestic, school, and community violence, and disasters.

(d) GEOGRAPHICAL DISTRIBUTION.—The Secretary shall ensure that grants, contracts, or cooperative agreements under subsection (a) with respect to centers of excellence are distributed equitably among the regions of the country and among urban and rural areas.

(e) EVALUATION.—The Secretary shall require that each applicant for a grant, contract or cooperative agreement under subsection (a) submit a plan as part of his application for the rigorous evaluation of the activities funded under the grant, contract or agreement, including both process and outcomes evaluation, and the submission of an evaluation at the end of the project period.

(f) DURATION OF AWARDS.—With respect to a grant, contract or cooperative agreement under this section, the period during which payments under such an award will be made to the recipient may not be less than 3 years. Such grants, contract or agreement may be renewed.

(g) REPORT.—Not later than 1 year after the date of enactment of this section, the General Accounting Office shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Commerce of the House of Representatives a report concerning whether individuals are covered for post-traumatic stress disorders under public and private health plans, and the course of treatment, if any, that is covered.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as are necessary to carry out this section for fiscal year 2000 and subsequent fiscal years.

TITLE IV—VOLUNTARY MEDIA AGREEMENTS FOR CHILDREN'S PROTECTION

Subtitle A—Children and the Media

SEC. 401. SHORT TITLE.

This subtitle may be cited as the ''Children's Protection Act of 1999''.

SEC. 402. FINDINGS.

Congress makes the following findings:

(1) Television is seen and heard in nearly every United States home and is a uniquely pervasive presence in the daily lives of Americans. The average American home has 2.5 televisions, and a television is turned on in the average American home 7 hours every day.

(2) Television plays a particularly significant role in the lives of children. Figures provided by Nielsen Research show that children between the ages of 2 years and 11 years spend an average of 21 hours in front of a television each week.

(3) Television has an enormous capability to influence perceptions, especially those of children, of the values and behaviors that are common and acceptable in society.

(4) The influence of television is so great that its images and messages often can be harmful to the development of children. Social science research amply documents a strong correlation between the exposure of children to televised violence and a number of behavioral and psychological problems.

(5) Hundreds of studies have proven conclusively that children who are consistently exposed to violence on television have a higher tendency to exhibit violent and aggressive behavior, both as children and later in life.

(6) Such studies also show that repeated exposure to violent programming causes children to become desensitized to and more accepting of real-life violence and to grow more fearful and less trusting of their surroundings.

(7) A growing body of social science research indicates that sexual content on television can also have a significant influence on the attitudes and behaviors of young viewers. This research suggests that heavy exposure to programming with strong sexual content contributes to the early commencement of sexual activity among teenagers.

(8) Members of the National Association of Broadcasters (NAB) adhered for many years to a comprehensive code of conduct that was based on an understanding of the influence exerted by television and on a widely held sense of responsibility for using that influence carefully.

(9) This code of conduct, the Television Code of the National Association of Broadcasters, articulated this sense of responsibility as follows:

(A) ''In selecting program subjects and themes, great care must be exercised to be

sure that the treatment and presentation are made in good faith and not for the purpose of sensationalism or to shock or exploit the audience or appeal to prurient interests or morbid curiosity.''.

(B) ''Broadcasters have a special responsibility toward children. Programs designed primarily for children should take into account the range of interests and needs of children, from instructional and cultural material to a wide variety of entertainment material. In their totality, programs should contribute to the sound, balanced development of children to help them achieve a sense of the world at large and informed adjustments to their society.''.

(C) ''Violence, physical, or psychological, may only be projected in responsibly handled contexts, not used exploitatively. Programs involving violence present the consequences of it to its victims and perpetrators. Presentation of the details of violence should avoid the excessive, the gratuitous and the instructional.''.

(D) ''The presentation of marriage, family, and similarly important human relationships, and material with sexual connotations, shall not be treated exploitatively or irresponsibly, but with sensitivity.''.

(E) ''Above and beyond the requirements of the law, broadcasters must consider the family atmosphere in which many of their programs are viewed. There shall be no graphic portrayal of sexual acts by sight or sound. The portrayal of implied sexual acts must be essential to the plot and presented in a responsible and tasteful manner.''.

(10) The National Association of Broadcasters abandoned the code of conduct in 1983 after three provisions of the code restricting the sale of advertising were challenged by the Department of Justice on antitrust grounds and a Federal district court issued a summary judgment against the National Association of Broadcasters regarding one of the provisions on those grounds. However, none of the programming standards of the code were challenged.

(11) While the code of conduct was in effect, its programming standards were never found to have violated any antitrust law.

(12) Since the National Association of Broadcasters abandoned the code of conduct, programming standards on broadcast and cable television have deteriorated dramatically.

(13) In the absence of effective programming standards, public concern about the impact of television on children, and on society as a whole, has risen substantially. Polls routinely show that more than 80 percent of Americans are worried by the increasingly graphic nature of sex, violence, and vulgarity on television and by the amount of programming that openly sanctions or glorifies criminal, antisocial, and degrading behavior.

(14) At the urging of Congress, the television industry has taken some steps to respond to public concerns about programming standards and content. The broadcast television industry agreed in 1992 to adopt a set of voluntary guidelines designed to ''proscribe gratuitous or excessive portrayals of violence''. Shortly thereafter, both the broadcast and cable television industries agreed to conduct independent studies of the violent content in their programming and make those reports public.

(15) In 1996, the television industry as a whole made a commitment to develop a comprehensive rating system to label programming that may be harmful or inappropriate for children. That system was implemented at the beginning of 1999.

(16) Despite these efforts to respond to public concern about the impact of television on children, millions of Americans, especially parents with young children, remain angry and frustrated at the sinking standards of television programming, the reluctance of the industry to police itself, and the harmful influence of television on the well-being of the children and the values of the United States.

(17) The Department of Justice issued a ruling in 1993 indicating that additional efforts by the television industry to develop and implement voluntary programming guidelines would not violate the antitrust laws. The ruling states that ''such activities may be likened to traditional standard setting efforts that do not necessarily restrain competition and may have significant procompetitive benefits . . . . Such guidelines could serve to disseminate valuable information on program content to both advertisers and television viewers. Accurate information can enhance the demand for, and increase the output of, an industry's products or services.''.

(18) The Children's Television Act of 1990 (Public Law 101–437) states that television broadcasters in the United States have a clear obligation to meet the educational and informational needs of children.

(19) Several independent analyses have demonstrated that the television broadcasters in the United States have not fulfilled their obligations under the Children's Television Act of 1990 and have not noticeably expanded the amount of educational and informational programming directed at young viewers since the enactment of that Act.

(20) The popularity of video and personal computer (PC) games is growing steadily among children. Although most popular video and personal computer games are educational or harmless in nature, many of the most popular are extremely violent. One recent study by Strategic Record Research found that 64 percent of teenagers played video or personal computer games on a regular basis. Other surveys of children as young as elementary school age found that almost half of them list violent computer games among their favorites.

(21) Violent video games often present violence in a glamorized light. Game players are often cast in the role of shooter, with points scored for each ''kill''. Similarly, advertising for such games often touts violent content as a selling point—the more graphic and extreme, the better.

(22) As the popularity and graphic nature of such video games grows, so do their potential to negatively influence impressionable children.

(23) Music is another extremely pervasive and popular form of entertainment. American children and teenagers listen to music more than any other demographic group. The Journal of American Medicine reported that between the 7th and 12th grades the average teenager listens to 10,500 hours of rock or rap music, just slightly less than the entire number of hours spent in the classroom from kindergarten through high school.

(24) Teens are among the heaviest purchasers of music, and are most likely to favor music genres that depict, and often appear to glamorize violence.

(25) Music has a powerful ability to influence perceptions, attitudes, and emotional state. The use of music as therapy indicates its potential to increase emotional, psychological. and physical health. That influence can be used for ill as well.

SEC. 403. PURPOSES; CONSTRUCTION.

(a) PURPOSES.—The purposes of this subtitle are to permit the entertainment industry—

(1) to work collaboratively to respond to growing public concern about television programming, movies, video games, Internet content, and music lyrics, and the harmful influence of such programming, movies, games, content, and lyrics on children;

(2) to develop a set of voluntary programming guidelines similar to those contained in the Television Code of the National Association of Broadcasters; and

(3) to implement the guidelines in a manner that alleviates the negative impact of television programming, movies, video games, Internet content, and music lyrics on the development of children in the United States and stimulates the development and broadcast of educational and informational programming for such children.

(b) CONSTRUCTION.—This subtitle may not be construed as—

(1) providing the Federal Government with any authority to restrict television programming, movies, video games, Internet content, or music lyrics that is in addition to the authority to restrict such programming, movies, games, content, or lyrics under law as of the date of the enactment of this Act; or

(2) approving any action of the Federal Government to restrict such programming, movies, games, content, or lyrics that is in addition to any actions undertaken for that purpose by the Federal Government under law as of such date.

SEC. 404. EXEMPTION OF VOLUNTARY AGREEMENTS ON GUIDELINES FOR CERTAIN ENTERTAINMENT MATERIAL FROM APPLICABILITY OF ANTITRUST LAWS.

(a) EXEMPTION.—Subject to subsection (b), the antitrust laws shall not apply to any joint discussion, consideration, review, action, or agreement by or among persons in the entertainment industry for the purpose of developing and disseminating voluntary guidelines designed—

(1) to alleviate the negative impact of telecast material, movies, video games, Internet content, and music lyrics containing violence, sexual content, criminal behavior, or other subjects that are not appropriate for children; or

(2) to promote telecast material that is educational, informational, or otherwise beneficial to the development of children.

(b) LIMITATION.—The exemption provided in subsection (a) shall not apply to any joint discussion, consideration, review, action, or agreement which—

(1) results in a boycott of any person; or

(2) concerns the purchase or sale of advertising, including (without limitation) restrictions on the number of products that may be advertised in a commercial, the number of times a program may be interrupted for commercials, and the number of consecutive commercials permitted within each interruption.

SEC. 405. EXEMPTION OF ACTIVITIES TO ENSURE COMPLIANCE WITH RATINGS AND LABELING SYSTEMS FROM APPLICABILITY OF ANTITRUST LAWS.

(a) EXEMPTION FROM ANTITRUST LAWS.—

(1) IN GENERAL.—The antitrust laws shall not apply to any joint discussion, consideration, review, action, or agreement between or among persons in the motion picture, recording, or video game industry for the purpose of and limited to the development or enforcement of voluntary guidelines, procedures, and mechanisms designed to ensure compliance by persons and entities described in paragraph (2) with ratings and labeling systems to identify and limit dissemination of sexual, violent, or other indecent material to children.

(2) PERSONS AND ENTITIES DESCRIBED.—A person or entity described in this paragraph is a person or entity that is—

(A) engaged in the retail sales of motion pictures, recordings, or video games; or

(B) a theater owner or operator, video game arcade owner or operator, or other person or entity that makes available the viewing, listening, or use of a motion picture, recording, or video game to a member of the general public for compensation.

(b) REPORT.—Not later than 12 months after the date of the enactment of this Act, the Antitrust Division of the Department of Justice, in conjunction with the Federal Trade Commission, shall submit to Congress a report on—

(1) the extent to which the motion picture, recording, and video game industry have developed or enforced guidelines, procedures, or mechanisms to ensure compliance by persons and entities described in subsection (b)(2) with ratings or labeling systems which identify and limit dissemination of sexual, violent, or other indecent material to children; and

(2) the extent to which Federal or State antitrust laws preclude those industries from developing and enforcing the guidelines described in subsection (b)(1).

SEC. 406. DEFINITIONS.

In this subtitle:

(1) ANTITRUST LAWS.—The term ''antitrust laws'' has the meaning given such term in the first section of the Clayton Act (15 U.S.C. 12) and includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

(2) INTERNET.—The term ''Internet'' means the combination of computer facilities and electromagnetic transmission media, and related equipment and software, comprising the interconnected worldwide network of computer networks that employ the Transmission Control Protocol/Internet Protocol or any successor protocol to transmit information.

(3) MOVIES.—The term ''movies'' means motion pictures.

(4) PERSON IN THE ENTERTAINMENT INDUSTRY.—The term ''person in the entertainment industry'' means a television network, any entity which produces or distributes television programming (including motion pictures), the National Cable Television Association, the Association of Independent Television Stations, Incorporated, the National Association of Broadcasters, the Motion Picture Association of America, each of the affiliate organizations of the television networks, the Interactive Digital Software Association, any entity which produces or distributes video games, the Recording Industry Association of America, and any entity which produces or distributes music, and includes any individual acting on behalf of such person.

(5) TELECAST.—The term ''telecast'' means any program broadcast by a television broadcast station or transmitted by a cable television system.

Subtitle B—Other Matters

SEC. 411. STUDY OF MARKETING PRACTICES OF MOTION PICTURE, RECORDING, AND VIDEO/PERSONAL COMPUTER GAME INDUSTRIES.

(a) STUDY.—

(1) IN GENERAL.—The Federal Trade Commission and the Attorney General shall jointly conduct a study of the marketing practices of the motion picture, recording, and video/personal computer game industries.

(2) ISSUES EXAMINED.—In conducting the study under paragraph (1), the Commission and the Attorney General shall examine—

(A) the extent to which the motion picture, recording, and video/personal computer industries target the marketing of violent, sexually explicit, or other unsuitable material to minors, including whether such content is advertised or promoted in media outlets in which minors comprise a substantial percentage of the audience;

(B) the extent to which retail merchants, movie theaters, or others who engage in the sale or rental for a fee of products of the motion picture, recording, and video/personal computer industries—

(i) have policies to restrict the sale, rental, or viewing to minors of music, movies, or video/personal computer games that are deemed inappropriate for minors under the applicable voluntary industry rating or labeling systems; and

(ii) have procedures compliant with such policies;

(C) whether and to what extent the motion picture, recording, and video/personal computer industries require, monitor, or encourage the enforcement of their respective voluntary rating or labeling systems by industry members, retail merchants, movie theaters, or others who engage in the sale or rental for a fee of the products of such industries;

(D) whether any of the marketing practices examined may violate Federal law; and

(E) whether and to what extent the motion picture, recording, and video/personal computer industries engage in actions to educate the public on the existence, use, or efficacy of their voluntary rating or labeling systems.

(3) FACTORS FOR DETERMINATION.—In determining whether the products of the motion picture, recording, or video/personal computer industries are violent, sexually explicit, or otherwise unsuitable for minors for the purposes of paragraph (2)(A), the Commission and the Attorney General shall consider the voluntary industry rating or labeling systems of the industry concerned as in effect on the date of the enactment of this Act.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Commission and the Attorney General shall submit to Congress a report on the study conducted under subsection (a).

(c) AUTHORITY.—For the purposes of the study conducted under subsection (a), the Commission may use its authority under section 6(b) of the Federal Trade Commission Act to require the filing of reports or answers in writing to specific questions, as well as to obtain information, oral testimony, documentary material, or tangible things.

TITLE V—GENERAL FIREARM PROVISIONS

SEC. 501. SPECIAL LICENSEES; SPECIAL REGISTRATIONS.

(a) DEFINITIONS.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

''(35) GUN SHOW.—The term 'gun show' means a gun show or event described in section 923(j).

''(36) SPECIAL LICENSE.—The term 'special license' means a license issued under section 923(m).

''(37) SPECIAL LICENSEE.—The term 'special licensee' means a person to whom a special license has been issued.

''(38) SPECIAL REGISTRANT.—The term 'special registrant' means a person to whom a special registration has been issued.

''(39) SPECIAL REGISTRATION.—The term 'special registration' means a registration issued under section 923(m).''.

(b) SPECIAL LICENSES; SPECIAL REGISTRATION.—Section 923 of title 18, United States Code, is amended by adding at the end the following:

''(m) SPECIAL LICENSES; SPECIAL REGISTRATIONS.—

''(1) SPECIAL LICENSES.—

''(A) APPLICATION.—A person who—

''(i) is engaged in the business of dealing in firearms by—

''(I) buying or selling firearms solely or primarily at gun shows; or

''(II) buying or selling firearms as part of a gunsmith or firearm repair business or the conduct of other activity that, absent this subsection, would require a license under this chapter; and

''(ii) desires to have access to the National Instant Check System;

may submit to the Secretary an application for a special license.

''(B) EFFECT OF PARAGRAPH.—Nothing in this paragraph—

''(i) requires a license for conduct that did not require a license before the date of enactment of this subsection; or

''(ii) diminishes in any manner any right to display, sell, or otherwise dispose of firearms or ammunition, make repairs, or engage in any other conduct or activity, that was otherwise lawful to engage in without a license before the date of enactment of this subsection.

''(C) CONTENTS.—An application under subparagraph (A) shall—

''(i) contain a certification by the applicant that—

''(I) the applicant meets the requirements of subparagraphs (A) through (D) of subsection (d)(1);

''(II)(aa) the applicant conducts the firearm business primarily or solely at gun shows, and the applicant has premises (or a designated portion of premises) that may be inspected under this chapter from which the applicant conducts business (or intends to establish such premises) within a reasonable period of time; or

''(bb) the applicant conducts the firearm business from a premises (or a designated portion of premises) of a gunsmith or firearms repair business (or intends to establish such premises within a reasonable period of time); and

''(III) the firearm business to be conducted under the license—

''(aa) is not engaged in business for regularly buying and selling firearms from the applicant's premises;

''(bb) will be engaged in the buying or selling of firearms only—

''(AA) primarily or solely for a firearm business at gun shows; or

''(BB) as part of a gunsmith or firearm repair business;

''(cc) shall be conducted in accordance with all dealer recordkeeping required under this chapter for a dealer; and

''(dd) shall be subject to inspection under this chapter, including the special licensee's (or a designated portion of the premises), pursuant to the provisions in this chapter applicable to dealers;

''(ii) include a photograph and fingerprints of the applicant; and

''(iii) be in such form as the Secretary shall by regulation promulgate.

''(D) COMPLIANCE WITH STATE OR LOCAL LAW.—

''(i) IN GENERAL.—An applicant under subparagraph (A) shall not be required to certify or demonstrate that any firearm business to be conducted from the premises or elsewhere, to the extent permitted under this subsection, is or will be done in accordance with State or local law regarding the carrying on of a general business or commercial activity, including compliance with zoning restrictions.

''(ii) DUTY TO COMPLY.—The issuance of a special license does not relieve an applicant or licensee, as a matter of State or local law, from complying with State or local law described in clause (i).

''(E) APPROVAL.—

''(i) IN GENERAL.—The Secretary shall approve an application under subparagraph (A) if the application meets the requirements of subparagraph (D).

''(ii) ISSUANCE OF LICENSE.—On approval of the application and payment by the applicant of a fee prescribed for dealers under this section, the Secretary shall issue to the applicant a license which, subject to the provisions of this chapter and other applicable provisions of law, entitles the licensee to conduct business during the 3-year period that begins on the date on which the license is issued.

''(iii) TIMING.—

''(I) IN GENERAL.—The Secretary shall approve or disapprove an application under subparagraph (A) not later than 60 days after the Secretary receives the application.

''(II) FAILURE TO ACT.—If the Secretary fails to approve or disapprove an application within the time specified by subclause (I), the applicant may bring an action under section 1361 of title 28 to compel the Secretary to act.

''(2) SPECIAL REGISTRANTS.—

''(A) IN GENERAL.—A person who is not licensed under this chapter (other than a licensed collector) and who wishes to perform instant background checks for the purposes of meeting the requirements of section 922(t) at a gun show may submit to the Secretary an application for a special registration.

''(B) CONTENTS.—An application under subparagraph (A) shall—

''(i) contain a certification by the applicant that—

''(I) the applicant meets the requirements of subparagraphs (A) through (D) of subsection (d)(1); and

''(II)(aa) any gun show at which the applicant will conduct instant checks under the special registration will be a show that is not prohibited by State or local law; and

''(bb) instant checks will be conducted only at gun shows that are conducted in accordance with Federal, State, and local law;

''(ii) include a photograph and fingerprints of the applicant; and

''(iii) be in such form as the Secretary shall by regulation promulgate.

''(C) APPROVAL.—

''(i) IN GENERAL.—The Secretary shall approve an application under subparagraph (A) if the application meets the requirements of subparagraph (B).

''(ii) ISSUANCE OF REGISTRATION.—On approval of the application and payment by the applicant of a fee of $100 for 3 years, and upon renewal of valid registration a fee of $50 for 3 years, the Secretary shall issue to the applicant a special registration, and notify the Attorney General of the United States of the issuance of the special registration.

''(iii) PERMITTED ACTIVITY.—Under a special registration, a special registrant may conduct instant check screening during the 3-year period that begins with the date on which the registration is issued.

''(D) TIMING.—

''(i) IN GENERAL.—The Secretary shall approve or deny an application under subparagraph (A) not later than 60 days after the Secretary receives the application.

''(ii) FAILURE TO ACT.—If the Secretary fails to approve or disapprove an application under subparagraph (A) within the time specified by clause (i), the applicant may bring an action under section 1361 of title 28 to compel the Secretary to act.

''(E) USE OF SPECIAL REGISTRANTS.—

''(i) IN GENERAL.—A person not licensed under this chapter who desires to transfer a firearm at a gun show in the person's State of residence to another person who is a resident of the same State, may use (but shall not be required to use) the services of a special registrant to determine the eligibility of the prospective transferee to possess a firearm by having the transferee provide the special registrant at the gun show, on a special and limited-purpose form that the Secretary shall prescribe for use by a special registrant—

''(I) the name, age, address, and other identifying information of the prospective transferee (or, in the case of a prospective transferee that is a corporation or other business entity, the identity and principal and local places of business of the prospective transferee); and

''(II) proof of verification of the identity of the prospective transferee as required by section 922(t)(1)(C).

''(ii) ACTION BY THE SPECIAL REGISTRANT.—The special registrant shall—

''(I) make inquiry of the national instant background check system (or as the Attorney General shall arrange, with the appropriate State point of contact agency for each jurisdiction in which the special registrant intends to offer services) concerning the prospective transferee in accordance with the established procedures for making such inquiries;

''(II) receive the response from the system;

''(III) indicate the response on both a portion of the inquiry form for the records of the special registrant and on a separate form to be provided to the prospective transferee;

''(IV) provide the response to the transferor; and

''(V) follow the procedures established by the Secretary and the Attorney General for advising a person undergoing an instant background check on the meaning of a response, and any appeal rights, if applicable.

''(iii) RECORDKEEPING.—A special registrant shall—

''(I) keep all records or documents that the special registrant collected pursuant to clause (ii) during the gun show; and

''(II) transmit the records to the Secretary when the special registration is no longer valid, expires, or is revoked.

''(iv) NO OTHER REQUIREMENTS.—Except for the requirements stated in this section, a special registrant is not subject to any of the requirements imposed on licensees by this chapter, including those in section 922(t) and paragraphs (1)(A) and (3)(A) of subsection (g) with respect to the proposed transfer of a firearm.

''(3) NO CAUSE OF ACTION OR STANDARD OF CONDUCT.—

''(A) IN GENERAL.—Nothing in this subsection—

''(i) creates a cause of action against any special registrant or any other person, including the transferor, for any civil liability; or

''(ii) establishes any standard of care.

''(B) EVIDENCE.—Notwithstanding any other provision of law, except to give effect to the provisions of paragraph (3)(vi), evidence regarding the use or nonuse by a transferor of the services of a special registrant under this paragraph shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity for the purposes of establishing liability based on a civil action brought on any theory for harm caused by a product or by negligence.

''(4) IMMUNITY.—

''(A) DEFINITION.—In this paragraph:

''(i) IN GENERAL.—The term 'qualified civil liability action' means a civil action brought by any person against a person described in subparagraph (B) for damages resulting from the criminal or unlawful misuse of the firearm by the transferee or a third party.

''(ii) EXCLUSIONS.—The term 'qualified civil liability action' shall not include an action—

''(B) IMMUNITY.—Notwithstanding any other provision of law, a person who is—

''(i) a special registrant who performs a background check in the manner prescribed in this subsection at a gun show;

''(ii) a licensee or special licensee who acquires a firearm at a gun show from a nonlicensee, for transfer to another nonlicensee in attendance at the gun show, for the purpose of effectuating a sale, trade, or transfer between the 2 nonlicensees, all in the manner prescribed for the acquisition and disposition of a firearm under this chapter; or

''(iii) a nonlicensee person disposing of a firearm who uses the services of a person described in clause (i) or (ii);

shall be entitled to immunity from civil liability action as described in subparagraph (B).

''(C) PROSPECTIVE ACTIONS.—A qualified civil liability action may not be brought in any Federal or State court—

''(i) brought against a transferor convicted under section 922(h), or a comparable State felony law, by a person directly harmed by the transferee's criminal conduct, as defined in section 922(h); or

''(ii) brought against a transferor for negligent entrustment or negligence per se.

''(D) DISMISSAL OF PENDING ACTIONS.—A qualified civil liability action that is pending on the date of enactment of this subsection shall be dismissed immediately by the court.

''(5) REVOCATION.—A special license or special registration shall be subject to revocation under procedures provided for revocation of licensees in this chapter.''.

(b) PENALTIES.—Section 924(a) of title 18, United States Code, is amended by adding at the end the following:

''(7) SPECIAL LICENSEES; SPECIAL REGISTRANTS.—Whoever knowingly violates section 923(m)(1) shall be fined under this title, imprisoned not more than 5 years, or both.''.

SEC. 502. CLARIFICATION OF AUTHORITY TO CONDUCT FIREARM TRANSACTIONS AT GUN SHOWS.

Section 923 of title 18, United States Code, is amended by striking subsection (j) and inserting the following:

''(j) GUN SHOWS.—

''(1) IN GENERAL.—A licensed importer, licensed manufacturer, or licensed dealer may, under regulations promulgated by the Secretary, conduct business at a temporary location, other than the location specified on the license, described in paragraph (2).

''(2) TEMPORARY LOCATION.—

''(A) IN GENERAL.—A temporary location referred to in paragraph (1) is a location for a gun show, or for an event in the State specified on the license, at which firearms, firearms accessories and related items may be bought, sold, traded, and displayed, in accordance with Federal, State, and local laws.

''(B) LOCATIONS OUT OF STATE.—If the location is not in the State specified on the license, a licensee may display any firearm, and take orders for a firearm or effectuate the transfer of a firearm, in accordance with this chapter, including paragraph (3) of this subsection.

''(C) QUALIFIED GUN SHOWS OR EVENTS.—A gun show or an event shall qualify as a temporary location if—

''(i) the gun show or event is one which is sponsored, for profit or not, by an individual, national, State, or local organization, association, or other entity to foster the collecting, competitive use, sporting use, or any other legal use of firearms; and

''(ii) the gun show or event has 20 percent or more firearm exhibitors out of all exhibitors.

''(D) FIREARM EXHIBITOR.—The term 'firearm exhibitor' means an exhibitor who displays 1 or more firearms (as defined by section 921(a)(3)) and offers such firearms for sale or trade at the gun show or event.

''(3) RECORDS.—Records of receipt and disposition of firearms transactions conducted at a temporary location—

''(A) shall include the location of the sale or other disposition;

''(B) shall be entered in the permanent records of the licensee; and

''(C) shall be retained at the location premises specified on the license.

''(4) VEHICLES.—Nothing in this subsection authorizes a licensee to conduct business in or from any motorized or towed vehicle.

''(5) NO SEPARATE FEE.—Notwithstanding subsection (a), a separate fee shall not be required of a licensee with respect to business conducted under this subsection.

''(6) INSPECTIONS AND EXAMINATIONS.—

''(A) AT A TEMPORARY LOCATION.—Any inspection or examination of inventory or records under this chapter by the Secretary at a temporary location shall be limited to inventory consisting of, or records relating to, firearms held or disposed at the temporary location.

''(B) NO REQUIREMENT.—Nothing in this subsection authorizes the Secretary to inspect or examine the inventory or records of a licensed importer, licensed manufacturer, or licensed dealer at any location other than the location specified on the license.

''(7) NO EFFECT ON OTHER RIGHTS.—Nothing in this subsection diminishes in any manner any right to display, sell, or otherwise dispose of firearms or ammunition that is in effect before the date of enactment of this subsection, including the right of a licensee to conduct firearms transfers and business away from their business premises with another licensee without regard to whether the location of the business is in the State specified on the license of either licensee.''.

SEC. 503. "INSTANT CHECK" GUN TAX AND GUN OWNER PRIVACY.

(a) PROHIBITION OF GUN TAX.—

(1) IN GENERAL.—Chapter 33 of title 28, United States Code, is amended by adding at the end the following:

"§ 540B. Prohibition of background check fee

''(a) IN GENERAL.—No officer, employee, or agent of the United States, including a State or local officer or employee acting on behalf of the United States, may charge or collect any fee in connection with any background check required in connection with the transfer of a firearm (as defined in section 921(a)(3) of title 18).

''(b) CIVIL REMEDIES.—Any person aggrieved by a violation of this section may bring an action in United States district court for actual damages, punitive damages, and such other remedies as the court may determine to be appropriate, including a reasonable attorney's fee.''.

(2) CONFORMING AMENDMENT.—The analysis for chapter 33 of title 28, United States Code, is amended by inserting after the item relating to section 540A the following:

''540B. Prohibition of background check fee.''.

(b) PROTECTION OF GUN OWNER PRIVACY AND OWNERSHIP RIGHTS.—

(1) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following:

"§ 931. Gun owner privacy and ownership rights

''(a) IN GENERAL.—Notwithstanding any other provision of law, no department, agency, or instrumentality of the United States or officer, employee, or agent of the United States, including a State or local officer or employee acting on behalf of the United States shall—

''(1) perform any national instant criminal background check on any person through the system established under section 103 of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) (referred to in this section as the ''system'') if the system does not require and result in the immediate destruction of all information, in any form whatsoever or through any medium, concerning the person if the person is determined, through the use of the system, not to be prohibited by subsection (g) or (n) of section 922 or by State law from receiving a firearm; or

''(2) continue to operate the system (including requiring a background check before the transfer of a firearm) unless—

''(A) the National Instant Check System index complies with the requirements of section 552a(e)(5) of title 5, United States Code; and

''(B) does not invoke the exceptions under subsection (j)(2) or paragraph (2) or (3) of subsection (k) of section 552a of title 5, United States Code, except if specifically identifiable information is compiled for a particular law enforcement investigation or specific criminal enforcement matter.

''(b) APPLICABILITY.—Subsection (a)(1) does not apply to the retention or transfer of information relating to—

''(1) any unique identification number provided by the national instant criminal background check system pursuant to section 922(t)(1)(B)(i) of title 18, United States Code; or

''(2) the date on which that number is provided.

''(c) CIVIL REMEDIES.—Any person aggrieved by a violation of this section may bring an action in United States district court for actual damages, punitive damages, and such other remedies as the court may determine to be appropriate, including a reasonable attorney's fee.''.

(2) CONFORMING AMENDMENT.—The analysis for chapter 44 of title 18, United States Code, is amended by adding at the end the following:

''931. Gun owner privacy and ownership rights.''.

(c) PROVISION RELATING TO PAWN AND OTHER TRANSACTIONS.—

(1) REPEAL.—Section 655 of title VI of the Treasury and General Governmental Appropriations Act, 1999 (112 Stat. 2681–530) is repealed.

(2) RETURN OF FIREARM.—Section 922(t)(1) of title 18, United States Code, is amended by inserting ''(other than the return of a firearm to the person from whom it was received)'' before ''to any other person''.

SEC. 504. EFFECTIVE DATE.

(a) SECTIONS 501 AND 502.—The amendments made by sections 501 and 502 shall take effect on the date that is 90 days after the date of enactment of this Act.

(b) SECTION 503.—The amendments made by section 503 take effect on the date of enactment of this Act, except that the amendment made by subsection (a) of that section takes effect on October 1, 1999.

TITLE VI—RESTRICTING JUVENILE ACCESS TO CERTAIN FIREARMS

SEC. 601. PENALTIES FOR UNLAWFUL ACTS BY JUVENILES.

(a) JUVENILE WEAPONS PENALTIES.—Section 924(a) of title 18, United States Code, is amended—

(1) in paragraph (4) by striking ''Whoever'' at the beginning of the first sentence, and inserting in lieu thereof, ''Except as provided in paragraph (6) of this subsection, whoever''; and

(2) in paragraph (6), by amending it to read as follows:

''(6)(A) A juvenile who violates section 922(x) shall be fined under this title, imprisoned not more than 1 year, or both, except—

''(i) a juvenile shall be sentenced to probation on appropriate conditions and shall not be incarcerated unless the juvenile fails to comply with a condition of probation, if—

''(I) the offense of which the juvenile is charged is possession of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon in violation of section 922(x)(2); and

''(II) the juvenile has not been convicted in any court of an offense (including an offense under section 922(x) or a similar State law, but not including any other offense consisting of conduct that if engaged in by an adult would not constitute an offense) or adjudicated as a juvenile delinquent for conduct that if engaged in by an adult would constitute an offense; or

''(ii) a juvenile shall be fined under this title, imprisoned not more than 20 years, or both, if—

''(I) the offense of which the juvenile is charged is possession of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon in violation of section 922(x)(2); and

''(II) during the same course of conduct in violating section 922(x)(2), the juvenile violated section 922(q), with the intent to carry or otherwise possess or discharge or otherwise use the handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon in the commission of a violent felony.

''(B) A person other than a juvenile who knowingly violates section 922(x)—

''(i) shall be fined under this title, imprisoned not more than 1 year, or both; and

''(ii) if the person sold, delivered, or otherwise transferred a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon to a juvenile knowing or having reasonable cause to know that the juvenile intended to carry or otherwise possess or discharge or otherwise use the handgun, ammunition, large capacity ammunition feeding device or semiautomatic assault weapon in the commission of a violent felony, shall be fined under this title, imprisoned not more than 20 years, or both.

''(C) For purposes of this paragraph a 'violent felony' means conduct as described in section 924(e)(2)(B) of this title.

''(D) Except as otherwise provided in this chapter, in any case in which a juvenile is prosecuted in a district court of the United States, and the juvenile is subject to the penalties under clause (ii) of paragraph (A), the juvenile shall be subject to the same laws, rules, and proceedings regarding sentencing (including the availability of probation, restitution, fines, forfeiture, imprisonment, and supervised release) that would be applicable in the case of an adult. No juvenile sentenced to a term of imprisonment shall be released from custody simply because the juvenile reaches the age of 18 years.''.

(b) UNLAWFUL WEAPONS TRANSFERS TO JUVENILES.—Section 922(x) of title 18, United States Code, is amended to read as follows:

''(x)(1) It shall be unlawful for a person to sell, deliver, or otherwise transfer to a person who the transferor knows or has reasonable cause to believe is a juvenile—

''(A) a handgun;

''(B) ammunition that is suitable for use only in a handgun;

''(C) a semiautomatic assault weapon; or

''(D) a large capacity ammunition feeding device.

''(2) It shall be unlawful for any person who is a juvenile to knowingly possess—

''(A) a handgun;

''(B) ammunition that is suitable for use only in a handgun;

''(C) a semiautomatic assault weapon; or

''(D) a large capacity ammunition feeding device.

''(3) This subsection does not apply to—

''(A) a temporary transfer of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon to a juvenile or to the possession or

use of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon by a juvenile—

''(i) if the handgun, ammunition, large capacity ammunition feeding device or semiautomatic assault weapon are possessed and used by the juvenile—

''(I) in the course of employment,

''(II) in the course of ranching or farming related to activities at the residence of the juvenile (or on property used for ranching or farming at which the juvenile, with the permission of the property owner or lessee, is performing activities related to the operation of the farm or ranch),

''(III) for target practice,

''(IV) for hunting, or

''(V) for a course of instruction in the safe and lawful use of a firearm;

''(ii) clause (i) shall apply only if the juvenile's possession and use of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon under this subparagraph are in accordance with State and local law, and the following conditions are met—

''(I) except when a parent or guardian of the juvenile is in the immediate and supervisory presence of the juvenile, the juvenile shall have in the juvenile's possession at all times when a handgun, ammunition, large capacity ammunition feeding device or semiautomatic assault weapon is in the possession of the juvenile, the prior written consent of the juvenile's parent or guardian who is not prohibited by Federal, State, or local law from possessing a firearm or ammunition; and

''(II) during transportation by the juvenile directly from the place of transfer to a place at which an activity described in clause (i) is to take place the firearm shall be unloaded and in a locked container or case, and during the transportation by the juvenile of that firearm, directly from the place at which such an activity took place to the transferor, the firearm shall also be unloaded and in a locked container or case; or

''(III) with respect to employment, ranching or farming activities as described in clause (i), a juvenile may possess and use a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault rifle with the prior written approval of the juvenile's parent or legal guardian, if such approval is on file with the adult who is not prohibited by Federal, State, or local law from possessing a firearm or ammunition and that person is directing the ranching or farming activities of the juvenile;

''(B) a juvenile who is a member of the Armed Forces of the United States or the National Guard who possesses or is armed with a handgun, ammunition, large capacity ammunition feeding device or semiautomatic assault weapon in the line of duty;

''(C) a transfer by inheritance of title (but not possession) of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon to a juvenile; or

''(D) the possession of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon taken in lawful defense of the juvenile or other persons in the residence of the juvenile or a residence in which the juvenile is an invited guest.

''(4) A handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon, the possession of which is transferred to a juvenile in circumstances in which the transferor is not in violation of this subsection, shall not be subject to permanent confiscation by the Government if its possession by the juvenile subsequently becomes unlawful because of the conduct of the juvenile, but shall be returned to the lawful owner when such handgun, ammunition, large capacity ammunition feeding device or semiautomatic assault weapon is no longer required by the Government for the purposes of investigation or prosecution.

''(5) For purposes of this subsection, the term 'juvenile' means a person who is less than 18 years of age.

''(6)(A) In a prosecution of a violation of this subsection, the court shall require the presence of a juvenile defendant's parent or legal guardian at all proceedings.

''(B) The court may use the contempt power to enforce subparagraph (A).

''(C) The court may excuse attendance of a parent or legal guardian of a juvenile defendant at a proceeding in a prosecution of a violation of this subsection for good cause shown.

''(7) For purposes of this subsection only, the term 'large capacity ammunition feeding device' has the same meaning as in section 921(a)(31) of title 18 and includes similar devices manufactured before the effective date of the Violent Crime Control and Law Enforcement Act of 1994.''.

SEC. 602. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect 180 days after the date of enactment of this Act.

TITLE VII—ASSAULT WEAPONS

SEC. 701. SHORT TITLE.

This Act may be cited as the ''Juvenile Assault Weapon Loophole Closure Act of 1999''.

SEC. 702. BAN ON IMPORTING LARGE CAPACITY AMMUNITION FEEDING DEVICES.

Section 922(w) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking ''(1) Except as provided in paragraph (2)'' and inserting ''(1)(A) Except as provided in subparagraph (B)'';

(2) in paragraph (2), by striking ''(2) Paragraph (1)'' and inserting ''(B) Subparagraph (A)'';

(3) by inserting before paragraph (3) the following new paragraph (2):

''(2) It shall be unlawful for any person to import a large capacity ammunition feeding device.''; and

(4) in paragraph (4)—

(A) by striking ''(1)'' each place it appears and inserting ''(1)(A)''; and

(B) by striking ''(2)'' and inserting ''(1)(B)''.

SEC. 703. DEFINITION OF LARGE CAPACITY AMMUNITION FEEDING DEVICE.

Section 921(a)(31) of title 18, United States Code, is amended by striking ''manufactured after the date of enactment of the Violent Crime Control and Law Enforcement Act of 1994''.

SEC. 704. EFFECTIVE DATE.

This title and the amendments made by this title except sections 702 and 703 shall take effect 180 days after the date of enactment of this Act.

TITLE VIII—EFFECTIVE GUN LAW ENFORCEMENT

Subtitle A—Criminal Use of Firearms by Felons

SEC. 801. SHORT TITLE.

This subtitle may be referred to as the ''Criminal Use of Firearms by Felons (CUFF) Act''.

SEC. 802. FINDINGS.

Congress finds the following:

(1) Tragedies such as those occurring recently in the communities of Pearl, Mississippi, Paducah, Kentucky, Jonesboro, Arkansas, Springfield, Oregon, and Littleton, Colorado are terrible reminders of the vulnerability of innocent individuals to random and senseless acts of criminal violence.

(2) The United States Congress has responded to the problem of gun violence by passing numerous criminal statutes and by supporting the development of law enforcement programs designed both to punish the criminal misuse of weapons and also to deter individuals from undertaking illegal acts.

(3) In 1988, the Administration initiated an innovative program known as Project Achilles. The concept behind the initiative was that the illegal possession of firearms was the Achilles heel or the area of greatest vulnerability of criminals. By aggressively prosecuting criminals with guns in Federal court, the offenders were subject to stiffer penalties and expedited prosecutions. The Achilles program was particularly effective in removing the most violent criminals from our communities.

(4) In 1991, the Administration expanded its efforts to remove criminals with guns from our streets with Project Triggerlock. Triggerlock continued the ideas formulated in the Achilles program and committed the Department of Justice resources to the prosecution effort. Under the program, every United States Attorney was directed to form special teams of Federal, State, and local investigators to look for gang and drug cases that could be prosecuted as Federal weapon violations. Congress appropriated additional funds to allow a large number of new law enforcement officers and Federal prosecutors to target these gun and drug offenders. In 1992, approximately 7048 defendants were prosecuted under this initiative.

(5) Since 1993, the number of ''Project Triggerlock'' type gun prosecutions pursued by the Department of Justice has fallen to approximately 3807 prosecutions in 1998. This is a decline of over 40 percent in Federal prosecutions of criminals with guns.

(6) The threat of criminal prosecution in the Federal criminal justice system works to deter criminal behavior because the Federal system is known for speedier trials and longer prison sentences.

(7) The deterrent effect of Federal gun prosecutions has been demonstrated recently by successful programs, such as ''Project Exile'' in Richmond, Virginia, which resulted in a 22 percent decrease in violent crime since 1994.

(8) The Department of Justice's failure to prosecute the criminal use of guns under existing Federal law undermines the significant deterrent effect that these laws are meant to produce.

(9) The Department of Justice already possesses a vast array of Federal criminal statutes that, if used aggressively to prosecute wrongdoers, would significantly reduce both the threat of, and the incidence of, criminal gun violence.

(10) As an example, the Department of Justice has the statutory authority in section 922(q) of title 18, United States Code, to prosecute individuals who bring guns to school zones. Although the Administration stated that over 6,000 students were expelled last year for bringing guns to school, the Justice Department reports prosecuting only 8 cases under section 922(q) in 1998.

(11) The Department of Justice is also empowered under section 922(x) of title 18, United States Code, to prosecute adults who transfer handguns to juveniles. In 1998, the Department of Justice reports having prosecuted only 6 individuals under this provision.

(12) The Department of Justice's utilization of existing prosecutorial power is 1 of the most significant steps that can be taken to reduce the number of criminal acts involving guns, and represents a better response to the problem of criminal violence than the enactment of new, symbolic laws, which, if current Departmental trends hold, would likely be underutilized.

SEC. 803. CRIMINAL USE OF FIREARMS BY FELONS PROGRAM.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Attorney General and the Secretary of the Treasury shall establish in the jurisdictions specified in subsection (d) a program that meets the requirements of subsections (b) and (c). The program shall be known as the ''Criminal Use of Firearms by Felons (CUFF) Program''.

(b) PROGRAM ELEMENTS.—Each program established under subsection (a) shall, for the jurisdiction concerned—

(1) provide for coordination with State and local law enforcement officials in the identification of violations of Federal firearms laws;

(2) provide for the establishment of agreements with State and local law enforcement officials for the referral to the Bureau of Alcohol, Tobacco, and Firearms and the United States Attorney for prosecution of persons arrested for violations of section 922(a)(6), 922(g)(1), 922(g)(2), 922(g)(3), 922(j), 922(q), 922(k), or 924(c) of title 18, United States Code, or section 5861(d) or 5861(h) of the Internal Revenue Code of 1986, relating to firearms;

(3) require that the United States Attorney designate not less than 1 Assistant United States Attorney to prosecute violations of Federal firearms laws;

(4) provide for the hiring of agents for the Bureau of Alcohol, Tobacco, and Firearms to investigate violations of the provisions referred to in paragraph (2) and section 922(a)(5) of title 18, United States Code, relating to firearms; and

(5) ensure that each person referred to the United States Attorney under paragraph (2) be charged with a violation of the most serious Federal firearm offense consistent with the act committed.

(c) PUBLIC EDUCATION CAMPAIGN.—As part of the program for a jurisdiction, the United States Attorney shall carry out, in cooperation with local civic, community, law enforcement, and religious organizations, an extensive media and public outreach campaign focused in high-crime areas to—

(1) educate the public about the severity of penalties for violations of Federal firearms laws; and

(2) encourage law-abiding citizens to report the possession of illegal firearms to authorities.

(d) COVERED JURISDICTIONS.—The jurisdictions specified in this subsection are the following 25 jurisdictions:

(1) The 10 jurisdictions with a population equal to or greater than 100,000 persons that had the highest total number of violent crimes according to the FBI uniform crime report for 1998.

(2) The 15 jurisdictions with such a population, other than the jurisdictions covered by paragraph (1), with the highest per capita rate of violent crime according to the FBI uniform crime report for 1998.

SEC. 804. ANNUAL REPORTS.

Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Attorney General shall submit to the Committees on the Judiciary of Senate and House of Representatives a report containing the following information:

(1) The number of Assistant United States Attorneys hired under the program under this subtitle during the year preceding the year in which the report is submitted in order to prosecute violations of Federal firearms laws in Federal court.

(2) The number of individuals indicted for such violations during that year by reason of the program.

(3) The increase or decrease in the number of individuals indicted for such violations during that year by reason of the program when compared with the year preceding that year.

(4) The number of individuals held without bond in anticipation of prosecution by reason of the program.

(5) To the extent information is available, the average length of prison sentence of the individuals convicted of violations of Federal firearms laws by reason of the program.

SEC. 805. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the program under section 803 $50,000,000 for fiscal year 2000, of which—

(1) $40,000,000 shall be used for salaries and expenses of Assistant United States Attorneys and Bureau of Alcohol, Tobacco, and Firearms agents; and

(2) $10,000,000 shall be available for the public relations campaign required by subsection (c) of that section.

(b) USE OF FUNDS.—

(1) The Assistant United States Attorneys hired using amounts appropriated pursuant to the authorization of appropriations in subsection (a) shall prosecute violations of Federal firearms laws in accordance with section 803(b)(3).

(2) The Bureau of Alcohol, Tobacco, and Firearms agents hired using amounts appropriated pursuant to the authorization of appropriations in subsection (a) shall, to the maximum extent practicable, concentrate their investigations on violations of Federal firearms laws in accordance with section 803(b)(4).

(3) It is the sense of Congress that amounts made available under this section for the public education campaign required by section 803(c) should, to the maximum extent practicable, be matched with State or local funds or private donations.

(c) AUTHORIZATION OF ADDITIONAL APPROPRIATIONS.—In addition to amounts made available under subsection (a), there is authorized to be appropriated to the Administrative Office of the United States Courts such sums as may be necessary to carry out this subtitle.

Subtitle B—Apprehension and Treatment of Armed Violent Criminals

SEC. 811. APPREHENSION AND PROCEDURAL TREATMENT OF ARMED VIOLENT CRIMINALS.

(a) PRETRIAL DETENTION FOR POSSESSION OF FIREARMS OR EXPLOSIVES BY CONVICTED FELONS.—Section 3156(a)(4) of title 18, United States Code, is amended—

(1) by striking ''or'' at the end of subparagraph (B);

(2) by striking ''and'' at the end of subparagraph (C) and inserting ''or''; and

(3) by adding at the end the following:

''(D) an offense that is a violation of section 842(i) or 922(g) (relating to possession of explosives or firearms by convicted felons); and''.

(b) FIREARMS POSSESSION BY VIOLENT FELONS AND SERIOUS DRUG OFFENDERS.—Section 924(a)(2) of title 18, United States Code, is amended—

(1) by striking ''Whoever'' and inserting ''(A) Except as provided in subparagraph (B), any person who''; and

(2) by adding at the end the following:

''(B) Notwithstanding any other provision of law, the court shall not grant a probationary sentence to a person who has more than 1 previous conviction for a violent felony or a serious drug offense, committed under different circumstances.''.

Subtitle C—Youth Crime Gun Interdiction

SEC. 821. YOUTH CRIME GUN INTERDICTION INITIATIVE.

(a) IN GENERAL.—

(1) EXPANSION OF NUMBER OF CITIES.—The Secretary of the Treasury shall endeavor to expand the number of cities and counties directly participating in the Youth Crime Gun Interdiction Initiative (in this section referred to as the ''YCGII'') to 75 cities or counties by October 1, 2000, to 150 cities or counties by October 1, 2002, and to 250 cities or counties by October 1, 2003.

(2) SELECTION.—Cities and counties selected for participation in the YCGII shall be selected by the Secretary of the Treasury and in consultation with Federal, State and local law enforcement officials.

(b) IDENTIFICATION OF INDIVIDUALS.—

(1) IN GENERAL.—The Secretary of the Treasury shall, utilizing the information provided by the YCGII, facilitate the identification and prosecution of individuals illegally trafficking firearms to prohibited individuals.

(2) SHARING OF INFORMATION.—The Secretary of the Treasury shall share information derived from the YCGII with State and local law enforcement agencies through online computer access, as soon as such capability is available.

(c) GRANT AWARDS.—

(1) IN GENERAL.—The Secretary of the Treasury shall award grants (in the form of funds or equipment) to States, cities, and counties for purposes of assisting such entities in the tracing of firearms and participation in the YCGII.

(2) USE OF GRANT FUNDS.—Grants made under this part shall be used to—

(A) hire or assign additional personnel for the gathering, submission and analysis of tracing data submitted to the Bureau of Alcohol, Tobacco and Firearms under the YCGII;

(B) hire additional law enforcement personnel for the purpose of identifying and arresting individuals illegally trafficking firearms; and

(C) purchase additional equipment, including automatic data processing equipment and computer software and hardware, for the timely submission and analysis of tracing data.

Subtitle D—Gun Prosecution Data

SEC. 831. COLLECTION OF GUN PROSECUTION DATA.

(a) REPORT TO CONGRESS.—On February 1, 2000, and on February 1 of each year thereafter, the Attorney General shall submit to the Committees on the Judiciary and on Appropriations of the Senate and the House of Representatives a report of information gathered under this section during the fiscal year that ended on September 30 of the preceding year.

(b) SUBJECT OF ANNUAL REPORT.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall require each component of the Department of Justice, including each United States Attorney's Office, to furnish for the purposes of the report described in subsection (a), information relating to any case presented to the Department of Justice for review or prosecution, in which the objective facts of the case provide probable cause to believe that there has been a violation of section 922 of title 18, United States Code.

(c) ELEMENTS OF ANNUAL REPORT.—With respect to each case described in subsection (b), the report submitted under subsection (a) shall include information indicating—

(1) whether in any such case, a decision has been made not to charge an individual with a violation of section 922 of title 18, United States Code, or any other violation of Federal criminal law;

(2) in any case described in paragraph (1), the reason for such failure to seek or obtain a charge under section 922 of title 18, United States Code;

(3) whether in any case described in subsection (b), an indictment, information, or

other charge has been brought against any person, or the matter is pending;

(4) whether, in the case of an indictment, information, or other charge described in paragraph (3), the charging document contains a count or counts alleging a violation of section 922 of title 18, United States Code;

(5) in any case described in paragraph (4) in which the charging document contains a count or counts alleging a violation of section 922 of title 18, United States Code, whether a plea agreement of any kind has been entered into with such charged individual;

(6) whether any plea agreement described in paragraph (5) required that the individual plead guilty, to enter a plea of nolo contendere, or otherwise caused a court to enter a conviction against that individual for a violation of section 922 of title 18, United States Code;

(7) in any case described in paragraph (6) in which the plea agreement did not require that the individual plead guilty, enter a plea of nolo contendere, or otherwise cause a court to enter a conviction against that individual for a violation of section 922 of title 18, United States Code, identification of the charges to which that individual did plead guilty, and the reason for the failure to seek or obtain a conviction under that section;

(8) in the case of an indictment, information, or other charge described in paragraph (3), in which the charging document contains a count or counts alleging a violation of section 922 of title 18, United States Code, the result of any trial of such charges (guilty, not guilty, mistrial); and

(9) in the case of an indictment, information, or other charge described in paragraph (3), in which the charging document did not contain a count or counts alleging a violation of section 922 of title 18, United States Code, the nature of the other charges brought and the result of any trial of such other charges as have been brought (guilty, not guilty, mistrial).

Subtitle E—Firearms Possession by Violent Juvenile Offenders

SEC. 841. PROHIBITION ON FIREARMS POSSESSION BY VIOLENT JUVENILE OFFENDERS.

(a) DEFINITION.—Section 921(a)(20) of title 18, United States Code, is amended—

(1) by inserting ''(A)'' after ''(20)'';

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(3) by inserting after subparagraph (A) the following:

''(B) For purposes of subsections (d) and (g) of section 922, the term 'act of violent juvenile delinquency' means an adjudication of delinquency in Federal or State court, based on a finding of the commission of an act by a person prior to his or her eighteenth birthday that, if committed by an adult, would be a serious or violent felony, as defined in section 3559(c)(2)(F)(i) had Federal jurisdiction existed and been exercised (except that section 3559(c)(3)(A) shall not apply to this subparagraph).''; and

(4) in the undesignated paragraph following subparagraph (B) (as added by paragraph (3) of this subsection), by striking ''What constitutes'' and all that follows through ''this chapter,'' and inserting the following:

''(C) What constitutes a conviction of such a crime or an adjudication of an act of violent juvenile delinquency shall be determined in accordance with the law of the jurisdiction in which the proceedings were held. Any State conviction or adjudication of an act of violent juvenile delinquency that has been expunged or set aside, or for which a person has been pardoned or has had civil rights restored, by the jurisdiction in which the conviction or adjudication of an act of violent juvenile delinquency occurred shall not be considered to be a conviction or adjudication of an act of violent juvenile delinquency for purposes of this chapter,''.

(b) PROHIBITION.—Section 922 of title 18, United States Code, is amended—

(1) in subsection (d)—

(A) in paragraph (8), by striking ''or'' at the end;

(B) in paragraph (9), by striking the period at the end and inserting ''; or''; and

(C) by inserting after paragraph (9) the following:

''(10) has committed an act of violent juvenile delinquency.''; and

(2) in subsection (g)—

(A) in paragraph (8), by striking ''or'' at the end;

(B) in paragraph (9), by striking the comma at the end and inserting ''; or''; and

(C) by inserting after paragraph (9) the following:

''(10) who has committed an act of violent juvenile delinquency,''.

(c) EFFECTIVE DATE OF ADJUDICATION PROVISIONS.—The amendments made by this section shall only apply to an adjudication of an act of violent juvenile delinquency that occurs after the date that is 30 days after the date on which the Attorney General certifies to Congress and separately notifies Federal firearms licensees, through publication in the Federal Register by the Secretary of the Treasury, that the records of such adjudications are routinely available in the national instant criminal background check system established under section 103(b) of the Brady Handgun Violence Prevention Act.

Subtitle F—Juvenile Access to Certain Firearms

SEC. 851. PENALTIES FOR FIREARM VIOLATIONS INVOLVING JUVENILES.

(a) PENALTIES FOR FIREARM VIOLATIONS BY JUVENILES.—Section 924(a) of title 18, United States Code, is amended—

(1) in paragraph (4), by striking ''Whoever'' and inserting ''Except as provided in paragraph (6), whoever''; and

(2) by striking paragraph (6) and inserting the following:

''(6) TRANSFER TO OR POSSESSION BY A JUVENILE.—

''(A) DEFINITIONS OF VIOLENT FELONY.—In this paragraph—

''(i) the term 'juvenile' has the meaning given the term in section 922(x); and

''(ii) the term 'violent felony' has the meaning given the term in subsection (e)(2)(B).

''(B) POSSESSION BY A JUVENILE.—

''(i) IN GENERAL.—Subject to clauses (ii) and (iii), a juvenile who violates section 922(x) shall be fined under this title, imprisoned not more than 5 years, or both.

''(ii) PROBATION.—Unless clause (iii) applies and unless a juvenile fails to comply with a condition of probation, the juvenile may be sentenced to probation on appropriate conditions if—

''(I) the offense with which the juvenile is charged is possession of a handgun, ammunition, or semiautomatic assault weapon in violation of section 922(x)(2); and

''(II) the juvenile has not been convicted in any court of an offense (including an offense under section 922(x) or a similar State law, but not including any other offense consisting of conduct that if engaged in by an adult would not constitute an offense) or adjudicated as a juvenile delinquent for conduct that if engaged in by an adult would constitute an offense.

''(iii) SCHOOL ZONES.—A juvenile shall be fined under this title, imprisoned not more than 20 years, or both, if—

''(I) the offense of which the juvenile is charged is possession of a handgun, ammunition, or semiautomatic assault weapon in violation of section 922(x)(2); and

''(II) during the same course of conduct in violating section 922(x)(2), the juvenile violated section 922(q), with the intent to carry or otherwise possess or discharge or otherwise use the handgun, ammunition, or semiautomatic assault weapon in the commission of a violent felony.

''(C) TRANSFER TO A JUVENILE.—A person other than a juvenile who knowingly violates section 922(x)—

''(i) shall be fined under this title, imprisoned not less than 1 year and not more than 5 years, or both; or

''(ii) if the person sold, delivered, or otherwise transferred a handgun, ammunition, or semiautomatic assault weapon to a juvenile knowing or having reasonable cause to know that the juvenile intended to carry or otherwise possess or discharge or otherwise use the handgun, ammunition, or semiautomatic assault weapon in the commission of a violent felony, shall be fined under this title and imprisoned not less than 10 and not more than 20 years.

''(D) CASES IN UNITED STATES DISTRICT COURT.—Except as otherwise provided in this chapter, in any case in which a juvenile is prosecuted in a district court of the United States, and the juvenile is subject to the penalties under subparagraph (B)(iii), the juvenile shall be subject to the same laws, rules, and proceedings regarding sentencing (including the availability of probation, restitution, fines, forfeiture, imprisonment, and supervised release) that would be applicable in the case of an adult.

''(E) NO RELEASE AT AGE 18.—No juvenile sentenced to a term of imprisonment shall be released from custody solely for the reason that the juvenile has reached the age of 18 years.''.

(b) UNLAWFUL WEAPONS TRANSFERS TO JUVENILES.—Section 922 of title 18, United States Code, is amended by striking subsection (x) and inserting the following:

''(x) JUVENILES.—

''(1) DEFINITION OF JUVENILE.—In this subsection, the term 'juvenile' means a person who is less than 18 years of age.

''(2) TRANSFER TO JUVENILES.—It shall be unlawful for a person to sell, deliver, or otherwise transfer to a person who the transferor knows or has reasonable cause to believe is a juvenile—

''(A) a handgun;

''(B) ammunition that is suitable for use only in a handgun; or

''(C) a semiautomatic assault weapon.

''(3) POSSESSION BY A JUVENILE.—It shall be unlawful for any person who is a juvenile to knowingly possess—

''(A) a handgun;

''(B) ammunition that is suitable for use only in a handgun; or

''(C) a semiautomatic assault weapon.

''(4) APPLICABILITY.—

''(A) IN GENERAL.—This subsection does not apply to—

''(i) if the conditions stated in subparagraph (B) are met, a temporary transfer of a handgun, ammunition, or semiautomatic assault weapon to a juvenile or to the possession or use of a handgun, ammunition, or semiautomatic assault weapon by a juvenile if the handgun, ammunition, or semiautomatic assault weapon is possessed and used by the juvenile—

''(I) in the course of employment;

''(II) in the course of ranching or farming related to activities at the residence of the juvenile (or on property used for ranching or farming at which the juvenile, with the permission of the property owner or lessee, is performing activities related to the operation of the farm or ranch);

''(III) for target practice;

''(IV) for hunting; or

''(V) for a course of instruction in the safe and lawful use of a handgun;

''(ii) a juvenile who is a member of the Armed Forces of the United States or the National Guard who possesses or is armed with a handgun, ammunition, or semiautomatic assault weapon in the line of duty;

''(iii) a transfer by inheritance of title (but not possession) of handgun, ammunition, or semiautomatic assault weapon to a juvenile; or

''(iv) the possession of a handgun, ammunition, or semiautomatic assault weapon taken in lawful defense of the juvenile or other persons against an intruder into the residence of the juvenile or a residence in which the juvenile is an invited guest.

''(B) TEMPORARY TRANSFERS.—Clause (i) shall apply if—

''(i) the juvenile's possession and use of a handgun, ammunition, or semiautomatic assault weapon under this paragraph are in accordance with State and local law; and

''(ii)(I)(aa) except when a parent or guardian of the juvenile is in the immediate and supervisory presence of the juvenile, the juvenile, at all times when a handgun, ammunition, or semiautomatic assault weapon is in the possession of the juvenile, has in the juvenile's possession the prior written consent of the juvenile's parent or guardian who is not prohibited by Federal, State, or local law from possessing a firearm or ammunition; and

''(bb) during transportation by the juvenile directly from the place of transfer to a place at which an activity described in item (aa) is to take place, the firearm is unloaded and in a locked container or case, and during the transportation by the juvenile of the firearm, directly from the place at which such an activity took place to the transferor, the firearm is unloaded and in a locked container or case; or

''(II) with respect to ranching or farming activities as described in subparagraph (A)(i)(II)—

''(aa) a juvenile possesses and uses a handgun, ammunition, or semiautomatic assault weapon with the prior written approval of the juvenile's parent or legal guardian;

''(bb) the approval is on file with an adult who is not prohibited by Federal, State, or local law from possessing a firearm or ammunition; and

''(cc) the adult is directing the ranching or farming activities of the juvenile.

''(5) INNOCENT TRANSFERORS.—A handgun, ammunition, or semiautomatic assault weapon, the possession of which is transferred to a juvenile in circumstances in which the transferor is not in violation under this subsection, shall not be subject to permanent confiscation by the Government if its possession by the juvenile subsequently becomes unlawful because of the conduct of the juvenile, but shall be returned to the lawful owner when the handgun, ammunition, or semiautomatic assault weapon is no longer required by the Government for the purposes of investigation or prosecution.

''(6) ATTENDANCE BY PARENT OR LEGAL GUARDIAN AS CRIMINAL PROCEEDINGS.—In a prosecution of a violation of this subsection, the court—

''(A) shall require the presence of a juvenile defendant's parent or legal guardian at all proceedings;

''(B) may use the contempt power to enforce subparagraph (A); and

''(C) may excuse attendance of a parent or legal guardian of a juvenile defendant for good cause.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 180 days after the date of enactment of this Act.

Subtitle G—General Firearm Provisions

SEC. 861. NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM IMPROVEMENTS.

(a) EXPEDITED ACTION BY THE ATTORNEY GENERAL.—

(1) IN GENERAL.—The Attorney General shall expedite—

(A) not later than 90 days after the date of enactment of this section, a study of the feasibility of developing—

''(i) a single fingerprint convicted offender database in the Federal criminal records system maintained by the Federal Bureau of Investigation; and

(ii) procedures under which a licensed firearm dealer may voluntarily transmit to the National Instant Check System a single digitalized fingerprint for prospective firearms transferees;

(B) the provision of assistance to States, under the Crime Identification Technology Act of 1998 (112 Stat. 1871), in gaining access to records in the National Instant Check System disclosing the disposition of State criminal cases; and

(C) development of a procedure for the collection of data identifying persons that are prohibited from possessing a firearm by section 922(g) of title 18, United States Code, including persons adjudicated as a mental defective, persons committed to a mental institution, and persons subject to a domestic violence restraining order.

(2) CONSIDERATIONS.—In developing procedures under paragraph (1), the Attorney General shall consider the privacy needs of individuals.

(b) COMPATIBILITY OF BALLISTICS INFORMATION SYSTEMS.—The Attorney General and the Secretary of the Treasury shall ensure the integration and interoperability of ballistics identification systems maintained by the Federal Bureau of Investigation and the Bureau of Alcohol, Tobacco, and Firearms through the National Integrated Ballistics Information Network.

(c) FORENSIC LABORATORY INSPECTION.—The Attorney General shall provide financial assistance to the American Academy of Forensic Science Laboratory Accreditation Board to be used to facilitate forensic laboratory inspection activities.

(d) RELIEF FROM DISABILITY DATABASE.—Section 925(c) of title 18, United States Code, is amended—

(1) by striking ''(c) A person'' and inserting the following:

''(c) RELIEF FROM DISABILITIES.—

''(1) IN GENERAL.—A person''; and

(2) by adding at the end the following:

''(2) DATABASE.—The Secretary shall establish a database, accessible through the National Instant Check System, identifying persons who have been granted relief from disability under paragraph (1).''.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal year 2000—

(1) to pay the costs of the Federal Bureau of Investigation in operating the National Instant Check System, $68,000,000;

(2) for payments to States that act as points of contact for access to the National Instant Check System, $40,000,000;

(3) to carry out subsection (a)(1), $40,000,000;

(4) to carry out subsection (a)(3), $25,000,000;

(5) to carry out subsection (b), $1,150,000; and

(6) to carry out subsection (c), $1,000,000.

(f) INCREASED AUTHORIZATION.—Section 102(e)(1) of the Crime Identification Technology Act of 1998 (42 U.S.C. 14601(e)(1)) is amended by striking ''this section'' and all that follows and inserting ''this section—

''(A) $250,000,000 for fiscal year 1999;

''(B) $350,000,000 for each of fiscal years 2000 through 2003.''.

TITLE IX—ENHANCED PENALTIES

SEC. 901. STRAW PURCHASES.

(a) IN GENERAL.—Section 924(a) of title 18, United States Code, is amended by adding at the end the following:

''(7)(A) Notwithstanding paragraph (2), whoever knowingly violates section 922(a)(6) for the purpose of selling, delivering, or otherwise transferring a firearm, knowing or having reasonable cause to know that another person will carry or otherwise possess or discharge or otherwise use the firearm in the commission of a violent felony, shall be—

''(i) fined under this title, imprisoned not more than 15 years, or both; or

''(ii) imprisoned not less than 10 and not more than 20 years and fined under this title, if the procurement is for a juvenile.

''(B) In this paragraph—

''(i) the term 'juvenile' has the meaning given the term in section 922(x); and

''(ii) the term 'violent felony' has the meaning given the term in subsection (e)(2)(B).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect 180 days after the date of enactment of this Act.

SEC. 902. STOLEN FIREARMS.

(a) IN GENERAL.—Section 924 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking ''(i), (j),''; and

(B) by adding at the end the following:

''(8) Whoever knowingly violates subsection (i) or (j) of section 922 shall be fined under this title, imprisoned not more than 15 years, or both.'';

(2) in subsection (i)(1), by striking by striking ''10 years, or both'' and inserting ''15 years, or both''; and

(3) in subsection (l), by striking ''10 years, or both'' and inserting ''15 years, or both''.

(b) SENTENCING COMMISSION.—The United States Sentencing Commission shall amend the Federal sentencing guidelines to reflect the amendments made by subsection (a).

SEC. 903. INCREASE IN PENALTIES FOR CRIMES INVOLVING FIREARMS.

Section 924 of title 18, United States Code, is amended—

(1) in subsection (c)(1)(A)—

(A) in clause (iii), by striking ''10 years.'' and inserting ''12 years; and''; and

(B) by adding at the end the following:

''(iv) if the firearm is used to injure another person, be sentenced to a term of imprisonment of not less than 15 years.''; and

(2) in subsection (h), by striking ''imprisoned not more than 10 years'' and inserting ''imprisoned not less than 5 years and not more than 10 years''.

SEC. 904. INCREASED PENALTIES FOR DISTRIBUTING DRUGS TO MINORS.

Section 418 of the Controlled Substances Act (21 U.S.C. 859) is amended—

(1) in subsection (a), by striking ''one year'' and inserting ''3 years''; and

(2) in subsection (b), by striking ''one year'' and inserting ''5 years''.

SEC. 905. INCREASED PENALTY FOR DRUG TRAFFICKING IN OR NEAR A SCHOOL OR OTHER PROTECTED LOCATION.

Section 419 of the Controlled Substances Act (21 U.S.C. 860) is amended—

(1) in subsection (a), by striking ''one year'' and inserting ''3 years''; and

(2) in subsection (b), by striking ''three years'' each place that term appears and inserting ''5 years''.

TITLE X—CHILD HANDGUN SAFETY

SEC. 1001. SHORT TITLE.

This title may be cited as the ''Safe Handgun Storage and Child Handgun Safety Act of 1999''.

SEC. 1002. PURPOSES.

The purposes of this title are as follows:

(1) To promote the safe storage and use of handguns by consumers.

(2) To prevent unauthorized persons from gaining access to or use of a handgun, including children who may not be in possession of a handgun, unless it is under one of the circumstances provided for in the Youth Handgun Safety Act.

(3) To avoid hindering industry from supplying law abiding citizens firearms for all lawful purposes, including hunting, self-defense, collecting and competitive or recreational shooting.

SEC. 1003. FIREARMS SAFETY.

(a) UNLAWFUL ACTS.—

(1) MANDATORY TRANSFER OF SECURE GUN STORAGE OR SAFETY DEVICE.—Section 922 of title 18, United States Code, is amended by inserting after subsection (y) the following:

''(z) SECURE GUN STORAGE OR SAFETY DEVICE.—

''(1) IN GENERAL.—Except as provided in paragraph (2), it shall be unlawful for any licensed manufacturer, licensed importer, or licensed dealer to sell, deliver, or transfer any handgun to any person other than any person licensed under the provisions of this chapter, unless the transferee is provided with a secure gun storage or safety device, as described in section 921(a)(35) of this chapter, for that handgun.

''(2) EXCEPTIONS.—Paragraph (1) does not apply to the—

''(A)(i) manufacture for, transfer to, or possession by, the United States or a State or a department or agency of the United States, or a State or a department, agency, or political subdivision of a State, of a handgun; or

''(ii) transfer to, or possession by, a law enforcement officer employed by an entity referred to in clause (i) of a handgun for law enforcement purposes (whether on or off duty); or

''(B) transfer to, or possession by, a rail police officer employed by a rail carrier and certified or commissioned as a police officer under the laws of a State of a handgun for purposes of law enforcement (whether on or off duty);

''(C) transfer to any person of a handgun listed as a curio or relic by the Secretary pursuant to section 921(a)(13); or

''(D) transfer to any person of a handgun for which a secure gun storage or safety device is temporarily unavailable for the reasons described in the exceptions stated in section 923(e): *Provided*, That the licensed manufacturer, licensed importer, or licensed dealer delivers to the transferee within 10 calendar days from the date of the delivery of the handgun to the transferee a secure gun storage or safety device for the handgun.

''(3) LIABILITY FOR USE.—(A) Notwithstanding any other provision of law, a person who has lawful possession and control of a handgun, and who uses a secure gun storage or safety device with the handgun, shall be entitled to immunity from a civil liability action as described in this paragraph.

''(B) PROSPECTIVE ACTIONS.—A qualified civil liability action may not be brought in any Federal or State court. The term 'qualified civil liability action' means a civil action brought by any person against a person described in subparagraph (A) for damages resulting from the criminal or unlawful misuse of the handgun by a third party, where—

''(i) the handgun was accessed by another person who did not have the permission or authorization of the person having lawful possession and control of the handgun to have access to it; and

''(ii) at the time access was gained by the person not so authorized, the handgun had been made inoperable by use of a secure gun storage or safety device.

A 'qualified civil liability action' shall not include an action brought against the person having lawful possession and control of the handgun for negligent entrustment or negligence per se.''.

(b) CIVIL PENALTIES.—Section 924 of title 18, United States Code, is amended—

(1) in subsection (a)(1), by striking ''or (f)'' and inserting ''(f), or (p)''; and

(2) by adding at the end the following:

''(p) PENALTIES RELATING TO SECURE GUN STORAGE OR SAFETY DEVICE.—

''(1) IN GENERAL.—

''(A) SUSPENSION OR REVOCATION OF LICENSE; CIVIL PENALTIES.—With respect to each violation of section 922(z)(1) by a licensed manufacturer, licensed importer, or licensed dealer, the Secretary may, after notice and opportunity for hearing—

''(i) suspend for up to six months, or revoke, the license issued to the licensee under this chapter that was used to conduct the firearms transfer; or

''(ii) subject the licensee to a civil penalty in an amount equal to not more than $2,500.

''(B) REVIEW.—An action of the Secretary under this paragraph may be reviewed only as provided in section 923(f).

''(2) ADMINISTRATIVE REMEDIES.—The suspension or revocation of a license or the imposition of a civil penalty under paragraph (1) does not preclude any administrative remedy that is otherwise available to the Secretary.''.

(c) LIABILITY; EVIDENCE.—

(1) LIABILITY.—Nothing in this title shall be construed to—

(A) create a cause of action against any Federal firearms licensee or any other person for any civil liability; or

(B) establish any standard of care.

(2) EVIDENCE.—Notwithstanding any other provision of law, evidence regarding compliance or noncompliance with the amendments made by this title shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity, except with respect to an action to enforce paragraphs (1) and (2) of section 922(z), or to give effect to paragraph (3) of section 922(z).

(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to bar a governmental action to impose a penalty under section 924(p) of title 18, United States Code, for a failure to comply with section 922(z) of that title.

SEC. 1004. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect 180 days after the date of enactment of this Act.

TITLE XI—SCHOOL SAFETY AND VIOLENCE PREVENTION

SEC. 1101. SCHOOL SAFETY AND VIOLENCE PREVENTION.

Title XIV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801 et seq.) is amended by adding at the end the following:

''PART I—SCHOOL SAFETY AND VIOLENCE PREVENTION

''SEC. 14851. SCHOOL SAFETY AND VIOLENCE PREVENTION.

''Notwithstanding any other provision of titles IV and VI, funds made available under such titles may be used for—

''(1) training, including in-service training, for school personnel (including custodians and bus drivers), with respect to—

''(A) identification of potential threats, such as illegal weapons and explosive devices;

''(B) crisis preparedness and intervention procedures; and

''(C) emergency response;

''(2) training for parents, teachers, school personnel and other interested members of the community regarding the identification and responses to early warning signs of troubled and violent youth;

''(3) innovative research-based delinquency and violence prevention programs, including—

''(A) school anti-violence programs; and

''(B) mentoring programs;

''(4) comprehensive school security assessments;

''(5) purchase of school security equipment and technologies, such as—

''(A) metal detectors;

''(B) electronic locks; and

''(C) surveillance cameras;

''(6) collaborative efforts with community-based organizations, including faith-based organizations, statewide consortia, and law enforcement agencies, that have demonstrated expertise in providing effective, research-based violence prevention and intervention programs to school aged children;

''(7) providing assistance to States, local educational agencies, or schools to establish school uniform policies;

''(8) school resource officers, including community policing officers; and

''(9) other innovative, local responses that are consistent with reducing incidents of school violence and improving the educational atmosphere of the classroom.''.

SEC. 1102. STUDY.

(a) STUDY.—The Comptroller General shall carry out a study regarding school safety issues, including examining—

(1) incidents of school-based violence in the United States;

(2) impediments to combating school-based violence, including local, state, and Federal education and law enforcement impediments;

(3) promising initiatives for addressing school-based violence;

(4) crisis preparedness of school personnel;

(5) preparedness of local, State, and Federal law enforcement to address incidents of school-based violence; and

(6) evaluating current school violence prevention programs.

(b) REPORT.—The Comptroller General shall prepare and submit to Congress a report regarding the results of the study conducted under paragraph (1).

SEC. 1103. SCHOOL UNIFORMS.

Part E of title XIV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8891 et seq.) is amended by adding at the end the following:

''SEC. 14515. SCHOOL UNIFORMS.

''(a) CONSTRUCTION.—Nothing in this Act shall be construed to prohibit any State, local educational agency, or school from establishing a school uniform policy.

''(b) FUNDING.—Notwithstanding any other provision of law, funds provided under titles IV and VI may be used for establishing a school uniform policy.''.

SEC. 1104. TRANSFER OF SCHOOL DISCIPLINARY RECORDS.

Part F of title XIV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8921 et seq.) is amended by adding after section 14603 (20 U.S.C. 8923) the following:

''SEC. 14604. TRANSFER OF SCHOOL DISCIPLINARY RECORDS.

''(a) NONAPPLICATION OF PROVISIONS.—The provisions of this section shall not apply to any disciplinary records transferred from a private, parochial, or other nonpublic school, person, institution, or other entity, that provides education below the college level.

''(b) DISCIPLINARY RECORDS.—Not later than 2 years after the date of enactment of the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999, each State receiving Federal funds under this Act shall provide an assurance to

the Secretary that the State has a procedure in place to facilitate the transfer of disciplinary records by local educational agencies to any private or public elementary school or secondary school for any student who is enrolled or seeks, intends, or is instructed to enroll, full-time or part-time, in the school.

SEC. 1105. SCHOOL VIOLENCE RESEARCH.

The Attorney General shall establish at the National Center for Rural Law Enforcement in Little Rock, Arkansas, a research center that shall serve as a resource center or clearinghouse for school violence research. The research center shall conduct, compile, and publish school violence research and otherwise conduct activities related to school violence research, including—

(1) the collection, categorization, and analysis of data from students, schools, communities, parents, law enforcement agencies, medical providers, and others for use in efforts to improve school security and otherwise prevent school violence;

(2) the identification and development of strategies to prevent school violence; and

(3) the development and implementation of curricula designed to assist local educational agencies and law enforcement agencies in the prevention of or response to school violence.

SEC. 1106. NATIONAL CHARACTER ACHIEVEMENT AWARD.

(a) PRESENTATION AUTHORIZED.—The President is authorized to award to individuals under the age of 18, on behalf of the Congress, a National Character Achievement Award, consisting of medal of appropriate design, with ribbons and appurtenances, honoring those individuals for distinguishing themselves as a model of good character.

(b) DESIGN AND STRIKING.—For the purposes of the award referred to in subsection (a), the Secretary of the Treasury shall design and strike a medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

(c) ELIGIBILITY.—

(1) IN GENERAL.—The President pro tempore of the Senate and the Speaker of the House of Representatives shall establish procedures for processing recommendations to be forwarded to the President for awarding National Character Achievement Award under subsection (a).

(2) RECOMMENDATIONS BY SCHOOL PRINCIPALS.—At a minimum, the recommendations referred to in paragraph (1) shall contain the endorsement of the principal (or equivalent official) of the school in which the individual under the age of 18 is enrolled.

SEC. 1107. NATIONAL COMMISSION ON CHARACTER DEVELOPMENT.

(a) ESTABLISHMENT.—There is established a commission to be known as the National Commission on Character Development (referred to in this section as the ''Commission'').

(b) MEMBERSHIP.—

(1) APPOINTING AUTHORITY.—The Commission shall consist of 36 members, of whom—

(A) 12 shall be appointed by the President;

(B) 12 shall be appointed by the Speaker of the House of Representatives; and

(C) 12 shall be appointed by the President pro tempore of the Senate, on the recommendation of the majority and minority leaders of the Senate.

(2) COMPOSITION.—The President, the Speaker of the House of Representatives, and the President pro tempore of the Senate shall each appoint as members of the Commission—

(A) 1 parent;

(B) 1 student;

(C) 2 representatives of the entertainment industry (including the segments of the industry relating to audio, video, and multimedia entertainment);

(D) 2 members of the clergy;

(E) 2 representatives of the information or technology industry;

(F) 1 local law enforcement official;

(G) 2 individuals who have engaged in academic research with respect to the impact of cultural influences on child development and juvenile crime; and

(H) 1 representative of a grassroots organization engaged in community and child intervention programs.

(3) PERIOD OF APPOINTMENT.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(c) DUTIES OF THE COMMISSION.—

(1) STUDY.—The Commission shall study and make recommendations with respect to the impact of current cultural influences (as of the date of the study) on the process of developing and instilling the key aspects of character, which include trustworthiness, honesty, integrity, an ability to keep promises, loyalty, respect, responsibility, fairness, a caring nature, and good citizenship.

(2) REPORTS.—

(A) INTERIM REPORTS.—The Commission shall submit to the President and Congress such interim reports relating to the study as the Commission considers to be appropriate.

(B) FINAL REPORT.—Not later than 2 years after the date of the enactment of this Act, the Commission shall submit a final report to the President and Congress that shall contain a detailed statement of the findings and conclusions of the Commission resulting from the study, together with recommendations for such legislation and administrative actions as the Commission considers to be appropriate.

(d) CHAIRPERSON.—The Commission shall select a Chairperson from among the members of the Commission.

(e) POWERS OF THE COMMISSION.—

(1) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the purposes of this Act.

(2) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this Act. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(3) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(4) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(f) COMMISSION PERSONNEL MATTERS.—

(1) TRAVEL EXPENSES.—The members of the Commission shall not receive compensation for the performance of services for the Commission, but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(2) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and the detail shall be without interruption or loss of civil service status or privilege.

(g) PERMANENT COMMISSION.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2000 and 2001.

SEC. 1108. JUVENILE ACCESS TO TREATMENT.

(a) COORDINATED JUVENILE SERVICES GRANTS.—Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by inserting after section 205 the following:

''SEC. 205A. COORDINATED JUVENILE SERVICES GRANTS.

''(a) IN GENERAL.—The Attorney General, in consultation with the Secretary of Health and Human Services, working in conjunction with the Center for Substance Abuse of the Substance Abuse and Mental Health Services Administration, may make grants to a consortium within a State of State or local juvenile justice agencies or State or local substance abuse and mental health agencies, and child service agencies to coordinate the delivery of services to children among these agencies. Any public agency may serve as the lead entity for the consortium.

''(b) USE OF FUNDS.—A consortium described in subsection (a) that receives a grant under this section shall use the grant for the establishment and implementation of programs that address the service needs of adolescents with substance abuse or mental health treatment problems, including those who come into contact with the justice system by requiring the following:

''(1) Collaboration across child serving systems, including juvenile justice agencies, relevant public and private substance abuse and mental health treatment providers, and State or local educational entities and welfare agencies.

''(2) Appropriate screening and assessment of juveniles.

''(3) Individual treatment plans.

''(4) Significant involvement of juvenile judges where appropriate.

''(c) APPLICATION FOR COORDINATED JUVENILE SERVICES GRANT.—

''(1) IN GENERAL.—A consortium described in subsection (a) desiring to receive a grant under this section shall submit an application containing such information as the Administrator may prescribe.

''(2) CONTENTS.—In addition to guidelines established by the Administrator, each application submitted under paragraph (1) shall provide—

''(A) certification that there has been appropriate consultation with all affected agencies and that there will be appropriate coordination with all affected agencies in the implementation of the program;

''(B) for the regular evaluation of the program funded by the grant and describe the methodology that will be used in evaluating the program;

''(C) assurances that the proposed program or activity will not supplant similar programs and activities currently available in the community; and

''(D) specify plans for obtaining necessary support and continuing the proposed program following the conclusion of Federal support.

''(3) FEDERAL SHARE.—The Federal share of a grant under this section shall not exceed 75 percent of the cost of the program.

''(d) REPORT.—Each recipient of a grant under this section during a fiscal year shall submit to the Attorney General a report regarding the effectiveness of programs established with the grant on the date specified by the Attorney General.

''(e) FUNDING.—Grants under this section shall be considered an allowable use under section 205(a) and subtitle B.''.

SEC. 1109. BACKGROUND CHECKS.

Section 5(9) of the National Child Protection Act of 1993 (42 U.S.C. 5119c(9)) is amended—

(1) in subparagraph (A)(i), by inserting ''(including an individual who is employed by a school in any capacity, including as a child care provider, a teacher, or another member of school personnel)'' before the semicolon; and

(2) in subparagraph (B)(i), by inserting ''(including an individual who seeks to be employed by a school in any capacity, including as a child care provider, a teacher, or another member of school personnel)'' before the semicolon.

SEC. 1110. DRUG TESTS.

(a) SHORT TITLE.—This section may be cited as the ''School Violence Prevention Act''.

(b) AMENDMENT.—Section 4116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7116(b)) is amended—

(1) in paragraph (9), by striking ''and'' after the semicolon;

(2) by redesignating paragraph (10) as paragraph (11); and

(3) by inserting after paragraph (9) the following:

''(10) consistent with the fourth amendment to the Constitution of the United States, testing a student for illegal drug use, including at the request of or with the consent of a parent or legal guardian of the student, if the local educational agency elects to so test; and''.

SEC. 1111. SENSE OF THE SENATE.

It is the sense of the Senate that States receiving Federal elementary and secondary education funding should require local educational agencies to conduct, for each of their employees (regardless of when hired) and prospective employees, a nationwide background check for the purpose of determining whether the employee has been convicted of a crime that bears upon his fitness to have responsibility for the safety or well-being of children, to serve in the particular capacity in which he is (or is to be) employed, or otherwise to be employed at all thereby.

TITLE XII—TEACHER LIABILITY PROTECTION ACT

SEC. 1201. SHORT TITLE.

This title may be cited as the ''Teacher Liability Protection Act of 1999''.

SEC. 1202. FINDINGS AND PURPOSE.

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

(1) The ability of teachers, principals and other school professionals to teach, inspire and shape the intellect of our Nation's elementary and secondary school students is deterred and hindered by frivolous lawsuits and litigation.

(2) Each year more and more teachers, principals and other school professionals face lawsuits for actions undertaken as part of their duties to provide millions of school children quality educational opportunities.

(3) Too many teachers, principals and other school professionals face increasingly severe and random acts of violence in the classroom and in schools.

(4) Providing teachers, principals and other school professionals a safe and secure environment is an important part of the effort to improve and expand educational opportunities.

(5) Clarifying and limiting the liability of teachers, principals and other school professionals who undertake reasonable actions to maintain order, discipline and an appropriate educational environment is an appropriate subject of Federal legislation because—

(A) the national scope of the problems created by the legitimate fears of teachers, principals and other school professionals about frivolous, arbitrary or capricious lawsuits against teachers; and

(B) millions of children and their families across the Nation depend on teachers, principals and other school professionals for the intellectual development of the children.

(b) PURPOSE.—The purpose of this title is to provide teachers, principals and other school professionals the tools they need to undertake reasonable actions to maintain order, discipline and an appropriate educational environment.

SEC. 1203. PREEMPTION AND ELECTION OF STATE NONAPPLICABILITY.

(a) PREEMPTION.—This title preempts the laws of any State to the extent that such laws are inconsistent with this title, except that this title shall not preempt any State law that provides additional protection from liability relating to teachers.

(b) ELECTION OF STATE REGARDING NONAPPLICABILITY.—This title shall not apply to any civil action in a State court against a teacher in which all parties are citizens of the State if such State enacts a statute in accordance with State requirements for enacting legislation—

(1) citing the authority of this subsection;

(2) declaring the election of such State that this title shall not apply, as of a date certain, to such civil action in the State; and

(3) containing no other provisions.

SEC. 1204. LIMITATION ON LIABILITY FOR TEACHERS.

(a) LIABILITY PROTECTION FOR TEACHERS.—Except as provided in subsections (b) and (d), no teacher in a school shall be liable for harm caused by an act or omission of the teacher on behalf of the school if—

(1) the teacher was acting within the scope of the teacher's employment or responsibilities related to providing educational services;

(2) the actions of the teacher were carried out in conformity with local, state, or federal laws, rules or regulations in furtherance of efforts to control, discipline, expel, or suspend a student or maintain order or control in the classroom or school;

(3) if appropriate or required, the teacher was properly licensed, certified, or authorized by the appropriate authorities for the activities or practice in the State in which the harm occurred, where the activities were or practice was undertaken within the scope of the teacher's responsibilities;

(4) the harm was not caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed by the teacher; and

(5) the harm was not caused by the teacher operating a motor vehicle, vessel, aircraft, or other vehicle for which the State requires the operator or the owner of the vehicle, craft, or vessel to—

(A) possess an operator's license; or

(B) maintain insurance.

(b) CONCERNING RESPONSIBILITY OF TEACHERS TO SCHOOLS AND GOVERNMENTAL ENTITIES.—Nothing in this section shall be construed to affect any civil action brought by any school or any governmental entity against any teacher of such school.

(c) NO EFFECT ON LIABILITY OF SCHOOL OR GOVERNMENTAL ENTITY.—Nothing in this section shall be construed to affect the liability of any school or governmental entity with respect to harm caused to any person.

(d) EXCEPTIONS TO TEACHER LIABILITY PROTECTION.—If the laws of a State limit teacher liability subject to one or more of the following conditions, such conditions shall not be construed as inconsistent with this section:

(1) A State law that requires a school or governmental entity to adhere to risk management procedures, including mandatory training of teachers.

(2) A State law that makes the school or governmental entity liable for the acts or omissions of its teachers to the same extent as an employer is liable for the acts or omissions of its employees.

(3) A State law that makes a limitation of liability inapplicable if the civil action was brought by an officer of a State or local government pursuant to State or local law.

(e) LIMITATION ON PUNITIVE DAMAGES BASED ON THE ACTIONS OF TEACHERS.—

(1) GENERAL RULE.—Punitive damages may not be awarded against a teacher in an action brought for harm based on the action of a teacher acting within the scope of the teacher's responsibilities to a school or governmental entity unless the claimant establishes by clear and convincing evidence that the harm was proximately caused by an action of such teacher which constitutes willful or criminal misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed.

(2) CONSTRUCTION.—Paragraph (1) does not create a cause of action for punitive damages and does not preempt or supersede any Federal or State law to the extent that such law would further limit the award of punitive damages.

(f) EXCEPTIONS TO LIMITATIONS ON LIABILITY.—

(1) IN GENERAL.—The limitations on the liability of a teacher under this title shall not apply to any misconduct that—

(A) constitutes a crime of violence (as that term is defined in section 16 of title 18, United States Code) or act of international terrorism (as that term is defined in section 2331 of title 18, United States Code) for which the defendant has been convicted in any court;

(B) involves a sexual offense, as defined by applicable State law, for which the defendant has been convicted in any court;

(C) involves misconduct for which the defendant has been found to have violated a Federal or State civil rights law; or

(D) where the defendant was under the influence (as determined pursuant to applicable State law) of intoxicating alcohol or any drug at the time of the misconduct.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to effect subsection (a)(3) or (e).

SEC. 1205. LIABILITY FOR NONECONOMIC LOSS.

(a) GENERAL RULE.—In any civil action against a teacher, based on an action of a teacher acting within the scope of the teacher's responsibilities to a school or governmental entity, the liability of the teacher for noneconomic loss shall be determined in accordance with subsection (b).

(b) AMOUNT OF LIABILITY.—

(1) IN GENERAL.—Each defendant who is a teacher, shall be liable only for the amount of noneconomic loss allocated to that defendant in direct proportion to the percentage of responsibility of that defendant (determined in accordance with paragraph (2)) for the harm to the claimant with respect to which that defendant is liable. The court shall render a separate judgment against each defendant in an amount determined pursuant to the preceding sentence.

(2) PERCENTAGE OF RESPONSIBILITY.—For purposes of determining the amount of noneconomic loss allocated to a defendant who is a teacher under this section, the trier of

fact shall determine the percentage of responsibility of that defendant for the claimant's harm.

SEC. 1206. DEFINITIONS.

For purposes of this title:

(1) ECONOMIC LOSS.—The term ''economic loss'' means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

(2) HARM.—The term ''harm'' includes physical, nonphysical, economic, and noneconomic losses.

(3) NONECONOMIC LOSSES.—The term ''noneconomic losses'' means losses for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation and all other nonpecuniary losses of any kind or nature.

(4) SCHOOL.—The term ''school'' means a public or private kindergarten, a public or private elementary school or secondary school (as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)), or a home school.

(5) STATE.—The term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

(6) TEACHER.—The term ''teacher'' means a teacher, instructor, principal, administrator, or other educational professional, that works in a school.

SEC. 1207. EFFECTIVE DATE.

(a) IN GENERAL.—This title shall take effect 90 days after the date of enactment of this Act.

(b) APPLICATION.—This title applies to any claim for harm caused by an act or omission of a teacher where that claim is filed on or after the effective date of this Act, without regard to whether the harm that is the subject of the claim or the conduct that caused the harm occurred before such effective date.

TITLE XIII—VIOLENCE PREVENTION TRAINING FOR EARLY CHILDHOOD EDUCATORS

SEC. 1301. SHORT TITLE.

This title may be cited as the ''Violence Prevention Training for Early Childhood Educators Act''.

SEC. 1302. PURPOSE.

The purpose of this title is to provide grants to institutions that carry out early childhood education training programs to enable the institutions to include violence prevention training as part of the preparation of individuals pursuing careers in early childhood development and education.

SEC. 1303. FINDINGS.

Congress makes the following findings:

(1) Aggressive behavior in early childhood is the single best predictor of aggression in later life.

(2) Aggressive and defiant behavior predictive of later delinquency is increasing among our Nation's youngest children. Without prevention efforts, higher percentages of juveniles are likely to become violent juvenile offenders.

(3) Research has demonstrated that aggression is primarily a learned behavior that develops through observation, imitation, and direct experience. Therefore, children who experience violence as victims or as witnesses are at increased risk of becoming violent themselves.

(4) In a study at a Boston city hospital, 1 out of every 10 children seen in the primary care clinic had witnessed a shooting or a stabbing before the age of 6, with 50 percent of the children witnessing in the home and 50 percent of the children witnessing in the streets.

(5) A study in New York found that children who had been victims of violence within their families were 24 percent more likely to report violent behavior as adolescents, and adolescents who had grown up in families where partner violence occurred were 21 percent more likely to report violent delinquency than individuals not exposed to violence.

(6) Aggression can become well-learned and difficult to change by the time a child reaches adolescence. Early childhood offers a critical period for overcoming risk for violent behavior and providing support for prosocial behavior.

(7) Violence prevention programs for very young children yield economic benefits. By providing health and stability to the individual child and the child's family, the programs may reduce expenditures for medical care, special education, and involvement with the judicial system.

(8) Primary prevention can be effective. When preschool teachers teach young children interpersonal problem-solving skills and other forms of conflict resolution, children are less likely to demonstrate problem behaviors.

(9) There is evidence that family support programs in families with children from birth through 5 years of age are effective in preventing delinquency.

SEC. 1304. DEFINITIONS.

In this title:

(1) AT-RISK CHILD.—The term ''at-risk child'' means a child who has been affected by violence through direct exposure to child abuse, other domestic violence, or violence in the community.

(2) EARLY CHILDHOOD EDUCATION TRAINING PROGRAM.—The term ''early childhood education training program'' means a program that—

(A)(i) trains individuals to work with young children in early child development programs or elementary schools; or

(ii) provides professional development to individuals working in early child development programs or elementary schools;

(B) provides training to become an early childhood education teacher, an elementary school teacher, a school counselor, or a child care provider; and

(C) leads to a bachelor's degree or an associate's degree, a certificate for working with young children (such as a Child Development Associate's degree or an equivalent credential), or, in the case of an individual with such a degree, certificate, or credential, provides professional development.

(3) ELEMENTARY SCHOOL.—The term ''elementary school'' has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(4) VIOLENCE PREVENTION.—The term ''violence prevention'' means—

(A) preventing violent behavior in children;

(B) identifying and preventing violent behavior in at-risk children; or

(C) identifying and ameliorating violent behavior in children who act out violently.

SEC. 1305. PROGRAM AUTHORIZED.

(a) GRANT AUTHORITY.—The Secretary of Education is authorized to award grants to institutions that carry out early childhood education training programs and have applications approved under section 1306 to enable the institutions to provide violence prevention training as part of the early childhood education training program.

(b) AMOUNT.—The Secretary of Education shall award a grant under this title in an amount that is not less than $500,000 and not more than $1,000,000.

(c) DURATION.—The Secretary of Education shall award a grant under this title for a period of not less than 3 years and not more than 5 years.

SEC. 1306. APPLICATION.

(a) APPLICATION REQUIRED.—Each institution desiring a grant under this title shall submit to the Secretary of Education an application at such time, in such manner, and accompanied by such information as the Secretary of Education may require.

(b) CONTENTS.—Each application shall—

(1) describe the violence prevention training activities and services for which assistance is sought;

(2) contain a comprehensive plan for the activities and services, including a description of—

(A) the goals of the violence prevention training program;

(B) the curriculum and training that will prepare students for careers which are described in the plan;

(C) the recruitment, retention, and training of students;

(D) the methods used to help students find employment in their fields;

(E) the methods for assessing the success of the violence prevention training program; and

(F) the sources of financial aid for qualified students;

(3) contain an assurance that the institution has the capacity to implement the plan; and

(4) contain an assurance that the plan was developed in consultation with agencies and organizations that will assist the institution in carrying out the plan.

SEC. 1307. SELECTION PRIORITIES.

The Secretary of Education shall give priority to awarding grants to institutions carrying out violence prevention programs that include 1 or more of the following components:

(1) Preparation to engage in family support (such as parent education, service referral, and literacy training).

(2) Preparation to engage in community outreach or collaboration with other services in the community.

(3) Preparation to use conflict resolution training with children.

(4) Preparation to work in economically disadvantaged communities.

(5) Recruitment of economically disadvantaged students.

(6) Carrying out programs of demonstrated effectiveness in the type of training for which assistance is sought, including programs funded under section 596 of the Higher Education Act of 1965 (as such section was in effect prior to October 7, 1998).

SEC. 1308. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title $15,000,000 for each of the fiscal years 2000 through 2004.

TITLE XIV—PREVENTING JUVENILE DELINQUENCY THROUGH CHARACTER EDUCATION

SEC. 1401. PURPOSE.

The purpose of this title is to support the work of community-based organizations, local educational agencies, and schools in providing children and youth with alternatives to delinquency through strong

school-based and after school programs that—

(1) are organized around character education;

(2) reduce delinquency, school discipline problems, and truancy; and

(3) improve student achievement, overall school performance, and youths' positive involvement in their community.

SEC. 1402. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated—

(1) $15,000,000 for fiscal year 2000, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out school-based programs under section 1403; and

(2) $10,000,000 for fiscal year 2000, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out the after school programs under section 1404.

(b) SOURCE OF FUNDING.—Amounts authorized to be appropriated pursuant to this section may be derived from the Violent Crime Reduction Trust Fund.

SEC. 1403. SCHOOL-BASED PROGRAMS.

(a) IN GENERAL.—The Secretary, in consultation with the Attorney General, is authorized to award grants to schools, or local educational agencies that enter into a partnership with a school, to support the development of character education programs in the schools in order to—

(1) reduce delinquency, school discipline problems, and truancy; and

(2) improve student achievement, overall school performance, and youths' positive involvement in their community.

(b) APPLICATIONS.—Each school or local educational agency desiring a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

(1) CONTENTS.—Each application shall include—

(A) a description of the community to be served and the needs that will be met with the program in that community;

(B) a description of how the program will reach youth at-risk of delinquency;

(C) a description of the activities to be assisted, including—

(i) how parents, teachers, students, and other members of the community will be involved in the design and implementation of the program;

(ii) the character education program to be implemented, including methods of teacher training and parent education that will be used or developed; and

(iii) how the program will coordinate activities assisted under this section with other youth serving activities in the larger community;

(D) a description of the goals of the program;

(E) a description of how progress toward the goals, and toward meeting the purposes of this title, will be measured; and

(F) an assurance that the school or local educational agency will provide the Secretary with information regarding the program and the effectiveness of the program.

SEC. 1404. AFTER SCHOOL PROGRAMS.

(a) IN GENERAL.—The Secretary, in consultation with the Attorney General, is authorized to award grants to community-based organizations to enable the organizations to provide youth with alternative activities, in the after school or out of school hours, that include a strong character education component.

(b) ELIGIBLE COMMUNITY-BASED ORGANIZATIONS.—The Secretary only shall award a grant under this section to a community-based organization that has a demonstrated capacity to provide after school or out of school programs to youth, including youth serving organizations, businesses, and other community groups.

(c) APPLICATIONS.—Each community-based organization desiring a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require. Each application shall include—

(1) a description of the community to be served and the needs that will be met with the program in that community;

(2) a description of how the program will identify and recruit at-risk youth for participation in the program, and will provide continuing support for their participation;

(3) a description of the activities to be assisted, including—

(A) how parents, students, and other members of the community will be involved in the design and implementation of the program;

(B) how character education will be incorporated into the program; and

(C) how the program will coordinate activities assisted under this section with activities of schools and other community-based organizations;

(4) a description of the goals of the program;

(5) a description of how progress toward the goals, and toward meeting the purposes of this title, will be measured; and

(6) an assurance that the community-based organization will provide the Secretary with information regarding the program and the effectiveness of the program.

SEC. 1405. GENERAL PROVISIONS.

(a) DURATION.—Each grant under this title shall be awarded for a period of not to exceed 5 years.

(b) PLANNING.—A school, local educational agency or community-based organization may use grant funds provided under this title for not more than 1 year for the planning and design of the program to be assisted.

(c) SELECTION OF GRANTEES.—

(1) CRITERIA.—The Secretary, in consultation with the Attorney General, shall select, through a peer review process, community-based organizations, schools, and local educational agencies to receive grants under this title on the basis of the quality of the applications submitted and taking into consideration such factors as—

(A) the quality of the activities to be assisted;

(B) the extent to which the program fosters in youth the elements of character and reaches youth at-risk of delinquency;

(C) the quality of the plan for measuring and assessing the success of the program;

(D) the likelihood the goals of the program will be realistically achieved;

(E) the experience of the applicant in providing similar services; and

(F) the coordination of the program with larger community efforts in character education.

(2) DIVERSITY OF PROJECTS.—The Secretary shall approve applications under this title in a manner that ensures, to the extent practicable, that programs assisted under this title serve different areas of the United States, including urban, suburban and rural areas, and serve at-risk populations.

(d) USE OF FUNDS.—Grant funds under this title shall be used to support the work of community-based organizations, schools, or local educational agencies in providing children and youth with alternatives to delinquency through strong school-based, after school, or out of school programs that—

(1) are organized around character education;

(2) reduce delinquency, school discipline problems, and truancy; and

(3) improve student achievement, overall school performance, and youths' positive involvement in their community.

(d) DEFINITIONS.—

(1) IN GENERAL.—The terms used in this Act have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(2) CHARACTER EDUCATION.—The term ''character education'' means an organized educational program that works to reinforce core elements of character, including caring, civic virtue and citizenship, justice and fairness, respect, responsibility, and trustworthiness.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

TITLE XV—VIOLENT OFFENDER DNA IDENTIFICATION ACT OF 1999

SEC. 1501. SHORT TITLE.

This title may be cited as the ''Violent Offender DNA Identification Act of 1999''.

SEC. 1502. ELIMINATION OF CONVICTED OFFENDER DNA BACKLOG.

(a) DEVELOPMENT OF PLAN.—

(1) IN GENERAL.—Not later than 45 days after the date of enactment of this Act, the Director of the Federal Bureau of Investigation, in coordination with the Assistant Attorney General of the Office of Justice Programs at the Department of Justice, and after consultation with representatives of State and local forensic laboratories, shall develop a voluntary plan to assist State and local forensic laboratories in performing DNA analyses of DNA samples collected from convicted offenders.

(2) OBJECTIVE.—The objective of the plan developed under paragraph (1) shall be to effectively eliminate the backlog of convicted offender DNA samples awaiting analysis in State or local forensic laboratory storage, including samples that need to be reanalyzed using upgraded methods, in an efficient, expeditious manner that will provide for their entry into the Combined DNA Indexing System (CODIS).

(b) PLAN CONDITIONS.—The plan developed under subsection (a) shall—

(1) require that each laboratory performing DNA analyses satisfy quality assurance standards and utilize state-of-the-art testing methods, as set forth by the Director of the Federal Bureau of Investigation, in coordination with the Assistant Attorney General of the Office of Justice Programs of the Department of Justice; and

(2) require that each DNA sample collected and analyzed be accessible only—

(A) to criminal justice agencies for law enforcement identification purposes;

(B) in judicial proceedings, if otherwise admissible pursuant to applicable statutes or rules;

(C) for criminal defense purposes, to a defendant, who shall have access to samples and analyses performed in connection with the case in which such defendant is charged; or

(D) if personally identifiable information is removed, for a population statistics database, for identification research and protocol development purposes, or for quality control purposes.

(c) IMPLEMENTATION OF PLAN.—Subject to the availability of appropriations under subsection (d), the Director of the Federal Bureau of Investigation, in coordination with the Assistant Attorney General of the Office of Justice Programs at the Department of Justice, shall implement the plan developed pursuant to subsection (a) with State and local forensic laboratories that elect to participate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Justice to carry out this

section $15,000,000 for each of fiscal years 2000 and 2001.

SEC. 1503. DNA IDENTIFICATION OF FEDERAL, DISTRICT OF COLUMBIA, AND MILITARY VIOLENT OFFENDERS.

(a) EXPANSION OF DNA IDENTIFICATION INDEX.—Section 811(a)(2) of the Antiterrorism and Effective Death Penalty Act of 1996 (28 U.S.C. 531 note) is amended to read as follows:

''(2) the Director of the Federal Bureau of Investigation shall expand the combined DNA Identification System (CODIS) to include information on DNA identification records and analyses related to criminal offenses and acts of juvenile delinquency under Federal law, the Uniform Code of Military Justice, and the District of Columbia Code, in accordance with section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132).''.

(b) INDEX TO FACILITATE LAW ENFORCEMENT EXCHANGE OF DNA IDENTIFICATION INFORMATION.—Section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132) is amended—

(1) in subsection (a)(1), by striking ''persons convicted of crimes'' and inserting ''individuals convicted of criminal offenses or adjudicated delinquent for acts of juvenile delinquency, including qualifying offenses (as defined in subsection (d)(1))'';

(2) in subsection (b)(2), by striking '', at regular intervals of not to exceed 180 days,'' and inserting ''semiannual''; and

(3) by adding at the end the following:

''(d) INCLUSION OF DNA INFORMATION RELATING TO VIOLENT OFFENDERS.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'crime of violence' has the meaning given such term in section 924(c)(3) of title 18, United States Code; and

''(B) the term 'qualifying offense' means a criminal offense or act of juvenile delinquency included on the list established by the Director of the Federal Bureau of Investigation under paragraph (2)(A)(i).

''(2) REGULATIONS.—

''(A) IN GENERAL.—Not later than 90 days after the date of enactment of this subsection, and at the discretion of the Director thereafter, the Director of the Federal Bureau of Investigation, in consultation with the Director of the Bureau of Prisons, the Director of the Court Services and Offender Supervision Agency for the District of Columbia or the Trustee appointed under section 11232(a) of the Balanced Budget Act of 1997 (as appropriate), and the Chief of Police of the Metropolitan Police Department of the District of Columbia, shall by regulation establish—

''(i) a list of qualifying offenses; and

''(ii) standards and procedures for—

''(I) the analysis of DNA samples collected from individuals convicted of or adjudicated delinquent for a qualifying offense;

''(II) the inclusion in the index established by this section of the DNA identification records and DNA analyses relating to the DNA samples described in subclause (I); and

''(III) with respect to juveniles, the expungement of DNA identification records and DNA analyses described in subclause (II) from the index established by this section in any circumstance in which the underlying adjudication for the qualifying offense has been expunged.

''(B) OFFENSES INCLUDED.—The list established under subparagraph (A)(i) shall include—

''(i) each criminal offense or act of juvenile delinquency under Federal law that—

''(I) constitutes a crime of violence; or

''(II) in the case of an act of juvenile delinquency, would, if committed by an adult, constitute a crime of violence;

''(ii) each criminal offense under the District of Columbia Code that constitutes a crime of violence; and

''(iii) any other felony offense under Federal law or the District of Columbia Code, as determined by the Director of the Federal Bureau of Investigation.

''(3) FEDERAL OFFENDERS.—

''(A) COLLECTION OF SAMPLES FROM FEDERAL PRISONERS.—

''(i) IN GENERAL.—Beginning 180 days after the date of enactment of this subsection, the Director of the Bureau of Prisons shall collect a DNA sample from each individual in the custody of the Bureau of Prisons who, before or after this subsection takes effect, has been convicted of or adjudicated delinquent for a qualifying offense.

''(ii) TIME AND MANNER.—The Director of the Bureau of Prisons shall specify the time and manner of collection of DNA samples under this subparagraph.

''(B) COLLECTION OF SAMPLES FROM FEDERAL OFFENDERS ON SUPERVISED RELEASE, PAROLE, OR PROBATION.—

''(i) IN GENERAL.—Beginning 180 days after the date of enactment of this subsection, the agency responsible for the supervision under Federal law of an individual on supervised release, parole, or probation (other than an individual described in paragraph (4)(B)(i)) shall collect a DNA sample from each individual who has, before or after this subsection takes effect, been convicted of or adjudicated delinquent for a qualifying offense.

''(ii) TIME AND MANNER.—The Director of the Administrative Office of the United States Courts shall specify the time and manner of collection of DNA samples under this subparagraph.

''(4) DISTRICT OF COLUMBIA OFFENDERS.—

''(A) OFFENDERS IN CUSTODY OF DISTRICT OF COLUMBIA.—

''(i) IN GENERAL.—The Government of the District of Columbia may—

''(I) identify 1 or more categories of individuals who are in the custody of, or under supervision by, the District of Columbia, from whom DNA samples should be collected; and

''(II) collect a DNA sample from each individual in any category identified under clause (i).

''(ii) DEFINITION.—In this subparagraph, the term 'individuals in the custody of, or under supervision by, the District of Columbia'—

''(I) includes any individual in the custody of, or under supervision by, any agency of the Government of the District of Columbia; and

''(II) does not include an individual who is under the supervision of the Director of the Court Services and Offender Supervision Agency for the District of Columbia or the Trustee appointed under section 11232(a) of the Balanced Budget Act of 1997.

''(B) OFFENDERS ON SUPERVISED RELEASE, PROBATION, OR PAROLE.—

''(i) IN GENERAL.—Beginning 180 days after the date of enactment of this subsection, the Director of the Court Services and Offender Supervision Agency for the District of Columbia, or the Trustee appointed under section 11232(a) of the Balanced Budget Act of 1997, as appropriate, shall collect a DNA sample from each individual under the supervision of the Agency or Trustee, respectively, who is on supervised release, parole, or probation and who has, before or after this subsection takes effect, been convicted of or adjudicated delinquent for a qualifying offense.

''(ii) TIME AND MANNER.—The Director or the Trustee, as appropriate, shall specify the time and manner of collection of DNA samples under this subparagraph.

''(5) WAIVER; COLLECTION PROCEDURES.—Notwithstanding any other provision of this subsection, a person or agency responsible for the collection of DNA samples under this subsection may—

''(A) waive the collection of a DNA sample from an individual under this subsection if another person or agency has collected such a sample from the individual under this subsection or subsection (e); and

''(B) use or authorize the use of such means as are necessary to restrain and collect a DNA sample from an individual who refuses to cooperate in the collection of the sample.

''(e) INCLUSION OF DNA INFORMATION RELATING TO VIOLENT MILITARY OFFENDERS.—

''(1) IN GENERAL.—Not later than 120 days after the date of enactment of this subsection, the Secretary of Defense shall prescribe regulations that—

''(A) specify categories of conduct punishable under the Uniform Code of Military Justice (referred to in this subsection as 'qualifying military offenses') that are comparable to qualifying offenses (as defined in subsection (d)(1)); and

''(B) set forth standards and procedures for—

''(i) the analysis of DNA samples collected from individuals convicted of a qualifying military offense; and

''(ii) the inclusion in the index established by this section of the DNA identification records and DNA analyses relating to the DNA samples described in clause (i).

''(2) COLLECTION OF SAMPLES.—

''(A) IN GENERAL.—Beginning 180 days after the date of enactment of this subsection, the Secretary of Defense shall collect a DNA sample from each individual under the jurisdiction of the Secretary of a military department who has, before or after this subsection takes effect, been convicted of a qualifying military offense.

''(B) TIME AND MANNER.—The Secretary of Defense shall specify the time and manner of collection of DNA samples under this paragraph.

''(3) WAIVER; COLLECTION PROCEDURES.—Notwithstanding any other provision of this subsection, the Secretary of Defense may—

''(A) waive the collection of a DNA sample from an individual under this subsection if another person or agency has collected or will collect such a sample from the individual under subsection (d); and

''(B) use or authorize the use of such means as are necessary to restrain and collect a DNA sample from an individual who refuses to cooperate in the collection of the sample.

''(f) CRIMINAL PENALTY.—

''(1) IN GENERAL.—An individual from whom the collection of a DNA sample is required or authorized pursuant to subsection (d) who fails to cooperate in the collection of that sample shall be—

''(A) guilty of a class A misdemeanor; and

''(B) punished in accordance with title 18, United States Code.

''(2) MILITARY OFFENDERS.—An individual from whom the collection of a DNA sample is required or authorized pursuant to subsection (e) who fails to cooperate in the collection of that sample may be punished as a court martial may direct as a violation of the Uniform Code of Military Justice.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

''(1) to the Department of Justice to carry out subsection (d) of this section (including to reimburse the Federal judiciary for any reasonable costs incurred in implementing such subsection, as determined by the Attorney General) and section 3(d) of the Violent Offender DNA Identification Act of 1999—

''(A) $6,600,000 for fiscal year 2000; and

''(B) such sums as may be necessary for each of fiscal years 2001 through 2004;

''(2) to the Court Services and Offender Supervision Agency for the District of Columbia or the Trustee appointed under section 11232(a) of the Balanced Budget Act of 1997 (as appropriate), such sums as may be necessary for each of fiscal years 2000 through 2004; and

''(3) to the Department of Defense to carry out subsection (e)—

''(A) $600,000 for fiscal year 2000; and

''(B) $300,000 for each of fiscal years 2001 through 2004.''.

(c) CONDITIONS OF RELEASE.—

(1) CONDITIONS OF PROBATION.—Section 3563(a) of title 18, United States Code, is amended—

(A) in paragraph (7), by striking ''and'' at the end;

(B) in paragraph (8), by striking the period at the end and inserting ''; and''; and

(C) by inserting after paragraph (8) the following:

''(9) that the defendant cooperate in the collection of a DNA sample from the defendant if the collection of such a sample is required or authorized pursuant to section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132).''.

(2) CONDITIONS OF SUPERVISED RELEASE.—Section 3583(d) of title 18, United States Code, is amended by inserting before ''The court shall also order'' the following: ''The court shall order, as an explicit condition of supervised release, that the defendant cooperate in the collection of a DNA sample from the defendant, if the collection of such a sample is required or authorized pursuant to section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132).''.

(3) CONDITIONS OF RELEASE GENERALLY.—If the collection of a DNA sample from an individual on probation, parole, or supervised release pursuant to a conviction or adjudication of delinquency under the law of any jurisdiction (including an individual on parole pursuant to chapter 311 of title 18, United States Code, as in effect on October 30, 1997) is required or authorized pursuant to section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132), and the sample has not otherwise been collected, the individual shall cooperate in the collection of a DNA sample as a condition of that probation, parole, or supervised release.

(d) REPORT AND EVALUATION.—Not later than 1 year after the date of enactment of this Act, the Attorney General, acting through the Assistant Attorney General for the Office of Justice Programs of the Department of Justice and the Director of the Federal Bureau of Investigation, shall—

(1) conduct an evaluation to—

(A) identify criminal offenses, including offenses other than qualifying offenses (as defined in section 210304(d)(1) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132(d)(1)), as added by this section) that, if serving as a basis for the mandatory collection of a DNA sample under section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132) or under State law, are likely to yield DNA matches, and the relative degree of such likelihood with respect to each such offense; and

(B) determine the number of investigations aided (including the number of suspects cleared), and the rates of prosecution and conviction of suspects identified through DNA matching; and

(2) submit to Congress a report describing the results of the evaluation under paragraph (1).

(e) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) DRUG CONTROL AND SYSTEM IMPROVEMENT GRANTS.—Section 503(a)(12)(C) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3753(a)(12)(C)) is amended by striking '', at regular intervals of not to exceed 180 days,'' and inserting ''semiannual''.

(2) DNA IDENTIFICATION GRANTS.—Section 2403(3) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796kk–2(3)) is amended by striking '', at regular intervals not exceeding 180 days,'' and inserting ''semiannual''.

(3) FEDERAL BUREAU OF INVESTIGATION.—Section 210305(a)(1)(A) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14133(a)(1)(A)) is amended by striking '', at regular intervals of not to exceed 180 days,'' and inserting ''semiannual''.

TITLE XVI—MISCELLANEOUS PROVISIONS

Subtitle A—General Provisions

SEC. 1601. PROHIBITION ON FIREARMS POSSESSION BY VIOLENT JUVENILE OFFENDERS.

(a) DEFINITION.—Section 921(a)(20) of title 18, United States Code, is amended—

(1) by inserting ''(A)'' after ''(20)'';

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(3) by inserting after subparagraph (A) the following:

''(B) For purposes of subsections (d) and (g) of section 922, the term 'act of violent juvenile delinquency' means an adjudication of delinquency in Federal or State court, based on a finding of the commission of an act by a person prior to his or her eighteenth birthday that, if committed by an adult, would be a serious or violent felony, as defined in section 3559(c)(2)(F)(i) had Federal jurisdiction existed and been exercised (except that section 3559(c)(3) shall not apply to this subparagraph).''; and

(4) in the undesignated paragraph following subparagraph (B) (as added by paragraph (3) of this subsection), by striking ''What constitutes'' and all that follows through ''this chapter,'' and inserting the following:

''(C) What constitutes a conviction of such a crime or an adjudication of an act of violent juvenile delinquency shall be determined in accordance with the law of the jurisdiction in which the proceedings were held. Any State conviction or adjudication of an act of violent juvenile delinquency that has been expunged or set aside, or for which a person has been pardoned or has had civil rights restored, by the jurisdiction in which the conviction or adjudication of an act of violent juvenile delinquency occurred shall not be considered to be a conviction or adjudication of an act of violent juvenile delinquency for purposes of this chapter,''.

(b) PROHIBITION.—Section 922 of title 18, United States Code, is amended—

(1) in subsection (d)—

(A) in paragraph (8), by striking ''or'' at the end;

(B) in paragraph (9), by striking the period at the end and inserting ''; or''; and

(C) by inserting after paragraph (9) the following:

''(10) has committed an act of violent juvenile delinquency.''; and

(2) in subsection (g)—

(A) in paragraph (8), by striking ''or'' at the end;

(B) in paragraph (9), by striking the comma at the end and inserting ''; or''; and

(C) by inserting after paragraph (9) the following:

''(10) who has committed an act of violent juvenile delinquency,''.

(c) EFFECTIVE DATE OF ADJUDICATION PROVISIONS.—The amendments made by this section shall only apply to an adjudication of an act of violent juvenile delinquency that occurs after the date that is 30 days after the date on which the Attorney General certifies to Congress and separately notifies Federal firearms licensees, through publication in the Federal Register by the Secretary of the Treasury, that the records of such adjudications are routinely available in the national instant criminal background check system established under section 103(b) of the Brady Handgun Violence Prevention Act.

SEC. 1602. SAFE STUDENTS.

(a) SHORT TITLE.—This section may be cited as the ''Safe Students Act.''

(b) PURPOSE.—It is the purpose of this section to maximize local flexibility in responding to the threat of juvenile violence through the implementation of effective school violence prevention and safety programs.

(c) PROGRAM AUTHORIZED.—The Attorney General shall, subject to the availability of appropriations, award grants to local education agencies and to law enforcement agencies to assist in the planning, establishing, operating, coordinating and evaluating of school violence prevention and school safety programs.

(d) APPLICATION REQUIREMENTS.—

(1) IN GENERAL.—To be eligible to receive a grant under subsection (c), an entity shall—

(A) be a local education agency or a law enforcement agency; and

(B) prepare and submit to the Attorney General an application at such time, in such manner and containing such information as the Attorney General may require, including—

(i) a detailed explanation of the intended uses of funds provided under the grant; and

(ii) a written assurance that the schools to be served under the grant will have a zero tolerance policy in effect for drugs, alcohol, weapons, truancy and juvenile crime on school campuses.

(2) PRIORITY.—The Attorney General shall give priority in awarding grants under this section to applications that have been submitted jointly by a local education agency and a law enforcement agency.

(e) ALLOWABLE USES OF FUNDS.—Amounts received under a grant under this section shall be used for innovative, local responses, consistent with the purposes of this Act, which may include—

(1) training, including in-service training, for school personnel, custodians and bus drivers in—

(A) the identification of potential threats (such as illegal weapons and explosive devices);

(B) crisis preparedness and intervention procedures; and

(C) emergency response;

(2) training of interested parents, teachers and other school and law enforcement personnel in the identification and responses to early warning signs of troubled and violent youth;

(3) innovative research-based delinquency and violence prevention programs, including mentoring programs;

(4) comprehensive school security assessments;

(5) the purchase of school security equipment and technologies such as metal detectors, electronic locks, surveillance cameras;

(6) collaborative efforts with law enforcement agencies, community-based organizations (including faith-based organizations) that have demonstrated expertise in providing effective, research-based violence prevention and intervention programs to school age children;

(7) providing assistance to families in need for the purpose of purchasing required school uniforms;

(8) school resource officers, including community police officers; and

(9) community policing in and around schools.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $200,000,000 for fiscal year 2000, and such sums as may be necessary for each of fiscal years 2001 through 2004.

(g) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this section, and every 2 years thereafter, the Attorney General shall prepare and submit to the appropriate committees of Congress a report concerning the manner in which grantees have used amounts received under a grant under this section.

SEC. 1603. STUDY OF MARKETING PRACTICES OF THE FIREARMS INDUSTRY.

(a) IN GENERAL.—The Federal Trade Commission and the Attorney General shall jointly conduct a study of the marketing practices of the firearms industry, with respect to children.

(b) ISSUES EXAMINED.—In conducting the study under subsection (a), the Commission and the Attorney General shall examine the extent to which the firearms industry advertises and promotes its products to juveniles, including in media outlets in which minors comprise a substantial percentage of the audience.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Commission and the Attorney General shall submit to Congress a report on the study conducted under subsection (a).

SEC. 1604. PROVISION OF INTERNET FILTERING OR SCREENING SOFTWARE BY CERTAIN INTERNET SERVICE PROVIDERS.

(a) REQUIREMENT TO PROVIDE.—Each Internet service provider shall at the time of entering an agreement with a residential customer for the provision of Internet access services, provide to such customer, either at no fee or at a fee not in excess of the amount specified in subsection (c), computer software or other filtering or blocking system that allows the customer to prevent the access of minors to material on the Internet.

(b) SURVEYS OF PROVISION OF SOFTWARE OR SYSTEMS.—

(1) SURVEYS.—The Office of Juvenile Justice and Delinquency Prevention of the Department of Justice and the Federal Trade Commission shall jointly conduct surveys of the extent to which Internet service providers are providing computer software or systems described in subsection (a) to their subscribers.

(2) FREQUENCY.—The surveys required by paragraph (1) shall be completed as follows:

(A) One shall be completed not later than one year after the date of the enactment of this Act.

(B) One shall be completed not later than two years after that date.

(C) One shall be completed not later than three years after that date.

(c) FEES.—The fee, if any, charged and collected by an Internet service provider for providing computer software or a system described in subsection (a) to a residential customer shall not exceed the amount equal to the cost of the provider in providing the software or system to the subscriber, including the cost of the software or system and of any license required with respect to the software or system.

(d) APPLICABILITY.—The requirement described in subsection (a) shall become effective only if—

(1) 1 year after the date of the enactment of this Act, the Office and the Commission determine as a result of the survey completed by the deadline in subsection (b)(2)(A) that less than 75 percent of the total number of residential subscribers of Internet service providers as of such deadline are provided computer software or systems described in subsection (a) by such providers;

(2) 2 years after the date of the enactment of this Act, the Office and the Commission determine as a result of the survey completed by the deadline in subsection (b)(2)(B) that less than 85 percent of the total number of residential subscribers of Internet service providers as of such deadline are provided such software or systems by such providers; or

(3) 3 years after the date of the enactment of this Act, if the Office and the Commission determine as a result of the survey completed by the deadline in subsection (b)(2)(C) that less than 100 percent of the total number of residential subscribers of Internet service providers as of such deadline are provided such software or systems by such providers.

(e) INTERNET SERVICE PROVIDER DEFINED.—In this section, the term ''Internet service provider'' means a service provider as defined in section 512(k)(1)(A) of title 17, United States Code, which has more than 50,000 subscribers.

SEC. 1605. APPLICATION OF SECTION 923 (j) AND (m).

Notwithstanding any other provision of this Act, section 923 of title 18, United States Code, as amended by this Act, shall be applied by amending in subsections (j) and (m) the following:

(1) In subsection (j) amend—

(A) paragraph (2) (A), (B) and (C) to read as follows:

''(A) IN GENERAL.—A temporary location referred to in paragraph (1) is a location for a gun show, or event in the State specified on the license, at which firearms, firearms accessories and related items may be bought, sold, traded, and displayed, in accordance with Federal, State, and local laws.

''(B) LOCATIONS OUT OF STATE.—If the location is not in the State specified on the license, a licensee may display any firearm, and take orders for a firearm or effectuate the transfer of a firearm, in accordance with this chapter, including paragraph (7) of this subsection.

''(C) QUALIFIED GUN SHOWS OR EVENTS.—A gun show or an event shall qualify as a temporary location if—

''(i) the gun show or event is one which is sponsored, for profit or not, by an individual, national, State, or local organization, association, or other entity to foster the collecting, competitive use, sporting use, or any other legal use of firearms; and

''(ii) the gun show or event has—

''(I) 20 percent or more firearm exhibitors out of all exhibitors; or

''(II) 10 or more firearms exhibitors.''.

(B) paragraph (3)(C) to read as follows:

''(C) shall be retained at the premises specified on the license.''; and

(C) paragraph (7) to read as follows:

''(7) NO EFFECT ON OTHER RIGHTS.—Nothing in this subsection diminishes in any manner any right to display, sell, or otherwise dispose of firearms or ammunition that is in effect before the date of enactment of the Firearms Owners' Protection Act, including the right of a licensee to conduct firearms transfers and business away from their business premises with another licensee without regard to whether the location of the business is in the State specified on the license of either licensee.''.

(2) In subsection (m), amend—

(A) paragraph (2)(E)(i) to read as follows:

''(i) IN GENERAL.—A person not licensed under this section who desires to transfer a firearm at a gun show in his State of residence to another person who is a resident of the same State, and not licensed under this section, shall only make such a transfer through a licensee who can conduct an instant background check at the gun show, or directly to the prospective transferee if an instant background check is first conducted by a special registrant at the gun show on the prospective transferee. For any instant background check conducted at a gun show, the time period stated in section 922(t)(1)(B)(ii) of this chapter shall be 24 hours in a calendar day since the licensee contacted the system. If the services of a special registrant are used to determine the firearms eligibility of the prospective transferee to possesses a firearm, the transferee shall provide the special registrant at the gun show, on a special and limited-purpose form that the Secretary shall prescribe for use by a special registrant—

''(I) the name, age, address, and other identifying information of the prospective transferee (or, in the case of a prospective transferee that is a corporation or other business entity, the identity and principal and local places of business of the prospective transferee); and

''(II) proof of verification of the identity of the prospective transferee as required by section 922(t)(1)(C).''; and

(B) paragraph (4) to read as follows:

''(4) IMMUNITY.—

''(A) DEFINITION.—In this paragraph:

''(i) IN GENERAL.—The term 'qualified civil liability action' means a civil action brought by any person against a person described in subparagraph (B) for damages resulting from the criminal or unlawful misuse of the firearm by the transferee or a third party.

''(ii) EXCLUSIONS.—The term 'qualified civil liability action' shall not include an action—

''(I) brought against a transferor convicted under section 924(h), or a comparable State felony law, by a person directly harmed by the transferee's criminal conduct, as defined in section 924(h); or

''(II) brought against a transferor for negligent entrustment or negligence per se.

''(B) IMMUNITY.—Notwithstanding any other provision of law, a person who is—

''(i) a special registrant who performs a background check in the manner prescribed in this subsection at a gun show;

''(ii) a licensee or special licensee who acquires a firearm at a gun show from a nonlicensee, for transfer to another nonlicensee in attendance at the gun show, for the purpose of effectuating a sale, trade, or transfer between the 2 nonlicensees, all in the manner prescribed for the acquisition and disposition of a firearm under this chapter; or

''(iii) a nonlicensee person disposing of a firearm who uses the services of a person described in clause (i) or (ii);

shall be entitled to immunity from civil liability action as described in subparagraphs (C) and (D).

''(C) PROSPECTIVE ACTIONS.—A qualified civil liability action may not be brought in any Federal or State court.

''(D) DISMISSAL OF PENDING ACTIONS.—A qualified civil liability action that is pending on the date of enactment of this subsection shall be dismissed immediately by the court.''.

SEC. 1606. CONSTITUTIONALITY OF MEMORIAL SERVICES AND MEMORIALS AT PUBLIC SCHOOLS.

(a) FINDINGS.—The Congress of the United States finds that the saying of a prayer, the reading of a scripture, or the performance of religious music as part of a memorial service that is held on the campus of a public school in order to honor the memory of any person slain on that campus does not violate the First Amendment to the Constitution of the United States, and that the design and construction of any memorial that is placed on the campus of a public school in order to honor the memory of any person slain on that campus a part of which includes religious symbols, motifs, or sayings does not

violate the First Amendment to the Constitution of the United States.

(b) LAWSUITS.—In any lawsuit claiming that the type of memorial or memorial service described in subsection (a) violates the Constitution of the United States—

(1) each party shall pay its own attorney's fees and costs, notwithstanding any other provision of law, and

(2) the Attorney General of the United States is authorized to provide legal assistance to the school district or other governmental entity that is defending the legality of such memorial service.

SEC. 1607. TWENTY-FIRST AMENDMENT ENFORCEMENT.

(a) SHIPMENT OF INTOXICATING LIQUOR INTO STATE IN VIOLATION OF STATE LAW.—The Act entitled ''An Act divesting intoxicating liquors of their interstate character in certain cases'', approved March 1, 1913 (commonly known as the ''Webb-Kenyon Act'') (27 U.S.C. 122) is amended by adding at the end the following:

''SEC. 2. INJUNCTIVE RELIEF IN FEDERAL DISTRICT COURT.

''(a) DEFINITIONS.—In this section—

''(1) the term 'attorney general' means the attorney general or other chief law enforcement officer of a State, or the designee thereof;

''(2) the term 'intoxicating liquor' means any spirituous, vinous, malted, fermented, or other intoxicating liquor of any kind;

''(3) the term 'person' means any individual and any partnership, corporation, company, firm, society, association, joint stock company, trust, or other entity capable of holding a legal or beneficial interest in property, but does not include a State or agency thereof; and

''(4) the term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.

''(b) ACTION BY STATE ATTORNEY GENERAL.—If the attorney general of a State has reasonable cause to believe that a person is engaged in, is about to engage in, or has engaged in, any act that would constitute a violation of a State law regulating the importation or transportation of any intoxicating liquor, the attorney general may bring a civil action in accordance with this section for injunctive relief (including a preliminary or permanent injunction or other order) against the person, as the attorney general determines to be necessary to—

''(1) restrain the person from engaging, or continuing to engage, in the violation; and

''(2) enforce compliance with the State law.

''(c) FEDERAL JURISDICTION.—

''(1) IN GENERAL.—The district courts of the United States shall have jurisdiction over any action brought under this section.

''(2) VENUE.—An action under this section may be brought only in accordance with section 1391 of title 28, United States Code.

''(d) REQUIREMENTS FOR INJUNCTIONS AND ORDERS.—

''(1) IN GENERAL.—In any action brought under this section, upon a proper showing by the attorney general of the State, the court shall issue a preliminary or permanent injunction or other order without requiring the posting of a bond.

''(2) NOTICE.—No preliminary or permanent injunction or other order may be issued under paragraph (1) without notice to the adverse party.

''(3) FORM AND SCOPE OF ORDER.—Any preliminary or permanent injunction or other order entered in an action brought under this section shall—

''(A) set forth the reasons for the issuance of the order;

''(B) be specific in terms;

''(C) describe in reasonable detail, and not by reference to the complaint or other document, the act or acts to be restrained; and

''(D) be binding only upon—

''(i) the parties to the action and the officers, agents, employees, and attorneys of those parties; and

''(ii) persons in active cooperation or participation with the parties to the action who receive actual notice of the order by personal service or otherwise.

''(e) CONSOLIDATION OF HEARING WITH TRIAL ON MERITS.—

''(1) IN GENERAL.—Before or after the commencement of a hearing on an application for a preliminary or permanent injunction or other order under this section, the court may order the trial of the action on the merits to be advanced and consolidated with the hearing on the application.

''(2) ADMISSIBILITY OF EVIDENCE.—If the court does not order the consolidation of a trial on the merits with a hearing on an application described in paragraph (1), any evidence received upon an application for a preliminary or permanent injunction or other order that would be admissible at the trial on the merits shall become part of the record of the trial and shall not be required to be received again at the trial.

''(f) NO RIGHT TO TRIAL BY JURY.—An action brought under this section shall be tried before the court.

''(g) ADDITIONAL REMEDIES.—

''(1) IN GENERAL.—A remedy under this section is in addition to any other remedies provided by law.

''(2) STATE COURT PROCEEDINGS.—Nothing in this section may be construed to prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of any State law.''.

SEC. 1608. INTERSTATE SHIPMENT AND DELIVERY OF INTOXICATING LIQUORS.

Chapter 59 of title 18, United States Code, is amended—

(1) in section 1263—

(A) by inserting ''a label on the shipping container that clearly and prominently identifies the contents as alcoholic beverages, and a'' after ''accompanied by''; and

(B) by inserting ''and requiring upon delivery the signature of a person who has attained the age for the lawful purchase of intoxicating liquor in the State in which the delivery is made,'' after ''contained therein,''; and

(2) in section 1264, by inserting ''or to any person other than a person who has attained the age for the lawful purchase of intoxicating liquor in the State in which the delivery is made,'' after ''consignee,''.

SEC. 1609. DISCLAIMER ON MATERIALS PRODUCED, PROCURED OR DISTRIBUTED FROM FUNDING AUTHORIZED BY THIS ACT.

(a) All materials produced, procured, or distributed, in whole or in part, as a result of Federal funding authorized under this Act for expenditure by Federal, State or local governmental recipients or other nongovernmental entities shall have printed thereon the following language:

''This material has been printed, procured or distributed, in whole or in part, at the expense of the Federal Government. Any person who objects to the accuracy of the material, to the completeness of the material, or to the representations made within the material, including objections related to this material's characterization of religious beliefs, are encouraged to direct their comments to the office of the Attorney General of the United States.''.

(b) All materials produced, procured, or distributed using funds authorized under this Act shall have printed thereon, in addition to the language contained in paragraph (a), a complete address for an office designated by the Attorney General to receive comments from members of the public.

(c) The office designated under paragraph (b) by the Attorney General to receive comments shall, every six months, prepare an accurate summary of all comments received by the office. This summary shall include details about the number of comments received and the specific nature of the concerns raised within the comments, and shall be provided to the Chairmen of the Senate and House Judiciary Committees, the Senate and House Education Committees, the Majority and Minority Leaders of the Senate, and the Speaker and Minority Leader of the House of Representatives. Further, the comments received shall be retained by the office and shall be made available to any member of the general public upon request.

SEC. 1610. AIMEE'S LAW.

(a) SHORT TITLE.—This section may be cited as ''Aimee's Law''.

(b) DEFINITIONS.—In this section:

(1) DANGEROUS SEXUAL OFFENSE.—The term ''dangerous sexual offense'' means sexual abuse or sexually explicit conduct committed by an individual who has attained the age of 18 years against an individual who has not attained the age of 14 years.

(2) MURDER.—The term ''murder'' has the meaning given the term under applicable State law.

(3) RAPE.—The term ''rape'' has the meaning given the term under applicable State law.

(4) SEXUAL ABUSE.—The term ''sexual abuse'' has the meaning given the term under applicable State law.

(5) SEXUALLY EXPLICIT CONDUCT.—The term ''sexually explicit conduct'' has the meaning given the term under applicable State law.

(c) REIMBURSEMENT TO STATES FOR CRIMES COMMITTED BY CERTAIN RELEASED FELONS.—

(1) PENALTY.—

(A) SINGLE STATE.—In any case in which a State convicts an individual of murder, rape, or a dangerous sexual offense, who has a prior conviction for any 1 of those offenses in a State described in subparagraph (C), the Attorney General shall transfer an amount equal to the costs of incarceration, prosecution, and apprehension of that individual, from Federal law enforcement assistance funds that have been allocated to but not distributed to the State that convicted the individual of the prior offense, to the State account that collects Federal law enforcement assistance funds of the State that convicted that individual of the subsequent offense.

(B) MULTIPLE STATES.—In any case in which a State convicts an individual of murder, rape, or a dangerous sexual offense, who has a prior conviction for any 1 or more of those offenses in more than 1 other State described in subparagraph (C), the Attorney General shall transfer an amount equal to the costs of incarceration, prosecution, and apprehension of that individual, from Federal law enforcement assistance funds that have been allocated to but not distributed to each State that convicted such individual of the prior offense, to the State account that collects Federal law enforcement assistance funds of the State that convicted that individual of the subsequent offense.

(C) STATE DESCRIBED.—A State is described in this subparagraph if—

(i) the State has not adopted Federal truth-in-sentencing guidelines under section 20104 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13704);

(ii) the average term of imprisonment imposed by the State on individuals convicted

of the offense for which the individual described in subparagraph (A) or (B), as applicable, was convicted by the State is less than 10 percent above the average term of imprisonment imposed for that offense in all States; or

(iii) with respect to the individual described in subparagraph (A) or (B), as applicable, the individual had served less than 85 percent of the term of imprisonment to which that individual was sentenced for the prior offense.

(2) STATE APPLICATIONS.—In order to receive an amount transferred under paragraph (1), the chief executive of a State shall submit to the Attorney General an application, in such form and containing such information as the Attorney General may reasonably require, which shall include a certification that the State has convicted an individual of murder, rape, or a dangerous sexual offense, who has a prior conviction for 1 of those offenses in another State.

(3) SOURCE OF FUNDS.—Any amount transferred under paragraph (1) shall be derived by reducing the amount of Federal law enforcement assistance funds received by the State that convicted such individual of the prior offense before the distribution of the funds to the State. The Attorney General, in consultation with the chief executive of the State that convicted such individual of the prior offense, shall establish a payment schedule.

(4) CONSTRUCTION.—Nothing in this subsection may be construed to diminish or otherwise affect any court ordered restitution.

(5) EXCEPTION.—This subsection does not apply if the individual convicted of murder, rape, or a dangerous sexual offense has been released from prison upon the reversal of a conviction for an offense described in paragraph (1) and subsequently been convicted for an offense described in paragraph (1).

(d) COLLECTION OF RECIDIVISM DATA.—

(1) IN GENERAL.—Beginning with calendar year 1999, and each calendar year thereafter, the Attorney General shall collect and maintain information relating to, with respect to each State—

(A) the number of convictions during that calendar year for murder, rape, and any sex offense in the State in which, at the time of the offense, the victim had not attained the age of 14 years and the offender had attained the age of 18 years; and

(B) the number of convictions described in subparagraph (A) that constitute second or subsequent convictions of the defendant of an offense described in that subparagraph.

(2) REPORT.—Not later than March 1, 2000, and on March 1 of each year thereafter, the Attorney General shall submit to Congress a report, which shall include—

(A) the information collected under paragraph (1) with respect to each State during the preceding calendar year; and

(B) the percentage of cases in each State in which an individual convicted of an offense described in paragraph (1)(A) was previously convicted of another such offense in another State during the preceding calendar year.

SEC. 1611. DRUG TESTS AND LOCKER INSPECTIONS.

(a) SHORT TITLE.—This section may be cited as the ''School Violence Prevention Act''.

(b) AMENDMENT.—Section 4116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7116(b)) is amended—

(1) in paragraph (9), by striking ''and'' after the semicolon;

(2) by redesignating paragraph (10) as paragraph (11); and

(3) by inserting after paragraph (9) the following:

''(10) consistent with the fourth amendment to the Constitution of the United States, testing a student for illegal drug use or inspecting a student's locker for guns, explosives, other weapons, or illegal drugs, including at the request of or with the consent of a parent or legal guardian of the student, if the local educational agency elects to so test or inspect; and''.

SEC. 1612. WAIVER FOR LOCAL MATCH REQUIREMENT UNDER COMMUNITY POLICING PROGRAM.

Section 1701(i) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(i)) is amended by adding at the end of the first sentence the following:

''The Attorney General shall waive the requirement under this subsection of a non-Federal contribution to the costs of a program, project, or activity that hires law enforcement officers for placement in public schools by a jurisdiction that demonstrates financial need or hardship.''.

SEC. 1613. CARJACKING OFFENSES.

Section 2119 of title 18, United States Code, is amended by striking '', with the intent to cause death or serious bodily harm''.

SEC. 1614. SPECIAL FORFEITURE OF COLLATERAL PROFITS OF CRIME.

Section 3681 of title 18, United States Code, is amended by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—

''(1) FORFEITURE OF PROCEEDS.—Upon the motion of the United States attorney made at any time after conviction of a defendant for an offense described in paragraph (2), and after notice to any interested party, the court shall order the defendant to forfeit all or any part of proceeds received or to be received by the defendant, or a transferee of the defendant, from a contract relating to the transfer of a right or interest of the defendant in any property described in paragraph (3), if the court determines that—

''(A) the interests of justice or an order of restitution under this title so require;

''(B) the proceeds (or part thereof) to be forfeited reflect the enhanced value of the property attributable to the offense; and

''(C) with respect to a defendant convicted of an offense against a State—

''(i) the property at issue, or the proceeds to be forfeited, have travelled in interstate or foreign commerce or were derived through the use of an instrumentality of interstate or foreign commerce; and

''(ii) the attorney general of the State has declined to initiate a forfeiture action with respect to the proceeds to be forfeited.

''(2) OFFENSES DESCRIBED.—An offense is described in this paragraph if it is—

''(A) an offense under section 794 of this title;

''(B) a felony offense against the United States or any State; or

''(C) a misdemeanor offense against the United States or any State resulting in physical harm to any individual.

''(3) PROPERTY DESCRIBED.—Property is described in this paragraph if it is any property, tangible or intangible, including any—

''(A) evidence of the offense;

''(B) instrument of the offense, including any vehicle used in the commission of the offense;

''(C) real estate where the offense was committed;

''(D) document relating to the offense;

''(E) photograph or audio or video recording relating to the offense;

''(F) clothing, jewelry, furniture, or other personal property relating to the offense;

''(G) movie, book, newspaper, magazine, radio or television production, or live entertainment of any kind depicting the offense or otherwise relating to the offense;

''(H) expression of the thoughts, opinions, or emotions of the defendant regarding the offense; or

''(I) other property relating to the offense.''.

SEC. 1615. CALLER IDENTIFICATION SERVICES TO ELEMENTARY AND SECONDARY SCHOOLS AS PART OF UNIVERSAL SERVICE OBLIGATION.

(a) CLARIFICATION.—Section 254(h)(1)(B) of the Communications Act of 1934 (47 U.S.C. 254(h)(1)(B)) is amended by inserting after ''under subsection (c)(3),'' the following: ''including caller identification services with respect to elementary and secondary schools,''.

(b) OUTREACH.—The Federal Communications Commission shall take appropriate actions to notify elementary and secondary schools throughout the United States of—

(1) the availability of caller identification services as part of the services that are within the definition of universal service under section 254(h)(1)(B) of the Communications Act of 1934; and

(2) the procedures to be used by such schools in applying for such services under that section.

SEC. 1616. PARENT LEADERSHIP MODEL.

(a) IN GENERAL.—The Administrator of the Office of Juvenile Crime Control and Prevention is authorized to make a grant to a national organization to provide training, technical assistance, best practice strategies, program materials and other necessary support for a mutual support, parental leadership model proven to prevent child abuse and juvenile delinquency.

(b) AUTHORIZATION.—There are authorized to be appropriated out of the Violent Crime Trust Fund, $3,000,000.

SEC. 1617. NATIONAL MEDIA CAMPAIGN AGAINST VIOLENCE.

There is authorized to be appropriated to the National Crime Prevention Council not to exceed $25,000,000, to be expended without fiscal-year limitation, for a 2-year national media campaign, to be conducted in consultation with national, statewide or community based youth organizations, Boys and Girls Clubs of America, and to be targeted to parents (and other caregivers) and to youth, to reduce and prevent violent criminal behavior by young Americans: *Provided,* That none of such funds may be used—(1) to propose, influence, favor, or oppose any change in any statute, rule, regulation, treaty, or other provision of law; (2) for any partisan political purpose; (3) to feature any elected officials, persons seeking elected office, cabinet-level officials, or Federal officials employed pursuant to Schedule C of title 5, Code of Federal Regulations, section 213; or (4) in any way that otherwise would violate section 1913 of title 18 of the United States Code: *Provided further,* That, for purposes hereof, ''violent criminal behavior by young Americans'' means behavior, by minors residing in the United States (or in any jurisdiction under the sovereign jurisdiction thereof), that both is illegal under Federal, State, or local law, and involves acts or threats of physical violence, physical injury, or physical harm: *Provided further,* That not to exceed 10 percent of the funds appropriated pursuant to this authorization shall be used to commission an objective accounting, from a licensed and certified public accountant, using generally-accepted accounting principles, of the funds appropriated pursuant to this authorization and of any other funds or in-kind donations spent or used in the campaign, and an objective evaluation both of the impact and cost-effectiveness of the campaign and of the campaign-related activities of the Council and the Clubs, which accounting and evaluation shall be submitted by the Council to the Committees on Appropriations and the Judiciary of each House of Congress by not later than 9 months after the conclusion of the campaign.

SEC. 1618. VICTIMS OF TERRORISM.

(a) IN GENERAL.—Section 1404B of the Victims of Crime Act of 1984 (42 U.S.C. 10603b) is amended to read as follows:

"SEC. 1404B. COMPENSATION AND ASSISTANCE TO VICTIMS OF TERRORISM OR MASS VIOLENCE.

''(a) DEFINITIONS.—In this section—

''(1) the term 'eligible crime victim compensation program' means a program that meets the requirements of section 1402(b);

''(2) the term 'eligible crime victim assistance program' means a program that meets the requirements of section 1404(b);

''(3) the term 'public agency' includes any Federal, State, or local government or nonprofit organization; and

''(4) the term 'victim'—

''(A) means an individual who is citizen or employee of the United States, and who is injured or killed as a result of a terrorist act or mass violence, whether occurring within or outside the United States; and

''(B) includes, in the case of an individual described in subparagraph (A) who is deceased, the family members of the individual.

''(b) GRANTS AUTHORIZED.—The Director may make grants, as provided in either section 1402(d)(4)(B) or 1404—

''(1) to States, which shall be used for eligible crime victim compensation programs and eligible crime victim assistance programs for the benefit of victims; and

''(2) to victim service organizations, and public agencies that provide emergency or ongoing assistance to victims of crime, which shall be used to provide, for the benefit of victims—

''(A) emergency relief (including compensation, assistance, and crisis response) and other related victim services; and

''(B) training and technical assistance for victim service providers.

''(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed to supplant any compensation available under title VIII of the Omnibus Diplomatic Security and Antiterrorism Act of 1986.''.

(b) APPLICABILITY.—The amendment made by this section applies to any terrorist act or mass violence occurring on or after December 20, 1988, with respect to which an investigation or prosecution was ongoing after April 24, 1996.

SEC. 1619. TRUTH-IN-SENTENCING INCENTIVE GRANTS.

(a) QUALIFICATION DATE.—Section 20104 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13704(a)(3)) is amended by striking ''on April 26, 1996'' and inserting ''on or after April 26, 1996.''

(b) MINIMUM AMOUNT.—Section 20106 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13706) is amended by striking subsection (b) and inserting the following:

''(b) FORMULA ALLOCATION.—The amount made available to carry out this section for any fiscal year under section 20104 shall be allocated as follows:

''(1) .75 percent shall be allocated to each State that meets the requirements of section 20104, except that the United States Virgin Islands, America Samoa, Guam, and the Northern Mariana Islands each shall be allocated 0.05 percent; and

''(2) The amount remaining after the application of paragraph (1) shall be allocated to each State that meets the requirements of section 20104 in the ratio that the average annual number of part 1 violent crimes reported by that State to the Federal Bureau of Investigation for the 3 years preceding the year in which the determination is made bears to the average annual number of part 1 violent crimes reported by States that meet the requirements of section 20104 to the Federal Bureau of Investigation for the 3 years preceding the year in which the determination is made, except that a State may not receive more than 25 percent of the total amount available for such grants.''.

SEC. 1620. APPLICATION OF PROVISION RELATING TO A SENTENCE OF DEATH FOR AN ACT OF ANIMAL ENTERPRISE TERRORISM.

Section 3591 of title 18, United States Code (relating to circumstances under which a defendant may be sentenced to death), shall apply to sentencing for a violation of section 43 of title 18, United States Code, as amended by this Act to include the death penalty as a possible punishment.

SEC. 1621. PROHIBITIONS RELATING TO EXPLOSIVE MATERIALS.

(a) PROHIBITION OF SALE, DELIVERY, OR TRANSFER OF EXPLOSIVE MATERIALS TO CERTAIN INDIVIDUALS.—Section 842 of title 18, United States Code, is amended by striking subsection (d) and inserting the following:

''(d) PROHIBITION OF SALE, DELIVERY, OR TRANSFER OF EXPLOSIVE MATERIALS TO CERTAIN INDIVIDUALS.—It shall be unlawful for any licensee to knowingly sell, deliver, or transfer any explosive materials to any individual who—

''(1) is less than 21 years of age;

''(2) is under indictment for, or has been convicted in any court of, a crime punishable by imprisonment for a term exceeding 1 year;

''(3) is a fugitive from justice;

''(4) is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

''(5) has been adjudicated as a mental defective or has been committed to any mental institution;

''(6) being an alien—

''(A) is illegally or unlawfully in the United States; or

''(B) except as provided in section 845(d), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26));

''(7) has been discharged from the Armed Forces under dishonorable conditions;

''(8) having been a citizen of the United States, has renounced his citizenship;

''(9) is subject to a court order that restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child, except that this paragraph shall only apply to a court order that—

''(A) was issued after a hearing of which such person received actual notice, and at which such person had the opportunity to participate; and

''(B)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; and

''(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

''(10) has been convicted in any court of a misdemeanor crime of domestic violence.''.

(b) PROHIBITION ON SHIPPING, TRANSPORTING, POSSESSION, OR RECEIPT OF EXPLOSIVES BY CERTAIN INDIVIDUALS.—Section 842 of title 18, United States Code, is amended by striking subsection (i) and inserting the following:

''(i) PROHIBITION ON SHIPPING, TRANSPORTING, POSSESSION, OR RECEIPT OF EXPLOSIVES BY CERTAIN INDIVIDUALS.—It shall be unlawful for any person to ship or transport in interstate or foreign commerce, or possess, in or affecting commerce, any explosive, or to receive any explosive that has been shipped or transported in interstate or foreign commerce, if that person—

''(1) is less than 21 years of age;

''(2) has been convicted in any court, of a crime punishable by imprisonment for a term exceeding 1 year;

''(3) is a fugitive from justice;

''(4) is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

''(5) has been adjudicated as a mental defective or who has been committed to a mental institution;

''(6) being an alien—

''(A) is illegally or unlawfully in the United States; or

''(B) except as provided in section 845(d), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26));

''(7) has been discharged from the Armed Forces under dishonorable conditions;

''(8) having been a citizen of the United States, has renounced his citizenship; or

''(9) is subject to a court order that—

''(A) was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;

''(B) restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

''(C)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; and

''(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

''(10) has been convicted in any court of a misdemeanor crime of domestic violence.''.

(c) EXCEPTIONS AND WAIVER FOR CERTAIN INDIVIDUALS.—Section 845 of title 18, United States Code, is amended by adding at the end the following:

''(d) EXCEPTIONS AND WAIVER FOR CERTAIN INDIVIDUALS.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'alien' has the same meaning as in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)); and

''(B) the term 'nonimmigrant visa' has the same meaning as in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)).

''(2) EXCEPTIONS.—Subsections (d)(5)(B) and (i)(5)(B) of section 842 do not apply to any alien who has been lawfully admitted to the United States pursuant to a nonimmigrant visa, if that alien is—

''(A) admitted to the United States for lawful hunting or sporting purposes;

''(B) a foreign military personnel on official assignment to the United States;

''(C) an official of a foreign government or a distinguished foreign visitor who has been so designated by the Department of State; or

''(D) a foreign law enforcement officer of a friendly foreign government entering the United States on official law enforcement business.

''(3) WAIVER.—

''(A) IN GENERAL.—Any individual who has been admitted to the United States under a nonimmigrant visa and who is not described in paragraph (2), may receive a waiver from

the applicability of subsection (d)(5)(B) or (i)(5)(B) of section 842, if—

''(i) the individual submits to the Attorney General a petition that meets the requirements of subparagraph (B); and

''(ii) the Attorney General approves the petition.

''(B) PETITIONS.—Each petition under subparagraph (A)(i) shall—

''(i) demonstrate that the petitioner has resided in the United States for a continuous period of not less than 180 days before the date on which the petition is submitted under this paragraph; and

''(ii) include a written statement from the embassy or consulate of the petitioner, authorizing the petitioner to engage in any activity prohibited under subsection (d) or (i) of section 842, as applicable, and certifying that the petitioner would not otherwise be prohibited from engaging in that activity under subsection (d) or (i) of section 842, as applicable.''.

SEC. 1622. DISTRICT JUDGES FOR DISTRICTS IN THE STATES OF ARIZONA, FLORIDA, AND NEVADA.

(a) SHORT TITLE.—This section may be cited as the ''Emergency Federal Judgeship Act of 1999''.

(b) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

(1) 3 additional district judges for the district of Arizona;

(2) 4 additional district judges for the middle district of Florida; and

(3) 2 additional district judges for the district of Nevada.

(c) TABLES.—In order that the table contained in section 133 of title 28, United States Code, will reflect the changes in the total number of permanent district judgeships authorized as a result of subsection (a) of this section—

(1) the item relating to Arizona in such table is amended to read as follows:

''Arizona ..... 11'';

(2) the item relating to Florida in such table is amended to read as follows:

''Florida:
Northern 4
Middle 15
Southern ..... 16'';

and

(3) the item relating to Nevada in such table is amended to read as follows:

''Nevada ..... 6''.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section, including such sums as may be necessary to provide appropriate space and facilities for the judicial positions created by this section.

SEC. 1623. BEHAVIORAL AND SOCIAL SCIENCE RESEARCH ON YOUTH VIOLENCE.

(a) NIH RESEARCH.—The National Institutes of Health, acting through the Office of Behavioral and Social Sciences Research, shall carry out a coordinated, multi-year course of behavioral and social science research on the causes and prevention of youth violence.

(b) NATURE OF RESEARCH.—Funds made available to the National Institutes of Health pursuant to this section shall be utilized to conduct, support, coordinate, and disseminate basic and applied behavioral and social science research with respect to youth violence, including research on 1 or more of the following subjects:

(1) The etiology of youth violence.

(2) Risk factors for youth violence.

(3) Childhood precursors to antisocial violent behavior.

(4) The role of peer pressure in inciting youth violence.

(5) The processes by which children develop patterns of thought and behavior, including beliefs about the value of human life.

(6) Science-based strategies for preventing youth violence, including school and community-based programs.

(7) Other subjects that the Director of the Office of Behavioral and Social Sciences Research deems appropriate.

(c) ROLE OF THE OFFICE OF BEHAVIORAL AND SOCIAL SCIENCES RESEARCH.—Pursuant to this section and section 404A of the Public Health Service Act (42 U.S.C. 283c), the Director of the Office of Behavioral and Social Sciences Research shall—

(1) coordinate research on youth violence conducted or supported by the agencies of the National Institutes of Health;

(2) identify youth violence research projects that should be conducted or supported by the research institutes, and develop such projects in cooperation with such institutes and in consultation with State and Federal law enforcement agencies;

(3) take steps to further cooperation and collaboration between the National Institutes of Health and the Centers for Disease Control and Prevention, the Substance Abuse and Mental Health Services Administration, the agencies of the Department of Justice, and other governmental and nongovernmental agencies with respect to youth violence research conducted or supported by such agencies;

(4) establish a clearinghouse for information about youth violence research conducted by governmental and nongovernmental entities; and

(5) periodically report to Congress on the state of youth violence research and make recommendations to Congress regarding such research.

(d) FUNDING.—There is authorized to be appropriated, $5,000,000 for each of fiscal years 2000 through 2004 to carry out this section. If amount are not separately appropriated to carry out this section, the Director of the National Institutes of Health shall carry out this section using funds appropriated generally to the National Institutes of Health, except that funds expended for under this section shall supplement and not supplant existing funding for behavioral research activities at the National Institutes of Health.

SEC. 1624. SENSE OF THE SENATE REGARDING MENTORING PROGRAMS.

(a) FINDINGS.—The Senate finds that—

(1) the well-being of all people of the United States is preserved and enhanced when young people are given the guidance they need to live healthy and productive lives;

(2) adult mentors can play an important role in ensuring that young people become healthy, productive, successful members of society;

(3) at-risk young people with mentors are 46 percent less likely to begin using illegal drugs than at-risk young people without mentors;

(4) at-risk young people with mentors are 27 percent less likely to begin using alcohol than at-risk young people without mentors;

(5) at-risk young people with mentors are 53 percent less likely to skip school than at-risk young people without mentors;

(6) at-risk young people with mentors are 33 percent less likely to hit someone than at-risk young people without mentors;

(7) 73 percent of students with mentors report that their mentors helped raise their goals and expectations; and

(8) there are many employees of the Federal Government who would like to serve as youth or family mentors but are unable to leave their jobs to participate in mentoring programs.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the President should issue an Executive Order allowing all employees of the Federal Government to use a maximum of 1 hour each week of excused absence or administrative leave to serve as mentors in youth or family mentoring programs.

SEC. 1625. FAMILIES AND SCHOOLS TOGETHER PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Office of Juvenile Justice and Delinquency in the Department of Justice.

(2) FAST PROGRAM.—The term ''FAST program'' means a program that addresses the urgent social problems of youth violence and chronic juvenile delinquency by building and enhancing juveniles' relationships with their families, peers, teachers, school staff, and other members of the community by bringing together parents, schools, and communities to help—

(A) at-risk children identified by their teachers to succeed;

(B) enhance the functioning of families with at-risk children;

(C) prevent alcohol and other drug abuse in the family; and

(D) reduce the stress that their families experience from daily life.

(b) AUTHORIZATION.—In consultation with the Attorney General, the Secretary of Education, and the Secretary of the Department of Health and Human Services, the Administrator shall carry out a Family and Schools Together program to promote FAST programs.

(c) REGULATIONS.—Not later than 60 days after the date of enactment of this Act, the Administrator, in consultation with the Attorney General, the Secretary of Education, and the Secretary of the Department of Health and Human Services shall develop regulations governing the distribution of the funds for FAST programs.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $9,000,000 for each of the fiscal years 2000 through 2004.

(2) ALLOCATION.—Of amounts appropriated under paragraph (1)—

(A) 83.33 percent shall be available for the implementation of local FAST programs; and

(B) 16.67 percent shall be available for research and evaluation of FAST programs.

SEC. 1626. AMENDMENTS RELATING TO VIOLENT CRIME IN INDIAN COUNTRY AND AREAS OF EXCLUSIVE FEDERAL JURISDICTION.

(a) ASSAULTS WITH MARITIME AND TERRITORIAL JURISDICTION.—Section 113(a)(3) of title 18, United States Code, is amended by striking ''with intent to do bodily harm, and''.

(b) OFFENSES COMMITTED WITHIN INDIAN COUNTRY.—Section 1153 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting ''an offense for which the maximum statutory term of imprisonment under section 1363 is greater than 5 years,'' after ''a felony under chapter 109A,''; and

(2) by adding at the end the following:

''(c) Nothing in this section shall limit the inherent power of an Indian tribe to exercise criminal jurisdiction over any Indian with respect to any offense committed within Indian country, subject to the limitations on punishment under section 202(7) of the Civil Rights Act of 1968 (25 U.S.C. 1302(7)).''.

(c) RACKETEERING ACTIVITY.—Section 1961(1)(A) of title 18, United States Code, is amended by inserting ''(or would have been so chargeable except that the act or threat was committed in Indian country, as defined

in section 1151, or in any other area of exclusive Federal jurisdiction)'' after ''chargeable under State law''.

(d) MANSLAUGHTER WITHIN THE SPECIAL MARITIME AND TERRITORIAL JURISDICTION OF THE UNITED STATES.—Section 1112(b) of title 18, United States Code, is amended by striking ''ten years'' and inserting ''20 years''.

(e) EMBEZZLEMENT AND THEFT FROM INDIAN TRIBAL ORGANIZATIONS.—The second undesignated paragraph of section 1163 of title 18, United States Code, is amended by striking ''so embezzled,'' and inserting ''embezzled,''.

SEC. 1627. FEDERAL JUDICIARY PROTECTION ACT OF 1999.

(a) SHORT TITLE.—This section may be cited as the ''Federal Judiciary Protection Act of 1999''.

(b) ASSAULTING, RESISTING, OR IMPEDING CERTAIN OFFICERS OR EMPLOYEES.—Section 111 of title 18, United States Code, is amended—

(1) in subsection (a), by striking ''three'' and inserting ''8''; and

(2) in subsection (b), by striking ''ten'' and inserting ''20''.

(c) INFLUENCING, IMPEDING, OR RETALIATING AGAINST A FEDERAL OFFICIAL BY THREATENING OR INJURING A FAMILY MEMBER.—Section 115(b)(4) of title 18, United States Code, is amended—

(1) by striking ''five'' and inserting ''10''; and

(2) by striking ''three'' and inserting ''6''.

(d) MAILING THREATENING COMMUNICATIONS.—Section 876 of title 18, United States Code, is amended—

(1) by designating the first 4 undesignated paragraphs as subsections (a) through (d), respectively;

(2) in subsection (c), as so designated, by adding at the end the following: ''If such a communication is addressed to a United States judge, a Federal law enforcement officer, or an official who is covered by section 1114, the individual shall be fined under this title, imprisoned not more than 10 years, or both.''; and

(3) in subsection (d), as so designated, by adding at the end the following: ''If such a communication is addressed to a United States judge, a Federal law enforcement officer, or an official who is covered by section 1114, the individual shall be fined under this title, imprisoned not more than 10 years, or both.''.

(e) AMENDMENT OF THE SENTENCING GUIDELINES FOR ASSAULTS AND THREATS AGAINST FEDERAL JUDGES AND CERTAIN OTHER FEDERAL OFFICIALS AND EMPLOYEES.—

(1) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and amend the Federal sentencing guidelines and the policy statements of the Commission, if appropriate, to provide an appropriate sentencing enhancement for offenses involving influencing, assaulting, resisting, impeding, retaliating against, or threatening a Federal judge, magistrate judge, or any other official described in section 111 or 115 of title 18, United States Code.

(2) FACTORS FOR CONSIDERATION.—In carrying out this section, the United States Sentencing Commission shall consider, with respect to each offense described in paragraph (1)—

(A) any expression of congressional intent regarding the appropriate penalties for the offense;

(B) the range of conduct covered by the offense;

(C) the existing sentences for the offense;

(D) the extent to which sentencing enhancements within the Federal sentencing guidelines and the court's authority to impose a sentence in excess of the applicable guideline range are adequate to ensure punishment at or near the maximum penalty for the most egregious conduct covered by the offense;

(E) the extent to which Federal sentencing guideline sentences for the offense have been constrained by statutory maximum penalties;

(F) the extent to which Federal sentencing guidelines for the offense adequately achieve the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code;

(G) the relationship of Federal sentencing guidelines for the offense to the Federal sentencing guidelines for other offenses of comparable seriousness; and

(H) any other factors that the Commission considers to be appropriate.

SEC. 1628. LOCAL ENFORCEMENT OF LOCAL ALCOHOL PROHIBITIONS THAT REDUCE JUVENILE CRIME IN REMOTE ALASKA VILLAGES.

(a) CONGRESSIONAL FINDINGS.—The Congress finds the following:

(1) Villages in remote areas of Alaska lack local law enforcement due to the absence of a tax base to support such services and to small populations that do not secure sufficient funds under existing State and Federal grant program formulas.

(2) State troopers are often unable to respond to reports of violence in remote villages if there is inclement weather, and often only respond in reported felony cases.

(3) Studies conclude that alcohol consumption is strongly linked to the commission of violent crimes in remote Alaska villages and that youth are particularly susceptible to developing chronic criminal behaviors associated with alcohol in the absence of early intervention.

(4) Many remote villages have sought to limit the introduction of alcohol into their communities as a means of early intervention and to reduce criminal conduct among juveniles.

(5) In many remote villages, there is no person with the authority to enforce these local alcohol restrictions in a manner consistent with judicical standards of due process required under the State and Federal constitutions.

(6) Remote Alaska villages are experiencing a marked increase in births and the number of juveniles residing in villages is expected to increase dramatically in the next 5 years.

(7) Adoption of alcohol prohibitions by voters in remote villages represents a community-based effort to reduce juvenile crime, but this local policy choice requires local law enforcement to be effective.

(b) GRANT OF FEDERAL FUNDS.—(1) The Attorney General is authorized to provide to the State of Alaska funds for State law enforcement, judicial infrastructure and other costs necessary in remote villages to implement the prohibitions on the sale, importation and possession of alcohol adopted pursuant to State local option statutes.

(2) Funds provided to the State of Alaska under this section shall be in addition to and shall not disqualify the State, local governments, or Indian tribes (as that term is defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (P.L. 93–638, as amended; 25 U.S.C. 450b(e) (1998)) from Federal funds available under other authority.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

(A) $15,000,000 for fiscal year 2000;

(B) $17,000,000 for fiscal year 2001;

(C) $18,000,000 for fiscal year 2002.

(2) SOURCE OF SUMS.—Amounts authorized to be appropriated under this subsection may be derived from the Violent Crime Reduction Trust Fund.

SEC. 1629. RULE OF CONSTRUCTION.

Nothing in this Act may be construed to create, expand or diminish or in any way affect the jurisdiction of an Indian tribe in the State of Alaska.

SEC. 1630. BOUNTY HUNTER ACCOUNTABILITY AND QUALITY ASSISTANCE.

(a) FINDINGS.—Congress finds that—

(1) bounty hunters, also known as bail enforcement officers or recovery agents, provide law enforcement officers and the courts with valuable assistance in recovering fugitives from justice;

(2) regardless of the differences in their duties, skills, and responsibilities, the public has had difficulty in discerning the difference between law enforcement officers and bounty hunters;

(3) the availability of bail as an alternative to the pretrial detention or unsecured release of criminal defendants is important to the effective functioning of the criminal justice system;

(4) the safe and timely return to custody of fugitives who violate bail contracts is an important matter of public safety, as is the return of any other fugitive from justice;

(5) bail bond agents are widely regulated by the States, whereas bounty hunters are largely unregulated;

(6) the public safety requires the employment of qualified, well-trained bounty hunters; and

(7) in the course of their duties, bounty hunters often move in and affect interstate commerce.

(b) DEFINITIONS.—In this section—

(1) the term ''bail bond agent'' means any retail seller of a bond to secure the release of a criminal defendant pending judicial proceedings, unless such person also is self-employed to obtain the recovery of any fugitive from justice who has been released on bail;

(2) the term ''bounty hunter''—

(A) means any person whose services are engaged, either as an independent contractor or as an employee of a bounty hunter employer, to obtain the recovery of any fugitive from justice who has been released on bail; and

(B) does not include any—

(i) law enforcement officer acting under color of law;

(ii) attorney, accountant, or other professional licensed under applicable State law;

(iii) employee whose duties are primarily internal audit or credit functions;

(iv) person while engaged in the performance of official duties as a member of the Armed Forces on active duty (as defined in section 101(d)(1) of title 10, United States Code); or

(v) bail bond agent;

(3) the term ''bounty hunter employer''—

(A) means any person that—

(i) employs 1 or more bounty hunters; or

(ii) provides, as an independent contractor, for consideration, the services of 1 or more bounty hunters (which may include the services of that person); and

(B) does not include any bail bond agent; and

(4) the term ''law enforcement officer'' means a public officer or employee authorized under applicable Federal or State law to conduct or engage in the prevention, investigation, prosecution, or adjudication of criminal offenses, including any public officer or employee engaged in corrections, parole, or probation functions, or the recovery of any fugitive from justice.

(c) MODEL GUIDELINES.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall develop model guidelines for the State control and regulation of persons employed or applying for employment as bounty hunters. In developing such

guidelines, the Attorney General shall consult with organizations representing—

(A) State and local law enforcement officers;

(B) State and local prosecutors;

(C) the criminal defense bar;

(D) bail bond agents;

(E) bounty hunters; and

(F) corporate sureties.

(2) RECOMMENDATIONS.—The guidelines developed under paragraph (1) shall include recommendations of the Attorney General regarding whether—

(A) a person seeking employment as a bounty hunter should—

(i) be required to submit to a fingerprint-based criminal background check prior to entering into the performance of duties pursuant to employment as a bounty hunter; or

(ii) not be allowed to obtain such employment if that person has been convicted of a felony offense under Federal or State law;

(B) bounty hunters and bounty hunter employers should be required to obtain adequate liability insurance for actions taken in the course of performing duties pursuant to employment as a bounty hunter; and

(C) State laws should provide—

(i) for the prohibition on bounty hunters entering any private dwelling, unless the bounty hunter first knocks on the front door and announces the presence of 1 or more bounty hunters; and

(ii) the official recognition of bounty hunters from other States.

(3) EFFECT ON BAIL.—The guidelines published under paragraph (1) shall include an analysis of the estimated effect, if any, of the adoption of the guidelines by the States on—

(A) the cost and availability of bail; and

(B) the bail bond agent industry.

(4) NO REGULATORY AUTHORITY.—Nothing in this subsection may be construed to authorize the promulgation of any Federal regulation relating to bounty hunters, bounty hunter employers, or bail bond agents.

(5) PUBLICATION OF GUIDELINES.—The Attorney General shall publish model guidelines developed pursuant to paragraph (1) in the Federal Register.

SEC. 1631. ASSISTANCE FOR UNINCORPORATED NEIGHBORHOOD WATCH PROGRAMS.

(a) IN GENERAL.—Section 1701(d) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(d)) is amended—

(1) in paragraph (10), by striking ''and'' at the end;

(2) in paragraph (11), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(12) provide assistance to unincorporated neighborhood watch organizations approved by the appropriate local police or sheriff's department, in an amount equal to not more than $1,950 per organization, for the purchase of citizen band radios, street signs, magnetic signs, flashlights, and other equipment relating to neighborhood watch patrols.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(11) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(11)) is amended—

(1) in subparagraph (A), by striking clause (vi) and inserting the following:

''(vi) $282,625,000 for fiscal year 2000.''; and

(2) in subparagraph (B) by inserting after ''(B)'' the following: ''Of amounts made available to carry out part Q in each fiscal year $14,625,000 shall be used to carry out section 1701(d)(12).''.

SEC. 1632. FINDINGS AND SENSE OF CONGRESS.

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

(1) The Nation's highest priority should be to ensure that children begin school ready to learn.

(2) New scientific research shows that the electrical activity of brain cells actually changes the physical structure of the brain itself and that without a stimulating environment, a baby's brain will suffer. At birth, a baby's brain contains 100,000,000,000 neurons, roughly as many nerve cells as there are stars in the Milky Way, but the wiring pattern between these neurons develops over time. Children who play very little or are rarely touched develop brains that are 20 to 30 percent smaller than normal for their age.

(3) This scientific research also conclusively demonstrates that enhancing children's physical, social, emotional, and intellectual development will result in tremendous benefits for children, families, and the Nation.

(4) Since more than 50 percent of the mothers of children under the age of 3 now work outside of the home, society must change to provide new supports so young children receive the attention and care that they need.

(5) There are 12,000,000 children under the age of 3 in the United States today and 1 in 4 lives in poverty.

(6) Compared with most other industrialized countries, the United States has a higher infant mortality rate, a higher proportion of low-birth weight babies, and a smaller proportion of babies immunized against childhood diseases.

(7) National and local studies have found a strong link between—

(A) lack of early intervention for children; and

(B) increased violence and crime among youth.

(8) The United States will spend more than $35,000,000,000 over the next 5 years on Federal programs for at-risk or delinquent youth and child welfare programs, which address crisis situations that frequently could have been avoided or made much less severe through good early intervention for children.

(9) Many local communities across the country have developed successful early childhood efforts and with additional resources could expand and enhance opportunities for young children.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Federal funding for early childhood development collaboratives should be a priority in the Federal budget for fiscal year 2000 and subsequent fiscal years.

SEC. 1633. PROHIBITION ON PROMOTING VIOLENCE ON FEDERAL PROPERTY.

(a) GENERAL RULE.—A Federal department or agency that—

(1) considers a request from an individual or entity for the use of any property, facility, equipment, or personnel of the department or agency, or for any other cooperation from the department or agency, to film a motion picture or television production for commercial purposes; and

(2) makes a determination as to whether granting a request described in paragraph (1) is consistent with—

(A) United States policy;

(B) the mission or interest of the department or agency; or

(C) the public interest;

shall not grant such a request without considering whether such motion picture or television production glorifies or endorses wanton and gratuitous violence.

(b) EXCEPTION.—Subsection (a) shall not apply to—

(1) any bona fide newsreel or news television production; or

(2) any public service announcement.

SEC. 1634. PROVISIONS RELATING TO PAWN SHOPS AND SPECIAL LICENSEES.

(a) Notwithstanding any other provision of this Act, the repeal heretofore effected by paragraph (1) and the amendment heretofore effected by paragraph (2) of subsection (c) with the heading ''Provision Related to Pawn and Other Transactions'' of section 503 of title V with the heading ''General Firearm Provisions'' shall be null and void.

(b) Notwithstanding any other provision of this Act, section 923(m)(1), of title 18, United States Code, as heretofore provided, is amended by adding at the end the following subparagraph:

''(F) COMPLIANCE.—Except as to the State and local planning and zoning requirements for a licensed premises as provided in subparagraph (D), a special licensee shall be subject to all of the provisions of this chapter applicable to dealers, including, but not limited to, the performance of an instant background check.''.

SEC. 1635. EXTENSION OF BRADY BACKGROUND CHECKS TO GUN SHOWS.

(a) FINDINGS.—Congress finds that—

(1) more than 4,400 traditional gun shows are held annually across the United States, attracting thousands of attendees per show and hundreds of Federal firearms licensees and nonlicensed firearms sellers;

(2) traditional gun shows, as well as flea markets and other organized events, at which a large number of firearms are offered for sale by Federal firearms licensees and nonlicensed firearms sellers, form a significant part of the national firearms market;

(3) firearms and ammunition that are exhibited or offered for sale or exchange at gun shows, flea markets, and other organized events move easily in and substantially affect interstate commerce;

(4) in fact, even before a firearm is exhibited or offered for sale or exchange at a gun show, flea market, or other organized event, the gun, its component parts, ammunition, and the raw materials from which it is manufactured have moved in interstate commerce;

(5) gun shows, flea markets, and other organized events at which firearms are exhibited or offered for sale or exchange, provide a convenient and centralized commercial location at which firearms may be bought and sold anonymously, often without background checks and without records that enable gun tracing;

(6) at gun shows, flea markets, and other organized events at which guns are exhibited or offered for sale or exchange, criminals and other prohibited persons obtain guns without background checks and frequently use guns that cannot be traced to later commit crimes;

(7) many persons who buy and sell firearms at gun shows, flea markets, and other organized events cross State lines to attend these events and engage in the interstate transportation of firearms obtained at these events;

(8) gun violence is a pervasive, national problem that is exacerbated by the availability of guns at gun shows, flea markets, and other organized events;

(9) firearms associated with gun shows have been transferred illegally to residents of another State by Federal firearms licensees and nonlicensed firearms sellers, and have been involved in subsequent crimes including drug offenses, crimes of violence, property crimes, and illegal possession of firearms by felons and other prohibited persons; and

(10) Congress has the power, under the interstate commerce clause and other provisions of the Constitution of the United States, to ensure, by enactment of this Act, that criminals and other prohibited persons

do not obtain firearms at gun shows, flea markets, and other organized events.

(b) DEFINITIONS.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

''(35) GUN SHOW.—The term 'gun show' means any event—

''(A) at which 50 or more firearms are offered or exhibited for sale, transfer, or exchange, if 1 or more of the firearms has been shipped or transported in, or otherwise affects, interstate or foreign commerce; and

''(B) at which—

''(i) not less than 20 percent of the exhibitors are firearm exhibitors;

''(ii) there are not less than 10 firearm exhibitors; or

''(iii) 50 or more firearms are offered for sale, transfer, or exchange.

''(36) GUN SHOW PROMOTER.—The term 'gun show promoter' means any person who organizes, plans, promotes, or operates a gun show.

''(37) GUN SHOW VENDOR.—The term 'gun show vendor' means any person who exhibits, sells, offers for sale, transfers, or exchanges 1 or more firearms at a gun show, regardless of whether or not the person arranges with the gun show promoter for a fixed location from which to exhibit, sell, offer for sale, transfer, or exchange 1 or more firearms.''

(c) REGULATION OF FIREARMS TRANSFERS AT GUN SHOWS.—

(1) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following:

''§ 931. Regulation of firearms transfers at gun shows

''(a) REGISTRATION OF GUN SHOW PROMOTERS.—It shall be unlawful for any person to organize, plan, promote, or operate a gun show unless that person—

''(1) registers with the Secretary in accordance with regulations promulgated by the Secretary; and

''(2) pays a registration fee, in an amount determined by the Secretary.

''(b) RESPONSIBILITIES OF GUN SHOW PROMOTERS.—It shall be unlawful for any person to organize, plan, promote, or operate a gun show unless that person—

''(1) before commencement of the gun show, verifies the identity of each gun show vendor participating in the gun show by examining a valid identification document (as defined in section 1028(d)(1)) of the vendor containing a photograph of the vendor;

''(2) before commencement of the gun show, requires each gun show vendor to sign—

''(A) a ledger with identifying information concerning the vendor; and

''(B) a notice advising the vendor of the obligations of the vendor under this chapter; and

''(3) notifies each person who attends the gun show of the requirements of this chapter, in accordance with such regulations as the Secretary shall prescribe; and

''(4) maintains a copy of the records described in paragraphs (1) and (2) at the permanent place of business of the gun show promoter for such period of time and in such form as the Secretary shall require by regulation.

''(c) RESPONSIBILITIES OF TRANSFERORS OTHER THAN LICENSEES.—

''(1) IN GENERAL.—If any part of a firearm transaction takes place at a gun show, it shall be unlawful for any person who is not licensed under this chapter to transfer a firearm to another person who is not licensed under this chapter, unless the firearm is transferred through a licensed importer, licensed manufacturer, or licensed dealer in accordance with subsection (e).

''(2) CRIMINAL BACKGROUND CHECKS.—A person who is subject to the requirement of paragraph (1)—

''(A) shall not transfer the firearm to the transferee until the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(A); and

''(B) notwithstanding subparagraph (A), shall not transfer the firearm to the transferee if the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(B).

''(3) ABSENCE OF RECORDKEEPING REQUIREMENTS.—Nothing in this section shall permit or authorize the Secretary to impose recordkeeping requirements on any nonlicensed vendor.

''(d) RESPONSIBILITIES OF TRANSFEREES OTHER THAN LICENSEES.—

''(1) IN GENERAL.—If any part of a firearm transaction takes place at a gun show, it shall be unlawful for any person who is not licensed under this chapter to receive a firearm from another person who is not licensed under this chapter, unless the firearm is transferred through a licensed importer, licensed manufacturer, or licensed dealer in accordance with subsection (e).

''(2) CRIMINAL BACKGROUND CHECKS.—A person who is subject to the requirement of paragraph (1)—

''(A) shall not receive the firearm from the transferor until the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(A); and

''(B) notwithstanding subparagraph (A), shall not receive the firearm from the transferor if the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(B).

''(e) RESPONSIBILITIES OF LICENSEES.—A licensed importer, licensed manufacturer, or licensed dealer who agrees to assist a person who is not licensed under this chapter in carrying out the responsibilities of that person under subsection (c) or (d) with respect to the transfer of a firearm shall—

''(1) enter such information about the firearm as the Secretary may require by regulation into a separate bound record;

''(2) record the transfer on a form specified by the Secretary;

''(3) comply with section 922(t) as if transferring the firearm from the inventory of the licensed importer, licensed manufacturer, or licensed dealer to the designated transferee (although a licensed importer, licensed manufacturer, or licensed dealer complying with this subsection shall not be required to comply again with the requirements of section 922(t) in delivering the firearm to the nonlicensed transferor), and notify the nonlicensed transferor and the nonlicensed transferee—

''(A) of such compliance; and

''(B) if the transfer is subject to the requirements of section 922(t)(1), of any receipt by the licensed importer, licensed manufacturer, or licensed dealer of a notification from the national instant criminal background check system that the transfer would violate section 922 or would violate State law;

''(4) not later than 10 days after the date on which the transfer occurs, submit to the Secretary a report of the transfer, which report—

''(A) shall be on a form specified by the Secretary by regulation; and

''(B) shall not include the name of or other identifying information relating to any person involved in the transfer who is not licensed under this chapter;

''(5) if the licensed importer, licensed manufacturer, or licensed dealer assists a person other than a licensee in transferring, at 1 time or during any 5 consecutive business days, 2 or more pistols or revolvers, or any combination of pistols and revolvers totaling 2 or more, to the same nonlicensed person, in addition to the reports required under paragraph (4), prepare a report of the multiple transfers, which report shall be—

''(A) prepared on a form specified by the Secretary; and

''(B) not later than the close of business on the date on which the transfer occurs, forwarded to—

''(i) the office specified on the form described in subparagraph (A); and

''(ii) the appropriate State law enforcement agency of the jurisdiction in which the transfer occurs; and

''(6) retain a record of the transfer as part of the permanent business records of the licensed importer, licensed manufacturer, or licensed dealer.

''(f) RECORDS OF LICENSEE TRANSFERS.—If any part of a firearm transaction takes place at a gun show, each licensed importer, licensed manufacturer, and licensed dealer who transfers 1 or more firearms to a person who is not licensed under this chapter shall, not later than 10 days after the date on which the transfer occurs, submit to the Secretary a report of the transfer, which report—

''(1) shall be in a form specified by the Secretary by regulation;

''(2) shall not include the name of or other identifying information relating to the transferee; and

''(3) shall not duplicate information provided in any report required under subsection (e)(4).

''(g) FIREARM TRANSACTION DEFINED.—In this section, the term 'firearm transaction'—

''(1) includes the offer for sale, sale, transfer, or exchange of a firearm; and

''(2) does not include the mere exhibition of a firearm.''.

(2) PENALTIES.—Section 924(a) of title 18, United States Code, is amended by adding at the end the following:

''(7)(A) Whoever knowingly violates section 931(a) shall be fined under this title, imprisoned not more than 5 years, or both.

''(B) Whoever knowingly violates subsection (b) or (c) of section 931, shall be—

''(i) fined under this title, imprisoned not more than 2 years, or both; and

''(ii) in the case of a second or subsequent conviction, such person shall be fined under this title, imprisoned not more than 5 years, or both.

''(C) Whoever willfully violates section 931(d), shall be—

''(i) fined under this title, imprisoned not more than 2 years, or both; and

''(ii) in the case of a second or subsequent conviction, such person shall be fined under this title, imprisoned not more than 5 years, or both.

''(D) Whoever knowingly violates subsection (e) or (f) of section 931 shall be fined under this title, imprisoned not more than 5 years, or both.

''(E) In addition to any other penalties imposed under this paragraph, the Secretary may, with respect to any person who knowingly violates any provision of section 931—

''(i) if the person is registered pursuant to section 931(a), after notice and opportunity for a hearing, suspend for not more than 6 months or revoke the registration of that person under section 931(a); and

''(ii) impose a civil fine in an amount equal to not more than $10,000.''.

(3) TECHNICAL AND CONFORMING AMENDMENTS.—Chapter 44 of title 18, United States Code, is amended—

(A) in the chapter analysis, by adding at the end the following:

''931. Regulation of firearms transfers at gun shows.'';

and

(B) in the first sentence of section 923(j), by striking ''a gun show or event'' and inserting ''an event''; and

(d) INSPECTION AUTHORITY.—Section 923(g)(1) is amended by adding at the end the following:

''(E) Notwithstanding subparagraph (B), the Secretary may enter during business hours the place of business of any gun show promoter and any place where a gun show is held for the purposes of examining the records required by sections 923 and 931 and the inventory of licensees conducting business at the gun show. Such entry and examination shall be conducted for the purposes of determining compliance with this chapter by gun show promoters and licensees conducting business at the gun show and shall not require a showing of reasonable cause or a warrant.''.

(e) INCREASED PENALTIES FOR SERIOUS RECORDKEEPING VIOLATIONS BY LICENSEES.—Section 924(a)(3) of title 18, United States Code, is amended to read as follows:

''(3)(A) Except as provided in subparagraph (B), any licensed dealer, licensed importer, licensed manufacturer, or licensed collector who knowingly makes any false statement or representation with respect to the information required by this chapter to be kept in the records of a person licensed under this chapter, or violates section 922(m) shall be fined under this title, imprisoned not more than 1 year, or both.

''(B) If the violation described in subparagraph (A) is in relation to an offense—

''(i) under paragraph (1) or (3) of section 922(b), such person shall be fined under this title, imprisoned not more than 5 years, or both; or

''(ii) under subsection (a)(6) or (d) of section 922, such person shall be fined under this title, imprisoned not more than 10 years, or both.''.

(f) INCREASED PENALTIES FOR VIOLATIONS OF CRIMINAL BACKGROUND CHECK REQUIREMENTS.—

(1) PENALTIES.—Section 924 of title 18, United States Code, is amended—

(A) in paragraph (5), by striking ''subsection (s) or (t) of section 922'' and inserting ''section 922(s)''; and

(B) by adding at the end the following:

''(8) Whoever knowingly violates section 922(t) shall be fined under this title, imprisoned not more than 5 years, or both.''.

(2) ELIMINATION OF CERTAIN ELEMENTS OF OFFENSE.—Section 922(t)(5) of title 18, United States Code, is amended by striking ''and, at the time'' and all that follows through ''State law''.

(g) GUN OWNER PRIVACY AND PREVENTION OF FRAUD AND ABUSE OF SYSTEM INFORMATION.—Section 922(t)(2)(C) of title 18, United States Code, is amended by inserting before the period at the end the following: '', as soon as possible, consistent with the responsibility of the Attorney General under section 103(h) of the Brady Handgun Violence Prevention Act to ensure the privacy and security of the system and to prevent system fraud and abuse, but in no event later than 90 days after the date on which the licensee first contacts the system with respect to the transfer''.

(h) EFFECTIVE DATE.—This section (other than subsection (i)) and the amendments made by this section shall take effect 180 days after the date of enactment of this Act.

(i) INAPPLICABILITY OF OTHER PROVISIONS.—Notwithstanding any other provision of this Act, the provisions of the title headed ''**GENERAL FIREARM PROVISIONS**'' (as added by the amendment of Mr. Craig number 332) and the provisions of the section headed ''**APPLICATION OF SECTION 923 (j) AND (m)**'' (as added by the amendment of Mr. Hatch number 344) shall be null and void.

SEC. 1636. APPROPRIATE INTERVENTIONS AND SERVICES; CLARIFICATION OF FEDERAL LAW.

(a) APPROPRIATE INTERVENTIONS AND SERVICES.—School personnel shall ensure that immediate appropriate interventions and services, including mental health interventions and services, are provided to a child removed from school for any act of violence, including carrying or possessing a weapon to or at a school, on school premises, or to or at a school function under the jurisdiction of a State or local educational agency, in order to—

(1) to ensure that our Nation's schools and communities are safe; and

(2) maximize the likelihood that such child shall not engage in such behaviors, or such behaviors do not reoccur.

(b) CLARIFICATION OF FEDERAL LAW.—Nothing in Federal law shall be construed—

(1) to prohibit an agency from reporting a crime committed by a child, including a child with a disability, to appropriate authorities; or

(2) to prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to a crime committed by a child, including a child with a disability.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) AUTHORIZATION.—There are authorized to be appropriated to pay the costs of the interventions and services described in subsection (a) such sums as may be necessary for each of the fiscal years 2000 through 2004.

(2) DISTRIBUTION.—The Secretary of Education shall provide for the distribution of the funds made available under paragraph (1)—

(A) to States for a fiscal year in the same manner as the Secretary makes allotments to States under section 4011(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7111(b)) for the fiscal year; and

(B) to local educational agencies for a fiscal year in the same manner as funds are distributed to local educational agencies under section 4113(d)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7113(d)(2)) for the fiscal year.

SEC. 1637. SAFE SCHOOLS.

(a) AMENDMENTS.—Part F of title XIV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8921 et seq.) is amended as follows:

(1) SHORT TITLE.—Section 14601(a) is amended by replacing ''Gun-Free'' with ''Safe'', and ''1994'' with ''1999''.

(2) REQUIREMENTS.—Section 14601(b)(1) is amended by inserting after ''determined'' the following: ''to be in possession of felonious quantities of an illegal drug, on school property under the jurisdiction of, or in a vehicle operated by an employee or agent of, a local educational agency in that State, or''.

(3) DEFINITIONS.—Section 14601(b)(4) is amended by replacing ''Definition'' with ''Definitions'' in the catchline, by replacing ''section'' in the matter under the catchline with ''part'', by redesignating the matter under the catchline after the comma as subparagraph (A), by replacing the period with a semicolon, and by adding new subparagraphs (B), (C), and (D) as follows:

''(B) the term 'illegal drug' means a controlled substance, as defined in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)), the possession of which is unlawful under the Act (21 U.S.C. 801 et seq.) or under the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), but does not mean a controlled substance used pursuant to a valid prescription or as authorized by law; and

''(C) the term 'illegal drug paraphernalia' means drug paraphernalia, as defined in section 422(d) of the Controlled Substances Act (21 U.S.C. 863(d)), except that the first sentence of that section shall be applied by inserting 'or under the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.)', before the period.

''(D) the term 'felonious quantities of an illegal drug' means any quantity of an illegal drug—

''(i) possession of which quantity would, under Federal, State, or local law, either constitute a felony or indicate an intent to distribute; or

''(ii) that is possessed with an intent to distribute.''.

(4) REPORT TO STATE.—Section 14601(d)(2)(C) is amended by inserting ''illegal drugs or'' before ''weapons''.

(5) REPEALER.—Section 14601 is amended by striking subsection (f).

(6) POLICY REGARDING CRIMINAL JUSTICE SYSTEM REFERRAL.—Section 14602(a) is amended by replacing ''served by'' with ''under the jurisdiction of'', and by inserting after ''who'' the following: ''is in possession of an illegal drug, or illegal drug paraphernalia, on school property under the jurisdiction of, or in a vehicle operated by an employee or agent of, such agency, or who''.

(7) DATA AND POLICY DISSEMINATION UNDER IDEA.—Section 14603 is amended by inserting ''current'' before ''policy'', by striking ''in effect on October 20, 1994'', by striking all the matter after ''schools'' and inserting a period thereafter, and by inserting before ''engaging'' the following: ''possessing illegal drugs, or illegal drug paraphernalia, on school property, or in vehicles operated by employees or agents of, schools or local educational agencies, or''.

(b) COMPLIANCE DATE; REPORTING.—(1) States shall have 2 years from the date of enactment of this Act to comply with the requirements established in the amendments made by subsection (a).

(2) Not later than 3 years after the date of enactment of this Act, the Secretary of Education shall submit to Congress a report on any State that is not in compliance with the requirements of this part.

(3) Not later than 2 years after the date of enactment of this Act, the Secretary of Education shall submit to Congress a report analyzing the strengths and weaknesses of approaches regarding the disciplining of children with disabilities.

SEC. 1638. SCHOOL COUNSELING.

Section 10102 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8002) is amended to read as follows:

''SEC. 10102. ELEMENTARY SCHOOL AND SECONDARY SCHOOL COUNSELING DEMONSTRATION.

''(a) COUNSELING DEMONSTRATION.—

''(1) IN GENERAL.—The Secretary may award grants under this section to local educational agencies to enable the local educational agencies to establish or expand elementary school counseling programs.

''(2) PRIORITY.—In awarding grants under this section, the Secretary shall give special consideration to applications describing programs that—

''(A) demonstrate the greatest need for new or additional counseling services among the children in the schools served by the applicant;

''(B) propose the most promising and innovative approaches for initiating or expanding school counseling; and

''(C) show the greatest potential for replication and dissemination.

''(3) EQUITABLE DISTRIBUTION.—In awarding grants under this section, the Secretary shall ensure an equitable geographic distribution among the regions of the United States and among urban, suburban, and rural areas.

''(4) DURATION.—A grant under this section shall be awarded for a period not to exceed three years.

''(5) MAXIMUM GRANT.—A grant under this section shall not exceed $400,000 for any fiscal year.

''(b) APPLICATIONS.—

''(1) IN GENERAL.—Each local educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

''(2) CONTENTS.—Each application for a grant under this section shall—

''(A) describe the school population to be targeted by the program, the particular personal, social, emotional, educational, and career development needs of such population, and the current school counseling resources available for meeting such needs;

''(B) describe the activities, services, and training to be provided by the program and the specific approaches to be used to meet the needs described in subparagraph (A);

''(C) describe the methods to be used to evaluate the outcomes and effectiveness of the program;

''(D) describe the collaborative efforts to be undertaken with institutions of higher education, businesses, labor organizations, community groups, social service agencies, and other public or private entities to enhance the program and promote school-linked services integration;

''(E) describe collaborative efforts with institutions of higher education which specifically seek to enhance or improve graduate programs specializing in the preparation of school counselors, school psychologists, and school social workers;

''(F) document that the applicant has the personnel qualified to develop, implement, and administer the program;

''(G) describe how any diverse cultural populations, if applicable, would be served through the program;

''(H) assure that the funds made available under this part for any fiscal year will be used to supplement and, to the extent practicable, increase the level of funds that would otherwise be available from non-Federal sources for the program described in the application, and in no case supplant such funds from non-Federal sources; and

''(I) assure that the applicant will appoint an advisory board composed of parents, school counselors, school psychologists, school social workers, other pupil services personnel, teachers, school administrators, and community leaders to advise the local educational agency on the design and implementation of the program.

''(c) USE OF FUNDS.—

''(1) IN GENERAL.—Grant funds under this section shall be used to initiate or expand school counseling programs that comply with the requirements in paragraph (2).

''(2) PROGRAM REQUIREMENTS.—Each program assisted under this section shall—

''(A) be comprehensive in addressing the personal, social, emotional, and educational needs of all students;

''(B) use a developmental, preventive approach to counseling;

''(C) increase the range, availability, quantity, and quality of counseling services in the elementary schools of the local educational agency;

''(D) expand counseling services only through qualified school counselors, school psychologists, and school social workers;

''(E) use innovative approaches to increase children's understanding of peer and family relationships, work and self, decision-making, or academic and career planning, or to improve social functioning;

''(F) provide counseling services that are well-balanced among classroom group and small group counseling, individual counseling, and consultation with parents, teachers, administrators, and other pupil services personnel;

''(G) include inservice training for school counselors, school social workers, school psychologists, other pupil services personnel, teachers, and instructional staff;

''(H) involve parents of participating students in the design, implementation, and evaluation of a counseling program;

''(I) involve collaborative efforts with institutions of higher education, businesses, labor organizations, community groups, social service agencies, or other public or private entities to enhance the program and promote school-linked services integration;

''(J) evaluate annually the effectiveness and outcomes of the counseling services and activities assisted under this section;

''(K) ensure a team approach to school counseling by maintaining a ratio in the elementary schools of the local educational agency that does not exceed 1 school counselor to 250 students, 1 school social worker to 800 students, and 1 school psychologist to 1,000 students; and

''(L) ensure that school counselors, school psychologists, or school social workers paid from funds made available under this section spend at least 85 percent of their total worktime at the school in activities directly related to the counseling process and not more than 15 percent of such time on administrative tasks that are associated with the counseling program.

''(3) REPORT.—The Secretary shall issue a report evaluating the programs assisted pursuant to each grant under this subsection at the end of each grant period in accordance with section 14701, but in no case later than January 30, 2003.

''(4) DISSEMINATION.—The Secretary shall make the programs assisted under this section available for dissemination, either through the National Diffusion Network or other appropriate means.

''(5) LIMIT ON ADMINISTRATION.—Not more than five percent of the amounts made available under this section in any fiscal year shall be used for administrative costs to carry out this section.

''(d) DEFINITIONS.—For purposes of this section—

''(1) the term 'school counselor' means an individual who has documented competence in counseling children and adolescents in a school setting and who—

''(A) possesses State licensure or certification granted by an independent professional regulatory authority;

''(B) in the absence of such State licensure or certification, possesses national certification in school counseling or a specialty of counseling granted by an independent professional organization; or

''(C) holds a minimum of a master's degree in school counseling from a program accredited by the Council for Accreditation of Counseling and Related Educational Programs or the equivalent;

''(2) the term 'school psychologist' means an individual who—

''(A) possesses a minimum of 60 graduate semester hours in school psychology from an institution of higher education and has completed 1,200 clock hours in a supervised school psychology internship, of which 600 hours shall be in the school setting;

''(B) possesses State licensure or certification in the State in which the individual works; or

''(C) in the absence of such State licensure or certification, possesses national certification by the National School Psychology Certification Board;

''(3) the term 'school social worker' means an individual who holds a master's degree in social work and is licensed or certified by the State in which services are provided or holds a school social work specialist credential; and

''(4) the term 'supervisor' means an individual who has the equivalent number of years of professional experience in such individual's respective discipline as is required of teaching experience for the supervisor or administrative credential in the State of such individual.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $15,000,000 for fiscal year 2000 and such sums as may be necessary for each of the 4 succeeding fiscal years.''.

SEC. 1639. CRIMINAL PROHIBITION ON DISTRIBUTION OF CERTAIN INFORMATION RELATING TO EXPLOSIVES, DESTRUCTIVE DEVICES, AND WEAPONS OF MASS DESTRUCTION.

(a) UNLAWFUL CONDUCT.—Section 842 of title 18, United States Code, is amended by adding at the end the following:

''(p) DISTRIBUTION OF INFORMATION RELATING TO EXPLOSIVES, DESTRUCTIVE DEVICES, AND WEAPONS OF MASS DESTRUCTION.—

''(1) DEFINITIONS.—In this subsection:

''(A) The term 'destructive device' has the same meaning as in section 921(a)(4).

''(B) The term 'explosive' has the same meaning as in section 844(j).

''(C) The term 'weapon of mass destruction' has the same meaning as in section 2332a(c)(2).

''(2) PROHIBITION.—It shall be unlawful for any person—

''(A) to teach or demonstrate the making or use of an explosive, a destructive device, or a weapon of mass destruction, or to distribute by any means information pertaining to, in whole or in part, the manufacture or use of an explosive, destructive device, or weapon of mass destruction, with the intent that the teaching, demonstration, or information be used for, or in furtherance of, an activity that constitutes a Federal crime of violence; or

''(B) to teach or demonstrate to any person the making or use of an explosive, a destructive device, or a weapon of mass destruction, or to distribute to any person, by any means, information pertaining to, in whole or in part, the manufacture or use of an explosive, destructive device, or weapon of mass destruction, knowing that such person intends to use the teaching, demonstration, or information for, or in furtherance of, an activity that constitutes a Federal crime of violence.''.

(b) PENALTIES.—Section 844 of title 18, United States Code, is amended—

(1) in subsection (a), by striking ''person who violates any of subsections'' and inserting the following: ''person who—

''(1) violates any of subsections'';

(2) by striking the period at the end and inserting ''; and'';

(3) by adding at the end the following:

''(2) violates subsection (p)(2) of section 842, shall be fined under this title, imprisoned not more than 20 years, or both.''; and

(4) in subsection (j), by striking ''and (i)'' and inserting ''(i), and (p)''.

Subtitle B—James Guelff Body Armor Act

SEC. 1641. SHORT TITLE.

This subtitle may be cited as the ''James Guelff Body Armor Act of 1999''.

SEC. 1642. FINDINGS.

Congress finds that—

(1) nationally, police officers and ordinary citizens are facing increased danger as criminals use more deadly weaponry, body armor, and other sophisticated assault gear;

(2) crime at the local level is exacerbated by the interstate movement of body armor and other assault gear;

(3) there is a traffic in body armor moving in or otherwise affecting interstate commerce, and existing Federal controls over such traffic do not adequately enable the States to control this traffic within their own borders through the exercise of their police power;

(4) recent incidents, such as the murder of San Francisco Police Officer James Guelff by an assailant wearing 2 layers of body armor and a 1997 bank shoot out in north Hollywood, California, between police and 2 heavily armed suspects outfitted in body armor, demonstrate the serious threat to community safety posed by criminals who wear body armor during the commission of a violent crime;

(5) of the approximately 1,200 officers killed in the line of duty since 1980, more than 30 percent could have been saved by body armor, and the risk of dying from gunfire is 14 times higher for an officer without a bulletproof vest;

(6) the Department of Justice has estimated that 25 percent of State and local police are not issued body armor;

(7) the Federal Government is well-equipped to grant local police departments access to body armor that is no longer needed by Federal agencies; and

(8) Congress has the power, under the interstate commerce clause and other provisions of the Constitution of the United States, to enact legislation to regulate interstate commerce that affects the integrity and safety of our communities.

SEC. 1643. DEFINITIONS.

In this subtitle:

(1) BODY ARMOR.—The term ''body armor'' means any product sold or offered for sale, in interstate or foreign commerce, as personal protective body covering intended to protect against gunfire, regardless of whether the product is to be worn alone or is sold as a complement to another product or garment.

(2) LAW ENFORCEMENT AGENCY.—The term ''law enforcement agency'' means an agency of the United States, a State, or a political subdivision of a State, authorized by law or by a government agency to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of criminal law.

(3) LAW ENFORCEMENT OFFICER.—The term ''law enforcement officer'' means any officer, agent, or employee of the United States, a State, or a political subdivision of a State, authorized by law or by a government agency to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of criminal law.

SEC. 1644. AMENDMENT OF SENTENCING GUIDELINES WITH RESPECT TO BODY ARMOR.

(a) SENTENCING ENHANCEMENT.—The United States Sentencing Commission shall amend the Federal sentencing guidelines to provide an appropriate sentencing enhancement, increasing the offense level not less than 2 levels, for any offense in which the defendant used body armor.

(b) APPLICABILITY.—No amendment made to the Federal Sentencing Guidelines pursuant to this section shall apply if the Federal offense in which the body armor is used constitutes a violation of, attempted violation of, or conspiracy to violate the civil rights of any person by a law enforcement officer acting under color of the authority of such law enforcement officer.

SEC. 1645. PROHIBITION OF PURCHASE, USE, OR POSSESSION OF BODY ARMOR BY VIOLENT FELONS.

(a) DEFINITION OF BODY ARMOR.—Section 921 of title 18, United States Code, is amended by adding at the end the following:

''(35) The term 'body armor' means any product sold or offered for sale, in interstate or foreign commerce, as personal protective body covering intended to protect against gunfire, regardless of whether the product is to be worn alone or is sold as a complement to another product or garment.''.

(b) PROHIBITION.—

(1) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following:

''§ 931. Prohibition on purchase, ownership, or possession of body armor by violent felons

''(a) IN GENERAL.—Except as provided in subsection (b), it shall be unlawful for a person to purchase, own, or possess body armor, if that person has been convicted of a felony that is—

''(1) a crime of violence (as defined in section 16); or

''(2) an offense under State law that would constitute a crime of violence under paragraph (1) if it occurred within the special maritime and territorial jurisdiction of the United States.

''(b) AFFIRMATIVE DEFENSE.—

''(1) IN GENERAL.—It shall be an affirmative defense under this section that—

''(A) the defendant obtained prior written certification from his or her employer that the defendant's purchase, use, or possession of body armor was necessary for the safe performance of lawful business activity; and

''(B) the use and possession by the defendant were limited to the course of such performance.

''(2) EMPLOYER.—In this subsection, the term 'employer' means any other individual employed by the defendant's business that supervises defendant's activity. If that defendant has no supervisor, prior written certification is acceptable from any other employee of the business.''.

(2) CLERICAL AMENDMENT.—The analysis for chapter 44 of title 18, United States Code, is amended by adding at the end the following:

''931. Prohibition on purchase, ownership, or possession of body armor by violent felons.''.

(c) PENALTIES.—Section 924(a) of title 18, United States Code, is amended by adding at the end the following:

''(7) Whoever knowingly violates section 931 shall be fined under this title, imprisoned not more than 3 years, or both.''.

SEC. 1646. DONATION OF FEDERAL SURPLUS BODY ARMOR TO STATE AND LOCAL LAW ENFORCEMENT AGENCIES.

(a) DEFINITIONS.—In this section, the terms ''Federal agency'' and ''surplus property'' have the meanings given such terms under section 3 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472).

(b) DONATION OF BODY ARMOR.—Notwithstanding section 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484), the head of a Federal agency may donate body armor directly to any State or local law enforcement agency, if such body armor is—

(1) in serviceable condition; and

(2) surplus property.

(c) NOTICE TO ADMINISTRATOR.—The head of a Federal agency who donates body armor under this section shall submit to the Administrator of General Services a written notice identifying the amount of body armor donated and each State or local law enforcement agency that received the body armor.

(d) DONATION BY CERTAIN OFFICERS.—

(1) DEPARTMENT OF JUSTICE.—In the administration of this section with respect to the Department of Justice, in addition to any other officer of the Department of Justice designated by the Attorney General, the following officers may act as the head of a Federal agency:

(A) The Administrator of the Drug Enforcement Administration.

(B) The Director of the Federal Bureau of Investigation.

(C) The Commissioner of the Immigration and Naturalization Service.

(D) The Director of the United States Marshals Service.

(2) DEPARTMENT OF THE TREASURY.—In the administration of this section with respect to the Department of the Treasury, in addition to any other officer of the Department of the Treasury designated by the Secretary of the Treasury, the following officers may act as the head of a Federal agency:

(A) The Director of the Bureau of Alcohol, Tobacco, and Firearms.

(B) The Commissioner of Customs.

(C) The Director of the United States Secret Service.

SEC. 1647. ADDITIONAL FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) Officer Dale Claxton of the Cortez, Colorado, Police Department was shot and killed by bullets that passed through the windshield of his police car after he stopped a stolen truck, and his life may have been saved if his police car had been equipped with bullet resistant equipment;

(2) the number of law enforcement officers who are killed in the line of duty would significantly decrease if every law enforcement officer in the United States had access to additional bullet resistant equipment;

(3) according to studies, between 1985 and 1994, 709 law enforcement officers in the United States were feloniously killed in the line of duty;

(4) the Federal Bureau of Investigation estimates that the risk of fatality to law enforcement officers while not wearing bullet resistant equipment, such as an armor vest, is 14 times higher than for officers wearing an armor vest;

(5) according to studies, between 1985 and 1994, bullet-resistant materials helped save the lives of more than 2,000 law enforcement officers in the United States; and

(6) the Executive Committee for Indian Country Law Enforcement Improvements reports that violent crime in Indian country has risen sharply despite a decrease in the national crime rate, and has concluded that there is a ''public safety crisis in Indian country''.

(b) PURPOSE.—The purpose of this chapter is to save lives of law enforcement officers by helping State, local, and tribal law enforcement agencies provide officers with bullet resistant equipment and video cameras.

SEC. 1648. MATCHING GRANT PROGRAMS FOR LAW ENFORCEMENT BULLET RESISTANT EQUIPMENT AND FOR VIDEO CAMERAS.

(a) IN GENERAL.—Part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ll et seq.) is amended—

(1) by striking the part designation and part heading and inserting the following:

''PART Y—MATCHING GRANT PROGRAMS FOR LAW ENFORCEMENT

''Subpart A—Grant Program For Armor Vests'';

(2) by striking ''this part'' each place it appears and inserting ''this subpart''; and

(3) by adding at the end the following:

"Subpart B—Grant Program For Bullet Resistant Equipment

"SEC. 2511. PROGRAM AUTHORIZED.

''(a) IN GENERAL.—The Director of the Bureau of Justice Assistance is authorized to make grants to States, units of local government, and Indian tribes to purchase bullet resistant equipment for use by State, local, and tribal law enforcement officers.

''(b) USES OF FUNDS.—Grants awarded under this section shall be—

''(1) distributed directly to the State, unit of local government, or Indian tribe; and

''(2) used for the purchase of bullet resistant equipment for law enforcement officers in the jurisdiction of the grantee.

''(c) PREFERENTIAL CONSIDERATION.—In awarding grants under this subpart, the Director of the Bureau of Justice Assistance may give preferential consideration, if feasible, to an application from a jurisdiction that—

''(1) has the greatest need for bullet resistant equipment based on the percentage of law enforcement officers in the department who do not have access to a vest;

''(2) has a violent crime rate at or above the national average as determined by the Federal Bureau of Investigation; or

''(3) has not received a block grant under the Local Law Enforcement Block Grant program described under the heading 'Violent Crime Reduction Programs, State and Local Law Enforcement Assistance' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119).

''(d) MINIMUM AMOUNT.—Unless all eligible applications submitted by any State or unit of local government within such State for a grant under this section have been funded, such State, together with grantees within the State (other than Indian tribes), shall be allocated in each fiscal year under this section not less than 0.25 percent of the total amount appropriated in the fiscal year for grants pursuant to this section except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated 0.10 percent.

''(e) MAXIMUM AMOUNT.—A qualifying State, unit of local government, or Indian tribe may not receive more than 5 percent of the total amount appropriated in each fiscal year for grants under this section, except that a State, together with the grantees within the State may not receive more than 20 percent of the total amount appropriated in each fiscal year for grants under this section.

''(f) MATCHING FUNDS.—The portion of the costs of a program provided by a grant under subsection (a) may not exceed 50 percent. Any funds appropriated by Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of a matching requirement funded under this subsection.

''(g) ALLOCATION OF FUNDS.—At least half of the funds available under this subpart shall be awarded to units of local government with fewer than 100,000 residents.

"SEC. 2512. APPLICATIONS.

''(a) IN GENERAL.—To request a grant under this subpart, the chief executive of a State, unit of local government, or Indian tribe shall submit an application to the Director of the Bureau of Justice Assistance in such form and containing such information as the Director may reasonably require.

''(b) REGULATIONS.—Not later than 90 days after the date of the enactment of this subpart, the Director of the Bureau of Justice Assistance shall promulgate regulations to implement this section (including the information that must be included and the requirements that the States, units of local government, and Indian tribes must meet) in submitting the applications required under this section.

''(c) ELIGIBILITY.—A unit of local government that receives funding under the Local Law Enforcement Block Grant program (described under the heading 'Violent Crime Reduction Programs, State and Local Law Enforcement Assistance' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 104–119)) during a fiscal year in which it submits an application under this subpart shall not be eligible for a grant under this subpart unless the chief executive officer of such unit of local government certifies and provides an explanation to the Director that the unit of local government considered or will consider using funding received under the block grant program for any or all of the costs relating to the purchase of bullet resistant equipment, but did not, or does not expect to use such funds for such purpose.

"SEC. 2513. DEFINITIONS.

''In this subpart—

''(1) the term 'equipment' means windshield glass, car panels, shields, and protective gear;

''(2) the term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands;

''(3) the term 'unit of local government' means a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level;

(4) the term 'Indian tribe' has the same meaning as in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)); and

''(5) the term 'law enforcement officer' means any officer, agent, or employee of a State, unit of local government, or Indian tribe authorized by law or by a government agency to engage in or supervise the prevention, detection, or investigation of any violation of criminal law, or authorized by law to supervise sentenced criminal offenders.

"Subpart C—Grant Program For Video Cameras

"SEC. 2521. PROGRAM AUTHORIZED.

''(a) IN GENERAL.—The Director of the Bureau of Justice Assistance is authorized to make grants to States, units of local government, and Indian tribes to purchase video cameras for use by State, local, and tribal law enforcement agencies in law enforcement vehicles.

''(b) USES OF FUNDS.—Grants awarded under this section shall be—

''(1) distributed directly to the State, unit of local government, or Indian tribe; and

''(2) used for the purchase of video cameras for law enforcement vehicles in the jurisdiction of the grantee.

''(c) PREFERENTIAL CONSIDERATION.—In awarding grants under this subpart, the Director of the Bureau of Justice Assistance may give preferential consideration, if feasible, to an application from a jurisdiction that—

''(1) has the greatest need for video cameras, based on the percentage of law enforcement officers in the department do not have access to a law enforcement vehicle equipped with a video camera;

''(2) has a violent crime rate at or above the national average as determined by the Federal Bureau of Investigation; or

''(3) has not received a block grant under the Local Law Enforcement Block Grant program described under the heading 'Violent Crime Reduction Programs, State and Local Law Enforcement Assistance' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119).

''(d) MINIMUM AMOUNT.—Unless all eligible applications submitted by any State or unit of local government within such State for a grant under this section have been funded, such State, together with grantees within the State (other than Indian tribes), shall be allocated in each fiscal year under this section not less than 0.25 percent of the total amount appropriated in the fiscal year for grants pursuant to this section, except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated 0.10 percent.

''(e) MAXIMUM AMOUNT.—A qualifying State, unit of local government, or Indian tribe may not receive more than 5 percent of the total amount appropriated in each fiscal year for grants under this section, except that a State, together with the grantees within the State may not receive more than 20 percent of the total amount appropriated in each fiscal year for grants under this section.

''(f) MATCHING FUNDS.—The portion of the costs of a program provided by a grant under subsection (a) may not exceed 50 percent. Any funds appropriated by Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of a matching requirement funded under this subsection.

''(g) ALLOCATION OF FUNDS.—At least half of the funds available under this subpart shall be awarded to units of local government with fewer than 100,000 residents.

"SEC. 2522. APPLICATIONS.

''(a) IN GENERAL.—To request a grant under this subpart, the chief executive of a State, unit of local government, or Indian tribe shall submit an application to the Director of the Bureau of Justice Assistance in such form and containing such information as the Director may reasonably require.

''(b) REGULATIONS.—Not later than 90 days after the date of the enactment of this subpart, the Director of the Bureau of Justice Assistance shall promulgate regulations to implement this section (including the information that must be included and the requirements that the States, units of local government, and Indian tribes must meet) in submitting the applications required under this section.

''(c) ELIGIBILITY.—A unit of local government that receives funding under the Local Law Enforcement Block Grant program (described under the heading 'Violent Crime Reduction Programs, State and Local Law Enforcement Assistance' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119)) during a fiscal year in which it submits an application under this subpart shall not be eligible for a grant under this subpart unless the chief executive officer of such unit of local government certifies and provides an explanation to the Director that the unit of local government considered or will consider using funding received under the block grant program for any or all of the costs relating to the purchase of video cameras, but did not, or does not expect to use such funds for such purpose.

"SEC. 2523. DEFINITIONS.

''In this subpart—

''(1) the term 'Indian tribe' has the same meaning as in section 4(e) of the Indian Self-

Determination and Education Assistance Act (25 U.S.C. 450b(e));

''(2) the term 'law enforcement officer' means any officer, agent, or employee of a State, unit of local government, or Indian tribe authorized by law or by a government agency to engage in or supervise the prevention, detection, or investigation of any violation of criminal law, or authorized by law to supervise sentenced criminal offenders;

''(3) the term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands; and

''(4) the term 'unit of local government' means a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by striking paragraph (23) and inserting the following:

''(23) There are authorized to be appropriated to carry out part Y—

''(A) $25,000,000 for each of fiscal years 2000 through 2002 for grants under subpart A of that part;

''(B) $40,000,000 for each of fiscal years 2000 through 2002 for grants under subpart B of that part; and

''(C) $25,000,000 for each of fiscal years 2000 through 2002 for grants under subpart C of that part.''.

(c) CLERICAL AMENDMENTS.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended—

(1) by striking the item relating to the part heading of part Y and inserting the following:

''PART Y—MATCHING GRANTS PROGRAMS FOR LAW ENFORCEMENT

''SUBPART A—GRANT PROGRAM FOR ARMOR VESTS''; AND

(2) by adding at the end of the matter relating to part Y the following:

''SUBPART B—GRANT PROGRAM FOR BULLET RESISTANT EQUIPMENT

''2511. Program authorized.
''2512. Applications.
''2513. Definitions.

''SUBPART C—GRANT PROGRAM FOR VIDEO CAMERAS

''2521. Program authorized.
''2522. Applications.
''2523. Definitions.''.

SEC. 1649. SENSE OF CONGRESS.

In the case of any equipment or products that may be authorized to be purchased with financial assistance provided using funds appropriated or otherwise made available under subpart B or C of part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as added by this chapter, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

SEC. 1650. TECHNOLOGY DEVELOPMENT.

Section 202 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3722) is amended by adding at the end the following:

''(e) BULLET RESISTANT TECHNOLOGY DEVELOPMENT.—

''(1) IN GENERAL.—The Institute is authorized to—

''(A) conduct research and otherwise work to develop new bullet resistant technologies (i.e., acrylic, polymers, aluminized material, and transparent ceramics) for use in police equipment (including windshield glass, car panels, shields, and protective gear);

''(B) inventory bullet resistant technologies used in the private sector, in surplus military property, and by foreign countries;

''(C) promulgate relevant standards for, and conduct technical and operational testing and evaluation of, bullet resistant technology and equipment, and otherwise facilitate the use of that technology in police equipment.

''(2) PRIORITY.—In carrying out this subsection, the Institute shall give priority in testing and engineering surveys to law enforcement partnerships developed in coordination with High Intensity Drug Trafficking Areas.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $3,000,000 for fiscal years 2000 through 2002.''.

SEC. 1651. MATCHING GRANT PROGRAM FOR LAW ENFORCEMENT ARMOR VESTS.

Section 2501(f) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ll(f)) is amended—

(1) by striking ''The portion'' and inserting the following:

''(1) IN GENERAL.—Subject to paragraph (2), the portion''; and

(2) by adding at the end the following:

''(2) WAIVER.—The Director may waive, in whole or in part, the requirement of paragraph (1) in the case of fiscal hardship, as determined by the Director.''.

Subtitle C—Animal Enterprise Terrorism and Ecoterrorism

SEC. 1652. ENHANCEMENT OF PENALTIES FOR ANIMAL ENTERPRISE TERRORISM.

Section 43 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A), by striking ''under this title'' and inserting ''consistent with this title or double the amount of damages, whichever is greater,''; and

(B) by striking ''one year'' and inserting ''five years''; and

(2) in subsection (b)—

(A) by redesignating paragraph (2) as paragraph (3);

(B) by inserting after paragraph (1) the following new paragraph (2):

''(2) EXPLOSIVES OR ARSON.—Whoever in the course of a violation of subsection (a) maliciously damages or destroys, or attempts to damage or destroy, by means of fire or an explosive, any building, vehicle, or other real or personal property used by the animal enterprise shall be imprisoned for not less than 5 years and not more than 20 years, fined under this title, or both.''; and

(C) in paragraph (3), as so redesignated, by striking ''under this title and'' and all that follows through the period and inserting ''under this title, imprisoned for life or for any term of years, or sentenced to death.''.

SEC. 1653. NATIONAL ANIMAL TERRORISM AND ECOTERRORISM INCIDENT CLEARINGHOUSE.

(a) IN GENERAL.—The Director shall establish and maintain a national clearinghouse for information on incidents of crime and terrorism—

(1) committed against or directed at any animal enterprise;

(2) committed against or directed at any commercial activity because of the perceived impact or effect of such commercial activity on the environment; or

(3) committed against or directed at any person because of such person's perceived connection with or support of any enterprise or activity described in paragraph (1) or (2).

(b) CLEARINGHOUSE.—The clearinghouse established under subsection (a) shall—

(1) accept, collect, and maintain information on incidents described in subsection (a) that is submitted to the clearinghouse by Federal, State, and local law enforcement agencies, by law enforcement agencies of foreign countries, and by victims of such incidents;

(2) collate and index such information for purposes of cross-referencing; and

(3) upon request from a Federal, State, or local law enforcement agency, or from a law enforcement agency of a foreign country, provide such information to assist in the investigation of an incident described in subsection (a).

(c) SCOPE OF INFORMATION.—The information maintained by the clearinghouse for each incident shall, to the extent practicable, include—

(1) the date, time, and place of the incident;

(2) details of the incident;

(3) any available information on suspects or perpetrators of the incident; and

(4) any other relevant information.

(d) DESIGN OF CLEARINGHOUSE.—The clearinghouse shall be designed for maximum ease of use by participating law enforcement agencies.

(e) PUBLICITY.—The Director shall publicize the existence of the clearinghouse to law enforcement agencies by appropriate means.

(f) RESOURCES.—In establishing and maintaining the clearinghouse, the Director may—

(1) through the Attorney General, utilize the resources of any other department or agency of the Federal Government; and

(2) accept assistance and information from private organizations or individuals.

(g) COORDINATION.—The Director shall carry out the Director's responsibilities under this section in cooperation with the Director of the Bureau of Alcohol, Tobacco, and Firearms.

(h) DEFINITIONS.—In this section:

(1) The term ''animal enterprise'' has the same meaning as in section 43 of title 18, United States Code.

(2) The term ''Director'' means the Director of the Federal Bureau of Investigation.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for fiscal years 2000, 2001, 2002, 2003, and 2004 such sums as are necessary to carry out this section.

Subtitle D—Jail-Based Substance Abuse

SEC. 1654. JAIL-BASED SUBSTANCE ABUSE TREATMENT PROGRAMS.

(a) USE OF RESIDENTIAL SUBSTANCE ABUSE TREATMENT GRANTS TO PROVIDE AFTERCARE SERVICES.—Section 1901 of part S of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ff–1) is amended by adding at the end the following:

''(f) USE OF GRANT AMOUNTS FOR NONRESIDENTIAL AFTERCARE SERVICES.—A State may use amounts received under this part to provide nonresidential substance abuse treatment aftercare services for inmates or former inmates that meet the requirements of subsection (c), if the chief executive officer of the State certifies to the Attorney General that the State is providing, and will continue to provide, an adequate level of residential treatment services.''.

(b) JAIL-BASED SUBSTANCE ABUSE TREATMENT.—Part S of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ff et seq.) is amended by adding at the end the following:

''SEC. 1906. JAIL-BASED SUBSTANCE ABUSE TREATMENT.

''(a) DEFINITIONS.—In this section—

''(1) the term 'jail-based substance abuse treatment program' means a course of individual and group activities, lasting for a period of not less than 3 months, in an area of

a correctional facility set apart from the general population of the correctional facility, if those activities are—

''(A) directed at the substance abuse problems of prisoners; and

''(B) intended to develop the cognitive, behavioral, social, vocational, and other skills of prisoners in order to address the substance abuse and related problems of prisoners; and

''(2) the term 'local correctional facility' means any correctional facility operated by a unit of local government.

''(b) AUTHORIZATION.—

''(1) IN GENERAL.—Not less than 10 percent of the total amount made available to a State under section 1904(a) for any fiscal year may be used by the State to make grants to local correctional facilities in the State for the purpose of assisting jail-based substance abuse treatment programs established by those local correctional facilities.

''(2) FEDERAL SHARE.—The Federal share of a grant made by a State under this section to a local correctional facility may not exceed 75 percent of the total cost of the jail-based substance abuse treatment program described in the application submitted under subsection (c) for the fiscal year for which the program receives assistance under this section.

''(c) APPLICATIONS.—

''(1) IN GENERAL.—To be eligible to receive a grant from a State under this section for a jail-based substance abuse treatment program, the chief executive of a local correctional facility shall submit to the State, in such form and containing such information as the State may reasonably require, an application that meets the requirements of paragraph (2).

''(2) APPLICATION REQUIREMENTS.—Each application submitted under paragraph (1) shall include—

''(A) with respect to the jail-based substance abuse treatment program for which assistance is sought, a description of the program and a written certification that—

''(i) the program has been in effect for not less than 2 consecutive years before the date on which the application is submitted; and

''(ii) the local correctional facility will—

''(I) coordinate the design and implementation of the program between local correctional facility representatives and the appropriate State and local alcohol and substance abuse agencies;

''(II) implement (or continue to require) urinalysis or other proven reliable forms of substance abuse testing of individuals participating in the program, including the testing of individuals released from the jail-based substance abuse treatment program who remain in the custody of the local correctional facility; and

''(III) carry out the program in accordance with guidelines, which shall be established by the State, in order to guarantee each participant in the program access to consistent, continual care if transferred to a different local correctional facility within the State;

''(B) written assurances that Federal funds received by the local correctional facility from the State under this section will be used to supplement, and not to supplant, non-Federal funds that would otherwise be available for jail-based substance abuse treatment programs assisted with amounts made available to the local correctional facility under this section; and

''(C) a description of the manner in which amounts received by the local correctional facility from the State under this section will be coordinated with Federal assistance for substance abuse treatment and aftercare services provided to the local correctional facility by the Substance Abuse and Mental Health Services Administration of the Department of Health and Human Services.

''(d) REVIEW OF APPLICATIONS.—

''(1) IN GENERAL.—Upon receipt of an application under subsection (c), the State shall—

''(A) review the application to ensure that the application, and the jail-based residential substance abuse treatment program for which a grant under this section is sought, meet the requirements of this section; and

''(B) if so, make an affirmative finding in writing that the jail-based substance abuse treatment program for which assistance is sought meets the requirements of this section.

''(2) APPROVAL.—Based on the review conducted under paragraph (1), not later than 90 days after the date on which an application is submitted under subsection (c), the State shall—

''(A) approve the application, disapprove the application, or request a continued evaluation of the application for an additional period of 90 days; and

''(B) notify the applicant of the action taken under subparagraph (A) and, with respect to any denial of an application under subparagraph (A), afford the applicant an opportunity for reconsideration.

''(3) ELIGIBILITY FOR PREFERENCE WITH AFTERCARE COMPONENT.—

''(A) IN GENERAL.—In making grants under this section, a State shall give preference to applications from local correctional facilities that ensure that each participant in the jail-based substance abuse treatment program for which a grant under this section is sought, is required to participate in an aftercare services program that meets the requirements of subparagraph (B), for a period of not less than 1 year following the earlier of—

''(i) the date on which the participant completes the jail-based substance abuse treatment program; or

''(ii) the date on which the participant is released from the correctional facility at the end of the participant's sentence or is released on parole.

''(B) AFTERCARE SERVICES PROGRAM REQUIREMENTS.—For purposes of subparagraph (A), an aftercare services program meets the requirements of this paragraph if the program—

''(i) in selecting individuals for participation in the program, gives priority to individuals who have completed a jail-based substance abuse treatment program;

''(ii) requires each participant in the program to submit to periodic substance abuse testing; and

''(iii) involves the coordination between the jail-based substance abuse treatment program and other human service and rehabilitation programs that may assist in the rehabilitation of program participants, such as—

''(I) educational and job training programs;

''(II) parole supervision programs;

''(III) half-way house programs; and

''(IV) participation in self-help and peer group programs; and

''(iv) assists in placing jail-based substance abuse treatment program participants with appropriate community substance abuse treatment facilities upon release from the correctional facility at the end of a sentence or on parole.

''(e) COORDINATION AND CONSULTATION.—

''(1) COORDINATION.—Each State that makes 1 or more grants under this section in any fiscal year shall, to the maximum extent practicable, implement a statewide communications network with the capacity to track the participants in jail-based substance abuse treatment programs established by local correctional facilities in the State as those participants move between local correctional facilities within the State.

''(2) CONSULTATION.—Each State described in paragraph (1) shall consult with the Attorney General and the Secretary of Health and Human Services to ensure that each jail-based substance abuse treatment program assisted with a grant made by the State under this section incorporates applicable components of comprehensive approaches, including relapse prevention and aftercare services.

''(f) USE OF GRANT AMOUNTS.—

''(1) IN GENERAL.—Each local correctional facility that receives a grant under this section shall use the grant amount solely for the purpose of carrying out the jail-based substance abuse treatment program described in the application submitted under subsection (c).

''(2) ADMINISTRATION.—Each local correctional facility that receives a grant under this section shall carry out all activities relating to the administration of the grant amount, including reviewing the manner in which the amount is expended, processing, monitoring the progress of the program assisted, financial reporting, technical assistance, grant adjustments, accounting, auditing, and fund disbursement.

''(3) RESTRICTION.—A local correctional facility may not use any amount of a grant under this section for land acquisition or a construction project.

''(g) REPORTING REQUIREMENT; PERFORMANCE REVIEW.—

''(1) REPORTING REQUIREMENT.—Not later than March 1 of each year, each local correctional facility that receives a grant under this section shall submit to the Attorney General, through the State, a description and evaluation of the jail-based substance abuse treatment program carried out by the local correctional facility with the grant amount, in such form and containing such information as the Attorney General may reasonably require.

''(2) PERFORMANCE REVIEW.—The Attorney General shall conduct an annual review of each jail-based substance abuse treatment program assisted under this section, in order to verify the compliance of local correctional facilities with the requirements of this section.

''(h) NO EFFECT ON STATE ALLOCATION.—Nothing in this section shall be construed to affect the allocation of amounts to States under section 1904(a).''.

(c) TECHNICAL AMENDMENT.—The table of contents for title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended, in the matter relating to part S, by adding at the end the following:

''1906. Jail-based substance abuse treatment.''.

Subtitle E—Safe School Security

SEC. 1655. SHORT TITLE.

This subtitle may be cited as the ''Safe School Security Act of 1999''.

SEC. 1656. ESTABLISHMENT OF SCHOOL SECURITY TECHNOLOGY CENTER.

(a) SCHOOL SECURITY TECHNOLOGY CENTER.—

(1) ESTABLISHMENT.—The Attorney General, the Secretary of Education, and the Secretary of Energy shall enter into an agreement for the establishment at the Sandia National Laboratories, in partnership with the National Law Enforcement and Corrections Technology Center—Southeast and the National Center for Rural Law Enforcement, of a center to be known as the ''School Security Technology Center''. The School Security Technology Center shall be administered by the Attorney General.

(2) FUNCTIONS.—The School Security Technology Center shall be a resource to local educational agencies for school security assessments, security technology development,

technology availability and implementation, and technical assistance relating to improving school security. The School Security Technology Center shall also conduct and publish research on school violence, coalesce data from victim groups, and monitor and report on schools that implement school security strategies.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section—

(1) $3,700,000 for fiscal year 2000;

(2) $3,800,000 for fiscal year 2001; and

(3) $3,900,000 for fiscal year 2002.

SEC. 1657. GRANTS FOR LOCAL SCHOOL SECURITY PROGRAMS.

Subpart 1 of part A of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7111 et seq.) is amended by adding at the end the following:

''SEC. 4119. LOCAL SCHOOL SECURITY PROGRAMS.

''(a) IN GENERAL.—

''(1) GRANTS AUTHORIZED.—From amounts appropriated under subsection (c), the Secretary shall award grants on a competitive basis to local educational agencies to enable the agencies to acquire security technology for, or carry out activities related to improving security at, the middle and secondary schools served by the agencies, including obtaining school security assessments, and technical assistance, for the development of a comprehensive school security plan from the School Security Technology Center.

''(2) APPLICATION.—To be eligible to receive a grant under this section, a local educational agency shall submit to the Secretary an application in such form and containing such information as the Secretary may require, including information relating to the security needs of the agency.

''(3) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to local educational agencies that demonstrate the highest security needs, as reported by the agency in the application submitted under paragraph (2).

''(b) APPLICABILITY.—The provisions of this part (other than this section) shall not apply to this section.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2000, 2001, and 2002.''.

SEC. 1658. SAFE AND SECURE SCHOOL ADVISORY REPORT.

Not later than 1 year after the date of enactment of this Act, the Attorney General, in consultation with the Secretary of Education and the Secretary of Energy, or their designees, shall—

(1) develop a proposal to further improve school security; and

(2) submit that proposal to Congress.

Subtitle F—Internet Prohibitions

SEC. 1661. SHORT TITLE.

This subtitle may be cited as the ''Internet Firearms and Explosives Advertising Act of 1999''.

SEC. 1662. FINDINGS; PURPOSE.

Congress finds the following:

(1) Citizens have an individual right, under the Second Amendment to the United States Constitution, to keep and bear arms. The Gun Control Act of 1968 and the Firearms Owners Protection Act of 1986 specifically state that it is not the intent of Congress to frustrate the free exercise of that right in enacting Federal legislation. The free exercise of that right includes law abiding firearms owners buying, selling, trading, and collecting guns in accordance with Federal, State, and local laws for whatever lawful use they deem desirable.

(2) The Internet is a powerful information medium, which has and continues to be an excellent tool to educate citizens on the training, education and safety programs available to use firearms safely and responsibly. It has, and should continue to develop, as a 21st century tool for ''e-commerce'' and marketing many products, including firearms and sporting goods. Many web sites related to these topics are sponsored in large part by the sporting firearms and hunting community.

(3) It is the intent of Congress that this legislation be applied where the Internet is being exploited to violate the applicable explosives and firearms laws of the United States.

SEC. 1663. PROHIBITIONS ON USES OF THE INTERNET.

(a) In General.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following:

''§ 931. Criminal firearms and explosives solicitations

''(a)(1) IN GENERAL.—Any person who, in a circumstance described in paragraph (2), knowingly makes, prints, or publishes, or causes to be made, printed, or published, any notice or advertisement seeking or offering to receive, exchange, buy, sell, produce, distribute, or transfer—

''(A) a firearm knowing that such transaction, if carried out as noticed or advertised, would violate subsection (a), (d), (g), or (x) of section 922 of this chapter, or

''(B) explosive materials knowing that such transaction, if carried out as noticed or advertised, would violate subsection (a), (d), and (i) of section 842 of this title,

shall be punished as provided under subsection (b).

''(2) The circumstance referred to in paragraph (1) is that—

''(A) such person knows or has reason to know that such notice or advertisement will be transported in interstate or foreign commerce by computer; or

''(B) such notice or advertisement is transported in interstate or foreign commerce by computer.

''(b) PENALTIES.—Any individual who violates, or attempts or conspires to violate, this section shall be fined under this title or imprisoned not more than 1 year, and both, but if such person has one prior conviction under this section, or under the laws of any State relating to the same offense, such person shall be fined under this title and imprisoned for not more than 5 years, but if such person has 2 or more prior convictions under this section, or under the laws of any State relating to the same offense, such person shall be fined under this title and imprisoned not less than 10 years nor more than 20 years. Any organization that violates, or attempts or conspires to violate, this section shall be fined under this title. Whoever, in the course of an offense under this section, engages in conduct that results in the death of a juvenile, herein defined as an individual who has not yet attained the age of 18 years, shall be punished by death, or imprisoned for any term of years or for life.

''(c) DEFENSES.—It is an affirmative defense against any proceeding involving this section if the proponent proves by a preponderance of the evidence that—

''(1) the advertisement or notice came from—

''(A) a web site, notice or advertisement operated or created by a person licensed—

''(i) as a manufacturer, importer, or dealer under section 923 of this chapter; or

''(ii) under chapter 40 of this title; and

''(B) the site, advertisement or notice, advised the person at least once prior to the offering of the product, material or information to the person that sales or transfers of the product or information will be made in accord with Federal, State and local law applicable to the buyer or transferee, and such notice includes, in the case of firearms or ammunition, additional information that firearms transfers will only be made through a licensee, and that firearms and ammunition transfers are prohibited to felons, fugitives, juveniles and other persons under the Gun Control Act of 1968 prohibited from receiving or possessing firearms or ammunition; or

''(2) the advertisement or notice came from—

''(A) a web site, notice or advertisement is operated or created by a person not licensed as stated in paragraph (1); and

''(B) the site, advertisement or notice, advised the person at least once prior to the offering of the product, material or information to the person that the sales or transfers of the product or information—

''(i) will be made in accord with Federal, State and local law applicable to the buyer or transferee, and such notice includes, in the case of firearms or ammunition, that firearms and ammunition transfers are prohibited to felons, fugitives, juveniles and other persons under the Gun Control Act of 1968 prohibited from receiving or possessing firearms or ammunition; and

''(ii) as a term or condition for posting or listing the firearm for sale or exchange on the web site for a prospective transferor, the web site, advertisement or notice requires that, in the event of any agreement to sell or exchange the firearm pursuant to that posting or listing, the firearm be transferred to that person for disposition through a Federal firearms licensee, where the Gun Control Act of 1968 requires the transfer to be made through a Federal firearms licensee.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 44 of title 18, United States Code, is amended by inserting after the item relating to section 930 the following:

''931. Criminal firearms and explosives solicitations.''.

SEC. 1664. EFFECTIVE DATE.

The amendments made by sections 1661–1663 shall take effect beginning on the date that is 180 days after the enactment of this Act.

Subtitle G—Partnerships for High-Risk Youth

SEC. 1671. SHORT TITLE.

This subtitle may be cited as the ''Partnerships for High-Risk Youth Act''.

SEC. 1672. FINDINGS.

Congress finds that—

(1) violent juvenile crime rates have been increasing in United States schools, causing many high-profile deaths of young, innocent school children;

(2) in 1994, there were 2,700,000 arrests of persons under age 18 (a third of whom were under age 15), up from 1,700,000 in 1991;

(3) while crime is generally down in many urban and suburban areas, crime committed by teenagers has spiked sharply over the past few years;

(4) there is no single solution, or panacea, to the problem of rising juvenile crime;

(5) there will soon be over 34,000,000 teenagers in the United States, which is 26 percent higher than the number of such teenagers in 1990 and the largest number of teenagers in the United States to date;

(6) in order to ensure the safety of youth in the United States, the Nation should begin to explore innovative methods of curbing the rise in violent crime in United States schools, such as use of faith-based and grassroots initiatives; and

(7)(A) a strong partnership among law enforcement, local government, juvenile and family courts, schools, businesses, charitable

organizations, families, and the religious community can create a community environment that supports the youth of the Nation and reduces the occurrence of juvenile crime; and

(B) the development of character and strong moral values will—

(i) greatly decrease the likelihood that youth will fall victim to the temptations of crime; and

(ii) improve the lives and future prospects of high-risk youth and their communities.

SEC. 1673. PURPOSES.

The purposes of this subtitle are as follows:

(1) To establish a national demonstration project to promote learning about successful youth interventions, with programs carried out by institutions that can identify and employ effective approaches for improving the lives and future prospects of high-risk youth and their communities.

(2) To document best practices for conducting successful interventions for high-risk youth, based on the results of local initiatives.

(3) To produce lessons and data from the operating experience from those local initiatives that will—

(A) provide information to improve policy in the public and private sectors; and

(B) promote the operational effectiveness of other local initiatives throughout the United States.

SEC. 1674. ESTABLISHMENT OF DEMONSTRATION PROJECT.

(a) IN GENERAL.—The Attorney General shall establish and carry out a demonstration project. In carrying out the demonstration project, the Attorney General shall, subject to the availability of appropriations, award a grant to Public-Private Ventures, Inc. to enable Public-Private Ventures, Inc. to award grants to eligible partnerships to pay for the Federal share of the cost of carrying out collaborative intervention programs for high-risk youth, described in section 1676, in the following 12 cities:

(1) Boston, Massachusetts.
(2) New York, New York.
(3) Philadelphia, Pennsylvania.
(4) Pittsburgh, Pennsylvania.
(5) Detroit, Michigan.
(6) Denver, Colorado.
(7) Seattle, Washington.
(8) Cleveland, Ohio.
(9) San Francisco, California.
(10) Austin, Texas.
(11) Memphis, Tennessee.
(12) Indianapolis, Indiana.

(b) FEDERAL SHARE.—

(1) IN GENERAL.—The Federal share of the cost described in subsection (a) shall be 70 percent.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost may be provided in cash.

SEC. 1675. ELIGIBILITY.

(a) IN GENERAL.—To be eligible to receive a grant under section 1674, a partnership—

(1) shall submit an application to Public-Private Ventures Inc. at such time, in such manner, and containing such information as Public-Private Ventures, Inc. may require;

(2) shall enter into a memorandum of understanding with Public-Private Ventures, Inc.; and

(3)(A) shall be a collaborative entity that includes representatives of local government, juvenile detention service providers, local law enforcement, probation officers, youth street workers, and local educational agencies, and religious institutions that have resident-to-membership percentages of at least 40 percent; and

(B) shall serve a city referred to in section 1674(a).

(b) SELECTION CRITERIA.—In making grants under section 1674, Public-Private Ventures, Inc. shall consider—

(1) the ability of a partnership to design and implement a local intervention program for high-risk youth;

(2) the past experience of the partnership, and key participating individuals, in intervention programs for youth and similar community activities; and

(3) the experience of the partnership in working with other community-based organizations.

SEC. 1676. USES OF FUNDS.

(a) PROGRAMS.—

(1) CORE FEATURES.—An eligible partnership that receives a grant under section 1674 shall use the funds made available through the grant to carry out an intervention program with the following core features:

(A) TARGET GROUP.—The program will target a group of youth (including young adults) who—

(i) are at high risk of—

(I) leading lives that are unproductive and negative;

(II) not being self-sufficient; and

(III) becoming incarcerated; and

(ii) are likely to cause pain and loss to other individuals and their communities.

(B) VOLUNTEERS AND MENTORS.—The program will make significant use of volunteers and mentors.

(C) LONG-TERM INVOLVEMENT.—The program will feature activities that promote long-term involvement in the lives of the youth (including young adults).

(2) PERMISSIBLE SERVICES.—The partnership, in carrying out the program, may use funds made available through the grant to provide, directly or through referrals, comprehensive support services to the youth (including young adults).

(b) EVALUATION AND RELATED ACTIVITIES.—Using funds made available through its grant under section 1674, Public-Private Ventures, Inc. shall—

(1) prepare and implement an evaluation design for evaluating the programs that receive grants under section 1674;

(2) conduct a quarterly evaluation of the performance and progress of the programs;

(3) organize and conduct national and regional conferences to promote peer learning about the operational experiences from the programs;

(4) provide technical assistance to the partnerships carrying out the programs, based on the quarterly evaluations; and

(5) prepare and submit to the Attorney General a report that describes the activities of the partnerships and the results of the evaluations.

(c) LIMITATION.—Not more than 20 percent of the funds appropriated under section 1677 for a fiscal year may be used—

(1) to provide comprehensive support services under subsection (a)(2);

(2) to carry out activities under subsection (b); and

(3) to pay for the administrative costs of Public-Private Ventures, Inc., related to carrying out this subtitle.

SEC. 1677. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this subtitle $4,000,000 for each of the fiscal years 2000 through 2004.

Subtitle H—National Youth Crime Prevention

SEC. 1681. SHORT TITLE.

This subtitle may be cited as the ''National Youth Crime Prevention Demonstration Act''.

SEC. 1682. PURPOSES.

The purposes of this subtitle are as follows:

(1) To establish a demonstration project that establishes violence-free zones that would involve successful youth intervention models in partnership with law enforcement, local housing authorities, private foundations, and other public and private partners.

(2) To document best practices based on successful grassroots interventions in cities, including Washington, District of Columbia; Boston, Massachusetts; Hartford, Connecticut; and other cities to develop methodologies for widespread replication.

(3) To increase the efforts of the Department of Justice, the Department of Housing and Urban Development, and other agencies in supporting effective neighborhood mediating approaches.

SEC. 1683. ESTABLISHMENT OF NATIONAL YOUTH CRIME PREVENTION DEMONSTRATION PROJECT.

The Attorney General shall establish and carry out a demonstration project. In carrying out the demonstration project, the Attorney General shall, subject to the availability of appropriations, award a grant to the National Center for Neighborhood Enterprise (referred to in this subtitle as the ''National Center'') to enable the National Center to award grants to grassroots entities in the following 8 cities:

(1) Washington, District of Columbia.
(2) Detroit, Michigan.
(3) Hartford, Connecticut.
(4) Indianapolis, Indiana.
(5) Chicago (and surrounding metropolitan area), Illinois.
(6) San Antonio, Texas.
(7) Dallas, Texas.
(8) Los Angeles, California.

SEC. 1684. ELIGIBILITY.

(a) IN GENERAL.—To be eligible to receive a grant under this subtitle, a grassroots entity referred to in section 1683 shall submit an application to the National Center to fund intervention models that establish violence-free zones.

(b) SELECTION CRITERIA.—In awarding grants under this subtitle, the National Center shall consider—

(1) the track record of a grassroots entity and key participating individuals in youth group mediation and crime prevention;

(2) the engagement and participation of a grassroots entity with other local organizations; and

(3) the ability of a grassroots entity to enter into partnerships with local housing authorities, law enforcement agencies, and other public entities.

SEC. 1685. USES OF FUNDS.

(a) IN GENERAL.—Funds received under this subtitle may be used for youth mediation, youth mentoring, life skills training, job creation and entrepreneurship, organizational development and training, development of long-term intervention plans, collaboration with law enforcement, comprehensive support services and local agency partnerships, and activities to further community objectives in reducing youth crime and violence.

(b) GUIDELINES.—The National Center will identify local lead grassroots entities in each designated city.

(c) TECHNICAL ASSISTANCE.—The National Center, in cooperation with the Attorney General, shall also provide technical assistance for startup projects in other cities.

SEC. 1686. REPORTS.

The National Center shall submit a report to the Attorney General evaluating the effectiveness of grassroots agencies and other public entities involved in the demonstration project.

SEC. 1687. DEFINITIONS.

In this subtitle:

(1) GRASSROOTS ENTITY.—The term ''grassroots entity'' means a not-for-profit community organization with demonstrated effectiveness in mediating and addressing youth violence by empowering at-risk youth to become agents of peace and community restoration.

(2) NATIONAL CENTER FOR NEIGHBORHOOD ENTERPRISE.—The term ''National Center for

Neighborhood Enterprise'' means a not-for-profit organization incorporated in the District of Columbia.

SEC. 1688. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this subtitle—

(1) $5,000,000 for fiscal year 2000;

(2) $5,000,000 for fiscal year 2001;

(3) $5,000,000 for fiscal year 2002;

(4) $5,000,000 for fiscal year 2003; and

(5) $5,000,000 for fiscal year 2004.

(b) RESERVATION.—The National Center for Neighborhood Enterprise may use not more than 20 percent of the amounts appropriated pursuant to subsection (a) in any fiscal year for administrative costs, technical assistance and training, comprehensive support services, and evaluation of participating grassroots organizations.

Subtitle I—National Youth Violence Commission

SEC. 1691. SHORT TITLE.

This subtitle may be cited as the ''National Youth Violence Commission Act''.

SEC. 1692. NATIONAL YOUTH VIOLENCE COMMISSION.

(a) ESTABLISHMENT OF COMMISSION.—There is established a commission to be known as the National Youth Violence Commission (hereinafter referred to in this subtitle as the ''Commission''). The Commission shall—

(1) be composed of 16 members appointed in accordance with subsection (b); and

(2) conduct its business in accordance with the provisions of this subtitle.

(b) MEMBERSHIP.—

(1) PERSONS ELIGIBLE.—Except for those members who hold the offices described under paragraph (2)(A), and those members appointed under paragraph (2) (C)(ii) and (D)(iv), the members of the Commission shall be individuals who have expertise, by both experience and training, in matters to be studied by the Commission under section 1693. The members of the Commission shall be well-known and respected among their peers in their respective fields of expertise.

(2) APPOINTMENTS.—The members of the Commission shall be appointed for the life of the Commission as follows:

(A) Four shall be appointed by the President of the United States, including—

(i) the Surgeon General of the United States;

(ii) the Attorney General of the United States;

(iii) the Secretary of the Department of Health and Human Services; and

(iv) the Secretary of the Department of Education.

(B) Four shall be appointed by the Speaker of the House of Representatives, including—

(i) 1 member who meets the criteria for eligibility in paragraph (1) in the field of law enforcement or crime enforcement;

(ii) 1 member who meets the criteria for eligibility in paragraph (1) in the field of school administration, teaching, or counseling;

(iii) 1 member who meets the criteria for eligibility in paragraph (1) in the field of parenting and family studies; and

(iv) 1 member who meets the criteria for eligibility in paragraph (1) in the field of child or adolescent psychology.

(C) Two shall be appointed by the Minority Leader of the House of Representatives, including—

(i) 1 member who meets the criteria for eligibility in paragraph (1) in the field of law enforcement or crime enforcement; and

(ii) 1 member who is a recognized religious leader.

(D) Four shall be appointed by the Majority Leader of the Senate, including—

(i) 1 member who meets the criteria for eligibility in paragraph (1) in the field of law enforcement or crime enforcement;

(ii) 1 member who meets the criteria for eligibility in paragraph (1) in the field of school administration, teaching, or counseling;

(iii) 1 member who meets the criteria for eligibility in paragraph (1) in the social sciences; and

(iv) 1 member who is a recognized religious leader.

(E) Two shall be appointed by the Minority Leader of the Senate, including—

(i) 1 member who meets the criteria for eligibility in paragraph (1) in the field of school administration, teaching, or counseling; and

(ii) 1 member who meets the criteria for eligibility in paragraph (1) in the field of parenting and family studies.

(3) COMPLETION OF APPOINTMENTS; VACANCIES.—Not later than 30 days after the date of enactment of this Act, the appointing authorities under paragraph (2) shall each make their respective appointments. Any vacancy that occurs during the life of the Commission shall not affect the powers of the Commission, and shall be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

(4) OPERATION OF THE COMMISSION.—

(A) CHAIRMANSHIP.—The appointing authorities under paragraph (2) shall jointly designate 1 member as the Chairman of the Commission. In the event of a disagreement among the appointing authorities, the Chairman shall be determined by a majority vote of the appointing authorities. The determination of which member shall be Chairman shall be made not later than 15 days after the appointment of the last member of the Commission, but in no case later than 45 days after the date of enactment of this Act.

(B) MEETINGS.—The Commission shall meet at the call of the Chairman. The initial meeting of the Commission shall be conducted not later than 30 days after the later of—

(i) the date of the appointment of the last member of the Commission; or

(ii) the date on which appropriated funds are available for the Commission.

(C) QUORUM; VOTING; RULES.—A majority of the members of the Commission shall constitute a quorum to conduct business, but the Commission may establish a lesser quorum for conducting hearings scheduled by the Commission. Each member of the Commission shall have 1 vote, and the vote of each member shall be accorded the same weight. The Commission may establish by majority vote any other rules for the conduct of the Commission's business, if such rules are not inconsistent with this subtitle or other applicable law.

SEC. 1693. DUTIES OF THE COMMISSION.

(a) STUDY.—

(1) IN GENERAL.—It shall be the duty of the Commission to conduct a comprehensive factual study of incidents of youth violence to determine the root causes of such violence.

(2) MATTERS TO BE STUDIED.—In determining the root causes of incidents of youth violence, the Commission shall study any matter that the Commission determines relevant to meeting the requirements of paragraph (1), including at a minimum—

(A) the level of involvement and awareness of teachers and school administrators in the lives of their students and any impact of such involvement and awareness on incidents of youth violence;

(B) trends in family relationships, the level of involvement and awareness of parents in the lives of their children, and any impact of such relationships, involvement, and awareness on incidents of youth violence;

(C) the alienation of youth from their schools, families, and peer groups, and any impact of such alienation on incidents of youth violence;

(D) the availability of firearms to youth, including any illegal means by which youth acquire such firearms, and any impact of such availability on incidents of youth violence;

(E) any impact upon incidents of youth violence of the failure to execute existing laws designed to restrict youth access to certain firearms, and the illegal purchase, possession, or transfer of certain firearms;

(F) the effect upon youth of depictions of violence in the media and any impact of such depictions on incidents of youth violence; and

(G) the availability to youth of information regarding the construction of weapons, including explosive devices, and any impact of such information on incidents of youth violence.

(3) TESTIMONY OF PARENTS AND STUDENTS.—In determining the root causes of incidents of youth violence, the Commission shall, pursuant to section 1694(a), take the testimony of parents and students to learn and memorialize their views and experiences regarding incidents of youth violence.

(b) RECOMMENDATIONS.—Based on the findings of the study required under subsection (a), the Commission shall make recommendations to the President and Congress to address the causes of youth violence and reduce incidents of youth violence. If the Surgeon General issues any report on media and violence, the Commission shall consider the findings and conclusions of such report in making recommendations under this subsection.

(c) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date on which the Commission first meets, the Commission shall submit to the President and Congress a comprehensive report of the Commission's findings and conclusions, together with the recommendations of the Commission.

(2) SUMMARIES.—The report under this subsection shall include a summary of—

(A) the reports submitted to the Commission by any entity under contract for research under section 1694(e); and

(B) any other material relied on by the Commission in the preparation of the Commission's report.

SEC. 1694. POWERS OF THE COMMISSION.

(a) HEARINGS.—

(1) IN GENERAL.—The Commission may hold such hearings, sit and act at such times and places, administer such oaths, take such testimony, and receive such evidence as the Commission considers advisable to carry out its duties under section 1693.

(2) WITNESS EXPENSES.—Witnesses requested to appear before the Commission shall be paid the same fees as are paid to witnesses under section 1821 of title 28, United States Code.

(b) SUBPOENAS.—

(1) IN GENERAL.—If a person fails to supply information requested by the Commission, the Commission may by majority vote request the Attorney General of the United States to require by subpoena the production of any written or recorded information, document, report, answer, record, account, paper, computer file, or other data or documentary evidence necessary to carry out the Commission's duties under section 1693. The Commission shall transmit to the Attorney General a confidential, written request for the issuance of any such subpoena. The Attorney General shall issue the requested subpoena if the request is reasonable and consistent with the Commission's duties under section 1693. A subpoena under this paragraph may require the production of materials from any place within the United States.

(2) INTERROGATORIES.—The Commission may, with respect only to information necessary to understand any materials obtained through a subpoena under paragraph (1), request the Attorney General to issue a subpoena requiring the person producing such materials to answer, either through a sworn deposition or through written answers provided under oath (at the election of the person upon whom the subpoena is served), to interrogatories from the Commission regarding such information. The Attorney General shall issue the requested subpoena if the request is reasonable and consistent with the Commission's duties under section 1693. A complete recording or transcription shall be made of any deposition made under this paragraph.

(3) CERTIFICATION.—Each person who submits materials or information to the Attorney General pursuant to a subpoena issued under paragraph (1) or (2) shall certify to the Attorney General the authenticity and completeness of all materials or information submitted. The provisions of section 1001 of title 18, United States Code, shall apply to any false statements made with respect to the certification required under this paragraph.

(4) TREATMENT OF SUBPOENAS.—Any subpoena issued by the Attorney General under paragraph (1) or (2) shall comply with the requirements for subpoenas issued by a United States district court under the Federal Rules of Civil Procedure.

(5) FAILURE TO OBEY A SUBPOENA.—If a person refuses to obey a subpoena issued by the Attorney General under paragraph (1) or (2), the Attorney General may apply to a United States district court for an order requiring that person to comply with such subpoena. The application may be made within the judicial district in which that person is found, resides, or transacts business. Any failure to obey the order of the court may be punished by the court as civil contempt.

(c) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out its duties under section 1693. Upon the request of the Commission, the head of such department or agency may furnish such information to the Commission.

(d) INFORMATION TO BE KEPT CONFIDENTIAL.—

(1) IN GENERAL.—The Commission shall be considered an agency of the Federal Government for purposes of section 1905 of title 18, United States Code, and any individual employed by any individual or entity under contract with the Commission under subsection (e) shall be considered an employee of the Commission for the purposes of section 1905 of title 18, United States Code.

(2) DISCLOSURE.—Information obtained by the Commission or the Attorney General under this Act and shared with the Commission, other than information available to the public, shall not be disclosed to any person in any manner, except—

(A) to Commission employees or employees of any individual or entity under contract to the Commission under subsection (e) for the purpose of receiving, reviewing, or processing such information;

(B) upon court order; or

(C) when publicly released by the Commission in an aggregate or summary form that does not directly or indirectly disclose—

(i) the identity of any person or business entity; or

(ii) any information which could not be released under section 1905 of title 18, United States Code.

(e) CONTRACTING FOR RESEARCH.—The Commission may enter into contracts with any entity for research necessary to carry out the Commission's duties under section 1693.

SEC. 1695. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment and termination of an executive director shall be subject to confirmation by a majority of the members of the Commission.

(2) COMPENSATION.—The executive director shall be compensated at a rate not to exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code. The Chairman may fix the compensation of other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for such personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(3) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee, with the approval of the head of the appropriate Federal agency, may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status, benefits, or privilege.

(d) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 1696. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission and any agency of the Federal Government assisting the Commission in carrying out its duties under this subtitle such sums as may be necessary to carry out the purposes of this subtitle. Any sums appropriated shall remain available, without fiscal year limitation, until expended.

SEC. 1697. TERMINATION OF THE COMMISSION.

The Commission shall terminate 30 days after the Commission submits the report under section 1693(c).

Subtitle J—School Safety

SEC. 1698. SHORT TITLE.

This subtitle may be cited as the ''School Safety Act of 1999''.

SEC. 1699. AMENDMENTS TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

(a) PLACEMENT IN ALTERNATIVE EDUCATIONAL SETTING.—Section 615(k) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(k)) is amended—

(1) in paragraph (1)(A)(ii)(I), by inserting ''(other than a gun or firearm)'' after ''weapon'';

(2) by redesignating paragraph (10) as paragraph (11); and

(3) by inserting after paragraph (9) the following new section:

''(10) DISCIPLINE WITH REGARD TO GUNS OR FIREARMS.—

''(A) AUTHORITY OF SCHOOL PERSONNEL WITH RESPECT TO GUNS OR FIREARMS.—

''(i) Notwithstanding any other provision of this Act, school personnel may discipline (including expel or suspend) a child with a disability who carries or possesses a gun or firearm to or at a school, on school premises, or to or at a school function, under the jurisdiction of a State or a local educational agency, in the same manner in which such personnel may discipline a child without a disability.

''(ii) Nothing in clause (i) shall be construed to prevent a child with a disability who is disciplined pursuant to the authority provided under clause (i) from asserting a defense that the carrying or possession of the gun or firearm was unintentional or innocent.

''(B) FREE APPROPRIATE PUBLIC EDUCATION.—

''(i) CEASING TO PROVIDE EDUCATION.—Notwithstanding section 612(a)(1)(A), a child expelled or suspended under subparagraph (A) shall not be entitled to continued educational services, including a free appropriate public education, under this title, during the term of such expulsion or suspension, if the State in which the local educational agency responsible for providing educational services to such child does not require a child without a disability to receive educational services after being expelled or suspended.

''(ii) PROVIDING EDUCATION.—Notwithstanding clause (i), the local educational agency responsible for providing educational services to a child with a disability who is expelled or suspended under subparagraph (A) may choose to continue to provide educational services to such child. If the local educational agency so chooses to continue to provide the services—

''(I) nothing in this title shall require the local educational agency to provide such child with a free appropriate public education, or any particular level of service; and

''(II) the location where the local educational agency provides the services shall be left to the discretion of the local educational agency.

''(C) RELATIONSHIP TO OTHER REQUIREMENTS.—

''(i) PLAN REQUIREMENTS.—No agency shall be considered to be in violation of section 612 or 613 because the agency has provided discipline, services, or assistance in accordance with this paragraph.

''(ii) PROCEDURE.—Actions taken pursuant to this paragraph shall not be subject to the provisions of this section, other than this paragraph.

''(D) FIREARM.—The term 'firearm' has the meaning given the term under section 921 of title 18, United States Code.''.

(b) CONFORMING AMENDMENT.—Section 615(f)(1) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(f)(1)) is amended by striking ''Whenever'' and inserting the following: ''Except as provided in section 615(k)(10), whenever''.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 94–201, as amended by Public Law 105–275, appoints the following individuals as members of the Board of Trustees of the American Folklife Center of the Library of Congress: Janet L. Brown, of South Dakota, and Mickey Hart, of California.

MEASURE READ THE FIRST TIME—S. 1138

Mr. GRASSLEY. Mr. President, a bill by Senators MCCAIN and DODD is at the desk. I ask that it be read the first time.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1138) to regulate interstate commerce by making provision for dealing with losses arising from Year 2000 Problem-related failures that may disrupt communications, intermodal transportation, and other matters affecting interstate commerce.

Mr. GRASSLEY. I now ask for the second reading, and I object to my own request.

The PRESIDING OFFICER. The objection is heard.

The bill will be read for the second time on the next legislative day.

DECLARE PORTION OF JAMES RIVER AND KANAWHA CANAL IN RICHMOND, VIRGINIA, NONNAVIGABLE WATERS

Mr. GRASSLEY. I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 118, H.R. 1034.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1034) to declare a portion of the James River and Kanawha Canal in Richmond, Virginia, to be nonnavigable waters of the United States for purposes of title 46, United States Code, and the other maritime laws of the United States.

There being no objection, the Senate proceeded to the bill.

Mr. GRASSLEY. I ask unanimous consent that the bill be considered read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 1034) was considered read the third time and passed.

LEWIS R. MORGAN FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Mr. GRASSLEY. On behalf of Senator CHAFEE, I ask unanimous consent that the Committee on Environment and Public Works be discharged from further consideration of H.R. 1121 and that the Senate then proceed to its immediate consideration.

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

The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1121) to designate the Federal building and United States courthouse located at 18 Greenville Street in Newnan, Georgia, as the ''Lewis R. Morgan Federal Building and United States Courthouse''.

There being no objection, the Senate proceeded to consider the bill.

Mr. GRASSLEY. I ask unanimous consent that the bill be considered read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill appear in the RECORD.

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

The bill (H.R. 1121) was considered read the third time and passed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. GRASSLEY. I ask unanimous consent that the Senate immediately proceed to executive session to consider en bloc the following nominations on the Executive Calendar: Nos. 18, 72, 73, 74, 76, and 77 through 91, and all nominations on the Secretary's desk in the Air Force, Army, Marine Corps, and Navy. I further ask unanimous consent that the nominations be confirmed, the motion to reconsider be laid upon the table, and any statements relating to the nominations be printed in the RECORD, the President be immediately notified of the Senate's action, and that the Senate then return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF STATE

Kent M. Wiedemann, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Cambodia.

THE JUDICIARY

Hiram E. Puig-Lugo, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Stephen H. Glickman, of the District of Columbia, to be an Associate Judge of the District of Columbia Court of Appeals for the term of fifteen years.

Eric T. Washington, of the District of Columbia, to be an Associate Judge of the District of Columbia Court of Appeals for the term of fifteen years.

DEPARTMENT OF EDUCATION

Lorraine Pratte Lewis, of the District of Columbia, to be Inspector General, Department of Education.

DEPARTMENT OF DEFENSE

Ikram U. Khan, of Nevada, to be a Member of the Board of Regents of the Uniformed Services University of the Health Sciences for a term expiring May 1, 1999.

Ikram U. Khan, of Nevada, to be a Member of the Board of Regents of the Uniformed Services University of the Health Sciences for a term expiring May 1, 2005.

IN THE MARINE CORPS

The following named officers for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Robert R. Blackman, Jr.
Brig. Gen. William G. Bowdon III
Brig. Gen. James T. Conway
Brig. Gen. Arnold Fields
Brig. Gen. Jan C. Huly
Brig. Gen. Jerry D. Humble
Brig. Gen. Paul M. Lee, Jr.
Brig. Gen. Harold Mashburn, Jr.
Brig. Gen. Gregory S. Newbold
Brig. Gen. Clifford L. Stanley

The following named officer for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 5046:

To be brigadier general

Col. Joseph Composto

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Craig R. Quigley

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Robert A. Harding

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Paul V. Hester

IN THE NAVY

The following named officers for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral

Rear Adm. (lh) John B. Cotton
Rear Adm. (lh) Vernon P. Harrison
Rear Adm. (lh) Robert C. Marlay
Rear Adm. (lh) Steven R. Morgan
Rear Adm. (lh) Clifford J. Sturek

The following named officers for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral

Rear Adm. (lh) John F. Brunelli
Rear Adm. (lh) John N. Costas
Rear Adm. (lh) Joseph C. Hare
Rear Adm. (lh) Daniel L. Kloeppel

IN THE MARINE CORPS

The following named officers for appointment in the Reserve of the United States Marine Corps to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Thomas J. Nicholson
Col. Douglas V. Odell, Jr.
Col. Cornell A. Wilson, Jr.

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the

grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Roger A. Brady

IN THE ARMY

The following named officer for appointment as the Vice Chief of Staff, United States Army, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 3034:

To be general

Lt. Gen. John M. Keane

IN THE MARINE CORPS

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Raymond P. Ayres, Jr.

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Earl B. Hailston

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Frank Libutti

IN THE AIR FORCE, ARMY, MARINE CORPS, NAVY

Air Force nomination of Donna R. Shay, which was received by the Senate and appeared in the Congressional Record of May 12, 1999.

Army nominations beginning Joseph B. Hines, and ending *Peter J. Molik, which nominations were received by the Senate and appeared in the Congressional Record of May 12, 1999.

Army nomination of Timothy P. Edinger, which was received by the Senate and appeared in the Congressional Record of May 12, 1999.

Army nomination of Chris A. Phillips, which was received by the Senate and appeared in the Congressional Record of May 12, 1999.

Army nominations beginning Robert B. Heathcock, and ending James B. Mills, which nominations were received by the Senate and appeared in the Congressional Record of May 12, 1999.

Army nominations beginning Paul B. Little, Jr., and ending John M. Shepherd, which nominations were received by the Senate and appeared in the Congressional Record of May 12, 1999.

Army nominations beginning Bryan D. Baugh, and ending Jack A. Woodford, which nominations were received by the Senate and appeared in the Congressional Record of May 12, 1999.

Marine Corps nominations beginning Dale A. Crabtree, Jr., and ending Kevin P. Toomey, which nominations were received by the Senate and appeared in the Congressional Record of May 12, 1999.

Marine Corps nominations beginning James C. Addington, ending David J. Wilson, which nominations were received by the Senate and appeared in the Congressional Record of May 12, 1999.

Marine Corps nominations beginning James C. Andrus, and ending Philip A. Wilson, which nominations were received by the Senate and appeared in the Congressional Record of May 12, 1999.

Navy nomination of Don A. Frasier, which was received by the Senate and appeared in the Congressional Record of March 18, 1999.

Navy nomination of Norberto G. Jimenez, which was received by the Senate and appeared in the Congressional Record of May 12, 1999.

Navy nominations beginning Neil R. Bourassa, and ending Steven D. Tate, which nominations were received by the Senate and appeared in the Congressional Record of May 12, 1999.

Navy nominations beginning Basilio D. Bena, and ending Harold T Workman, which nominations were received by the Senate and appeared in the Congressional Record of May 12, 1999.

NOMINATION OF KENT WIEDEMANN TO BE U.S. AMBASSADOR TO CAMBODIA

Mr. MCCONNELL. Mr. President, I would like to make three comments on the nomination of Mr. Kent Wiedemann, a career foreign service officer slated to be the next U.S. Ambassador to the Kingdom of Cambodia. Let me say at the outset: I strongly oppose this nomination.

First, it is apparent that Mr. Wiedemann has done little to further the cause of democracy in Burma where he has been Charge in Rangoon for the past several years. When we met in my office a few months ago, I asked him to cite specific instance where he supported Burmese democracy activists. Mr. Wiedemann produced a single letter from demoracy leader Aung San Suu Kyi. However, he could not cite a single action or activity that he undertook on the ground to help strengthen justice and freedom in Burma. Not one.

In addition, I asked the Senate Foreign Relations Committee to request copies of all statements or speeches Mr. Wiedemann gave while serving in Burma which support the U.S. policy to restore the legitimate government of Aung San Suu Kyi to office. During his entire tenure, he could not provide a single example of remarks made at a Burmese forum supporting U.S. policy or democracy.

Pro-democracy Burmese activists wrote to me to share their views of Mr. Wiedemann's tenure in Rangoon:

> The arrival of Mr. Wiedemann . . . has not changed much in respect to our democracy movement.
>
> [Wiedemann] remained inactive and ignorant to our vital problems, human rights, democracy and refugee, and made no efforts at seeking cooperation with our NGOs who had extensive experience in these regards * * *. We were left in the cold.
>
> [There was] no coordination or effort on the part of the embassy, to help the democracy movement of the exiles * * *. Apart from regular meetings with Ms. Aung San Suu Kyi, we knew of no efforts by Mr. Wiedemann.

These are not my words; they are those of courageous Burmese men and women who dare to stand for principles and justice. Yet, less than one month after the passing of Aung San Suu Kyi's husband, I understand that Mr. Wiedemann again requested a letter from her in support of his nomination. He seems more interested in personal and career promotion than advancing the cause of freedom in Burma.

Second, Mr. Wiedemann is simply the wrong American representative to send to Cambodia at this difficult time. My colleagues may be interested to know that in March, I visited that war ravaged country and was not encouraged by what I saw and heard. From Khmer Rouge trials to narcotics trafficking by the Cambodian military to rampant corruption and pervasive lawlessness, the next U.S. Ambassador must be a vocal advocate of human rights and the rule of law. When Mr. Wiedemann's nomination was being considered last year, Prince Norodom Ranariddh—then the First Prime Minister who had been outsted in a bloody coup d'etat in July 1997—and Sam Rainsy—an opposition leader who has survived two assassination attempts since March 1997—expressed their grave concerns:

> We urge you not to replace Ambassador Kenneth Quinn after his term expires in Phnom Penh, and certianly not with Kent Wiedemann who we believe may be less than supportive of the cause of democracy in Cambodia.

Other Cambodian democracy activists have since joined the chorus of concern with his nomination. Again, in their own words:

> [We are] deeply concerned that Mr. Wiedemann will court CPP [the Cambodian People's Party] strongman Hun Sen—at the expense of the democratic opposition—in an attempt to win him over.
>
> This particular nomination sends the wrong message at the wrong time to a government characterized by lawlessness and corruption. Mr. Wiedemann may lack the credentials to effectively promote American interests in Cambodia * * *. He is not known as a vocal supporter of democracy in Southeast Asia.

Despite my strong beliefs and the legitimate fears of those who would be most affected by Mr. Wiedemann's appointment, it is clear that he will be confirmed by the Senate. Therefore, let me make clear my expectations of Mr. Wiedemann once he receives his credentials in Phnom Penh.

I expect him to meet regularly and publicly with opposition political party leaders as well as democracy and human rights activists. I expect him to openly embrace and actively encourage the rule of law in Cambodia, even if this causes tensions with Prime Minister Hun Sen and the ruling CPP party. I expect him to support international and local nongovernmental organizations in Phnom Penh committed to legal and political reforms. And, I expect that he will not shirk the awesome responsibilities as the American people's representative to Cambodia, a task that President Ronald Reagan described in February 1983:

> The task that has fallen to us as Americans is to move the conscience of the world, to keep alive the hope and dream of freedom. For if we fail or falter, there'll be no place for the world's oppressed to flee to. This is not the role we sought. We preach no manifest destiny. But like the Americans who brought a new nation into the world 200

years ago, history has asked much of us in our time. (February 18, 1983)

Mr. President, it is my hope that Mr. Wiedemann will do a more noteworthy job in Cambodia supporting democracy, human rights, and the rule of law than his lackluster performance in Burma. I will be following his tenure in Cambodia to ensure that he does.

I have had this nomination on hold for more than a year. During that time, Mr. Wiedemann has waged a campaign to support his nomination, energy which might have been better directed by securing the declared U.S. goal of restoring the National League for Democracy to office. Nonetheless, I do not think one Senator should thwart the nomination process. So, I leave it to my colleagues to allow his nomination to move forward. I, for one, vote no.

Mr. REID. Mr. President, I want to say that we in the Senate tend to look at these nominations as mere numbers. Because we deal with so many nominations in this body, we tend to forget that these numbers stand for real people whose lives and dreams we are deciding upon.

I would like to talk in particular about one of these numbers, number 77. He is someone who, in a way, represents all of these numbers.

Number 77—otherwise known as Dr. Ikram Khan—is a resident of the State of Nevada, and one of the most important citizens we have in Nevada. He has served on the Nevada State Board of Medical Examiners. He has been involved in many, many charitable activities over the course of the past two decades. He is a skilled physician, an outstanding surgeon. He comes from a very substantial family, a family that is highly regarded in the State of Nevada.

I say these things because Dr. Khan is an outstanding man. And he is all the more remarkable because he is a new citizen of the United States—he immigrated from Pakistan. He exemplifies what is good about our country. He is someone who has come here from another country on another continent, arrived in the United States, and hit the ground running. He worked hard and made a name for himself and his family and built a successful career in a very short time.

And he was able to do all of that while taking the time to help others. I'm not even including those whose health and lives he has saved in his medical practice. I can't think of an event held in Nevada involving the public good that he has not been involved with in some way. We recently inaugurated a new Governor of the State of Nevada. Dr. Khan served very capably on his transition team.

In short, number 77 is an outstanding person, just as are all of these people who are numbered here, 18, 72, 73, 74, 77 through 91. It's regrettable that we here tend to rush through these nominations, for each one of these people will dedicate significant time and effort in service to this country.

Many of these nominations are of men and women who are being promoted to general officers in the armed forces, or are being promoted within the rank of general. Dr. Khan, however, will serve as a Member of the Board of Regents of the Uniformed Services University of the Health Sciences, a nomination that I think sets him apart even in this group of good and able men and women. He will serve the University and this country at his own expense. He will devote many hours and days and weeks of his time doing this, and he does it willingly.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

ORDERS FOR THURSDAY, MAY 27, 1999

Mr. GRASSLEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Thursday, May 27. I further ask that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day. I further ask consent that the Senate then resume the Department of Defense authorization bill.

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

PROGRAM

Mr. GRASSLEY. For the information of all Senators, the Senate will resume consideration of the Department of Defense authorization bill at 9:30 a.m. By a previous order, the Senate will immediately begin debate on the Allard amendment regarding the Civil Air Patrol. Further, a vote will occur in relation to the Allard amendment at 10 a.m. It is the intention of the bill managers to complete action on this bill early in the day tomorrow, and therefore cooperation of all Senators is appreciated.

ORDER FOR ADJOURNMENT

Mr. GRASSLEY. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order, following some remarks I am going to make.

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

OLDER AMERICANS MONTH

Mr. GRASSLEY. Mr. President, Older Americans Month is drawing to a close. Before it ends, I would like to describe another Iowan whose accomplishments reflect an ageless spirit.

MARGARET SWANSON

Margaret Swanson of Des Moines has been called the city's ''best known and most beloved volunteer.'' Approaching age 80, she has completed 50 years of volunteer service.

Despite her pledge to slow down, she still maintains a heavy schedule. She estimates that she volunteers 20 hours to 25 hours a week. Sometimes, she has four or five board meetings in a single day.

New causes present themselves, and Mrs. Swanson is not of a mind to say no. Her varied interests have included the Iowa Lutheran Hospital, the American Red Cross, the Girl Scouts, the East Des Moines Chamber of Commerce and the Iowa Caregivers Foundation. She identifies a need, immerses herself in the task and produces the desired result.

When her church needed an elevator, she raised money to buy one. When a used car center tried to open in her neighborhood, she fought for a day care center instead. When a home for children had an out-of-tune piano, she found an inexpensive tuner. No challenge appears too large or too small for her attention.

Mrs. Swanson's volunteer work has earned her such esteem that other community activists clear their ideas with her before proceeding. Her fellow volunteers prize her knowledge and judgment.

Age doesn't seem to play a role in Mrs. Swanson's approach to volunteerism. She is an outstanding volunteer, rather than an outstanding senior volunteer. Growing older means only that she brings more experience and more wisdom to her work. In volunteerism, as in so many other aspects of life, maturity is an asset, certainly not a liability.

During Older Americans Month, I want to thank Mrs. Swanson for her limitless gifts of time and energy to the citizens of Des Moines. By setting high standards of altruism, and by inspiring new generations of volunteers, Mrs. Swanson perfectly illustrates the theme of Older Americans Month, ''Honor the Past, Imagine the Future: Toward a Society for All Ages.''

ED JOHNSTON

Mr. GRASSLEY. Mr. President, there is a saying that success is the repetition of meaningful acts day after day. The most successful individuals identify a single purpose and work toward that cause in any capacity they can find.

An Iowan named Ed Johnston perfectly fits this definition of success. Mr. Johnston, of Humboldt, Iowa, tirelessly devotes his days to helping people with disabilities. He serves on the Governor's Developmental Disabilities Council, a position he earned after immersing himself in learning about the agencies that serve those with disabilities.

Several days a week, he volunteers at the Humboldt County Courthouse to help people with special needs in five

surrounding counties. He interacts with legislators about the importance of providing proper job training to persons with disabilities. He offers his expertise when someone seeks a wheelchair ramp or assistive technology to accommodate a physical need.

Mr. Johnston brings the invaluable insight to his work of someone who has lived the life of the people he seeks to help. He himself has a physical disability, although no one would consider him limited in any way.

Those familiar with his work admire his compassion and persistence. He is able to navigate the layers of government agencies that sometimes appear impenetrable to those who need services.

Another impressive element of Mr. Johnston's advocacy work is that it is his second career. In the early 1990s, he retired after 38 years of running his own shoe repair business and devoted himself to his current vocation.

The Humboldt Independent newspaper called Mr. Johnston ''a man on the move.'' The description is accurate. He moves government agencies, legislators and his community to respond to the needs of persons with disabilities. At age 64, Mr. Johnston is the youngest of the Iowans I have honored during Older Americans Month. I wish him many more years of his priceless work.

FRED AND FERN ROBB

Mr. GRASSLEY. Mr. President, the Fairfield Ledger of Fairfield, IA, printed a photo of a newly married couple earlier this month. The groom is wearing a stylish suit and a wide smile. The equally resplendent bride has eyes only for her new husband.

The couple is picture-perfect, just like any other couple starting a new life together. Unlike any other couple, the groom in this case is age 102.

The Rev. Fred Robb of Washington, Iowa, married Fern Claxton, 25 years younger, at the Presbyterian Church in Birmingham, Iowa, on April 9, 1999. The couple renewed an old friendship at the Rev. Robb's 100th birthday celebration in 1996. Among other meetings, they shared in the 100th birthday celebration of the minister's brother, Milt Robb, in January.

The Rev. Robb is one of more than 750 centenarians in Iowa. I don't know for a fact, but I'd bet many of them approach aging with the same positive spirit as the Rev. Robb.

I run into a lot of older Iowans who don't impose unnatural limits on themselves because of their age. They don't stop doing what's important to them just because the calendar reflects a certain milestone. These individuals are ageless, not due to the years they have lived but in their approach to life. One of my favorite examples of an ageless Iowan is a 92-year-old woman who was in a hurry because she said she had to deliver meals to the ''old people.''

During Older Americans Month, I want to congratulate Fred and Fern Robb on their ageless spirit and wish them a happy life together. By defying the conventional wisdom that newlyweds must be young, the Robbs advance the theme of Older Americans Month: ''Honor the Past, Imagine the Future: Toward a Society for All Ages.''

BIRDS THAT DON'T FLY

Mr. GRASSLEY. Mr. President, I would like to draw the Senate's attention to a growing embarrassment in our efforts to support counter-drug programs in Mexico. The story would be funny if it weren't so serious and had not been going on for so long.

In 1996, the Department of Defense began the process of giving 73 surplus UH–1H helicopters—Hueys—to Mexico to assist in counter smuggling operations. The President approved this transfer in September and the helicopters began arriving in December.

The main justification at the time for this contribution was to stop major air smuggling into Mexico. The Colombian and Mexican drug cartels were flying large quantities of drugs into Mexico in private airplanes. Sometimes these were multiple flights, sometimes single ones. Usually they were twin-engine propeller-driven aircraft, but occasionally they were larger, commercial-sized cargo jets. Earlier in the 1990's, the U.S. State Department had instituted a program with Mexico's Attorney General of developing a helicopter-based interdiction force. One can only assume that DoD sought to engage Mexico's military in a similar way. Somewhere along the way, however, something went wrong.

Here's one for the books. We have a civilian State Department program with the civilian Attorney General's office in Mexico operating an air force that works. And we have the U.S. military operating a program with the Mexican military to operate an air force that doesn't work.

It not only doesn't work, it does not have a purpose, so far as I can tell. I have asked the GAO to look at this issue twice, and they have had a problem in identifying a purpose or results.

I have asked the Defense Department and it seems to be stumped as well. The Mexican Government is puzzled. We ought to be dumbfounded.

Today, none of the 70-plus helicopters is flying. No one can tell me when they might be flying. No one seems to know how many might fly if they ever do. No one seems to know what they are to do if they do fly. It is unclear how they will be maintained. Or how much it will cost. Or who is going to pay. Since no one knows the answer to any of these questions, no one can tell me how many helicopters might be needed. Is 70 too many? No one knows. Is this any way to run a airline?

I cannot seem to get a straightforward answer from the Administration about what the plan for these helicopters is. As one U.S. embassy official noted to my staff last year, what to do with and about the helicopters is a muddle. It is a muddle all right; but it is one of our making.

When plans were first announced about putting these helicopters in Mexico, I began asking about the need for radars. Mexico lacks any sustained radar coverage of its southern approaches. If you are planning an air interdiction program, it would seem logical to include a plan for developing the eyes needed to make the program work. The response I got from both U.S. and Mexican officials to questions about radars was a deafening silence. Or vague promises. I kept asking. Finally, after about six months, the U.S. and Mexican Administrations informed me that no radars were necessary. And why? Because there was no longer a major air trafficking threat; it was mostly maritime. And when did we know there was no longer a major air threat? In 1995. And when did we give Mexico the helicopters? In 1996. So far as I can tell, we gave Mexico a capability to deal with a problem that both countries knew we no longer faced. Today the threat is mostly maritime. So why helicopters?

Well, having taken that on board, the next question is, what are we going to have the helicopters do? It turns out that the best idea is to have them ferry troops around to chop poppies or marijuana. But this is mostly in the mountains and the helos aren't very capable in the mountains. And how many helos are needed? It turns out there is no very clear answer. But before we got very far down that road, a problem was discovered that grounded all Hueys in 1998. This necessitated a worldwide assessment of the air worthiness of the equipment. Although this was eventually done, the Mexican military refused to fly the helicopters until they had more assurances that there were no air safety questions. They also wanted more resources to fly the equipment. So nothing was done and the helos sit.

As it happens, Hueys are old, Vietnam War-vintage aircraft. They are still serviceable, but they are aging and need a lot of care and feeding. It is also harder to get spare parts for them.

And being old, they are sometimes cranky. We gave Mexico 73 of these birds in the spirit of cooperation. So, today, the helos in Mexico have been on the ground becoming very expensive museum-quality memorials to the United States-Mexican partnership. While they sit, the air crews' qualifications for flying the equipment is in doubt. So even if we could get the birds up tomorrow, it is not clear that the air crews are qualified to fly them. And we still aren't sure what they are supposed to do if we did. We are not even sure at this point if the Mexicans still want the helos.

It is in this environment that I have asked the Department of Defense to provide me and Congress with a plan. Since no one in the past two to three years seems to have a clue about what we are doing, I think it is reasonable and prudent to have a plan on the

record. This is not rocket science. But so far, I have not had much luck. Now, you would think that there would already be a plan.

Given the importance of our drug cooperation with Mexico it would not be unreasonable to expect one. We have bilateral agreements. We have binational strategies. We have joint measures of effectiveness. We have had ''high-level contact group'' meetings at great public expense to both countries. But apparently we have no plan. We have had recently several Administration visits to Mexico and more discussions. But there is no plan. The administration cannot seem to tell the difference between ''talking'' and a ''plan.''

I, for one, do not think that this is a situation we can accept any longer. After three years of asking, one has to begin to wonder just what it is we think we are doing. I have not mentioned the C–26 airplanes that we gave to Mexico and other countries for which there appears to be just as much lack of thinking. That is for another time. But there is one more piece to the helicopter story.

As of last week, a new problem has developed and all Hueys are grounded again. This doesn't affect the helicopters in Mexico since they weren't flying anyway, but it leaves us even more in doubt. The result is an embarrassment for both countries.

I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 9:04 p.m., adjourned until Thursday, May 27, 1999, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 26, 1999:

DEPARTMENT OF STATE

A. PETER BURLEIGH, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE PHILIPPINES AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR TO THE REPUBLIC OF PALAU.

UNITED STATES INFORMATION AGENCY

ALBERTO J. MORA, OF FLORIDA, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2000. (REAPPOINTMENT)

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES INFORMATION AGENCY FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR

KAREN AGUILAR, OF CALIFORNIA
WILLIAM BACH, OF VIRGINIA
JEFFERSON TRAVIS BROWN, OF NEW JERSEY
JANEY D. COLE, OF THE DISTRICT OF COLUMBIA
RENATE ZIMMERMAN COLESHILL, OF FLORIDA
JULIE GIANELLONI CONNOR, OF LOUISIANA
ROSEMARY F. CROCKETT, OF THE DISTRICT OF COLUMBIA
DOUGLAS A. DAVIDSON, OF VIRGINIA
ROSEMARY ANNE DI CARLO, OF THE DISTRICT OF COLUMBIA
RENEE M. EARLE, OF KENTUCKY
CYNTHIA GRISSOM EFIRD, OF NORTH CAROLINA
MARY ELLEN T. GILROY, OF NEW YORK
MICHAEL G. HAHN, OF VIRGINIA
SUSAN CRAIS HOVANEC, OF MARYLAND
MARK THOMAS JACOBS, OF NEW YORK
INEZ GREEN KERR, OF WASHINGTON
L.W. KOENGETER, OF FLORIDA
MARY ANNE KRUGER, OF VIRGINIA
DUNCAN HAGER MACINNES, OF VIRGINIA
DIANA MOXHAY, OF NEW YORK
KIKI SKAGEN MUNSHI, OF CALIFORNIA
ADRIENNE S. O'NEAL, OF MINNESOTA
WILLIAM VAN RENSALIER PARKER, OF MARYLAND
ELIZABETH B. PRYOR, OF THE DISTRICT OF COLUMBIA
BROOKS A. ROBINSON, OF CALIFORNIA
RICHARD J. SCHMIERER, OF CONNECTICUT
MICHAEL W. SEIDENSTRICKER, OF FLORIDA
MARK A. TAPLIN, OF THE DISTRICT OF COLUMBIA
ELIZABETH A. WHITAKER, OF NEW YORK
JANET ELAINE WILGUS, OF TEXAS

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AND FOR APPOINTMENT AS CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE, AS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, AND CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

LAURIE M. KASSMAN, OF THE DISTRICT OF COLUMBIA

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. THOMAS N. BURNETTE, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. BILLY K. SOLOMON

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

RICHARD W. BAUER
RONALD S. BUSH
DEREK K. WEBSTER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 624 AND 628:

To be commander

ROBERT A. YOUREK

To be lieutenant commander

MICHAEL P. BURNS
LORENZO D. BROWN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 624 AND 628:

To be captain

DOUGLAS G. MACCREA
MICHAEL L. FELMLY
JAMES S. VACEK
SUSAN E. JANNUZZI

To be commander

JEAN E. KREMLER
RONNIE C. KING
JOHN R. POMERVILLE

To be lieutenant commander

MLADEN K. VRANJICAN

CONSUMER PRODUCT SAFETY COMMISSION

MARY SHEILA GALL, OF VIRGINIA, TO BE A COMMISSIONER OF THE CONSUMER PRODUCT SAFETY COMMISSION FOR A TERM OF SEVEN YEARS FROM OCTOBER 27, 1998. (REAPPOINTMENT)

CONFIRMATIONS

Executive nominations confirmed by the Senate May 26, 1999:

DEPARTMENT OF STATE

KENT M. WIEDEMANN, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF CAMBODIA.

DEPARTMENT OF EDUCATION

LORRAINE PRATTE LEWIS, OF THE DISTRICT OF COLUMBIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF EDUCATION.

DEPARTMENT OF DEFENSE

IKRAM U. KHAN, OF NEVADA, TO BE A MEMBER OF THE BOARD OF REGENTS OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES FOR A TERM EXPIRING MAY 1, 1999.

IKRAM U. KHAN, OF NEVADA, TO BE A MEMBER OF THE BOARD OF REGENTS OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES FOR A TERM EXPIRING MAY 1, 2005.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 5046:

To be brigadier general

COL. JOSEPH COMPOSTO

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

THE JUDICIARY

HIRAM E. PUIG-LUGO, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

STEPHEN H. GLICKMAN, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE DISTRICT OF COLUMBIA COURT OF APPEALS FOR THE TERM OF FIFTEEN YEARS.

ERIC T. WASHINGTON, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE DISTRICT OF COLUMBIA COURT OF APPEALS FOR THE TERM OF FIFTEEN YEARS.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. ROBERT R. BLACKMAN, JR.
BRIG. GEN. WILLIAM G. BOWDON III
BRIG. GEN. JAMES T. CONWAY
BRIG. GEN. ARNOLD FIELDS
BRIG. GEN. JAN C. HULY
BRIG. GEN. JERRY D. HUMBLE
BRIG. GEN. PAUL M. LEE, JR.
BRIG. GEN. HAROLD MASHBURN, JR.
BRIG. GEN. GREGORY S. NEWBOLD
BRIG. GEN. CLIFFORD L. STANLEY

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. CRAIG R. QUIGLEY

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. ROBERT A. HARDING

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. PAUL V. HESTER

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) JOHN B. COTTON
REAR ADM. (LH) VERNON P. HARRISON
REAR ADM. (LH) ROBERT C. MARLAY
REAR ADM. (LH) STEVEN R. MORGAN
REAR ADM. (LH) CLIFFORD J. STUREK

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) JOHN F. BRUNELLI
REAR ADM. (LH) JOHN N. COSTAS
REAR ADM. (LH) JOSEPH C. HARE
REAR ADM. (LH) DANIEL L. KLOEPPEL

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. THOMAS J. NICHOLSON
COL. DOUGLAS V. ODELL, JR.

COL. CORNELL A. WILSON, JR.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. ROGER A. BRADY

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE VICE CHIEF OF STAFF, UNITED STATES ARMY, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 3034:

To be general

LT. GEN. JOHN M. KEANE

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. RAYMOND P. AYRES, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. EARL B. HAILSTON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. FRANK LIBUTTI

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 624 AND 628:

To be major

DONNA R. SHAY

IN THE ARMY

ARMY NOMINATIONS BEGINNING JOSEPH B. HINES, AND ENDING *PETER J. MOLIK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 12, 1999.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTIONS 624 AND 628:

To be lieutenant colonel

TIMOTHY P. EDINGER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTIONS 624 AND 1552:

To be lieutenant colonel

CHRIS A. PHILLIPS

ARMY NOMINATIONS BEGINNING ROBERT B. HEATHCOCK, AND ENDING JAMES B. MILLS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 12, 1999.

ARMY NOMINATIONS BEGINNING PAUL B. LITTLE, JR., AND ENDING JOHN M. SHEPHERD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 12, 1999.

ARMY NOMINATIONS BEGINNING BRYAN D. BAUGH, AND ENDING JACK A. WOODFORD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 12, 1999.

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING DALE A. CRABTREE, JR., AND ENDING KEVIN P. TOOMEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 12, 1999.

MARINE CORPS NOMINATIONS BEGINNING JAMES C. ADDINGTON, AND ENDING DAVID J. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 12, 1999.

MARINE CORPS NOMINATIONS BEGINNING JAMES C. ANDRUS, AND ENDING PHILIP A. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 12, 1999.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

DON A. FRASIER

THE FOLLOWING NAMED OFFICER FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE U.S. NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be lieutenant commander

NORBERTO G. JIMENEZ

NAVY NOMINATIONS BEGINNING NEIL R. BOURASSA, AND ENDING STEVEN D. TATE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 12, 1999.

NAVY NOMINATIONS BEGINNING BASILIO D. BENA, AND ENDING HAROLD T. WORKMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 12, 1999.

WITHDRAWAL

Executive message transmitted by the President to the Senate on May 26, 1999, withdrawing from further Senate consideration the following nomination:

EXECUTIVE OFFICE OF THE PRESIDENT

MYRTA K. SALE, OF MARYLAND, TO BE CONTROLLER, OFFICE OF FEDERAL FINANCIAL MANAGEMENT, OFFICE OF MANAGEMENT AND BUDGET, WHICH WAS SENT TO THE SENATE ON JANUARY 7, 1999.

EXTENSIONS OF REMARKS

WORLD POPULATION AND THE ENVIRONMENT

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mrs. MORELLA. Mr. Speaker, in my capacity as Chairman of the Technology Subcommittee of the Committee on Science, I have come across many interesting facts about the relationship between science and the environment. This editorial from The Keene (New Hampshire) Sentinel at first seems humorous in discussing the idea that lawnmowers cause smog. However, as one reads further one realizes that the main point of the editorial is that the ever growing number of people on the Earth stretch the environment's resources to the point where it is ever more difficult to provide for the needs of the world's population. While written in a humorous vein, this editorial provides a strong reason to support international family planning programs.

[From the Keene (New Hampshire) Sentinel]

(By Sentinel Editoral)

PEOPLE SMOG

In what has to be the ultimate insult to the American way of life, scientists studying the source of dangerous chemicals in the air have determined that mowing the lawn causes air pollution.

The report, issued on April 1, seemed like a joke at first. We waited for the big hoot at the end. But apparently it is serious, and the problem isn't just lawnmower engines.

''Wound-induced and drying-induced . . . compounds are expected to be significant in the atmosphere,'' said the team of researchers, in a study that's about to be published in a journal called Geophysical Research Letters. Among the chemicals released by ''wounded'' grass are methanol, hexanal, acetaldehyde, acetone and butatone. The team adds that the same chemicals are also produced in small amounts when people and animals eat raw vegetables.

Okay, even one of the researchers admits this is funny stuff. ''It just doesn't seem likely to me that the smell of newly mown grass is toxic,'' said biochemist Ray Fall. But eventually, who knows, when too many freshly cut lawns are added to too many lawnmower exhaust pipes, and too many cars, and too many factory smokestacks and too many wood stoves and so on?

This apparently trivial grass-clipping story, like reports of so many environmental and social problems, should be seen in the context of a deadly serious dilemma that's often ignored by governments and news media: the world's burgeoning population.

When we read of, hear of and occasionally experience urban blight, environmental pollution, traffic jams, waves of illegal immigrants, filled-in wetlands and other maddening challenges of modern life, we really ought to think more often of the common denominator. People. People have to work, play, build, heat their homes and businesses, travel from place to place. And as we do so, bit by bit we inevitably degrade our physical and social environments. No single activity is particularly troublesome. But the more of us there are, the more degradation there is. Where will it end, with a standing-room-only society shrouded in a poison fog?

These thoughts are prompted not so much by the lawnmowing story, but by some alarming testimony presented last month to a U.S. House committee. Werner Fornos, the indefatigable head of the nonprofit Population Institute was practically on his knees trying to persuade indifferent members of Congress to spend a mere $25 million on international family planning assistance next year.

Fornos outlined the situation in stark terms, noting that the world population grew from one billion to two billion between 1830 and 1930—in 100 years—then added a third billion by 1960—in just 30 years. Since then, it has doubled to six billion. We publish extracts from Fornos's testimony on this page today. It makes sobering reading, as we approach another lawn-mowing season.

INTRODUCTION OF THE GILA RIVER INDIAN COMMUNITY—PHELPS DODGE CORPORATION WATER RIGHTS SETTLEMENT ACT OF 1999

HON. JOHN B. SHADEGG

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. SHADEGG. Mr. Speaker, I rise today to introduce legislation authorizing a water rights settlement which was entered into on May 4, 1998, by the Gila River Indian Community and the Phelps Dodge Corp.

As my colleagues who are involved with western water issues know, reaching a settlement to an Indian water rights dispute is an incredibly complex and contentious task. The parties to this agreement should be commended for their willingness to work cooperatively to settle their differences and for their perseverance in striving to reach an agreement.

While the settlement which my legislation authorizes is an important step in the right direction, it is in many ways the vanguard for a much larger settlement currently under negotiation. These negotiations are intended to permanently and comprehensively address the water needs of central Arizona and the Phoenix metropolitan area while providing a final settlement of all water claims by the Gila River Indian Community.

The issue of long-term water supplies is of the utmost importance to Arizona. Phoenix is currently the sixth largest metropolitan area in the United States and it continues to grow rapidly. It must have permanently assured, affordable water supplies to maintain its prosperity and sustain its growth. Any settlement which is ultimately reached must be crafted to ensure that water is readily available a century and more from now.

The legislation which I introduce today provides a vehicle for advancing the process of negotiating a comprehensive settlement. I will work tirelessly to ensure that any settlement which is reached protects the water supplies of all Arizonans in perpetuity and acknowledges the primacy of State water law over allocation of this precious resource.

REGARDING THE PASSING OF MS. SANDRA CHAVIS

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to express my heartfelt sadness on the recent passing of an individual who provided tremendous service to our country and in particular, to the Dallas/Fort Worth area.

Mr. Speaker, on Saturday, May 22, 1999, Ms. Sandra Chavis passed away after suffering a heart attack. She was 50 years young.

Mr. Speaker, I join many individuals in my district and the Washington area in mourning Ms. Chavis. Her dedication to our Nation's fair housing laws and her commitment to public service are recognized and cherished by many.

Indeed, there are many families throughout our Nation's cities who have equal access to home ownership because of her tireless efforts to open the doors to homes everywhere, for everyone.

Her dedication in this area is as well-known as her gracious demeanor and her love for her family.

Mr. Speaker, Ms. Chavis first showed her dedication to public service in San Francisco in 1973, where she worked for the Social Security Administration. In 1978, she joined the Department of Housing and Urban Development's Office of Fair Housing and Office of Human Resources. She joined the Department at a time when fair housing laws were still in their nascence.

At the time of her unexpected death, she was serving as Director of the Department's Office of Equal Employment Opportunity in Washington, DC. Her cumulative work at the Department of Housing and Urban Development represented a career of fighting for fairness and equality for all Americans.

Mr. Speaker, her life and work were held in such high esteem that the Department of Housing and Urban Development led by Secretary Andrew Cuomo are opening their hearts and doors with a memorial service at HUD headquarters. This is truly because she touched and moved so many lives.

Mr. Speaker, it was once said that ''nothing great in the world has been accomplished without passion.'' I truly believe that Ms. Chavis had a great and intense passion to serve others and promote fairness. That great passion allowed her to accomplish so many great things that we are indebted to her now and forever.

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

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

Particularly, I want to recognize a host of family and friends she left behind: her husband, George Anderson; her son Jamie Chavis; her parents, William Ira and Arlanda Chavis; four brothers, William Ray Buston, Gerald Patterson, Ira Rudolph, and William Randolph; two sisters, Ruth Bryant and Linda Coley; three grandchildren, Carlton, Jamillya, and William Patrick Chavis; nine nephews, and six nieces; three close friends; Vyllorya A. Evans, Evelyn Okie, and Shirley Wells. I join them in celebrating the life of a great human being, public servant, and American.

1999 SIXTH DISTRICT ESSAY CONTEST WINNERS

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. HYDE. Mr. Speaker, please permit me to share with my colleagues the work of some bright young men and women in my district.

Each year, my office—in cooperation with junior and senior high schools in Northern Illinois—sponsors an essay writing contest. The contest's board, chaired by my good friend Vivian Turner, a former principle of Blackhawk Junior High School in Bensenville, IL, chooses a topic and judges the entries. Winners of the contest share in more than $1,000 in scholarship funds.

Today, I have the honor of naming for the RECORD the winners of this year's contest.

This year, Kathryn Solari of Mary, Seat of Wisdom School in Park Ridge, IL, won the junior high division with an essay titled, ''Coach—One Who Teaches or Trains an Athlete,'' a text of which I include in the RECORD. Placing second was Jennifer C. Miller of St. Peter the Apostle School in Itsaca. This year, we had a three-way tie for third place in the junior high division among: Omar Germino of St. Charles Borromeo School in Bensenville, Sam Francis of Glen Crest Middle School in Glen Ellyn, and Rachel Soden of Westfield School in Bloomingdale.

In the Senior High School Division, the first place award went to Paul McGovern of Driscoll Catholic High School in Addison for his essay, ''Teofilo Lindio,'' a text of which I include in the RECORD. Carl Hughes of Maine South High School in Park Ridge finished second, and third place went to Katherine Yeu, also from Driscoll Catholic High School.

I wish to offer my congratulations to all this year's winners.

TEOFILO LINDIO—THE SIX PILLARS OF CHARACTER

(By Paul McGovern, Driscoll Catholic, Addison, IL)

I consider my grandfather, Teofilo Lindio, to be an exemplary role model. My Lolo (the Philippine word for grandfather) was born on March 8, 1912, in Legaspi, a small province in the Philippines. Though I have been to the Philippines to see him only once, I have heard much of him from my mother. According to her, Teofilo was an honest, caring individual who accepted what came to him in life, and strove to make the most of it. He was sincerely devoted to his God, to his family, and to his fellow man. My Lolo's solid Christian beliefs formed the foundation on which the Six Pillars of Character were laid—the pillars, which ultimately formed and upheld his reputation as a great man within his community.

Teofilo was the fifth of seven children of a wealthy commercial farmer. However, when his father died, Teofilo inherited little, since most of the land went to the older sons. At this point, Teofilo had to make a choice. He was already married, and his wife was about to have a child. Teofilo had been at the top of his high school class, so college was a very possible option for him. After considering the consequences of this option, he made the responsible choice. He used the money he had to start his own carpentry business so that he could better support his family.

Eventually, Teofilo's business grew and he began to amass a small fortune. Rather than indulge himself in luxuries, he decided to make a difference in his community of Legaspi. Teofilo would make free coffins for the poor people in his community. Every Sunday after church, he would host a picnic in which all of the impoverished people in the community could eat for free. This compassion earned him his reputation as a generous, caring man. Eventually, however, the amount of money that he spent on feeding the poor became too much, as more and more poor persons came to eat each Sunday. His business underwent tough times, and soon he was forced to stop his charity. In one particularly difficult period during the 50's, Teofilo and his family had trouble finding enough food to eat. All of his children who were old enough to work had jobs so that the family could feed and clothe itself. Even in tough times, Teofilo still showed fairness in his dealings with customers, and continued to do quality work for a fair price. Morals were more important to him than money. He did not blame God, the poor whom he fed, or himself for the state of poverty he was in. Knowing that Teofilo was a generous man, wealthy people offered him aid in his time of trouble. Teofilo ''took turns and shared,'' and thus moved others to do the same.

In my opinion, my Lolo was simply an all-around outstanding individual. His trustworthiness was shown in his commitment to his family. Teofilo was honest in his marriage, and put his family first in his life. According to my mother, he spent every night with the family, asking all nine of his children how their days went, telling jokes, and discussing Bible stories. He promised to always be there for them, and he was. He continually said to me over the phone, ''No family gathering can be complete without you and your dad.'' Another instance of this trustworthiness is when his wife became very sick in the 50's. Teofilo made a promise to God that if his wife recovered, he would sing the Pasyon (Passion and Resurrection of Christ) on every Holy Thursday and Good Friday—2 whole days, without sleep—until the end of his life. His wife recovered, and he faithfully kept his promise.

Teofilo showed respect for others as well. He respected the poor as human beings who had the right to eat just as he did. He respected his children's right to make decisions about their future. He did not force his sons to work in his business, but instead encouraged them to achieve higher education and do what brings them the most joy. Neither did he force his daughters to marry any particular young man, even though his parents forced him into a marriage. Teofilo taught his children that keeping a level head and peaceful disposition is the best way to resolve a conflict. While visiting the Philippines, one of my relatives told me a possibly exaggerated story of how Teofilo caught a burglar who broke into his house. He held a large knife to the burglar's neck, forgave him, and let him leave peacefully. The burglar never attempted to steal from Teofilo's house again. Teofilo was also a model for outstanding citizenship. Whenever there was a fire in the community he would volunteer his help, even if it occurred in the middle of the night. He made his community a better place by feeding the poor. Even in tough times, the temptation to steal was never able to ensnare him. The worst law violation he committed in his lifetime was not reporting the burglar. In this violation of state law, he upheld the ''law'' of the Church—to forgive and forget. An extremely diligent individual, Teofilo never went into complete retirement. He still continued to repair and build houses up until his death.

Lolo died on February 28, 1999 of a heart attack at age 86, just before he was able to finish building an altar in his house. After the period of mourning, my family and I looked back at what Teofilo Lindio had done in his lifetime. While he was only moderately successful in an academic and material sense, his character was certainly most admirable. Though he, like all people, must have had his bad points, he was, overall, a great man. I must say that I am proud to be a descendant of Teofilo Lindio.

COACH—ONE WHO TEACHES OR TRAINS AN ATHLETE

(By Kathryn Solari, Mary, Seat of Wisdom School, Park Ridge, IL)

People often compare life to many things. Since athletics have been very important to me, I could compare life to a series of basketball games. Good character then is the attitude by which you approach, play, and finish the game. It is similar to life in that if you don't do things with a good attitude, you won't get very much out of the game. A role model is like a coach. The coach is someone who has played the game before and is continuing to work on improving his game. He tries to teach you all that he has learned and helps you to become a better player so one day you can make smart plays on your own. He is there to congratulate you when you win and comfort you when you lose. No matter what, his guidance becomes a part of you and has a great influence on your game. It is important to have role models in your life who act as coaches. My coach, teammate, referee, fan, and role model is my dad. He has not only told me, but has shown me how to win in the game of life. He has done this by being responsible, respectful, and caring.

My father is very caring. To me, caring means putting others before yourself. My father truly cares for my family. He cares for and loves his wife and all four of his children. There is nothing he wouldn't do for us. After a hard day's work, he comes home and greets each of us with a smile no matter where we are in the house. He asks us if we need help on our homework because he cares about how well we do in school. My dad and I must have done thousands of math problems together. On any given night, he is quizzing us on vocabulary or testing us on our school subjects. However, our grades don't matter as much to him as long as we try our best. His guidance in decision making is always helpful. On Thursday and Friday mornings he gets up early with my sister and me to help us get ready for band. He takes care of us when we are sick, comforts us when we are sad, and laughs with us when we are happy. Most of all, he makes each of us feel important and special in our own way.

My dad shows how caring he is through his service in the community. If anyone in the neighborhood needs help, my dad will help them with anything from taking care of a pet to vacuuming out a flooded basement. He is currently coaching four basketball teams because he feels all children should have the

opportunity to play. During parish mission projects, my dad generously donates his time to assist however possible. During the shoe box drive at church, for example, he wrapped shoe boxes, bought needed supplies at the store, and cleaned up after everyone left. He has delivered furniture to a family in Roger's Park as well as packed peanut butter sandwich lunches for the needy. My father is a person who truly loves and cares for others.

My father tries to respect everyone. To me, respect is treating others the way you want to be treated no matter how they treat you. My father is very fair. He has probably learned that from raising four children. If he is going to let my sister stay up a little later, then he lets us all stay up a little later. He also gave everyone on my basketball team equal playing time this year. He is very polite and shows good sportsmanship. Being considerate, my father tries to think about how things will affect others. He is always open to new ideas and never laughs at things unless they are meant to be funny. If there was an award for the most patient and easy going person, I am sure my dad would win it. His positive outlook on life and his gentle ways of speaking win him others' respect. My father never yells at anyone. Instead, he talks things out and treats people with respect. He tries to bring out the best in everyone.

My father has a lot of responsibilities in his life, which he handles well. He is, first of all, responsible for his family. He works all day to provide for us. He also helps around the house doing various chores. His responsibilities as a father are endless. He also has a responsibility to love and be faithful to my mom. He is responsible for helping his parents and my mom's parents with things around their homes as well as with financial advice. Many of his responsibilities lie outside our family. He is involved in many of the decisions regarding our school's expansion project this year. He is on the finance committee at his old high school, as well as many committees in our parish. To fulfill his religious responsibilities, he attends church regularly, is a Eucharistic minister, makes financial contributions to the church, and tries to live out the Gospel.

My dad is a very important and irreplaceable part of my life. He has taught me much about life and has set my life on a good, strong foundation. I know that my dad will always be there to guide me, comfort me, help me, and celebrate with me. Next year, I will be starting high school. There will be many changes in my life. I know that things won't be as difficult because I have a great role model and coach walking with me every step of the way. Knowing my father, the best way to thank him would be to live my life as he has coached me, to be a caring, respectful, and responsible person. With a coach like my dad and God on my side, I know I'll be a winner in the game of life.

VFW'S 100TH ANNIVERSARY

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. SESSIONS. Mr. Speaker, in celebration of VFW's 100th anniversary, I want to recognize the efforts of this worthwhile organization that continues to assist tens of thousands of veterans, as well as their dependents and survivors. Today, the VFW's 2 million veterans, and its auxiliaries' 750,000 members, provide $2.7 million annually in scholarships and awards to U.S. high school students. In addition, the VFW provides $3 million annually for cancer research and $15 million for veteran-service programs.

In Texas alone, there are approximately 174,452 retired military who have done their part in defending our country—we need to recognize their service. On Memorial Day, I will be presenting the Bronze Star Medal to Army Captain James Flowers who served our country during World War II. During an invasion of Normandy, Mr. Flowers lost both legs. The tragedy Mr. Flowers suffered should not go unrewarded.

I am consistently awed by the great sacrifice committed by so many of behalf of this great nation. Let us not forget the goals of the VFW as noted in the 1936 congressional charter: ''To assist worthy comrades; to perpetuate their memory . . .; and to assist their widows and orphans; to maintain true allegiance to the Government of the United States; to maintain and extend the institutions of freedom; and to preserve and defend the United States from all her enemies, whomsoever.''

ESTABLISHING FREE TRADE AGREEMENTS WITH PACIFIC RIM COUNTRIES

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. CRANE. Mr. Speaker, today I am introducing legislation to encourage the establishment of free trade agreements between the United States and certain Pacific Rim countries.

H.R. 1942 directs the President to initiate preliminary consultations with the governments of each eligible Pacific Rim country to determine the feasibility and desirability of negotiating the elimination of tariff and non-tariff barriers in the context of a bilateral free trade agreement. If a positive determination is made, the President shall request a meeting at the ministerial level to consider the conditions under which formal negotiations regarding a free trade agreement could be commenced. The countries that may be considered for eligibility are the members of the Asia Pacific Economic Cooperation Group (APEC.)

Because open markets increase competition, eliminate inefficiencies, and result in lower costs to consumers and manufacturers, trade liberalizing agreements improve our prosperity and encourage the creation of secure, higher wage jobs. Sadly, the President's failure to support the passage of trade negotiating authority in this Congress has crippled the United States trade agenda and has brought a halt to the expansion of international markets for U.S. exports.

This legislation responds to the President's inaction by calling on him to investigate opportunities for negotiating free trade agreements with long time U.S. allies in working to increase economic growth through trade liberalization, both in the World Trade Organization and in APEC. Countries such as Australia, New Zealand, and Singapore, because of the largely open nature of their economies and their track record of supporting United States trade negotiating objectives, are countries which would be eligible immediately under the criteria established in this bill.

Building closer ties and coordinating with countries whose interests are largely friendly to the United States will have immense payoffs as trade negotiations in APEC and the World Trade Organization proceed. Bilateral and multilateral trade agreement negotiations, such as the NAFTA, have been shown to exert constructive pressure on multilateral and regional trade negotiations. Bilateral trade talks enlarge common areas of agreement on trade rules and disciplines which can then be advanced more successfully in the context of larger negotiations among additional trading partners. This bill is all about finding opportunities wherever we can to break down barriers to United States exports and keep the trade agenda moving forward.

The real advantage of this legislation is that it will improve and expand our trade ties with countries in the Pacific Rim region and reassure countries that the United States, despite the absence of trade negotiating authority, is not turning inward and adopting a trade policy defined by narrow and inward-looking special interests. H.R. 1942 would direct the President to pursue aggressively more open, equitable, and reciprocal market access for United States goods and services. Continuing the pursuit of lower economic barriers and standardized rules and procedures governing international business will yield enormous benefits to our firms and workers. I urge my colleagues to join me in cosponsoring this important bill.

BOB COOK TURNS 80

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. JONES of North Carolina. Mr. Speaker, I rise today to honor a constituent who has rendered great service to his country and his community and who will turn 80 on June 19. His family and friends will honor him at a surprise fete on Saturday, May 29, in Duck, North Carolina.

Robert (Bob) Cook worked for the U.S. Department of Agriculture for 26 years before he retired in 1980. While there, he managed Price Support programs in honey bees, potatoes, turkey, milk and wheat. What that really means is he ensured that farmers received government assistance when they were economically devastated by a disaster. For instance, in the 1960s, our Western states were hit by a pesticide disaster which affected milk. All milk had to be poured down the sewer. Bob wrote the program to assist the farmers whose livelihoods were threatened by the loss.

Bob was born and grew up in Texas in a small farming community called Lampasas. He was the youngest of eight children, all of whom helped their parents who were ranchers raising sheep and cattle. After graduating from high school, Bob enrolled in Texas A&M but he felt his duty to serve his country before he could graduate. He left in his senior year to fulfill his duty to his country. He joined the Army where he served in Europe in World War II as a Quartermaster, supplying the front lines with food and other necessities. After the war, he returned to Texas A&M where he graduated. Bob then taught GIs returning from the war to become farmers and ranchers. He had an acute interest in raising sheep and

soon he received a Masters Degree from the University of Wyoming which had an outstanding program in this area. He began his tour with the Department of Agriculture in San Francisco but was soon transferred to Boston. There he met his lovely bride to be, Dorathy Holmes, and married her 45 years ago. They moved to Washington, DC in 1954, both working for the Department of Agriculture. They lived in Alexandria, Virginia where they were active in community life, most particularly in their Jewel Street neighborhood. The ''Mayor of Jewel Street and Aunt Doe'' helped raise and supervise neighborhood children, many of whom have adopted them as grandparents. Many of those parents and children will be present at the celebration honoring their beloved ''Uncle Bob'' Memorial Day weekend at the Duck home of Mary and David Gordon: the Gordons' son Scott, daughter Jenifer and her husband Dave Tran; Eleanor Scott; Jean and Dick Donnelly and their son Jamie; Rosemary and Johnny Perdue; Joy and Don Earner; Ray Bailey and Alice Rowan and their two sons William and John; and Francis Urban. In addition many of Bob's friends in Duck will be in attendance. For years Bob and Doe kept their house on Jewel Street and split their time between Alexandria and Duck. In 1993, they moved to Duck permanently.

Mr. Speaker, I am proud to have Bob and Dorathy as constituents and I ask that my colleagues in this chamber join me in thanking Bob for the many contributions he has made to his country and to his community and in wishing him a very happy birthday.

CONGRATULATIONS TO MS. BRENDA BRYANT ON HER RETIREMENT

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. COLLINS. Mr. Speaker, today I rise on the occasion of the retirement of Ms. Brenda Bryant from the General Electric Corporation. Ms. Bryant has served in a variety of capacities with the company over the past twenty years, including her current position as Executive Assistant to the Senior Vice President, GE Capital, Incorporated, Business Center Operations in Atlanta, Georgia.

Throughout her career with the Company, Ms. Bryant has been recognized several times for superior service and outstanding achievement. She first joined the General Electric team in Nashville, Tennessee where she worked for the Major Appliance Business Group Division and was the recipient of the ''Manager's Award'' for superior achievement.

She rejoined the company after a move to the Washington, D.C. area where she worked in the General Electric Washington Patent Operation Office, and then later transferred to the Government Services Office where she received the ''Lighting Award'' for consistently high performance.

Since her move to the Atlanta GE Capital, Inc., offices, she has been the recipient on two occasions of the ''GE Capital Bright Lights Award'' for her outstanding work among fellow employees. So, after twenty years, Ms. Bryant ends her career with the General Electric Corporation on a high note.

Mr. Speaker, Ms. Bryant's professional achievements reach beyond her service to the General Electric Corporation. She has also worked as a real estate agent, a paralegal, and office manager for a firm specializing in combating organized crime. Throughout her professional career she has also made time to serve her community through volunteer work. She is a charter member of the Committee to establish the Macon, Georgia Cherry Blossom Festival; she has organized many charitable events and fundraising drives; she have volunteered at hospitals, local schools, homeless and women's shelters and the list goes on.

While her professional and volunteer activities are many, her accomplishments do not end there. Perhaps her most rewarding, and certainly most challenging successes have been in the trades she has practiced at home. As wife and mother of two children, her jobs have included girl scout leader, cub scout den mother, carpool manager, expert chef, homework and school project director, and creative family budget accountant. As general home manager, Ms. Bryant deserves special praise because the rewards of Mr. Bryant's fast-paced career over the years has required quite a few moves. In fact, over the course of thirty years, Mr. Bryant's position with the Bureau of Alcohol Tobacco and Firearms has required the Bryant family to relocate to at least a dozen different cities, eighteen different dwellings and as many different schools. It has taken a special skill and complete commitment to make each of those a *true* home, and Ms. Bryant has met that challenge successfully each time.

We salute Ms. Brenda Bryant. Today she retires from a career that is filled with honors and achievements. But her outstanding career with the General Electric Corporation is but one part of this woman of many accomplishments. To her I say congratulations on a job, or actually many jobs, well done. And as she begins a new phase in life, we know that she already has her eye on the many challenging and rewarding jobs ahead.

MCGOWAN HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to a close friend and a community and spiritual leader in Northeastern Pennsylvania, Monsignor Andrew J. McGowan. A community-wide celebration will honor Monsignor McGowan in June for his Golden Jubilee of Ordination. I am extremely pleased and proud to have been asked to participate in this significant milestone for a man who is a true treasure in our community.

A native of the area, Monsignor McGowan is fond of saying that his claim to fame is his famous brother, William McGowan, the founder of MCI. But those of us who know Monsignor McGowan know that he has made his own legacy in Northeastern Pennsylvania. He helped found Leadership Wilkes-Barre. He served as Community Affairs director for all the hospitals and colleges in the diocese of Scranton. He served as the vice-chair of Allied Services Hospital Foundation, the Commission on Economic Opportunity, and the Heinz Institute of Rehab medicine. He has served on so many community Boards of Directors that the list is too long for me to recount today. He has been a strong supporter of the new Luzerne County Arena since its inception and he currently sits on the Arena's Board of Directors.

Mr. Speaker, Monsignor McGowan is most renowned for his skill in public speaking and is the most sought-after speaker in Northeastern Pennsylvania, sharing his famous humor and insight with his audiences. Politicians such as myself who regularly attend the countless community events emceed by Monsignor McGowan look forward to his trenchant observations on life in Northeastern Pennsylvania, even though we know we are fair game for his good-natured, but barbed, wit. Even nationally-known humorist Regis Philbin once found himself upstaged by this deceptively-gentle man of the cloth.

This is not the first time Monsignor McGowan has been honored in this chamber, nor in Northeastern Pennsylvania. Among the many honors that have been awarded to him are the Distinguished Service Award of the Hospital Association of Pennsylvania, the B'nai Brith Americanism award, and the 1994 Award of Excellence of the Independent Colleges and Universities of Pennsylvania.

I have been privileged to work with this fine and distinguished individual many times before and after my election to Congress. His leadership, compassion, and understanding have always been an inspiration to me. Mr. Speaker, in addition to being among Monsignor McGowan's legion of admirers, I am very proud to call him a good friend. I send my most sincere best wishes for his continued good health and success, and join with the community in thanking him for his dedication to the people of Northeastern Pennsylvania.

IN HONOR OF HANK WILLIAMS III

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mrs. EMERSON. Mr. Speaker, today I rise in recognition of a young man that understands the meaning of heritage and tradition. Hank Williams III is the third generation of country music performers to come from the legendary Hank Williams family. Hank Williams III has strong ties to the great State of Missouri as he spent most of his childhood in Jane, a small town in southwestern Missouri.

On June 5, 1999, Hank Williams III will help maintain those strong Missouri ties by performing for the Malden Chamber of Commerce's annual country music concert. The concert originally started as a benefit show that was performed by country legend Tammy Wynette. Unfortunately, due to Ms. Wynette's untimely death, the Chamber had to find a replacement act. What better person could the Chamber have chosen to help out but Hank Williams III?

All three generations of the Hank Williams family should be commended for their contributions to our American culture. Hank Williams, Sr. was country music's first super star. Hank Williams, Jr. was one of the first artists to combine southern rock music with country music, and he is credited by many for his role in broadening the popularity of country music.

Hank Williams III is now carrying on an already stellar family name and working to further enhance the country music industry that rests on the foundation built by his grandfather and father.

The rich tradition of the Williams family and their positive contribution to our American culture is truly an inspiration to us all.

BEIJING'S BRINKMANSHIP IS DANGEROUS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. BEREUTER. Mr. Speaker, in April, during Chinese Premier Zhu Rongji's visit to Washington, and after thirteen years of off-and-on again negotiations, China finally agreed to the kind of comprehensive trade concessions necessary to gain U.S. support for Beijing's entry into the World Trade Organization. For what this Member believes were political reasons, President Clinton did not accept Premier Zhu's offer despite the offer appearing to meet the commercially-viable standard we set for acceptance. That was a mistake. China's accession to the WTO in the context of a commercially-viable agreement is in the short, medium and long-term national interest of the United States.

Since Premier Zhu returned home to Beijing, Sino-American relations have worsened, particularly following our accidental bombing of the Chinese embassy in Belgrade. China should be careful, though, and temper its growing overreaction to this unfortunate incident as overplaying its hand could jeopardize China's WTO accession and China's relations with the foreign investors it needs to attract for further economic growth. Such developments would certainly not be in the national interests of either China or the United States. Mr. Speaker, it is in this context that this Member recommends to his colleagues the following editorial from the May 24, 1999, edition of Business Week.

BEIJING IS PLAYING A PERILOUS GAME

China's anti-U.S. rage over the accidental bombing of its embassy in Belgrade should be a sobering moment for the American business community. Despite decades of economic and social change, China is still governed by an authoritarian regime fully capable of wielding all the tools of a dictatorship. The markets may be more open and people may be freer to travel, but Beijing is still able to control the media and cynically manipulate the truth to whip people into a nationalistic anti-American frenzy. By treating the U.S. as an enemy, China's leaders run the risk of turning America into just that.

This kind of brinkmanship was last seen when China lobbed missiles over Taiwan to protest its president's visit to the U.S. A pattern of repeated quick-to-anger behavior could begin to raise the political risk factor for foreign corporations investing in China. It may already have put China's entry into the World Trade Organization in jeopardy.

Washington's own blunders haven't helped. After years of boasting about smart bombs, the U.S. must now explain how it accidentally bombed China's clearly marked embassy. This disaster follows hard on the heels of President Clinton's humiliation of reform-minded Premier Zhu Rongji. Clinton made a huge mistake when he rejected a generous offer to U.S. business in exchange for Beijing's entry into the WTO. Zhu went over the heads of conservatives in state companies, the bureaucracy, and the military to make the deal. But Clinton sent him home empty-handed. The organized demonstrations are part of an effort by these conservatives to roll back Zhu's economic concessions. They might also reflect Zhu's own anger at Clinton.

Unfortunately, the intense wave of anti-Americanism may change China's investment climate for years to come. U.S. and European corporations must now include in their financial calculations the possibility of Beijing lashing out against foreigners whenever international disputes arise. This higher political risk compounds a basic business problem: Most investments in China have yet to turn a profit.

For Americans who believe that China was quickly moving toward a market-driven democracy, recent events should signal a new caution. Clearly, the seeds of a civil society run according to law have been planted in China. The country is far more open today than 20 years ago. But it took Taiwan and Korea nearly 50 years to evolve into democracies. It may take China that long as well. Or China could become a far more threatening country. The point is, no one knows.

The long-term goal of U.S. policy should continue to be the peaceful integration of China into the global economy. If Zhu can still deliver on the WTO deal, Washington should sign it. And certainly, Washington owes China a full and detailed explanation of the bombing error. It is also incumbent upon the U.S. to clarify its policy of humanitarian interventionism. Is the U.S. the defender of last resort for every minority anywhere in the world? Is it willing to sacrifice good relations with Russia and China, both of whom have restive minorities, for a foreign policy of unfettered global moralism?

China, for its part, should realize that virulent nationalism can only lead down a historic dead end of isolation and international conflict. Its willingness to go to the brink time and again with the U.S. rules out the very kind of normal relations with other nations that it claims to seek.

DEA ADMINISTRATOR TOM CONSTANTINE RETIRES

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. GILMAN. Mr. Speaker, yesterday we regrettably learned that our nation's leading drug fighter, our distinguished DEA Administrator Thomas Constantine, has announced his retirement after five years of public service in Washington. Prior to coming to Washington, Mr. Constantine had long served with distinction in New York State as a state police officer. He became the first state trooper to rise to Superintendent of the N.Y. State Police after more than 30 years as a state trooper.

Considered a ''cop's cop'' by our nation's law enforcement community and an expert on organized crime, he courageously called it as he saw it, particularly the laxness and corruption, drug trafficking and organized crime in Mexico. His candor, his integrity and honesty were always welcome, and significantly helped us to develop our drug control policy and thinking on this difficult, challenging subject.

Director Constantine leaves just after opening a new DEA training academy at Quantico, Virginia that will serve as a leading international training center for fighting drugs in our hemisphere. He also led the way to opening of a second International Law Enforcement Academy (ILEA) in the world established with Thai Police in Bangkok, Thailand. That ILEA will help develop vital ''cop to cop'' links in Asia against the spread of illicit narcotics and transnational crime.

During Director Constantine's tenure as Superintendent of the New York State Police, the 4,800 member department received numerous awards, including the Governor's Excelsior Award given to the best quality agency in state government. In 1994, Mr. Constantine was selected as the Governor's Law Enforcement Executive of the Year. He was also awarded the 1997 National Executive Institute's Penrith Award for outstanding law enforcement leadership.

My colleagues, our nation, and especially our young people, have lost an outstanding and invaluable public servant. We all join in wishing Tom and his family good health and happiness in his retirement years.

THE ADMINISTRATION'S HARBOR SERVICES FUND ACT OF 1999

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. SHUSTER. Mr. Speaker, today I am pleased to introduce by request the Administration's Harbor Services Fund Act of 1999 which provides a source of funding for the development, operation and maintenance of our Nation's harbors. This legislation establishes a fee that would be charged to commercial vessels for the services provided at ports within the United States. Generally, these services are those provided by the Army Corps of Engineers in their maintenance dredging program and in their construction of new navigation channels.

This bill also repeals the Harbor Maintenance Tax that has served as a source of funding for maintenance activities since 1986. It also transfers the surplus in the Harbor Maintenance Trust Fund to a new fund where it could be spent for intended services. Last year the Supreme Court ruled that this tax, as it applies to exports, is unconstitutional. The intent of the Administration's bill is to structure a revenue mechanism to meet the constitutional test for a user fee and to prevent a large surplus from developing in the fund.

The Administration's bill raises a number of significant questions and issues. Predictably, this controversial proposal has raised concerns among those who would pay—either directly or indirectly—the new fee. One common principle shared by both proponents and opponents of the bill, however, is the need to find a replacement to finance port infrastructure needs.

Our Nation's ports are a vital link in our intermodal transportation network that is the foundation of our competitiveness in international trade and our economic well-being. Our deep draft ports move over 95% of US trade by weight, and 75% by value. International trade accounts for $2.3 trillion, or 30% of our Gross Domestic Product. Addressing the question of how to fund the Federal cost

of maintaining and improving our harbors is an important part of the Transportation and Infrastructure Committee's business this year.

The Transportation and Infrastructure Committee intends to explore this proposal and others over the next several months. We will be working with the Administration, ports, shippers, carriers and others in order to develop a fair and dependable source of funding for this important Federal function.

A TRIBUTE TO PIETER BOELHOUWER

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. LARSON. Mr. Speaker, I rise today to pay tribute to Pieter Boelhouwer of Wethersfield, CT, a distinguished 1998–99 White House Fellow.

For nearly three decades, the White House Fellowship Program has honored and employed the talents of outstanding citizens who have demonstrated excellence in academics, community service, leadership, and professional achievement. Each year there are between 500 and 800 applicants nationwide for 11 to 19 fellowships. White House Fellows are chosen on the merit of remarkable achievement early in their career and the evidence of growth potential. It is the country's most prestigious fellowship for public service leadership development.

As a White House Fellow, Mr. Boelhouwer works in the Office of the Vice President. In this capacity, he focuses on domestic policy issues such as Social Security reform, domestic impact of foreign trade, creating livable communities, agriculture and transportation issues. He has also had the unique opportunity to meet and work with America's leaders in the private, public and non-profit sectors as part of his White House Fellowship curriculum.

Mr. Boelhouwer earned a bachelor's degree in history, Phi Beta Kappa, from Trinity College and a JD from Yale Law School, He is a management consultant with McKinsey & Co., where he has designed an innovative approach to connecting schools to homes via the Internet to improve children's education. Prior to joining McKinsey & Co., he served as a legislative aide in the U.S. Senate, where he developed and drafted legislation creating the National Civilian Community Corps, a resident service program passed as part of President Clinton's AmeriCorps bill. Mr. Boelhouwer's community involvement is quite extensive. Most notably, he originated and led a probono project to help the President's Summit for America's Future design its plan to reach the nation's communities. In addition, he created and wrote a guidebook, published by America's Promise, to help neighborhoods and communities around the country develop their own local action plans.

Mr. Speaker, I urge my colleagues to join me today in commending Pieter Boelhouwer for his service as a White House Fellow and for his distinguished leadership in civic and community endeavors.

TRIBUTE TO RODNEY GRAHAM AND AKILAH HUGINE

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to two of my constituents in the Sixth Congressional District of South Carolina, Rodney K. Graham and Akilah L. Hugine. These two exceptional young people have been selected to participate in the 1999 NASA Summer High School Apprenticeship Research Program (SHARP) PLUS.

The SHARP PLUS program is sponsored by NASA and the Quality Education for Minorities (QEM) Network. They are 2 of 300 high school students who will be participating in this summer's program. Rodney and Akilah were chosen from over 1,200 applicants representing 195 high schools in 34 states, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands.

Since the 6 years the SHARP PLUS program has been in existence, it has provided almost 1,500 summer research apprenticeships to rising high school juniors and seniors interested in mathematics, science, engineering, and technology. Although Rodney and Akilah were chosen based on their exceptional math and science skills, they have not had the opportunity to apply this knowledge in a research environment. The SHARP PLUS program will give them the opportunity to work with professional research scientists and engineers in university and industry settings. They will be working on research projects and presenting papers based on their findings at the end of the program.

Mr. Speaker, I commend NASA and the QEM Network for this outstanding program, and I ask you to join me in expressing my most sincere congratulations and best wishes to Rodney K. Graham and Akilah L. Hugine from South Carolina for being selected for the 1999 NASA Summer High School Apprenticeship Research Program.

A TRIBUTE TO THE SAN MANUEL BAND OF MISSION INDIANS AND THE UNITED STATES DEPARTMENT OF COMMERCE

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. BROWN of California. Mr. Speaker, it is with a great sense of pride that I rise today to pay tribute to the San Manuel Band of Mission Indians and the U.S. Department of Commerce on the occasion of the opening of the newest associate office of the U.S. and Foreign Commercial Service on June 4th, 1999.

This joint venture marks the first time that the Department of Commerce has opened an office of this nature on tribal lands. The San Manuel Band of Mission Indians and the Department of Commerce are forging a new path for future expansion of these types of programs to other tribes. It is my hope that more agencies will follow this path and work with all tribal governments to open new offices on tribal lands. Future expansion of United States government agencies on these lands not only helps tribal governments, but also benefits local communities, and can help foster more interaction between a tribe and the community around it.

The purpose of the Foreign Commercial Service is to support U.S. commercial interests by increasing sales and market shares of domestic companies in overseas markets. The San Manuels, by bringing this agency to their tribal lands, have given all local businesses an advantage in increasing their sales and the local workforce, by increasing the avenues for locating new customers overseas.

By locating the offices at the San Bernardino International Trade Center, which is located at the former Norton Air Force Base, I see an even greater opportunity for new local business. Not only can entrepreneurs get help in opening new ventures by working with the Small Business Incubator, which is already located on the grounds of the Trade Center, but now they will also have assistance from the Foreign Commercial Services office which can reach out to its 90 domestic and 160 international offices that operate in the Foreign Commercial Service system.

Mr. Speaker, I ask my colleagues to join me in congratulating both the San Manuels and the Department of Commerce for this joint effort. At home in my district in California, we are proud of the contributions both these groups are making to the community. This joint venture is representative of the emerging international economic force that will make San Bernadino an international trade leader in California.

INTRODUCTION OF INDIAN ECONOMIC DEVELOPMENT LEGISLATION

HON. JOHN B. SHADEGG

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. SHADEGG. Mr. Speaker, I rise today to introduce three bills which will assist Indian tribes in their efforts to develop their economies. The federal government has an important obligation to the Indian community; however, simply increasing federal funding for various programs will not solve the long-term economic and social needs of all Native Americans. While the federal government has spent billions of dollars to aid Native Americans, thousands still live in substandard conditions with no real opportunity to overcome the cycle of poverty. Funds earmarked for Native Americans are in many cases being wasted by the federal bureaucracy.

I believe there is a better approach. Rather than spending ever-increasing amounts of money on wasteful programs, Congress should promote real, long-term economic development for Native Americans.

Let me be clear about what I believe is real economic development. I do not believe that gambling on reservations will provide lasting economic stability for Indians. While a small number of tribes have enjoyed huge windfalls of economic prosperity, the majority of Native Americans live in areas that do not facilitate profitable gambling operations. This is aside from the fact that we have yet to determine

the true cost of increased gambling to Indian communities and neighborhoods surrounding the reservations with casinos.

Because of my concern for the long-term negative impacts of wasted federal dollars and increased gambling operations, I am introducing the following three bills to help tribes with economic development by providing various tax and investment incentives.

The first of these bills is the Indian Reservation Jobs and Investment Act of 1999. This bill provides tax credits to otherwise taxable business enterprises if they locate certain kinds of income-producing property on Indian reservations. Eligible types of property include new personal property, new construction property, and infrastructure investment property.

The second bill is the Indian Tribal Government Unemployment Compensation Act Tax Relief Amendments of 1999. This bill clarifies existing law so that tribal governments are treated identically to State and local units of government for unemployment tax purposes.

The third piece of legislation is the Tribal Government Tax-Exempt Bond Authority Amendments Act of 1999. This bill provides additional tax-exempt bond authority to tribal governments to fund infrastructure and capital formation. Currently, reservations are restricted to issue tax-exempt bonds only for ''essential government functions'' and certain, narrowly defined, tribally-owned manufacturing. By providing additional tax-exempt bond authority, new sources of capital can be attracted to reservations and may provide additional economic development. Incidentally, the bond authority would not be extended for the construction of gaming-related operations.

PRIVATE MALCOLM BARNES SHERROD OF IRVING

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to pay tribute to Pvt. Malcolm Barnes Sherrod of Irving, TX, regarding his recent graduation of the Young Marine Training Course in Tarrant County sponsored by the Young Marine Corps League. His successful completion has promoted him from recruit to private.

I join with his proud family and the constituents of the 30th Congressional District of Texas in commending his achievements.

His completion of the course and subsequent promotion are testimonials to his leadership abilities, focus, and dedication to service. I trust that these abilities will continue to serve him well for what appears to be a successful career.

Mr. Speaker, Private Sherrod certainly has the motivation and the lineage to be a great marine and serve his country. His mother, Ms. Jeane Sherrod was a woman marine, serving as a corporal. In addition, his father, Lewis Barnes is an Active Reserve lieutenant colonel officer in the Armed Forces. Private Sherrod will continue the legacy of a family serving and protecting their country.

Private Sherrod was inducted into the Marine Corps in January 1999. With the completion of his training, Private Sherrod has been selected for survival school where he will hone his skills and abilities. He will also enter into leadership school from July 14 to August 14.

Mr. Speaker, all these activities that I mentioned are demanding and challenging for any young man or woman. It is an understatement to say that such training is not for everyone. Indeed, it takes a determined and motivated individual to master these challenges and demands.

Mr. Speaker, I am confident that Private Sherrod will take on the challenges at both survival and leadership school with tremendous focus and effort.

Mr. Speaker, Private Sherrod plans to serve in another capacity after the Marine Corps as a lawyer. His training and time in the Marine Corps will definitely prepared him for such an endeavor. His goal to be a lawyer is an example of his desire to succeed in life.

Mr. Speaker, again, I join the constituents of the 30th Congressional District of Texas in congratulating the wonderful achievements of Pvt. Malcolm Barnes Serrod.

TRIBUTE TO CHARLES W. DAVENPORT

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. CLYBURN. Mr. Speaker, I rise to pay tribute to Charles W. Davenport, the Most Worshipful Grand Master of the Most Worshipful Prince Hall Grand Lodge of South Carolina, for his service to his lodge and community.

A lifelong resident of Batesburg, South Carolina, Grand Master Davenport is the husband of the late Viola C. Anderson Davenport of Saluta, and they have three children and two grandchildren. He is a 1962 graduate of Twin City High School in Batesburg, and the DeVry Institute of Technology. He has also completed various courses in supervision and personnel management, and he is a graduate of insurance information services and the United States Air Force Security and Law Enforcement School.

Grand Master Davenport is a 31-year employee of Owens-Corning Fiberglass where he is a Chemical Process Specialist. He is also a Regional Manager with Primerica Financial Services licensed in debt consolidation, signature loans, auto, homeowners, life insurance, and he is a securities broker-dealer.

Grand Master Davenport was elected at the 127th Grand Lodge Session in December of 1995. He is a former Master of the Twin City Lodge #316, Commander in Chief of the C.C. Johnson Consistory #136, Potentate and Imperial Deputy of the Oasis of Cairo Temple #125. He has also previously served as Chief Deputy for Golf of the Imperial Recreation Department, Grand High Priest Prince Hall Grand Chapter Holy Royal Arch Masons of South Carolina, and General Grand High Priest of the General Conference Holy Royal Arch Masons USA and Bahamas, Inc. Grand Master Davenport is also an Honorary past Grand Master of Georgia and North Carolina. He is the Imperial Outer Guard of the A.E.A.O.N.M.S.Inc., and a member of Twin City Chapter #243 Order of Eastern Star and Ethiopia Chapter Royal Arch Masons. Grand Master Davenport is also a Sovereign Grand Inspector General Active Emeritus and a Kentucky Colonel.

Grand Master Davenport is also very active in his church community, St. Mark Baptist Church of Leesville, where he is currently serving in his 9th year as Chairman of the Board of Trustees of Lexington School District Three. Grand Master Davenport is a life member of the N.A.A.C.P., a Member of the Twin City Alumni Association and the Good Sam Recreational Vehicle Club.

Mr. Speaker, I ask you and my colleagues to join me today in paying tribute to an individual who epitomizes the virtue of being a public servant in his community. He has made his mark on the Masonic Order, his church, and the local school district—all of which are better off because of his dedicated service.

PERSONAL EXPLANATION

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Ms. CARSON. Mr. Speaker, I was unavoidably absent for two votes on Monday, May 24, 1999, and one quorum call on Tuesday, May 25, 1999, and as a result, missed rollcalls 145, 146, and 151. Had I been present, I would have voted ''yes'' on rollcall 145, ''yes'' on rollcall 146, and ''present'' on rollcall 151.

HONORING DR. ROBERT BICKFORD

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. HOYER. Mr. Speaker, I rise today to honor an extraordinary man, my good friend Dr. Robert Bickford, who is retiring after 27 years as president of Prince George's Community College.

Dr. Bickford began his service to the State of Maryland as a physical education teacher at Maryland Park High School. He then spent 13 years as a physical education teacher at Suitland High School, where he also coached basketball, baseball, lacrosse, football and golf.

In 1962, Dr. Bickford began his tenure with Prince George's Community College as a part-time physical education instructor and has never left. In 1964, Dr. Bickford assumed full-time employment status as the college's director of student activities and director. And, in 1967, he was appointed dean of the evening division, community instruction and summer sessions as the college moved to its new campus in Largo, Maryland.

On November 22, 1972, Dr. Bickford was appointed to the position he currently holds, president of Prince George's Community College.

In his tenure as president of Prince George's Community College, Dr. Bickford has been honored time and time again by the community for his commitment to education. In 1981, he received the Citizen of the Year Award from the Board of Trade of Prince George's County. In 1983, the George Washington University School of Education honored Dr. Bickford with the Outstanding Achievement Award. In 1991, the Prince George's Community College new physical education addition

was aptly named the ''Robert I. Bickford Natatorium.''

But Dr. Bickford's greatest honors lie in the legacy he leaves at Prince George's Community College. During his tenure, the college's budget increased from $7.7 million to $50 million. Annual enrollment increased from approximately 10,000 students to over 35,000 students. He doubled the number of academic programs and greatly increased minority student attendance at the college.

Dr. Bickford has left an indelible mark of excellence on Prince George's Community College, leading it to its greatest level of achievement and success. He has made a profound impact on his students, his colleagues and his community in his many years of service to education in Maryland.

Today, on behalf of the citizens of the Fifth District of Maryland, I offer our thanks and our deepest gratitude for Dr. Bickford's lifelong work to provide a quality education for so many of our residents and I congratulate him on his retirement.

DISTRICT OF COLUMBIA COLLEGE ACCESS ACT

SPEECH OF

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1999

Mr. WALDEN. Mr. Speaker, I would like to address the problems that occur when the federal government is the owner of a high percentage of the property in a given area. This week, my distinguished colleague from Virginia, Mr. DAVIS, has done his part to address these problems as they affect the District of Columbia. Mr. DAVIS' bill, The District of Columbia College Access Act (H.R. 974), is a recognition of the fact that the federal government's ownership of land in D.C. has so badly affected the income and infrastructure of the city that it has been unable to create a public university system that offers students a quality education at a reasonable cost. H.R. 974 would create a fund to allow students to attend public universities in other states at the in-state tuition rate, giving students from Washington, D.C. a better chance to succeed.

I salute my friend from Virginia for his effort to help students from one area where local tax rolls are hurt by having a large federal presence. I think he and others from the D.C. area would be surprised, however, to discover just how much they have in common with residents of the counties in the Second District of Oregon. In fact, while the federal government owns approximately 26% of the land in D.C., it owns nearly three times that percentage of Lake County (76%) in eastern Oregon and Deschutes County (77.5%) in central Oregon. In fact, in 10 of the 20 counties of the Second District, the Federal Government owns over 50% of the land, and thirteen of the 20 contain a greater percentage of federally owned land than does D.C.

Similar to the situation in D.C., this high percentage of federal land means that these counties have very limited taxable property, seriously hurting their ability to fund schools, roads, and other necessities. Exacerbating the problems for these Oregon counties is the fact that, unlike in D.C. where the federal government uses its land to employ people and contribute to the local economy, the Forest Service and BLM lands that dominate the Second District are increasingly off-limits to economic productivity. While in the past, rural Oregon counties could depend upon federal timber receipts, grazing fees, and other economic activity on federal lands to partially make up for low taxable property, in the 1990's the Clinton administration has sacrificed the economic well-being of Oregon's counties and turned its back on responsible management of federal lands. As you can see, Mr. Speaker, the prevalence of federal land that is closed to economic activity has created a serious problem for many counties in Oregon and elsewhere in the West.

I would like to once again thank my colleague, Mr. DAVIS, for addressing the problems created by federal land ownership in the District of Columbia. I hope that he and others from the East Coast will join me and my fellow Westerners in addressing the desperate needs of rural counties in Oregon and elsewhere in the West. Unfortunately, in some counties in Oregon, the question is not whether students can afford to go to college, but whether public schools can fix leaky roofs and counties can afford to maintain crumbling roads. These problems get to the most basic services provided by local government, and the federal government must be held accountable for the damage its land management policies have caused rural counties. I look forward to continuing to work with other Members of Congress to help counties in Oregon and other Western states provide decent schools, roads and other essential services to their students.

IN RECOGNITION AND HONOR OF JUDGE MARTHA GLAZE

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. COLLINS. Mr. Speaker, I rise today to honor Judge Martha Glaze and her distinguished career. Judge Glaze's twenty-two year career on the bench comes to an end in June, but her contributions to juvenile justice in Clayton County will long be remembered.

At a time when juvenile justice is at the forefront of national discussion, Clayton County and Georgia can be proud of Judge Glaze's accomplishments in adopting innovative new approaches to serve children and their families. Judge Glaze's leadership has been instrumental in bringing together professionals throughout Clayton County who work with children. This unity eliminated much of the conflict that often plagues juvenile justice programs across America.

On a personal level, Judge Glaze has always been a friend and responsive to the concerns of Third District residents. I thank her for her leadership and her devotion to our children. Her presence on the Clayton County Juvenile Court will be missed, but her impact will live on in the families of Clayton County.

IMPORTANCE OF THE AMERICAN CRUISE INDUSTRY

HON. SONNY CALLAHAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. CALLAHAN. Mr. Speaker, I take this opportunity to make our members aware of the American cruise industry's importance to the nation and its maritime industry.

Recently, PricewaterhouseCoopers (PwC) completed an economic study that provides considerable detail regarding the enormous positive economic contribution which the cruise industry provides throughout the United States. This study concluded the cruise industry is responsible for creating jobs in every state in the country. It is important to our national economy that billions of dollars in U.S. products are purchased by the cruise industry each year. As this industry continues to grow and prosper, more U.S. companies will benefit from expanded business.

In my district in Alabama, millions of dollars are spent every year on maintenance and repair of cruise ships at Atlantic Marine and Bender shipyards in Mobile. Hundreds of people are employed in this work and it is an important contributor to our local economy.

The PwC study showed that the total economic impact of the cruise industry in 1997 was $11.6 billion. Of this, $6.6 billion was direct spending of the cruise lines and their passengers on U.S. goods and services. An additional $5 billion was expended by cruise industry U.S.-based goods and services providers. Therefore, in 1997 the total impact of the U.S. cruise industry was $11.6 billion, and these purchases occur in every state in the country. This PwC study also revealed that the cruise industry, through its direct employment and the jobs attributable to its U.S. supplier base, totaled 176,433 jobs for Americans in 1997. The cruise industry has been growing by 6–10% every year. For Americans, that can mean thousands of new jobs each year.

The PwC study also revealed that the cruise industry in 1997 paid over $1 billion in various federal taxes and user fees and local state fees and taxes.

Many have considered the cruise industry to benefit a select few in highly localized areas, but this study reveals the industry touches virtually every segment of the American economy. It is an essential component of the American maritime infrastructure. Those industries most heavily impacted are summarized below:

Airline transportation—$1.8 billion; Transportation services—$1.2 billion; Business services—$1.0 billion Energy—$998 million; Financial services—$698 million; Food & beverage—$607 million.

Mr. Speaker, the cruise industry is a growth industry that is not only purchasing goods and services from around the country but is helping to grow the U.S. national economy and its maritime infrastructure.

TRIBUTE TO GILBERT COLLIER

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. BERRY. Mr. Speaker, I rise today to honor a great Arkansan, a man who served our country in the Korean War, and is a Medal of Honor recipient, Mr. Gilbert Collier.

Mr. Collier served as a Sergeant in U.S. Army's Company F, 223d Infantry Regiment, 40th Infantry Division near Tutayon, Korea in 1953. Sergeant Collier was pointman and assistant leader of a combat patrol. While serving his country in Korea, he was injured after he and his commanding officer slipped and fell from a steep, 60-foot cliff and were injured. Although he suffered a badly sprained ankle and painful back injury, Sergeant Collier stayed with his leader and ordered the patrol to return to the safety of friendly lines. Before daylight, Sergeant Collier and his commanding officer managed to crawl back up and over the mountainous terrain to the opposite valley where they concealed themselves in the brush until nightfall, then edged toward their company positions. Shortly after they were ambushed, Sergeant Collier received painful wounds after killing two hostile soldiers. He was also separated from his leader. Sergeant Collier ran out of ammunition and was forced to attack four hostile infantrymen with his bayonet. He was mortally wounded but made a valiant attempt to reach and assist his leader in a desperate effort to save his comrade's life without regard for his own personal safety.

This Memorial Day, all Americans will honor the men and women who fought for our country. I would like to pay a special tribute today to Sergeant Collier, who's life has been committed to the principles of duty, honor, and country. He is a courageous and outstanding Arkansan, who exemplifies the meaning of bravery and is truly a great American hero.

ARIZONA NATIONAL FOREST IMPROVEMENT ACT OF 1999

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. STUMP. Mr. Speaker, the United States Forest Service is planning on exchanging or selling six unmanageable and/or excess parcels of land in the Prescott, Tonto, Kaibab, and Coconino National Forests. The Forest Service has also agreed to sell land to the city of Sedona for use as an effluent disposal system. If the Forest Service sells the parcels, they want to use the proceeds from five of these sales to either fund new construction or upgrade current administrative facilities at these national forests. The funds generated from the sale of the other parcels could be used to fund acquisition of sites, or construction of administrative facilities at any national forest in Arizona. Transfers of land completed under the Arizona National Forest Improvement Act will be completed in accordance with all other applicable laws, including environmental laws.

Mr. Speaker, in essence, this bill will improve customer and administrative services by allowing the Forest Service to consolidate and update facilities and/or relocate facilities to more convenient locations. This bill will not only enhance services for national forest users in Arizona, but it will also facilitate the disposal of unmanageable, undesirable and/or excess parcels of national forest lands. This bill will also facilitate the construction of a much needed wastewater treatment plant for the city of Sedona.

MISSING, EXPLOITED, AND RUNAWAY CHILDREN PROTECTION ACT

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1999

Ms. JACKSON-LEE of Texas. Mr. Speaker, as the chair of the Congressional Children's Caucus and a member of the National Missing and Exploited Children's Caucus, I rise to strongly support the Missing, Exploited, and Runaway Children Protection Act.

In 1990, the Department of Justice reported that annually there are approximately: 114,600 attempted abductions of children by non-family members; 4,600 abductions by non-family members reported to police; 300 abductions by non-family members where the children are gone for long periods of time or were murdered; 354,000 children abducted by family members; 450,700 children who ran away; and 127,100 children who were thrown away. These are children who are either told to leave their households, or abandoned or deserted.

We must do something to protect these children. The average age of a homeless runaway was 15 years old. Of all runaways, 66% of the males and 33% of the females have been assaulted since being on the streets. At the same time, 47% of the females have been sexually assaulted while they were without shelter. To make matters worse, female runaways between 13 and 16 years old, have a 50% likelihood of being raped in the first 90 days on the street.

And these children come from all sorts of neighborhoods. They are the children next door. Fifty-two percent of the youth come from families with at least some post high school education.

Based upon a study by Project Youth between 1989 and 1994, most homeless youth come from backgrounds marked by instability, dysfunction, and most homeless adolescents have a diagnosable psychiatric disorder. Forty-three percent of the youth had attempted suicide at least once. Homeless adolescents, when they receive appropriate treatment, significantly improve, lead healthier and happier lives, and are likelier to get off the streets.

This bill reauthorizes the Runaway and Homeless Youth Act and the Missing Children's Assistance Act through FY 2003, authorizing such sums as necessary for activities under those acts each year, and it amends the Missing Children's Assistance Act to authorize $10 million a year through FY 2003 for grants to support activities of the National Center for Missing and Exploited Children.

Programs under the Runaway and Homeless Youth Act have received a total appropriation of $59 million in FY 1999, while existing activities under the Missing Children's Assistance Act received a total of $17 million. The National Center for Missing and Exploited Children has received federal grants for the past 14 years, with the FY 1999 Commerce-Justice-State Appropriations Act earmarking $8 million for the center.

The measure authorizes $10 million a year for grants to the National Center, with the funds to be used to operate the national resource center and its 24-hour toll-free telephone line; provide assistance to families and law enforcement agencies in locating and recovering missing and exploited children; coordinate public and private missing children programs; and provide technical assistance and training to law enforcement agencies and others in preventing, investigating, prosecuting and treating cases of missing and exploited children.

The measure allows the Department of Health and Human Services (HHS) to establish a single consolidated application review process for funding requests under the law, but requires that funds be separately identified in all grants and contracts. As under current law, 90% of program funds would have to be used to establish and operate basic runaway centers and transitional living programs, with transitional living programs to receive between 20% and 30% of annual appropriations. Furthermore, this bill allows basic center grants to be used for drug education programs—which are crucial to making sure that children stay off the streets.

The bill also recodifies much of the act to remove duplicative provisions and more clearly defines the types of services that may be provided under the programs. It also allows HHS, in awarding grants, to take into consideration the geographical distribution of proposed services and areas of a state that have the greatest needs, and then requires HHS to conduct on-site evaluations of grant recipients that have been awarded funds for three consecutive years—a good oversight provision. Furthermore, this bill requires HHS to report to Congress every two years on the status and activities of grant recipients, along with HHS evaluations of those grantees.

S. 249 also authorizes such sums as necessary through FY 2003 for the Sexual Abuse Prevention Program, under which HHS is authorized to make grants to private nonprofit agencies for street-based outreach and education activities to runaway, homeless and street youth who are at risk of sexual abuse. Along those lines, the bill requires HHS to conduct a study on the relationship between sexual abuse and running away from home.

Mr. Speaker, our purpose in passing this bill is to build awareness around the issue of missing children, find those who are currently missing and to prevent future abductions. By passing this legislation we will continue our efforts in identifying ways to work effectively in our districts to address this very important issue and stem future suffering amongst our families.

GALISTEO BASIN INTRODUCTORY REMARKS

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. UDALL of New Mexico. Mr. Speaker, today I rise to introduce legislation to provide for the protection of various historical sites in the Galisteo Basin of New Mexico. The Galisteo Basin has a rich cultural history dating back to 1598 when Spanish Conquistadors arrived in the area and found thriving Pueblo Indian communities. These communities, dating back to prehistoric times, had their own unique traditions of religion, architecture and art. The interaction of the Spanish and Pueblo Indian cultures witnessed periods of coexistence and conflict which has contributed significantly to present day ''New Mexican'' culture. Protecting what remains of the early pueblo communities is important to New Mexicans and to those who seek an understanding of early Southwestern history.

These sites include examples of stone and adobe pueblo architectural styles, typical of Native American pueblo communities, both prior to and during early Spanish colonization periods; Native American petroglyph art, and historic missions constructed by the Spaniards as they sought to convert the native populace to Catholicism. Unfortunately, many of these sites may be lost through weathering, erosion, vandalism, and amateur excavations. This legislation however, creates a program under the Department of the Interior to preserve twenty-six archeological sites in the Galisteo Basin, conduct additional archeological research in the area, and provide for public interpretation of the sites.

Although many of the sites are on federal public lands, other sites are on either state trust lands or on private property. Under this legislation, site preservation, research and public interpretation would be conducted on federal public lands and could be augmented with voluntary cooperative agreements with state agencies and private land owners. These agreements would provide state and private landowners technical and financial assistance to preserve sites located on their property. This legislation also provides for the purchase or exchange of property where the parties deem it appropriate.

Mr. Speaker, this is a companion bill to a bill introduced in the other chamber by Senator BINGAMAN of New Mexico. By preserving these sites, we should be able to preserve the history and culture embodied in these sites for future generations. I am confident that this chamber realizes the importance of this bill in preserving New Mexican history for current and future generations. Therefore, I ask immediate consideration and passage of this bill.

IN RECOGNITION OF COLBY STADJUHAR

HON. JOE SKEEN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. SKEEN. Mr. Speaker, I rise today to pay tribute to Colby Stadjuhar, a student at Picacho Middle School, who recently performed an act of bravery by rescuing Jeanine Cook, a drowning victim, from the irrigation canals in Las Cruces, New Mexico.

This was not just any drowning victim. This was Jeanine Cook, a doctoral student and teacher at New Mexico State University's college of engineering department who is partially paralyzed and confined to a wheel chair. On Monday, May 17, 1999 Ms. Cook was walking her dog when another dog attacked hers. During the attack the leash became entangled in the wheel chair causing the chair to slide into the canal.

Colby Stadjuhar and his two friends were riding along the canals when he noticed a woman screaming for help. Without hesitation Colby went into the water and rescued Ms. Cook while his friends, Melissa Girard and Jenni Brown retrieved the wheel chair from the flowing water.

As Congress continues to address the state of young people in today's society I stand up to remind my colleagues, do not let the few problems distract from the good that comprises the true state of the majority of our youth. The act by Mr. Stadjuhar, Ms. Girard and Ms. Brown was one of responsibility, courage and citizenship. They are excellent role models for their peers and by honoring them for their valor, it is my hope that many will follow in their footsteps.

CARDISS COLLINS POST OFFICE BUILDING, OTIS GRANT COLLINS POST OFFICE BUILDING, MARY ALICE (MA) HENRY POST OFFICE BUILDING, AND ROBERT LEFLORE, JR. POST OFFICE BUILDING

SPEECH OF

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1999

Mr. DAVIS of Illinois. Mr. Speaker, I am pleased to sponsor H.R. 1191, a bill to designate four postal facilities in the Seventh Congressional District of Illinois. The four persons who I seek to name these postal facilities after have a long history of being servants, activists heroes and heroines in their respective communities. In fact, the first person the Honorable Cardiss Collins is a former Member of Congress and she served as ranking member of the Government Reform Committee before she retired in 1996. She represented the residents of the Seventh Congressional District for 23½ years.

Cardiss Collins established herself as a real advocate for Airline Safety, protection of children, gender equity in College athletics, women's health, establishment of the Office of Minority Health in HHS and has the distinction of being the longest serving African American female to serve in the House of Representatives.

In 1991, she wrote the law which extends Medicare Coverage for mammography screening, thereby, allowing millions of elderly and disabled women to receive this vital service. She was successful in praising legislation which expanded Medicaid coverage for pap smears in order to better provide for the early detection of cervical uterine cancers.

In 1979, Congresswoman Collins served as Chairperson for the Congressional Black Caucus and was the first African American woman to serve as a Democratic Whip at-large.

The second postal facility is named after Otis Grant Collins, who prior to his death in 1992, was recognized as one of the premier activists in apprenticeship training in this country. In addition, while serving as a State Representative in the Illinois General Assembly he was a champion of laws that protected minority communities from redlining.

The third postal facility is named after Mary Alice ''Ma'' Henry, who prior to her death in 1995, was recognized as one of Chicago's most caring and compassionate community activists. She is remembered as a courageous leader for the poor, uninsured and left out of our society. In 1976, the Mary Alice ''Ma'' Henry Family Health Center was dedicated and now serves over 20,000 patients every year.

The fourth postal facility is named after former State Representative Robert LeFlore, Jr. who prior to his death in 1993, was recognized as a leading advocate for the disadvantaged and underprivileged. He was a tireless worker, on behalf of seniors and children and his contributions will be remembered a long time.

These individuals represent the best of Chicago and the nation. Their contributions have been significant and their legacies have been embedded in the communities they touched. Therefore, I am pleased to sponsor this bill on behalf of some of the greatest leaders in the African American community.

INTRODUCTION OF MEDICARE MODERNIZATION NO. 6: MEDICARE PREVENTIVE CARE IMPROVEMENT ACT OF 1999

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. STARK. Mr. Speaker, I am very pleased today to introduce the sixth bill in my Medicare modernization effort: the ''Medicare Preventive Care Improvement Act of 1999.'' This bill carries forward the overall theme of modernization: to improve the quality of health services for Medicare beneficiaries, and achieve potential savings for the program.

Medicare should provide state-of-the-art health services to its beneficiaries. But in order to achieve this, Medicare needs more flexibility to adapt and change with today's ever-changing health sciences. Currently, Medicare relies on Congressional decision-making for too many of its day-to-day operations. For example, my colleagues and I have often been asked to consider whether or not to include additional services in Medicare's benefits package. In order to do this, we have to weigh the costs and benefits of highly technical information that we know virtually nothing about. Often, our decisions are based more on political motivations than sound scientific analysis. This is no way to run a health insurance plan.

Fortunately, we have experts in the Department of Health and Human Services who are qualified to make these decisions. Now we just need to give them the authority to do so.

The ''Medicare Preventive Care Improvement Act of 1999'' would allow the Secretary of Health and Human Services to make decisions about whether or not to cover new preventive health measures. If the Secretary determines that covering a new preventive service would be cost effective, she may implement that coverage without seeking an Act of Congress. Granting such administrative flexibility is the cornerstone of my modernization effort.

In 1997, Congress passed a series of preventive health initiatives for Medicare including: Yearly Mammography Screening; Increased coverage of Screening Pap Smear and Pelvic Exams; Prostate Cancer Screening; Colorectal Cancer Screening; Diabetes Self Management and Training Services (and coverage of blood test strips and glucose monitors); and Bone Mass Measurement tests (osteoporosis screening).

Recognizing the importance of preventive health care to the Medicare population, the BBA also provided for a study to analyze the potential expansion or modification of preventive and other services covered under Medicare. Unfortunately, the BBA did not take this commitment to preventive care one step further by allowing the Secretary to implement preventive services that are found to be cost effective. This bill leaves the technical, medical, cost-benefit analysis issues up to the Secretary and the expert doctors in the Department to resolve.

If we want Medicare beneficiaries to avail themselves of preventive services, we must make it simple and affordable for them to do so. This bill also makes two necessary improvements in that regard. Currently, some preventive services are subject to the $100 Part B deductible while others are specifically exempted from the application of the deductible. The Medicare Preventive Care Improvement Act would standardize the policy so that all preventive benefits are exempt from the deductible. In addition, under current Medicare rules, providers can balance bill for some preventive services, but not others. This legislation would firmly establish in law that balance billing for all preventive services is prohibited.

What type of preventive care services might be allowed under the bill I am introducing today? In recent years, I have received a number of letters and reports from kidney disease specialists saying that if Medicare were more flexible in providing care to those approaching end-stage renal disease, we could in many cases delay the onset of ESRD and the need for dialysis by months or even years.

Each year a person is on dialysis with terminal ESRD, it costs Medicare and the taxpayer $40,000 to $60,000. ESRD patients are consistently the most expensive patients enrolled in the program. Yet experts have said that dietary consultation, occasional dialysis, and early placement of dialysis access, are all tools which can save money, pain, and improve the quality of life of ESRD patients. I do not know if these claims are valid. I am not a doctor. But HHS has the experts, and if the Department's physicians and researchers find these claims are true, of course we should start to cover those preventive services. The Secretary should have the flexibility to provide these services when she finds that the evidence supports their use as cost-saving, quality-improving actions, without requiring an Act of Congress.

Another example of a qualified preventive service is independent living services for the blind. When someone is stricken with blindness, they can access several training programs that help them learn to live independently. Without this training, blind persons risk becoming institutionalized. Until this bill, if the Secretary determines that rehabilitation such as this would prevent a blind person from having to move to a more intensive setting, she may cover such services.

Modern medicine keeps developing new miracles to delay or prevent terrible illnesses. If Medicare is to be a modern health insurance plan, it must be able to cover these preventive care services quickly. Forward looking treatments like those included in the BBA take the position that a disease prevented is a dollar saved. Logically, if we prevent diseases from occurring, Medicare will save money in the long run. In the case of Medicare, the savings can be considerable. The bill I am introducing today gives the Medicare Administrator the tools to use modern health advances to save lives and money.

The BBA of 1997 was a good first step, but did not go far enough toward improving the overall service available to Medicare beneficiaries. The ''Medicare Preventive Care Improvement Act of 1999'' provides for greater flexibility to adopt preventive health measures without having Members of Congress play doctor.

IN THE HOUSE OF REPRESENTATIVES IN HONOR OF ST. COLUMBKILLE PARISH SCHOOL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to honor S. Columbkille Parish School, which has been named a 1999 Blue Ribbon School of Excellence by the U.S. Department of Education.

Only 266 schools in the country earned this prestigious award this year. Blue Ribbon Schools are considered to be models of both excellence and equity where educational excellence for all students is a high priority. St. Columbkille Parish School had to demonstrate its effectiveness in meeting local, state and national educational goals and had to successfully complete a rigorous application process. Blue Ribbon Schools must offer instructional programs that meet the highest academic standards, have supportive and learning-centered school environments, and demonstrate student outcome results that are significantly above average.

This is a great achievement for the students, parents, teachers and staff. The hard work of the teaching and administrative staff at St. Columbkille Parish School, combined with the outstanding involvement of parents, has created an excellent climate for learning. The entire St. Columbkille Parish School community should be very proud of this national recognition. Its academic programs and environment will serve as a model for schools across the country.

My fellow colleagues, please join me in congratulating the students, teachers and administration of St. Columbkille Parish School for their commitment to excellence.

RECOGNIZING AND HONORING MEDAL OF HONOR RECIPIENTS AND COMMENDING IPALCO ENTERPRISES

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Ms. CARSON. Mr. Speaker, the end of May brings us to Memorial Day, a time of national remembrance and honor for those who have passed on. Once known as Decoration Day, devoted to the decoration of the graves of veterans of service in the Civil War, in the years between its focus has changed.

I rise to pay a special tribute to a man of vision and the company he leads in Indianapolis, Indiana, for their work this year to bring the Memorial Day tradition back to our minds and our hearts in a new and important way.

Mr. Speaker, downtown Indianapolis is lined with stone memorials to the men and women in uniform who served our nation at war and at peace down through the years. Nearby, a memorial to the men of the USS *Indianapolis* marks their service. On Monument Circle, at the very heart of downtown Indianapolis, stands the Soldiers' and Sailors' Monument, standing nearly as tall as the Statue of Liberty, a multifaceted recognition of the contributions of Indiana's Soldiers, Sailors and Marines from the Civil War through the Spanish American War, the Boxer Rebellion and our other foreign military engagements up to World War I.

Across the street, facing the monument, is the corporate headquarters of IPALCO. Looking out upon that memorial are the offices of John Hodowal, President and Chairman of the Board.

For many years, Memorial Day has been associated with a world-famous sporting event—the Indianapolis 500. In our hometown, the arrival of the weekend of the race is celebrated with a major civic event, the 500 Festival Parade, through our city's downtown, passing block after block of those memorials.

Just last June, John Hodowal and his wife Caroline were reading an article in The New York Times about America's winners of the Congressional Medal of Honor. They learned to their dismay that, since the Civil War, 3400 heroic Americans had earned the honor but that there was no place in America devoted to their remembrance. Then came the glimmer of an idea.

This year, thanks to the civic virtue of John Hodowal, and the civic enterprise of the corporation he leads, IPALCO Enterprises and the IPALCO Enterprises Foundation, something truly special is planned.

While IPALCO deserves praise for leading the 500 Festival this year, there is more. The Hodowals' idea has produced a wonderful new memorial in honor of those special American heroes who, for military service above and beyond the call of duty, were awarded the Congressional Medal of Honor down through the years of our history as a nation.

In recognition of the valor of these American heroes and to commemorate IPALCO for its generosity, I have sponsored a resolution honoring these champions.

This Memorial Day weekend in Indianapolis, nearly 100 of the 157 surviving Medal of Honor recipients will be honored as special guests for the dedication of the memorial and

will serve as honorary Grand Marshals of the parade.

Our remembrance this day of those who earned our nation's highest military recognition by their heroism is a wondrous way to commemorate the service of all veterans.

Mr. Hodowal's idea, expressed in glass and sound and light and stone, transcends and transforms the traditional notion of such honors in our city. This monument, reminding and inspiring all who walk by the bank of the canal in Military Park, is an important piece, a central place, for the eternal honor these heroes are due.

For Mr. Hodowal, and for IPALCO Enterprises, this day is yours, as well. I am prouder than words can express to say that I know you. For this gift to the city and to the nation, for your civic service above and beyond the call, I salute you.

DON'T ABANDON PUBLIC SCHOOLS

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. OWENS. Mr. Speaker, Washington is bloated with rhetoric about education reform. But when we examine the actual programs and projects being proposed there is a tremendous shortfall between the giant needs and the tiny proposed solutions. Our nation's children are being denied adequate Opportunities-to-Learn. The opportunity to learn begins with a safe, conducive school building. But the federal government is spending almost nothing to improve the education infrastructure of school systems across the nation. We we neglect and abandon school buildings we send a highly visible signal to our children and their parents. The message is that Congressmembers only want to play word games about education. The situation is serious, however, and requires a significant appropriation of dollars. For a mere 417 dollars per student per year we can turn the current downward trend upward. If we do less than this minimal effort we are stumbling into a process where our cities will be doomed to paralysis and deadly shrinkage. The following RAP poem sums up the looming possible fate of our neglected cities. Also, attached is a Dear Colleague letter requesting co-sponsorship of H.R. 1820, an amendment to the Elementary and Secondary Schools Assistance Act. H.R. 1820 provides adequate direct federal appropriations for school construction, modernization, repair, technology, security and renovation.

URBAN CLEANSING

Forget all Godly rules
Go strip them of their schools
Leave neighborhoods naked
Ethnic cleansing is now banned
But urban shrinkage is still planned
Budgets will be raped
Streets left uncertain
Cops mandated to act real mean
Forget all Godly rules
Don't pay for education tools
Go strip them of their schools
Ethnic cleansing is now banned
But urban shrinkage is still planned.

MAY 26, 1999.

IN THE YEAR 2000 WE LAUNCH THE MARCH TOWARD A NEW CYBERCIVILIZATION—WE ARE SPENDING 218 BILLION DOLLARS ON HIGHWAYS AND ROADS IN SIX YEARS

LET US INVEST HALF THIS AMOUNT—110 BILLION—IN FIVE YEARS TO BUILD, REPAIR AND MODERNIZE SCHOOLS

DEAR COLLEAGUE: Please join me as a co-sponsor for H.R. 1820, an amendment to the Elementary and Secondary Education Assistance Act which mandates a worthy federal investment in education for the children of America. Public opinion polls consistently show that our voters consider Federal Aid to Education as the nation's number one priority. We must now move beyond paltry pilot projects in our response to this long-term public outcry.

H.R. 1820 commits the Federal government to make the contribution most suitable to its role. Through direct appropriations we must make capital investments in the school infrastructures. Offer leadership in the building of schools and then leave the details of the day to day operations to local and state authorities.

H.R. 1820 proposes to help all schools by authorizing a per capita (on the basis of school age children) distribution of the allocations for the purposes of modernization, security, repair, technology and renovations as well as new school construction.

H.R. 1820 deserves national priority consideration for the following reasons:

The best protection for Social Security is an educated work force able to qualify for hi-tech jobs and steadily pay dollars into the Social Security trust fund.

The effective performance of our military in action utilizing hi-tech weaponry requires an educated pool of recruits.

The U.S. economy will continue to be the pace setter for the globe only if we maintain a steady flow of qualified brainpower and updated know-how at all performance levels—theoretical, scientific, technical and mechanical.

Invest in education and all other national goals become reachable.

Sincerely,

MAJOR R. OWENS,
Member of Congress.

SUMMARY OF H.R. 1820

TO AMEND TITLE XII OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965 TO PROVIDE GRANTS TO IMPROVE THE INFRASTRUCTURE OF ELEMENTARY AND SECONDARY SCHOOLS.

SEC. 12001. FINDINGS.

(1) There are 52,700,000 students in 88,223 elementary and secondary schools across the United States. The current Federal expenditure for education infrastructure is $12,000,000. The Federal expenditure per enrolled student for education infrastructure is 23 cents. An appropriation of $22,000,000,000 would result in a Federal expenditure for education infrastructure of $417 per student per fiscal year.

(2) The General Accounting Office in 1995 reported that the Nation's elementary and secondary schools need approximately $112,000,000,000 to repair or upgrade facilities. Increased enrollments and continued building decay has raised this need to an estimated $200,000,000,000. Local education agencies, particularly those in central cities or those with high minority populations, cannot obtain adequate financial resources to complete necessary repairs or construction. These local education agencies face an annual struggle to meet their operating budgets.

(3) According to a 1991 survey conducted by the American Association of School Administrators, 74 percent of all public school buildings need to be replaced. Almost one-third of such buildings were built prior to World War II.

(4) The majority of the schools in unsatisfactory condition are concentrated in central cities and serve large populations of poor or minority students.

(5) In the large cities of America, numerous schools still have polluting coal burning furnaces. Decaying buildings threaten the health, safety, and learning opportunities of students. A growing body of research has linked student achievement and behavior to the physical building conditions and overcrowding. Asthma and other respiratory illnesses exist in above average rates in areas of coal burning pollution.

(6) According to a study conducted by the General Accounting Office in 1995, most schools are unprepared in critical areas for the 21st century. Most schools do not fully use modern technology and lack access to the information superhighway. Schools in central cities and schools with minority populations above 50 percent are more likely to fall short of adequate technology elements and have a greater number of unsatisfactory environmental conditions than other schools.

(7) School facilities such as libraries and science laboratories are inadequate in old buildings and have outdated equipment. Frequently, in overcrowded schools, these same facilities are utilized as classrooms for an expanding school population.

(8) Overcrowded classrooms have a dire impact on learning. Students in overcrowded schools score lower on both mathematics and reading exams than do students in schools with adequate space. In addition, overcrowding in schools negatively affect both classroom activities and instructional techniques. Overcrowding also disrupts normal operating procedures, such as lunch periods beginning as early as 10 a.m. and extending into the afternoon; teachers being unable to use a single room for an entire day; too few lockers for students, and jammed hallways and restrooms which encourage disorder and rowdy behavior.

(9) School modernization for information technology is an absolute necessity for education for a coming CyberCivilization. The General Accounting Office has reported that many schools are not using modern technology and many students do not have access to facilities that can support education into the 21st century. It is imperative that we now view computer literacy as basic as reading, writing, and arithmetic.

(10) Both the national economy and national security require an investment in school construction. Students educated in modern, safe, and well-equipped schools will contribute to the continued strength of the American economy and will ensure that our Armed Forces are the best trained and best prepared in the world. The shortage of qualified information technology workers continue to escalate and presently many foreign workers are being recruited to staff jobs in America. Military manpower shortages of personnel capable of operating high tech equipment are already acute in the Navy and increasing in other branches of the Armed Forces.

SEC. 12003. FEDERAL ASSISTANCE IN THE FORM OF GRANTS.

(a) AUTHORITY AND CONDITIONS FOR GRANTS.—

(1) IN GENERAL.—To assist in the construction, reconstruction, renovation, or modernization for information technology of elementary and secondary schools, the Secretary shall make grants of funds to State educational agencies for the construction, reconstruction, or renovation, or for modernization for information technology, of such schools.

(2) FORMULA FOR ALLOCATION.—From the amount appropriated under section 12006 for any fiscal year, the Secretary shall allocate each State an amount that bears the same ratio to such appropriated amount as the number of school-age children in such State bears to the total of number of school-age children in all the States. The Secretary shall determine the number of school-age children on the basis of the most recent satisfactory data available to the Secretary.

SEC. 12006. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title, $22,000,000,000 for fiscal year 2000 and a sum no less than this amount for each of the 4 succeeding fiscal years.

ASTHMA AWARENESS, EDUCATION AND TREATMENT ACT

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Ms. MILLENDER-McDONALD. Mr. Speaker, today I was honored to be joined by six-time Olympic medalist, Jackie Joyner-Kersee, for the unveiling of the Asthma Awareness, Education and Treatment Act, which I am introducing tonight. I am joined by 35 of my colleagues from both sides of the aisle introducing this important legislation to help children suffering from asthma.

Over the past several weeks, the safety, health and well-being of America's children have been in the hearts and minds of parents and families throughout the country. Today, we are addressing a critical health issue that is affecting the health of our children: asthma.

The Asthma Awareness, Education and Treatment Act establishes a grant to reach out to inner-city, minority and low income communities to fight asthma. Some of the initiatives include: asthma and allergy screenings; education programs for parents and teachers; a nationwide media campaign; tax incentives for pest control and air climate control businesses to alleviate the suffering of asthmatic children; and community outreach through nontraditional medical settings, including schools and welfare offices.

We must act now to help our children breathe more easily. African-Americans are five times more likely than other Americans to seek emergency room care for asthma. The asthma death rate is also twice as high among African-Americans and a staggering four times higher for African-American children. Asthma is also more prevalent among all age groups in lower income families. In families with an annual income of less than $10,000, 79.2 out of 1,000 individuals have asthma while in families with an annual income of $20,000 to $34,999, 53.6 out of 1,000 individuals have asthma—that means close to 400,000 more people with extremely limited earnings have asthma.

Whatever your income, we are all paying the price for the 160 percent increase in asthma among preschool children over the past decade. The total cost of asthma to Americans was close to $12 billion last year. Simply put, parents miss work, children miss school, and too many cases are treated in emergency rooms that could have been treated, or in some situations prevented, by medication and ongoing management by a physician.

Today, we are taking steps to curb this staggering growth in asthma cases, its high cost to society, and its disproportionate effect on minorities and low income families. With the Asthma Awareness, Education and Treatment Act, we will empower teachers, parents, coaches, and anyone who works with children to help those with asthma.

I represent some of the poorest areas of the country in South Central Los Angeles. I have seen the dire need for community assistance. And I know the tax incentives in this bill will jump start businesses that can make our communities better and ultimately save lives that otherwise may have been cut short by asthma.

I have been working with the Allergies and Asthmatics Network/Mothers of Asthmatics, the American Medical Women's Association, the American Lung Association, the Children's Environment Network, the Children's Defense Fund, the American Academy of Pediatrics, and the National Association of Children's Hospitals to help children and their families face and manage this critical disease.

I hope that my colleagues will join me, Jackie Joyner-Kersee and all of these groups in raising awareness of asthma and making sure that this bill is brought to the floor as soon as possible.

HONORING LEELA DE SOUZA AS A WHITE HOUSE FELLOW

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. RUSH. Mr. Speaker, it is with great pleasure today that I rise to commend Leela de Souza of Chicago, Illinois in recognition of her achievements this year as a distinguished White House Fellow.

A native of Chicago, Ms. de Souza graduated Phi Beta Kappa from the University of Chicago, earning an AB in biopsychology. She received her MBA degree from Stanford University Graduate School of Business. After college, she moved to Spain and became a volunteer teacher at the American School of Madrid. Prior to college, at the age of 18, she became a professional ballet dancer. By age 23, she was the prima ballerina for the Hubbard Street Dance Company, one of America's preeminent contemporary dance troupes. Ms. de Souza is a management consultant with McKinsey & Co. In San Francisco, where she works with clients in the packaged goods, energy and health care industries. In addition to her professional career, she has done extensive pro bono work with two national symphonies. Ms. de Souza has also been involved as a mentor and tutor in the I Have a Dream Program in East Palo Alto, California, and serves on the Business Arts Council of San Francisco.

Established in 1965, the White House Fellowship program honors outstanding citizens across the United States who demonstrate excellence in community service, leadership, academic and professional endeavors. The nearly 500 alumni of the program have gone on to become leaders in all fields of endeavors, fulfilling the fellowship's mission to encourage active citizenship and service to the nation. It is the nation's most prestigious fellowship for public service and leadership development.

As a White House Fellow, Ms. de Souza serves in a position with the Office of the First Lady. She works at the White House Millennium Council to help create national projects and initiatives to celebrate the promise of the new millennium. In this capacity, Ms. de Souza assists with various initiatives such as Millennium Evenings at the White House and Save America's Treasures. She is also the acting liaison with several of the First Lady's millennium projects, including speech writing, federal agency millennium initiatives, and with non-governmental organizations seeking to partner with the White House on national millennium projects.

Mr. Speaker and fellow colleagues, it is an honor to pay tribute to Leela de Souza for her outstanding service as a White House Fellow.

HEALTH INFORMATION PRIVACY ACT

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. MARKEY. Mr. Speaker, last night I joined Mr. CONDIT and Mr. WAXMAN in introducing the Health Information Privacy Act of 1999, the ''Condit-Waxman-Markey'' bill.

Without question, the rapid advance of the Information Age is revolutionizing the American economy and forcing the evolution of new relationships both good and bad. There is no area of its development that causes more anxiety for ordinary people than the area of privacy. And there is no area of privacy that causes more anxiety for Americans than the privacy of their most personal health information.

Today, we are experiencing the erosion of our medical privacy. With the stroke of a few keys on a computer or the swipe of the prescription drug card, our personal health information is being accumulated and tracked.

This erosion of our privacy threatens the very heart of quality health care—doctor/patient confidentiality. By undermining this sacred relationship, we destroy the trust that patients rely on for peace of mind, and doctors depend on for sound judgment.

In an HMO today, anywhere from 80–100 employees may have access to a patient's medical record according to the Privacy Rights Clearinghouse in San Diego California. With such unrestricted access to one's personal health information, it's impossible to separate the health privacy keepers from the ''just curious'' peepers.

Not to mention the greatest threat to your medical privacy—the information reapers.

The evolution of technology has provided the ability to compile, store and cross reference personal health information, and the dawning of the Information Age has made your intimate health history a valuable commodity.

Last March, the Wall Street Journal wrote about the ultimate information reaper—a company that is ''seeking the mother lode in health 'data mining' ''. This company is in the process of acquiring medical data on millions of Americans to sell to any buyer.

Currently there is no federal medical privacy law to constrain the information reapers as

they delve into large data bases filled with the secrets of millions of individuals. These data bases represent a treasure chest to privacy pirates and every facet of your medical information represents a precious jewel to be mined for commercial gain.

With this unfettered access, patient confidentiality has become a virtual myth, and the sale of your secrets a virtual reality.

Because of the rapid evolution of technology, we have fallen behind in assuring a right that we have come to expect—the fundamental right to keep our personal health information private.

Due to the deadline imposed by the Health Insurance Portability and Accountability Act 1996, Congress has until August 21st to enact a medical privacy law. We have no time to waste. Now is the time to unite in an effort to move legislation forward. The Condit/Waxman/Markey bill is a good consensus and comes at a time when consensus is crucial.

This bill creates an incentive to use information which is not personally identifiable wherever possible, it would require a warrant for law enforcement to access medical records and it would provide a federal floor creating a uniform standard without preempting stronger state laws.

I look forward to working with Rep. CONDIT and Rep. WAXMAN and the rest of my colleagues in the House of Representatives on this important issue. I believe together we will succeed in passing a strong federal medical privacy bill which will give patients the right they deserve—the right to medical privacy.

CRISIS IN KOSOVO (ITEM NO. 6), REMARKS BY AMBASSADOR JONATHAN DEAN, UNION OF CONCERNED SCIENTISTS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. KUCINICH. Mr. Speaker, on May 6, 1999, I joined with Representative JOHN CONYERS, Representative PETE STARK, and Representative CYNTHIA MCKINNEY to host the third in a series of Congressional Teach-In sessions on the Crisis in Kosovo. If a peaceful resolution to this conflict is to be found in the coming weeks, it is essential that we cultivate a consciousness of peace and actively search for creative solutions. We must construct a foundation for peace through negotiation, medication, and diplomacy.

Part of the dynamic of peace is a willingness to engage in meaningful dialogue, to listen to one another openly and to share our views in a constructive manner. I hope that these Teach-In sessions will contribute to this process by providing a forum for Members of Congress and the public to explore alternatives so the bombing and options for a peaceful resolution. We will hear from a variety of speakers on different sides of the Kosovo situation. I will be introducing into the CONGRESSIONAL RECORD transcripts of their remarks and essays that shed light on the many dimensions of the crisis.

This presentation is by Ambassador Jonathan Dean, who joined the Union of Concerned Scientists in 1984 as advisor on international security issues. He was United States Representative to the NATO-Warsaw Pact force reduction negotiations in Vienna between 1978 and 1981. Before that, he was deputy U.S. negotiator for the 1971 Four Power Berlin Agreement with the Soviet Union.

Ambassador Dean discusses the need to negotiate a peace with Russia as the leading mediator. With regards to the peace keeping force to be in place after the conflict, Mr. Dean reiterated the necessity to have a UN peace keeping force in place rather than a NATO led force. He also addresses the importance of having more preventative measures in place to help avert such conflicts in the future.

PRESENTATION BY AMBASSADOR JONATHAN DEAN TO CONGRESSIONAL TEACH-IN ON KOSOVO

I want to thank the Chairman for conducting these hearings, both as regards the subject matter, which is acutely important for our country, and for the format in which you are doing this. I find this mixture of views to be very useful. I am much more used to the atmosphere in the UN where the NGOs are permitted to come in for 5 minutes to address the delegates from a distance. This is a great device for encouraging dialogue, particularly on this important subject. I've learned a great deal from the two insightful statements we have heard today.

As we think of a negotiated outcome for the Kosovo crisis, which is what we should be working for hard, we can't forget that Milosevic is responsible for the ongoing, widespread brutal killing of Kosovo Albanians. And it is justified to negotiate with him only in the interest of stopping the killing in Yugoslavia. It's still possible to reach a negotiated settlement on the Kosovo issue, quite rapidly, even within a few days. This is because many issues are close to solution. The removal of Serbian forces, the return of the Kosovars, continuation of Kosovo as an autonomous part of Serbia (at least for the time being), and the presence of an international force. As the Bonn group meeting earlier today showed, the main issue in what is now a three-cornered dialogue—between Milosevic, Chernomyrdin, and the Western NATO countries—is the nature of that force, its armament and its composition. All three parties agree that the force should be legitimatized by a mandate from the Security Council and that is important. Milosevic has been holding out for a lightly armed UN force. The NATO countries for a heavily armed NATO force.

But this question of the level of armaments is secondary to the issue of the nature of the force itself. President Clinton and other NATO leaders have been insisting that the core of the force be a NATO force, directed by NATO in effect with some Russians and others added. It's very clear that the Administration has in mind the poor performance of the UNPERFOR force in Bosnia, and the more successful model of the successor IFOR force with NATO plus forces from Russia and other partners for peace. Moreover, the Administration is clearly worried that good Security Council guidance on a UN force may not be forthcoming. The position of Russia, China and France in the Security Council is uncertain. Beyond that, a UN force may not be capable militarily of handling possible Serbian resistance.

There are other factors here that we have to bear in mind. The resistance of the Clinton Administration to acceptance of a UN-directed force in Kosovo. The United States would by implication face a certain implied humiliation if it has to accept a UN force for Kosovo and drop NATO. There is no doubt that the Congressional majority would make life hard for the Administration. And beyond that, the United States would end up having to pay its peacekeeping dues to the UN.

For his part, Milosevic wants a UN force over a NATO force. Accepting outright NATO occupation of Kosovo would be a very severe domestic defeat for him, possibly his political end. NATO is his enemy. A NATO force in Kosovo could enter and at some point conquer the rest of Serbia. And it could accelerate the secession of Kosovo from Serbia. Both sides are being obstinate on this point and that's the closing point in negotiation over the future of Kosovo.

I believe that the Clinton Administration should accept a UN force because a refusal to do so confronts NATO with the grim prospect of bombing Serbia to its knees and then going in with ground forces, a long and even more bloody and expensive process. We can improve the past performance of UN peacekeeping forces and the composition of that force for Kosovo. But we will have to work with the Security Council more carefully and that is the big crime of omission if there is one in this picture for the Clinton Administration.

As regards the Security Council, the warning came last August on Iraq when France, Russia and China voted against the United States in the Security Council on the issue of continuing UNSCOM, the special commission for Iraq. Although it was ready engaged in negotiation with Serbia, the Administration failed to use the time between then and the Holbrooke mission to Milosevic in October, to improve the situation of the Security Council. That was a great omission, in my opinion, because we could have gotten a Security Council legitimation for the actions undertaken by NATO, or possibly even a wider UN military action. For the future we must act to prevent the Security Council from degenerating into cold war paralysis because this would definitely not be in the national interest of the US. I am arguing this point because it is very relevant to whether or not we should have a UN force in Kosovo.

Among the methods: better diplomacy. One can think of an informal agreement among the five permanent members of the Security Council to limit the veto on certain specified occasions. This is not something that is often proposed, i.e., an amendment of the charter, but an informal understanding. In particular Russia, Britain and Frances would be interested in preventing a degeneration, a deterioration, of the Security Council, which is one of their major claims to international status. They would be interested in talking about some kind of understanding. There is, and has long existed, an informal coordinating committee, of the permanent member of the Security Council.

Another possibility, that could be done very rapidly, is to establish a General Assembly conflict prevention panel or committee which could act to head off matters of this kind, and could be sued to give legitimation. There is the Uniting For Peace procedure, which could have given General Assembly authority for the present action in Kosovo even in the face of Russian veto in the Security Council

We all know there is going to be a very intense and quite painful review of humanitarian intervention by bombing, an experiment that it not likely to be repeated. There will also be a review, certainly by NATO, of how it should conduct humanitarian intervention. I personally consider NATO intervention justified, and does represent the implementation of a national interest of the United States in two senses. (1) Stewardship of human rights, or accountability of governments for their performance in this field, is very clearly emerging as an international norm justifying humanitarian intervention

of various kinds, not solely of military intervention. (2) As the very example of Bosnia showed, it is not politically possible for a country of eminence of the US to stay outside a long-standing blood-letting and stay on the sidelines. The Clinton Administration, from a position on the sidelines, was forced step by step into intervention is Bosnia and with less delay, but nonetheless with considerable delay, to the intervention in Kosovo.

I think the big lesson of this entire experience should be that we do have to start with conflict prevention, in the whole meaning of that term, very clearly as a necessary assurance against a very probably degeneration of this kind of armed conflict. The better off we will be as a nation to accept that as part of our national interest, and part of our activities and to do so early. I am saying this with a certain ax to grind, Mr. Chairman, I and my colleagues have a program called Global Action to Prevent War which is also directed at preventing future Kosovos. You can find it on the World Wide Web.

INTRODUCTION OF THE EDUCATIONAL EXCELLENCE FOR ALL CHILDREN ACT OF 1999

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. CLAY. Mr. Speaker, today I am introducing the Educational Excellence for All Children Act of 1999, President Clinton's proposal to reauthorize the Elementary and Secondary Education Act (ESEA). This proposal will reinvigorate our commitment to high standards and achievement in every classroom; improve teacher and principal quality to ensure high-quality instruction for all children; strengthen accountability for results; and ensure safe, healthy, orderly and drug-free school environments where all children can learn.

Established in 1965 as part of President Lyndon B. Johnson's War on Poverty, the ESEA opened a new era of Federal support for education, particularly for students who would gain the most: children in our high-poverty communities and those at-risk of educational failure. Today, the ESEA authorizes the Federal government's single largest investment in elementary and secondary education. Through this Act, the Congress and the President will reaffirm and strength the Federal role in promoting academic excellence and equal educational opportunity for every American.

This reauthorization of ESEA comes at a critical time for our country. The restructuring of ESEA that was done during the last review in 1994, to establish challenging State-developed standards and assessments, put us on the path to greater academic achievement for all students. This legislation builds upon this focus and targets improvement towards the lowest performing schools and students through comprehensive interventions and assistance, and if necessary, requires consequences for continual failure of schools. Overall, this reauthorization gives Congress the opportunity to complete the work done in 1994 by strengthening our focus on quality and accountability for results.

Coupled with the strong emphasis on achievement in this bill is an equally vigorous and complimentary focus on improving the quality of our teaching force. Qualified teachers are the most single critical in-school factor in improving student achievement. Unfortunately, too many of our teachers still do not receive on-going high-quality professional development. This bill refocuses the professional development programs in ESEA to bring the challenging academic standards which all States have developed into the classroom. In addition, this legislation authorizes the President's high-promising 100,000 teacher class-size program enacted as a part of last year's appropriation process. We must ensure that all children in America have talented, dedicated, teachers in small classes and this bill puts on this path.

Another important priority in this legislation is the fostering of supportive learning environments that reduces the likelihood of disruptive behavior and school violence while encouraging personal growth and academic development. This legislation strengthen the Safe and Drug-Free Schools and Act by emphasizing the funding of research-based approaches to violence prevention; expands the comprehensive prevention efforts through the Safe Schools/Healthy Students initiative; and encourages reform of America's high schools through increased individualized attention and learning.

In 1994, Congress and the President worked together to raise standards for all children and to provide a quality education for them to achieve those standards. Five years later, there is evidence that standards-based reform has increased achievement in many states, while helping spark reforms in others. With this bill, we must build upon the accomplishments of 1994. We can no longer tolerate lower expectations and results for poor and disadvantaged students. We must take the next step by helping schools and teachers bring high standards into every classroom and help every child achieve. The legislation I am introducing today will provide us with the tools to accomplish these vital missions.

TRIBUTE TO THREE MISSOURI PHYSICIANS: DR. GREGORY GUNN, DR. RAY LYLE, AND DR. RUTH KAUFFMAN

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. SKELTON. Mr. Speaker, let me take this opportunity to pay tribute to three excellent physicians who have devoted most of their lives to healing. These dedicated doctors practiced together at the Gunn Clinic in Versailles, Missouri, for over forty years.

Dr. Gregory Gunn is a fourth generation physician. He began as a country doctor, making house calls from Jefferson City to Sedalia. He performed difficult surgeries when internal medicine was still a largely unexplored territory. He thrived on working long hours, as his shifts often lasted 36 hours at a stretch, with only 12 hours off between them. Dr. Gunn also served for 16 years as the coroner of Morgan County, Missouri. He continues to be fascinated by the world of medicine and loves the daily challenges it presents him.

Dr. Ray Lyle served at the Gunn Clinic from August, 1952, until his retirement on August 31, 1995. As a family physician, Dr. Lyle treated patients of all ages with consistent kindness and compassion, whether treating the sick, saving lives, making house calls or delivering babies. He served as a member and fellow of the American Academy of Family Physicians, as a Diplomat of the American Board of Family Physicians, and as President of the Missouri Academy of Family Physicians. As well as a competent physician, Dr. Lyle has also been an active participant in community affairs, contributing to such organizations as the Boy Scouts, the Morgan County School Board, Chairman of the Versailles Industrial Trust, Morgan County Coroner, Mid-Mo P.R.S.O. Chairman and charter member of the Rolling Hills Country Club. He also served his country as a Lieutenant Commander in the Medical Corps of the Naval Reserve.

Dr. Ruth Kauffman also selflessly served the people of the City of Versailles and Morgan County as a family physician with the Gunn Clinic from 1949 until her retirement on August 2, 1996. In her first year of practice, she performed 65 home deliveries. She served as a member of the American Medical Association, the Missouri State Medical Association, and was both a member and fellow of the American Academy of Family Physicians. She, too, was active in the community as Methodist Civic Chairman, Morgan County Coroner, Medical Director at Good Shepherd Nursing and Family Planning doctor at the Morgan County Health Center. She was also involved with Girl Scouting and was a charter member of the Rolling Hills Country Club.

Mr. Speaker, I know the Members of the House will join me in paying tribute to these fine Missourians for their unselfish dedication to the people and community of Versailles, Missouri.

ASIAN PACIFIC AMERICAN HERITAGE MONTH

SPEECH OF

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1999

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me in celebrating Asian/Pacific American Heritage month from May 1 to May 31, 1999.

Mr. Speaker, the greatness of our nation rests in its diversity: the diversity of its ideas, the diversity of its experiences, and, above all, the diversity of its peoples. America's institutions are constantly being reinvigorated by the vitality of our country's component communities, with their distinct but equally wondrous values and histories. This multitude of cultures fuses together to form a magnificent social mosaic, one made bolder and more dynamic by the contributions of citizens of diverse national origins. We learn from each other, and we share with each other the dividends of our different traditions.

Throughout the month of May, we celebrate the achievements of millions of Americans by commemorating Asian/Pacific American Heritage Month. This year's theme, ''Celebrating Our Legacy,'' calls attention to the extraordinary gifts that Asian and Pacific Americans have bestowed upon our nation. From the scientific community to the sports world, from the arts to the Internet, the perseverance and patriotism of Asian and Pacific Americans add to this country's greatness.

Internet pioneers such as Jerry Yang prepare our economy for the twenty-first century, while Dr. David Ho leads the crusade against one of the new millennium's most alarming dangers: AIDS. Congressman BOB MATSUI and Congresswoman PATSY MINK stand at the forefront of our government's fight for civil rights and social justice, and respected ABC news correspondent Connie Chung keeps America informed about these challenges and others with her insightful investigative report. This nation's cultural heritage has been enriched by the musical brilliance of Seiji Ozawa and Yo-Yo Ma, the creative genius of author Deeprak Chopra and fashion designer Vera Wang, and the athletic skills of golfing superstar Tiger Woods and Olympic figure skating legends Kristi Yamaguchi and Michelle Kwan.

Mr. Speaker, these exceptional contributions are all the more evident when one considers the formidable obstacles which Asian and Pacific Americans had to overcome to achieve them. Their long history has featured pervasive discrimination in the form of restrictive quotas, unfounded stereotypes, and, all too often, violent hate crimes. The most infamous example of this bigotry involved the forced detention of Japanese-Americans during World War II, when innocent men, women, and children were expelled from their homes and banished to camps in remote parts of the country. This outrage remains a permanent stain on the history of the American people, sullying an otherwise proud record of support for human rights and individual dignity.

While the American government officially questioned the patriotism of Japanese-Americans on our West Coast, other Japanese-Americans serving in our nation's armed forces in remote corners of the globe were demonstrating the fallacy of such unjust accusations. During the Second World War, the Japanese-American 100th Infantry Battalion and 442nd Regimental Combat units earned more than 18,000 medals for bravery and valor in battle—52 Distinguished Service Crosses, 560 Silver Stars, and 9,480 Purple Hearts. The 442nd remains to this day the most decorated combat team of its size in the history of the United States Army. Yet, while the brave soldiers of these units were risking their lives to preserve freedom, the government for which they so courageously fought was evicting their family members from their homes and communities.

Mr. Speaker, this is only one of a multitude of examples of Asian and Pacific Americans surmounting the hurdles of prejudice and discrimination to make a difference in every sector of society. It is these innumerable stories of perseverance and success that we celebrate Asian/Pacific American Heritage Month.

Mr. Speaker, I ask my colleagues to join me in celebrating the legacy of all Americans of Asian and Pacific descent.

ASTHMA AWARENESS MONTH

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mrs. MEEK of Florida. Mr. Speaker, this is Asthma Awareness Month. I rise to commend my colleagues, the gentlelady from California, Congresswoman JUANITA MILLENDER-MCDONALD, and the gentlelady from Maryland, Congresswoman CONSTANCE A. MORELLA, for introducing the Asthma Awareness, Education And Treatment Act, and for their leadership in protesting America's children, minorities, women and the poor from the devastating effects of asthma.

Asthma is a chronic respiratory disease characterized by inflammation of the airways, and increased responsiveness to various stimuli commonly called asthma triggers. Asthma episodes involve progressively worsening shortness of breath, cough, wheezing, or chest tightness, or some combination of these systems. The severity of asthma may range from mild to life-threatening.

An estimated 14.6 million persons in the United States have asthma. The Centers For Disease Control and Prevention reported a 61 percent increase in the asthma rate between 1982 and 1994. According to The American Lung Association, more than 5,600 people die of asthma in the United States annually. This represents a 45.3 percent increase in mortality between 1985 and 1995.

The death rate from asthma for African Americans is almost three times that of whites. Among chronic illnesses in children, asthma is the most common. Approximately 33 percent of asthma patients are under the age of 18.

In the United States, asthma is the number one cause of school absences attributed to chronic conditions, leading to an average 7.3 school days missed annually. One study estimated that in 1994, school days lost to asthma amounted to $673.2 million in caretaker's time lost from work, including outside employment and housekeeping.

Low income families are struck the hardest by asthma. Seventy nine of every 1,000 people under 45 years old earning less than $10,000 per year have asthma. Fifty three of every 1,000 people earning less than $35,000 per year have asthma.

The American Lung Association has been fighting lung disease for more than 90 years. With the generous support of the public and the help of volunteers, they have seen many advances against lung disease. However, the fight against asthma is far from won and government must do more if we are to conquer this dread disease.

We must work with community-based organizations to educate one another on this serious illness and how it can be managed through medication, clean environments, and regular physical activity. We must provide screening for asthma in non-traditional medical settings; we must establish a nationwide media campaign to educate the public about the symptoms of, and the treatment for asthma.

Most importantly, we must create clean environments. To do so, we must take appropriate measures to eliminate dustmites, animal dander, cockroaches, and mold and poor ventilation in schools, day care centers and homes. I am proud to be an original cosponsor of the Asthma Awareness, Education And Treatment Act.

As we look forward to the millennium, working together with the American Lung Association and other community-based organizations all over America, we can ease the burdens of asthma and make breathing easier for everyone.

IN HONOR OF NATIONAL FOSTER PARENT AWARENESS MONTH

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Ms. CARSON. Mr. Speaker, this month marks the 11th observance of the National Foster Parent Awareness Month. Originally conceived at the 1987 National Foster Parent Training Conference, National Foster Parent Awareness Month is the impetus for communities around the nation to host activities and events to honor foster parents for making a difference in the lives of children in foster care.

In my home state of Indiana, nearly 15,000 children are in the foster care system. Nationwide, the number is an alarming one half million children. These children often have special needs. They are victims of physical abuse, sexual abuse or neglect. They may suffer emotional, behavioral or developmental problems that range from moderate to severe. Most children reside only temporarily with foster parents, until it is considered safe for them to return home. A child's stay with foster parents can be as short as one night or as long as several years or more.

This month we honor the individuals and families who open their hearts and homes to the children in need of a safe and nurturing living environment—Foster Parents. Foster parents can be single, married or divorced. They own homes or live in apartments. Some are as young as 21 years old while others are retired. What they have in common is that they have demonstrated attentiveness, tenacity, patience and empathy along with a willingness to grow and learn from the experience of fostering and an equal capacity to love and let go. Foster parents provide a vital service to our nation's displaced children. They are a valuable resource for families and children. Their work is extremely difficult, knowing that they are working to help reunite a child with a biological parent, or care for a child until that child is adopted.

Mr. Speaker, while I rise today to praise and applaud foster parents for the very important work they do, I want to acknowledge an amazing organization and an outstanding individual, from my District, supporting the foster care system. Because foster parents take on the awesome responsibility of providing both emotional and financial support for the neediest children at a great personal expense, it is very important that we encourage our communities to support foster parents as they support foster kids.

It is with great pride that I commend FosterCare Luggage, an Indianapolis based non-profit organization, for its invaluable contribution to the well-being of foster kids. When Marc Brown, founder of FosterCare Luggage, considered taking in a foster child in 1995, he learned that foster children often had to move from family to family with their belongings stuffed into black plastic trash bags. Brown decided to make it his personal mission to get proper luggage for foster children. FosterCare Luggage works collaboratively with other agencies and organizations in Indiana to assure that all children in out-of-home care receive luggage according to their age-appropriate need and seeks funding to provide other

items, such as clothing and hygiene products. With help from private donors and volunteers, FosterCare Luggage has provided suitcases to thousands of children.

Finally, Mr. Speaker, I wish to recognize a young lady who has demonstrated that one person can make a significant difference. Nicole Slibeck, a Senior at Zionsville High School in Indianapolis, collected 90 pieces of luggage for FosterCare Luggage's program. With so much attention recently devoted to what is going wrong with teenagers across the country, I am pleased to put forth Nicole's achievement as an example of what teenagers around the country are doing in support of our communities.

EXPOSING RACISM

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. THOMPSON of Mississippi. Mr. Speaker, in my continuing efforts to document and expose racism in America, I submit the following articles into the CONGRESSIONAL RECORD.

HOMOSEXUALS, DISABLED, ELDERLY ADDED TO HATE CRIMES LAW

(By Dennis Patterson)

RALEIGH.—People who hate homosexuals, the disabled or the elderly and target them for crimes could face increased sentences under a bill approved by a House committee.

The measure, which now goes to the full House, expands North Carolina's hate crimes law to include sexual orientation, disabilities, gender and age. Crimes that are proven to be motivated by hate would be increased to at least a felony.

The hate crimes law now applies to race, religion and national origin.

''This bill doesn't protect anybody,'' Rep. Martin Nesbitt, D–Buncombe, said Tuesday as the House Judiciary I Committee debated the bill. ''It punishes people for perpetrating a crime because they hate a class of people.''

The bill ''centers on the question of whether we will be civil in North Carolina,'' said Rep. Paul Luebke, D–Durham, one of the bill's two primary sponsors. ''It is, to put it in a phrase, a statement that we will not hate.''

The bill is named after Matthew Shepard, a homosexual with North Carolina connections who was beaten to death in Wyoming.

John Rustin of the North Carolina Family Policy Council called Shepard's death a ''brutal and inexcusable crime.'' But the homosexual acts that would be covered by the hate crimes law are illegal in North Carolina, he said.

''This is not about crime. It is not about hate,'' he said. ''It is about legitimizing the homosexual lifestyle.''

Johnny Henderson of the Christian Action League said individual homosexuals are guaranteed the equal protections of all citizens and do not need the status of a protected group.

But Janet Joyner, a retired professor at the North Carolina School of the Arts who works with a support group for homosexual and bisexual children, said the law would help relieve a hostile environment.

''I must tell you that name-calling and intimidation already occur in elementary school,'' Joyner said.

''It's a bigger issue than just sexual orientation,'' M.K. Cullen of Equality North Carolina, a homosexual group, said after the committee approved the bill. ''It's going to be an uphill struggle to educate all the members of the House about this bill before it comes to a vote.''

STUDENT PAPER APOLOGIZES FOR ALLEGED RACIST CARTOON

SYRACUSE, N.Y.—Syracuse University's student newspaper apologized in print Tuesday for running an editorial cartoon that sparked a student protest and accusations that the paper was racially insensitive.

Protesters said a depiction of Student Government Association President Michaeljulius Idani in Friday's Daily Orange looked strikingly like the fictitious Little Black Sambo, a century-old storybook character embodying offensive African-American stereotypes.

About 200 students protested Monday. After an hour meeting with protesters, the newspaper agreed that Tuesday's top story would be the protest with a quoted apology from editor Ron DePasquale.

The paper also agree to have staff participate in a diversity sensitivity workshop and to appoint a student adviser for race issues.

''I think that while we never want to go through and experience like this, it's something that in the end can benefit everybody,'' DePasquale said.

Cartoonist Dan Dippel said he never intended race to be an issue in the cartoon.

The cartoon showed what is supposed to be a tongue-wagging Idani skipping down the road with money flying everywhere. I was paired with an editorial criticizing the SGA leader for promising a student group he would help fund a Hip-Hop Showcase without going through the proper channels.

JOHN HOPE FRANKLIN, HISTORIAN AND EDUCATOR, GETS TRUMAN HONOR

INDEPENDENCE, Mo.—Historian, educator and author John Hope Franklin will receive the 1999 Harry S. Truman Good Neighbor Award.

The honors were announced Tuesday by the Truman Foundation, formed in 1973 to honor each year a person or people in public life who have improved the community and the country through citizenship, patriotism self-reliance and service.

Past recipients include Gerald Ford, former Chief Justice Earl Warren, Nelson Rockfeller and Dr. Jonas Salk.

Franklin is chairman of President Clinton's racial advisory board, ''One America in the 21st Century. Forging a New Future.'' The board was established to inform and counsel the president on ways to improve race relations.

The seven-member board was criticized in September after releasing the results of its $4.8 million, yearlong examination of racial attitudes and conditions. It endorsed several policies that Clinton had already undertaken, and voiced support for his ''mend it, don't end it'' position or affirmative action.

The board also offered two suggestions that Clinton make his racial dialogue permanent through a presidential council, and that he conduct a multimedia campaign to teach Americans how this country developed its beliefs about race and institutionalized them through the notion of ''white privilege.''

Critics said the report was short on substance and wasted taxpayer money.

''We make no apology for what we have not done,'' Franklin said after the report. ''There are limits to what one can do.''

A native Oklahoman, Franklin graduated from Fisk University and has taught at several institutions since receiving his doctorate degree in history from Harvard. He holds honorary doctorates from more than 100 colleges and universities.

Franklin will receive the Truman honor May 7 in Kansas City.

MARINE COMMAND ORDERS PUNISHMENT AFTER RACIAL INCIDENT

JACKSONVILLE, N.C.—Three Marines now deployed in the Mediterranean Sea will be punished for their involvement in writing racial epithets on the face and arm of a black Marine.

Lance Cpl. Todd C. Patrick of the 26th Marine Expeditionary Unit based at Camp Lejeune called Jacksonville police April 11 and reported he woke up in a motel room with the words ''KKK'' and ''nigger'' on his forehead and ''Go back to Africa'' on his left arm. He told police three white Marines in his unit wrote the words on him.

Patrick decided not to press charges and instead asked the Onslow County magistrate to contact his battalion commander.

Lance Cpls. David P.H. Brown and Jeremy J. Goggin were found guilty of using provoking words during summary courts marital onboard the USS Kearsarge, Camp Lejeune officials said Tuesday. They were reduced to private first class and will be confined to the ship's brig for 24 days.

A third Marine, Bobby Ray Gurley, identified through police records, was found guilty after an Article 15 hearing for the same charge. The Marine was ordered to three days confinement in the ship's brig with bread and water, forfeiture of one-half of one month's pay and reduction to private first class.

An investigation ordered by the battalion commander found racial overtones but no malicious intent in the part of the three Marines. All of the marines have reconciled on a personal level, base officials said.

All four Marines are aboard the same ship which deployed to the Mediterranean on April 15.

[From the New York Times, April 21, 1999]

CONGRESS SUPPORTS AWARD FOR PARKS

WASHINGTON.—Rosa Parks is getting the gold.

Congress voted Tuesday to give the 86-year-old Parks a Congressional Gold Medal, its highest civilian award, for an act of defiance more than 40 years ago.

Often hailed as the ''first lady'' or ''mother'' of the civil rights movement, Parks was tired after a day's work as a seamstress in Montgomery, Ala., on a December day in 1955 and refused to give up her seat to a white man on a segregated city bus.

Her arrest set off a lengthy bus boycott by blacks that lasted until the Supreme Court declared Montgomery's bus segregation law unconstitutional and it was changed. The boycott was led by the Rev. Martin Luther King Jr., a local minister at the time.

''One brave act of a humble seamstress triggered an avalanche of change which helped our country fulfill its commitment to equal rights for all Americans,'' said House Minority Leader Dick Gephardt, D-Mo. ''For her leadership and her example, Rosa Parks deserves to be honored with the Congressional Gold Medal.''

The House voted 424–1 in favor of the measure, one day after the Senate passed it without dissent. Rep. Ron Paul, R-Texas, was the only lawmaker to vote against the bill, which President Clinton is expected to sign.

''This courageous act changed her life and our nation forever,'' said Rep. Ileana Ros-Lehtinen, R-Fla. ''Passage of this bill will be our contribution to her legacy today.''

Parks, an Alabama native, watched the debate on television from Los Angeles.

''Mrs. Parks is very excited to have this honor,'' said Anita Peek, executive director

of the Rosa and Raymond Parks Institute for Self-Development. Parks co-founded the nonprofit group in 1987 to help young people in Detroit, where she now lives.

She moved there in 1957 after losing the seamstress' job and her family was harassed and threatened. She joined the staff of Rep. John Conyers, D-Mich., in 1965 and worked there until retiring in 1988.

She now travels the country lecturing about civil rights.

A guest at Clinton's State of the Union address in January, Parks has received numerous awards, including the Presidential Medal of Freedom, the nation's highest civilian award, and the Spingarn Award, the NAACP's top civil rights honor.

Lawmakers initially used the Congressional Gold Medal to honor military leaders but began using it during the 20th century to recognize excellence in a range of fields, including the arts, athletics, politics, science and entertainment.

The first such medal was approved in March 1776 for George Washington for ''wise and spirited conduct'' during the Revolutionary War.

More than 320 medals have been awarded.

Recent honorees include Frank Sinatra, Mother Teresa, the Rev. Billy Graham, South African President Nelson Mandela and the ''Little Rock Nine,'' the group that braved threats and jeers from white mobs to integrate Central High School in Little Rock, Ark., in 1957.

[From the New York Times, April 21, 1999]

COURT ASKED TO REVIEW HOPWOOD CASE

AUSTIN, TX.—The University of Texas has asked a federal appeals court to reconsider a decision that led to the elimination of affirmative action policies at the state's public colleges and universities.

School officials asked the 5th U.S. Circuit Court of Appeals on Tuesday to reconsider its so-called Hopwood ruling.

''This case addresses one of the most important issues of our time . . . and it deserves the fullest possible hearing and a most careful decision by the federal courts,'' said Larry Faulkner, president of the university.

The Hopwood ruling came in a lawsuit against the University of Texas law school's former affirmative-action admissions policy.

The ruling, which found that the policy discriminated against whites, was allowed to stand in 1996 by the U.S. Supreme Court.

Former Attorney General Dan Morals then issued a legal opinion directing Texas colleges to adopt race-neutral policies for admissions, financial aid and scholarships.

Legislators asked new Attorney General John Cornyn for a second opinion. His office helped university officials write the appeal submitted Tuesday.

According to University of Texas System Regent Patrick Oxford, the Hopwood ruling left Texas at a competitive disadvantage with other public universities in recruiting students.

The appeal argues that limited consideration of race in admissions is necessary to overcome the effects of past discrimination. It also says the school has a compelling interest in a racially and ethnically diverse student body.

A state Comptroller's Office study released in January showed a drop in the number of minorities applying for, being admitted to and enrolling in some of the state's most selective public schools.

TEACHER SUSPENDED AFTER RIDICULE OF RACIAL SLUR REASSIGNED

LORAIN, OH.—A teacher suspended for repeating a student's racial slur disapprovingly was reassigned today to observe a veteran teacher in another school

Terence Traut, 28, a seventh-grade math teacher at Lorain Middle School, was reassigned to Whittier Middle School.

''Some of our master teachers, who have been in the district for 19 to 20 years, have been involved in difficult student situations,'' school spokesman Ed Branham said.'' Hopefully, he can learn through observing teachers with strong classroom management skills.''

He was assigned to his home, with pay, since April 1 and was suspended last week. It was not clear how long he would be observing another teacher.

Traut could not be reached for comment today. Messages were left at his new school and at his home.

Traut, who is white, became upset when he heard a black and a Hispanic student call each other ''nigga,'' slang popularized by some rap musicians but derived from the similar-sounding slur.

As the students left for the principal's office, Traut repeated the word and told the class that it was stupid to use such language. He repeated the comment disapprovingly when one of the boys returned.

The 11,000-student district 25 miles west of Cleveland is about half white, 25 percent black and 25 percent Hispanic.

The city chapter of the National Association for the Advance of Colored People wanted Traut's dismissal and said any use of a racial slur by a teacher was inappropriate.

The school board said it might consider dismissing Traut, depending in part on his willingness to apologize.

FIREARM CHILD SAFETY LOCK ACT OF 1999

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Ms. MILLENDER-McDONALD. Mr. Speaker, it is time for Congress to act on the issue of gun related violence, and pass legislation which will adequately address this issue.

The school shootings in Jonesboro, Edinboro, Fayetteville, Springfield, Richmond, West Pacucha, Littleton and most recently, Conyers, should be a wake up call for this body to act.

Gun related violence has plagued our nation and jeopardized the safety of our children.

The American people are demanding action by this body, and the people want a safe environment in our nation's urban and rural areas for our children.

Each day in America, thirteen children under the age of 19 die from gunfire. In 1996, 4,643 children were killed by firearms. Firearms cause 1 of every 4 deaths of teenagers from the ages of 15 to 19. In addition to this, firearms are the fourth leading cause of accidental death among children from the ages of 5 to 14.

The rate of gun related crimes is increasing. From 1984 to 1994, the firearm homicide death rate for youths from the ages of 15 to 19 has increased 222%, while the non-firearm homicide death rate decreased 12.8%.

It is our responsibility, as parents and leaders to protect our nation's children. These statistics illustrate the need for stronger measures from Congress. Yet, despite the statistics and recent developments, which clearly prove that there is a problem with firearms, many Members of Congress refuse to push forward substantive gun legislation.

To address this problem, I have re-introduced my bill, the Firearm Child Safety Lock Act of 1999. My bill, H.R. 1512, the Firearm Child Safety Lock Act of 1999, will prohibit any person from transferring or selling a firearm, in the United States, unless it is sold with a child safety lock.

In addition, this legislation will prohibit the transfer or sale of firearms by federally licensed dealers and manufacturers, unless a child safety lock is part of the firearm.

A Child Safety Lock, when properly attached to the trigger guard of a firearm, will prevent a firearm from unintentionally discharging. Once the safety lock is properly applied, it cannot be removed unless it is unlocked. Public support for child safety locks is strong. 75% of Americans have voiced support for mandatory trigger locks.

This legislation will protect our children and increase the safety of firearms.

However, child safety locks are not enough. We must determine why young people commit these horrible acts of violence. We must take the proper steps to educate and counsel our children, to prevent future acts of violence. We must be proactive and diligent in our efforts to help our children, and stop these violent acts.

My bill, H.R. 1512, also has an education provision which provides for a portion of the firearms tax revenue to be used for education on the safe storage and use of firearms. The mental health of our children must also be adequately addressed.

We must determine what the problems are. Find solutions to those problems, and then act.

We can address this issue without violating the second amendment to the Constitution. The right of the people to keep and bear arms, shall not be infringed. The right to life without fear will be preserved by this legislation and other necessary legislation that should be passed by Congress.

We must have the courage to stand firm and take steps to avoid the continued senseless bloodshed and loss of life of children around this country. This bill and our efforts can do just that, we can protect our children and protect their future. In doing so, we are protecting ourselves.

INTRODUCTION OF THE RENTAL FAIRNESS ACT

HON. ED BRYANT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. BRYANT. Mr. Speaker, I rise to introduce the ''Rental Fairness Act of 1999.'' This measure addresses two important issues. First, the impact of state vicarious liability laws on interstate commerce and motor vehicle renting and leasing consumers across the nation. Second, the question as to whether vehicle renting companies must be licensed to sell insurance products to their customers—insurance that is optional but frequently very important to many car and truck rental customers who are under insured or have no insurance at all.

Title I of the Rental Fairness Act will, for a limited period of 3 years, adopt a federal presumption that companies that rent motor vehicles need not be licensed to sell insurance products to their customers for the term of the rental. Recently, class action lawsuits have been filed in three states accusing these rental companies of selling insurance without a license—despite the fact the these companies have been offering these products to their customers for almost three decades.

For many car and truck rental customers, these supplemental insurance purchases are not just a luxury—they are a necessity. For customers who carry minimal automobile insurance, or no insurance at all, the insurance products offered by car and truck rental companies are an important and inexpensive method of buying short-term, comprehensive insurance to protect themselves against accidents or theft. If this federal presumption is not adopted, these companies may cease to offer these products altogether—leaving many customers with no means of protecting themselves from potential liability during the rental of a motor vehicle.

The car and truck rental industry already has undertaken a huge effort to clarify their need to be licensed under each state's insurance laws on a state-by-state basis. To date, twenty-four states have clarified, either through regulation or legislation, their positions on this issue. Until the other states can act on this issue, Title I will offer this industry protection from these types of class action lawsuits.

Title I in no way undermines the primacy of the states in regulatory insurance. In fact, it specifically restates the primary role of the states in insurance regulation. Title I of the Act has the support of the trade associations representing insurance agents because these groups realize the rental companies do not compete directly with insurance agents on these types of face-to-face, rental transaction-specific insurance sales.

Title II of this act will pre-empt the laws of a small number of states that impose unlimited vicarious liability on companies that rent or lease motor vehicles. Normally under our system of jurisprudence, defendants in lawsuits are held liable based upon their actions or inactions only. Unfortunately, a small number of jurisdictions—six states and the District of Columbia—ignore his general principle this minority of states subject rental and leasing companies to unlimited liability for accidents caused by their customers that involve the company's vehicles—despite the fact that the company was not at fault for the accident in any way. This type of vicarious liability—liability without fault+holds these companies liable even when they have not been negligent in any way and the vehicle operated perfectly.

The measure I am introducing prevents states from holding companies liable for accidents involving their vehicles based solely upon their ownership of the vehicles. The bill makes clear that rental and leasing companies would still be liable if they negligently rent or lease the vehicle. The bill also would hold the companies liable if the vehicle did not operate properly. It makes clear that these companies are not, under this bill, excused from meeting state minimum insurance requirements on their motor vehicles.

Forty-four states have discarded the unfair and outmoded doctrine of vicarious liability for companies that rent or lease motor vehicles. This problem attracted my attention because of the impact the policies of these small number of states have on interstate commerce. These vicarious liability states impose what amounts to a tax on rental and leasing customers nationwide. Rental and leasing companies must attempt to recover the roughly $100 million they annually pay on vicarious liability claims from customers nationwide—not just from citizens in vicarious liability states. Smaller rental and leasing companies and licensees of the larger systems have been driven out of business by just one vicarious liability claim.

In addition, vicarious liability discourages competition in these states. There are motor vehicle rental companies that will not do business in these states for the fear of being held vicariously liable—reducing competition in these states and impacting all customers that rent or lease in these states. Finally, vicarious liability establishes an absurd legal disconnect. If a vehicle is purchases from a bank or finance company, then there is no vicarious liability. However, if that same vehicle is leased, vicarious liability applies.

For these collective reasons, Title II of the Act and the reforms it implements are long overdue. Everyone, companies and individuals alike, should be held liable only for harm they caused or could have prevented. The only way these companies can prevent this harm would be to go out of business. This is an absurd expectation that will be remedied by this bill.

I look forward to hearings on this matter and working with my colleagues to ensure its passage.

PERSONAL EXPLANATION

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. CLEMENT. Mr. Speaker, on rollcall votes 145 and 146, I was unavoidably detained on official business. Had I been present, I would have voted ''aye'' on both measures.

RONALD & ARLENE HAUSER: MODELS FOR US ALL

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. BARCIA. Mr. Speaker, people who devote their lives to teaching young people many of life's diverse lessons provide one of the most valuable services that anyone can. This weekend, the members of Immanuel Lutheran Church in Bay City will come together to honor Ronald and Arlene Hauser for their years of teaching and music ministry, and leadership within the school and church. This is a most deserved tribute to two people who have touched the lives of literally thousands of young people, making a difference for many young people at an impressionable age.

Ron Hauser has been a Called Lutheran school teacher for forty five years, and Arlene Hauser has been a Called Lutheran school teacher for thirty six years. They have provided instruction to children and adults in reading, writing, arithmetic, music, and most importantly, God's love in Christ.

In 1954, Ron Hauser taught grades 1–4, served as Director of Music, and assisted the Sunday School, Bible Class, and Youth programs of Trinity Lutheran Church in West Seneca, New York. He went on to Peace Lutheran Church in Chicago in 1958, where he served as Principal. He went on to St. John's Lutheran Church in LaGrange, Illinois in 1968, before coming to Immanuel Lutheran Church in Bay City in 1988. Here he has been a teacher and Coordinator of Music, the Bible class teacher, organist, director of the Senior Choir, Men's Choir and Cantate Choir, as well as the school Advanced Band. He has also served in a number of professional and synodical positions with distinction.

Arlene Maier first taught at St. James Lutheran School in Grand Rapids in 1955. She and Ron Hauser married on June 23, 1956, and had three daughters—Lynn Little, Beth Peterson, and Ellen Nyahwihwiri. From 1964 through 1968 she was a preschool teacher and organist at Hope Lutheran School in Chicago, and then taught at St. John's Lutheran School in LaGrange, Illinois from 1968 through 1988. She also came to Immanuel in Bay City in 1988, where she taught 2nd grade, and directed the handbell choirs, the Women's Choir, Cherub Choir, and other special music activities.

Blessed with three daughters and nine grandchildren, Ronald and Arlene Hauser extended their own blessings to every person with whom they interacted throughout their careers of caring and devotion. Mr. Speaker, as they are honored at their retirement, I urge you and all of our colleagues to join me in thanking Ron and Arlene Hauser for their years of dedication and accomplishment, and in wishing them the greatest happiness possible as they move on to new activities.

H.R.—THE VALLEY FORGE NATIONAL CEMETERY ACT

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. HOEFFEL. Mr. Speaker, earlier today I introduced the Valley Forge National Cemetery Act. This bill would establish a new national cemetery for our nation's veterans on land within the boundaries of Valley Forge National Historical Park. I am pleased to be joined in this effort by the entire Pennsylvania delegation.

The National Cemetery Administration is running out of space for the burial of deceased veterans of military service to the United States. New cemeteries must be established for our veterans. The Philadelphia National Cemetery in Pennsylvania and the Beverly National Cemetery and Finn's Point National Cemetery, both in New Jersey, are no longer open for in-ground, full casket burials, other than those who already have existing plots. There is also no national cemetery in the State of Delaware. Thus, the need for an additional national cemetery in our area is immediate.

Current population figures from the Department of Veterans Affairs show a population of

574,584 veterans in the 11-county Philadelphia region. The next decade will challenge the National Cemetery Administration to accommodate World War II and Korean War veterans, as well as veterans from the Vietnam era. Each of our veterans deserves the honor of burial in a national cemetery. In order to best be able to honor and remember their loved ones, families need to have access to those gravesites within a reasonable distance from their homes. The best opportunity to meet this need in the Philadelphia area is to dedicate existing federally owned property in the Valley Forge National Historical Park.

The Valley Forge National Historical Park is dedicated to the earliest American military veterans and the long winter of their suffering during the War of the American Revolution. Although no battle was fought on this land, it is nevertheless symbolic of our Nation's military valor and triumph over adversity. The bill will designate 100 acres of the 3,600 acre National Park for use as a national cemetery. The section of land north of the Schuylkill River would be the ideal location for the national cemetery. This area contains no historical markers and is separated from the rest of the park by the river. Dedication of this portion of the Historical Park as a national cemetery would thus add a solemn and appropriate place to honor and remember those who have served this country in the military.

Mr. Speaker, I urge swift consideration of this bill as an important and timely opportunity to honor our nations' military veterans.

PERSONAL EXPLANATION

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. ORTIZ. Mr. Speaker, because of official business in my District (27th Congressional District of Texas) I was absent for rollcall votes 147–154. If I had been present for these votes, I would have voted as indicated below.

Rollcall No.—Vote: 147—''yes''; 148—''yes''; 149—''yes''; 150—''yes''; 151—''Present''; 152—''no''; 153—''no''; and 154—''no''.

CONGRATULATING THE RIDGEWOOD CHAMBER OF COMMERCE ON ITS 75TH ANNIVERSARY

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mrs. ROUKEMA. Mr. Speaker, I rise to congratulate the Ridgewood Chamber of Commerce on its 75th anniversary as one of the leading business/civic organizations in New Jersey. The Ridgewood Chamber has played a leading role in making Ridgewood the first-rate place to live, work and raise a family that it is today. I know—I have lived most of my life in Ridgewood and raised my family there. From President Lawrence Keller through each and every business that is a member, these are people who truly care about their community.

The Ridgewood Chamber of Commerce was founded in 1898 as the Businessmen's Association of Ridgewood, changing its name in 1924. The mission of the organization has remained the same over the years—to ''develop and advance the business, professional and civic interests of Ridgewood.''

Today's Chamber of Commerce is a voluntary organization of individuals, businesses, professionals and organizations dedicated to advancing the commercial, financial, civic and general interests of Ridgewood. The Chamber acts as a public relations counselor, representative to local government, a problem solver, information and resource center, and coordinator of business and professional programs and promotions. The Chamber promotes the maintenance of a dignified and successful business and professional district.

Membership represents almost every facet of our business/professional community, including merchants, doctors, lawyers, bankers, newspaper editors, business owners/managers, civic leaders and clergy. A 10-member Board of Directors sets goals and policy carried out by the five officers—President Lawrence Koller of Koller Financial Group, Vice President Joan Groome of the YWCA of Bergen County, Treasurer Kenneth Porkka of Kenneth Porkka & Co., Secretary Sally Jones of Valley Hospital and Past President Tom Hillmann of Hillmann Electric. Executive Director Angela Cautillo is responsible for day-to-day operations.

The Chamber of Commerce brings a sense of unity to our business community. Ridgewood is a regional business center, growing larger and stronger every day. The Chamber successfully pursues its mission to promote Ridgewood and its businesses through effective advertising, planned events, community service, networking and education of the public. The Chamber is true to the entrepreneurial spirit of our free enterprise system. That spirit has been and always will be at the heart of our American democracy.

The Chamber's activities go beyond just promoting the business interests of our community. The Chamber annually sponsors Easter in Ridgewood, the Ridgewood Car Show, the Santa Parade and the Downtown for the Holidays festival. These are all programs that enrich our community.

I ask my colleagues to join me in congratulating the Ridgewood Chamber of Commerce on a successful 75 years and wishing the Chamber and its members many more years of continued success and prosperity.

TRIBUTE TO THE KANKAKEE—IROQUOIS REGIONAL PLANNING COMMISSION

HON. STEPHEN E. BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. BUYER. Mr. Speaker, I rise today to give tribute to the Kankakee-Iroquois Regional Planning Commission, which for the past 25 years has improved the economics, health, and well-being of the residents in North Central Indiana.

The Kankakee-Iroquois Regional Planning Commission (KIRPC) has been an integral part in generating community and economic development opportunities for the citizens and local communities of Indiana since July 2, 1973. The KIRPC continues to be a positive influence upon the regional economic well-being by helping communities and residents in North Central Indiana maintain their economic viability.

The Commission has been instrumental in providing a means of communication between local, state, and federal government organizations and the citizens of North Central Indiana. The KIRPC monitors an Overall Economic Development Plan that helps to identify the needs of people and businesses within the community, while reducing government waste. In addition, it has been a valuable partner in helping the region's development through such programs and services as grants-in-aid; grants administration; comprehensive planning; and forums to address local issues. The KIRPC has also helped the people in the region with transportation needs by providing the Arrowhead County Public Transit Service which provides more than 150,000 routes annually.

The KIRPC was key in helping bring Head Start to the area in 1997. The Head Start program now provides services for 122 children and supplies necessary developmental services for the children; all within an education setting.

I commend the Kankakee-Iroquois Regional Planning Commission for its unwavering support to the region by providing a wide range of services and programs. I wish the Commission continued success in its endeavor to make a difference in the lives of the citizens of Indiana.

TRIBUTE TO FIRST LIEUTENANT JAMES F. MUELLER

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. CAMP. Mr. Speaker, I rise to pay tribute to First Lieutenant James F. Mueller of Houghton Lake, Michigan, who will retire from the Michigan State Police on May 29.

I would like to draw the attention of my colleagues in the U.S. House of Representatives and my constituents in the 4th Congressional District to First Lieutenant Mueller's distinguished career.

For three decades, First Lieutenant James F. Mueller has served his country and his community. Soon after graduating from Valparaiso University in Indiana, he enlisted in the U.S. Army and fought for his country in the fields of Vietnam, earning numerous service awards.

He returned home in 1971 and began his career with the Michigan State Police. In 1987, he was promoted to First Lieutenant at Houghton Lake Post #75. He soon became more than a state trooper to the residents of northern Michigan; he became a role model to young children and a key figure in the creation of the D.A.R.E. drug use prevention program in local schools.

In addition to his professional career, First Lieutenant James F. Mueller's extensive personal community service proves his dedication to his neighbors. He is a member of the Lions and Kiwanis, has served in the United Way and Houghton Lake Merchant's Association and has served on the board of directors for the St. John's Lutheran Church, the River House Shelter and Roscommon County 911.

On June 26, a banquet will be held for First Lieutenant Mueller at the Houghton Lake Elks' Club. He will be joined by his colleagues, who honor him for his career; many friends and neighbors who will wish him well; and his wife, Holly; son, Michael; and daughters Laura, Shannon and Kristen.

I join them in thanking him for his years of service and add my personal best wishes to him in his future endeavors.

CONGRATULATIONS ON THE RESTORATION OF DEMOCRACY IN NIGERIA

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. SAXTON. Mr. Speaker, it is not often at this particularly troubled era in world affairs that we can take time to celebrate a major advance in freedom and democracy. However, on May 29th we may do just that, as Nigeria, the most populous state and largest economy in Africa, moves firmly back into the camp of democratic nations. On May 29th, President Olusegun Obasanjo will become President of Nigeria, having won a decisive victory in democratic elections in February. President Obasanjo assumes the leadership of more than 120 million Nigerians, and he will be assisted in this task by a democratically elected bicameral Assembly, elected state assemblies and elected state governors, in a political system which now mirrors the United States' own democratic process.

The new government in Abuja is determined to develop Nigeria as a democracy and a friend of the West. During his transition period, President Obasanjo visited many world capitals, including Washington, to begin the process of binding Nigeria into the global diplomatic framework. No other African state has introduced a new government with greater care and preparation, and President Obasanjo has been careful to learn the attitudes of the world's major trading states and to brief them in return on Nigeria's great challenge of rebuilding its economy and its state.

President Obasanjo comes to this position with a strong electoral mandate, and with many decades of experience as a statesman, diplomat, soldier and farmer. He was heavily involved in helping to negotiate the transition from apartheid to democratic government in South Africa some years ago. He was a political prisoner under the military government of General Sani Abacha, who died last year, paving the way for the restoration of Nigerian democracy. President Obasanjo is therefore highly conscious of Nigeria's need to play a leading role in African and international peacekeeping and diplomacy, and is, of course, thoroughly familiar with Nigeria's historic commitment to UN and OAU peacekeeping efforts. Furthermore, Nigeria is once again poised to become a major force for peace and stability in Africa.

The US is going to benefit from a democratic and prosperous Nigeria. After all, Nigeria is the largest single supplier of foreign oil to the United States, and is, as a result, integrally linked into our economy. It is potentially a large export customer for the US, as well. Therefore, I believe the United States should cooperate with Nigeria to the fullest extent possible in order to ensure that its democratic, economic and governmental structures flourish to the fullest degree possible.

Mr. Speaker, we need to send our congratulations today to President Obasanjo, and all of the officials elected to the two houses of Nigeria's Federal Assembly, and to the newly elected State Assemblymen, and State Governors, and to the elected municipal officials. This is a great watershed for Nigeria, a great day for Africa, and a great opportunity for us to participate in helping to make Africa a vibrant, democratic and self-sustaining continent and a healthy part of the world trading system.

PERSONAL EXPLANATION

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. BILIRAKIS. Mr. Speaker, on May 20, 1999, I missed the vote on the motion to concur in the Senate amendment to H.R. 4, the National Missile Defense Act of 1999, because I was unavoidably detained. Had I been present, I would have voted ''aye.''

TRIBUTE TO CHANCELLOR HILDA RICHARDS

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. VISCLOSKY. Mr. Speaker, it is with the greatest pleasure that I pay tribute to an exceptionally dedicated, compassionate, and distinguished member of Indiana's First Congressional District, Chancellor Hilda Richards of Gary, Indiana. After serving as Chancellor of Indiana University Northwest for six years, Hilda Richards will be retiring next month. On June 5, 1999, Chancellor Richards will be honored with a final, formal salute for her service, effort, and dedication, at Innsbrook Country Club in Merrillville, Indiana.

Born in St. Joseph, Missouri, Chancellor Hilda Richards received her Diploma in Nursing from St. John's School of Nursing in 1956 and continued her education in New York City, New York, where she graduated cum laude from Hunter College with her Bachelor of Science degree in 1961. Chancellor Richards continued her education at Columbia University, where she received her Masters in Education in 1965, Masters of Public Administration in 1971, and her Doctorate of Education in 1976. Chancellor Richards understands that a solid educational foundation will challenge one's mind, empower one's sense of well-being, and rekindle one's heart, with a commitment to values and beliefs essential to becoming and being a whole individual. In the words of Chancellor Hilda Richards herself, ''I knew I wanted to make a difference—and I needed a good education to do that. My personality would not allow it to be any other way.'' Chancellor Richards has continued to challenge herself by doing post-doctoral work at Harvard University.

Chancellor Hilda Richards began her professional life as a staff nurse at Payne Whitney Clinic of New York Hospital in 1956. Four years later she became an instructor of nursing in the Department of Psychiatry at City Hospital in New York, where she also rose to the position of head nurse in the Department of Psychiatry. From 1971 to 1976 she served as the Director of Nursing Programs and Chair of the Health Science Division at Medgar Evers College in New York City, and from 1976–1979 she served as the Associate Dean of Academic Affairs for Medgar Evers College. Chancellor Richards continued her professional career as Dean of the College of Health and Human Services at Ohio University in Athens, Ohio. Before coming to Indiana University Northwest to serve as Chancellor, she served as Provost and Vice President for Academic Affairs at Indiana University of Pennsylvania from 1986–1993.

Though extremely dedicated to her academic work, Chancellor Hilda Richards selflessly gives her free time and energy to her community. Chancellor Richards is a life member of the National Association for the Advancement of Colored People and a member of the American Nurses Association. She also serves as a board member for several organizations in Northwest Indiana, including: The Gary Education Development Foundation, Inc.; Tradewinds Rehabilitation Center, Inc.; Boys and Girls Club of Northwest Indiana; WYIN-Channel 56; and the Northwest Indiana Forum. Additionally, Hilda Richards has volunteered countless hours of service to the Times Newspaper Editorial Advisory Board, the Indiana Youth Institute, and The Methodist Hospital.

Mr. Speaker, I ask that you and my distinguished colleagues join me in commending Chancellor Hilda Richards for her dedication, service, and leadership to the students and faculty of Indiana University Northwest, as well as the people of the First Congressional District. Northwest Indiana's community has certainly been rewarded by the true service and uncompromising dedication displayed by Chancellor Hilda Richards.

A TRIBUTE TO AMERICAN SERVICEMEN AND WOMEN

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mrs. MEEK of Florida. Mr. Speaker, I rise today to pay tribute to America's servicemen and women for their heroic sacrifices made to preserve freedom. With the upcoming observance of Memorial Day, the United States recalls once again how freedom is not free. This hallowed national holiday is followed on June 6 by the 55th anniversary of D-Day, the date of the 1944 Invasion of Normandy by the Allied Forces to liberate the European continent from the darkness of Nazi tyranny.

It is the spirit that compels Americans to defend freedom at all costs that we honor at this solemn Memorial Day holiday. Senator Robert Kennedy once wrote: ''Every time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope. And crossing each other from a million different centers of energy and daring, those ripples build a current that can sweep down the mightiest walls of oppression and resistance.''

President Reagan once mentioned that we don't have to look in history books to find heroes; heroes are all around us, in every American city and town, as well as in the towns of our Allies. On Memorial Day, I pause to pay tribute to such heroes as the late Tom O'Connor of Quebec, Canada, who, as a young Canadian paratrooper, landed in Normandy, France, on June 6, 1944, fought in the dreadful Falaise Gap during the following Battle of Normandy, was severely wounded by machine gun fire, and spent the rest of the war in a German hospital.

I pay tribute to John J. McDonough who, as a reliable young sergeant in the U.S. Army Air Corps, served the Allies in the China-Burma-India Theater of Operations. At the same time, his teenage brother, Thomas J. McDonough, was a faithful seaman in the U.S. Navy who saw action in the South Pacific in the Invasion of the Philippines and in the Battle of Okinawa, among other campaigns.

I pay tribute to Mr. James Clark, Sr., of Bowie, Maryland, who, as a teenager in the U.S. Navy before World War II, was on duty in Pearl Harbor on the morning of December 7, 1941, and raced to his battle station during the surprise Japanese attack on the American fleet. Young Mr. Clark defended his nation that Sunday morning with the valor and spirit that we solemnly honor on Memorial Day and on June 6.

I pay tribute to Corporal Francis McDonough of Bowie, aged 20 in 1944, who, with 10,000 other young American soldiers, boarded the English liner, Aquitania, in New York Harbor on January 29, 1944. The ship had been refitted into a troop ship, was as swift as the German U-boats, and sailed unescorted without convoy protection on a risky voyage across the cold North Atlantic.

Once fully loaded with troops, Aquitania steamed out of New York Harbor. Corporal McDonough and other soldiers lined in the decks of the huge liner and stared at the Statute of Liberty until it disappeared from view. For much of the first three days of the journey, a Navy seaplane, the PBY Catalina, watched for enemy submarines as it accompanied Aquitania to the extent of the plane's range of fuel. The PBY signaled the ship with its findings, and finally had to turn back as the liner sailed beyond the perimeter of the plane's range. After a harrowing voyage, the U.S. troops disembarked safely in Scotland a week later.

Several months later, after hazardous amphibious training off of England's coast at Slapton Sands, the Allies launched the invasion of Europe against Nazi enslavement, on D–Day, June 6, 1944, landing on five codenamed beaches in occupied Normandy, France: Gold, Sword, Juno, Utah, and Omaha.

Long before crossing the English Channel to Utah Beach in Normandy on D–Day, Corporal McDonough had been trained in the United States as an anti-aircraft gunner on a half-track vehicle equipped with four 50-calibre machine guns. A half-track had a truck cab and front wheels, and tank-like tracks in the rear.

On D–Day, while on the English Channel, the young corporal felt encouraged when the nearby battleship, *USS Nevada,* opened fire on the German batteries along the French coast ahead. The booming of the ship's huge guns sent flaming projectiles above in the dim light, yet the young soldier considered the ship's presence reassuring.

Previously, *USS Nevada* had been heavily damaged when attempting to proceed underway during the Japanese attack at Pearl Harbor on December 7, 1941. But due to the innovation of her valiant crew, she was beached in shallow water there to avoid sinking. The *USS Nevada* was among the ships returned for later service.

On the early morning of June 6, 1944, Corporal McDonough's outfit saw that at Utah Beach in Normandy, many of the forward observers—radio men—were dead, and their radios were gone, lost underwater only three U.S. tanks out of about 30 made the shore (that they saw) during the morning landings. Thus, there was no one to coordinate the ships' firepower, no one to tell the ships' crews where to direct their powerful artillery. U.S. crews on the Navy destroyers, 1,000 yards offshore urgently wanted to help those Americans trapped under German fire on the Normandy beach, but didn't know where to direct their gunfire.

Then, suddenly, on Utah Beach, the outfit of a disabled American tank began firing at the Germans entrenched on a cliff above. The crew of a U.S. destroyer saw where the tank was firing, determined the coordinates, and directed its artillery towards the Nazi pillbox on the cliff. Then a second destroyer also aimed its guns on the same target, and that increased firepower helped the Americans on the beach to move inland.

The tide was coming in fast on Utah Beach; therefore, wounded men who were able to do so crawled inland to avoid drowning. But many young men who were able to do so crawled inland to avoid drowning. But many young Americans died on the beach, too injured to escape the tide. After serving in the U.S. First Army in the D–Day landings, in the Battle of Normandy, in the Battle of France, in the Battle of the Bulge, and in the battles in Germany, Corporal McDonough later recalled quietly how heartbreaking it had been at Utah Beach on D–Day to see the American bodies floating on the waves. Yet, years afterwards, we know that their ripples had built a current.

As Senator Robert Kennedy later noted, such an American current was capable of sweeping down the mightiest walls of oppression and resistance. It is this spirit of Americans who love freedom that we honor on Memorial Day and on the 55th anniversary of D–Day, June 6, 1944. It is a privilege to pay tribute to American soldiers, sailors, and airmen of all wars who have given the noble example of handing over their country not less ut even greater and better than they received it.

RAILWAY SAFETY AND FUNDING EQUITY ACT OF 1999

HON. ROBERT E. (BUD) CRAMER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. CRAMER. Mr. Speaker, I rise today to join my friend and colleague, Congressman BILL LIPINSKI to introduce the Railway Safety and Funding Equity Act of 1999, also known as RSAFE.

This legislation addresses the dangerous lack of adequate safety infrastructure, such as crossing gates, at highway and railroad grade crossing across the country. At many grade crossings, the only safety infrastructure between motorists and oncoming trains is a stop sign or a crossbuck. In my state of Alabama, only about 30 percent of the grade crossings are signalized with gates, lights, or bells. All too often, the end result of this lack of adequate safety infrastructure is a tragic accident in which someone is horribly injured or killed. Last year alone, 428 people died in accidents at railroad grade crossings. Indeed, my home state of Alabama ranks ninth in the nation in terms of vehicle train crashes.

These statistics are appalling and unacceptable, especially when we have the resources and know how to greatly reduce them. That's why I've joined with my colleagues, BILL LIPINSKI, in introducing RSAFE. This legislation would almost double the current federal grade crossing improvement program, thereby allowing states to invest heavily in constructing adequate safety infrastructure at railroad crossings. RSAFE does this by setting aside the 4.3-cent per gallon diesel fuel tax that railroads currently pay toward deficit reduction and transfers it into the Federal Highway Administration's Section 130 grade crossing safety program. This will increase the monies available through this program by approximately $125 million, raising the total level from $150 million to approximately $275 million for the next 5 years.

Dedicating the monies derived from this fuel tax toward railroad safety infrastructure will have a real and tangible impact on countless communities across the country. However, while installing new crossing gates and lights will help decrease the number of tragic accidents we've seen so many times in the news, this alone is not enough. In addition to putting up more physical barriers at railroad crossings, we also need to put more money toward educating motorists. That's why RSAFE sets aside five percent of this new funding for education and awareness campaigns, such as those conducted by Operation Lifesaver. Operation Lifesaver is a unique, non-profit organization that works with local law enforcement officials and others to make pedestrians and motorists aware of the dangers of railroad crossings. It is through these combined efforts that we will have the most impact on communities and save the most lives.

I know that my friends in the railroad industry will argue that even the imposition of the 4.3-cents tax is unfair and punitive. They will argue that they have already invested billions of dollars in maintaining and improving their infrastructure. Well, I applaud the investment the industry has put into improving grade crossing infrastructure. But, I say to my friends in the railroad industry, more needs to be done.

RSAFE does more. Rather than using the revenue raised by this 4.3-cents tax on deficit reduction, RSAFE plows the money right back into railroads, making them safer for the public. Furthermore, after five years of increased investment in making our nation's railroad crossings safer, RSAFE repeals the 4.3-cents tax. Therefore, with this bill, my colleague and I are not trying to penalize or unfairly burden the railroad industry. On the contrary, through this bill we are simply trying to use the funds the railroad industry is already paying wiser. We believe it is far wiser and fairer to use these funds to improve railroad grade crossing safety over the next five years and then put in place a mechanism by which this tax is repealed, than to put it toward deficit reduction.

The Railroad Safety and Funding Equity Act of 1999 is a good bill which strikes a good balance between industry and public safety. I urge my colleagues and my friends in the railroad industry to join Representative LIPINSKI and I in moving this legislation forward. Each day we wait, is another day a life is needlessly put at risk.

COMMENDATION OF MR. H. BEECHER HICKS III, WHITE HOUSE FELLOW FROM CHARLOTTE, NORTH CAROLINA

HON. MELVIN L. WATT

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. WATT of North Carolina. Mr. Speaker, I want to take this opportunity to commend H. Beecher Hicks, III of Charlotte, North Carolina for serving as a distinguished White House Fellow this year.

Mr. Hicks earned his BA in marketing from Morehouse College and MBA from the University of North Carolina Kenan-Flager Business School. He is an investment banker with Bank of America Corporation (formerly NationsBank Corporation) where be serves as Vice President and provides mergers and acquisitions advice to middle-market companies. While serving as assistant to the chairman of NationsBank, Mr. Hicks led the formation of the bank's vendor development program and proposed a $30 million equity-investment company focusing on urban communities. He also helped start The Investment Group of Charlotte, which invests in local firms and real estate projects and provides technical aid to entrepreneurs. Beyond his success in the private sector, Mr. Hicks serves on the Board of Directors of the Charlotte-Mecklenburg Development Corporation and works with students at Johnson C. Smith University.

Mr. Hicks was selected as one of 17 individuals nationwide to receive the White House Fellowship for 1998–1999. The fellowship allows outstanding citizens to participate in a once-in-a-lifetime experience by working hand-in-hand with leaders in government. Applications are chosen based on demonstration of excellence in community service, academic achievement, leadership and professional experience. It is the nation's most prestigious fellowship for public service and leadership development.

As a White House fellow, Mr. Hicks has been assigned to the Corporation for National Service. In that capacity, he serves as Director of the AmeriCorps Promise Fellows Program, where he is responsible for implementing a partnership program between the AmeriCorps and America's Promise, which was founded by former White House Fellow General Colin Powell. Mr. Hicks also evaluates the effectiveness of the investment strategies for the $400 million National Community Service Trust. His other responsibilities include developing an effort to better link the Corporation with AmeriCorps members, developing a clearer national identify for the program and working with senior management on organizational, management accountability and cultural issues.

Mr. Speaker, I ask my colleagues to join me today in paying tribute to Mr. H. Beecher Hicks III for his service to the White House Fellows Program—a rare honor. I applaud his selection and wish him much continued success.

IN MEMORY OF BILL SCOTT

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. GILMAN. Mr. Speaker, it is with deep regret that I inform our colleagues of the passing of a remarkable resident of my 20th Congressional District in New York.

Bill Scott, a resident of Rockland County, NY, for over fifty years, passed away earlier this week at the age of 72. With his passing, New York State has lost one of its distinguished citizens.

Bill Scott helped found the N.A.A.C.P. chapter in Spring Valley, New York, back in 1951—nearly fifty years ago. It is an interesting fact that Bill felt compelled to do so because he believed that the existing N.A.A.C.P. chapter in Rockland County was not vigilant enough in pursuing discrimination and injustice against African Americans.

Ironically, years later, in the 1960's Bill broke away from the N.A.A.C.P. chapter that he had founded because he believe that more militant times demanded a more militant response. Accordingly, he founded the Rockland chapter of the Congress of Racial Equality (CORE). But, he soon left that organization also, because he believed their national leadership had come to espouse Black separatism—a philosophy Bill could not abide. Bill devoted his life to equality between the races, but at no time did he condone separation of the races which he viewed as self-defeating.

Throughout the fifties and the sixties, Bill organized marches, sit ins, and demonstrations to integrate the police forces, the Y.M.C.A., and other institutions in Rockland County which, regrettably, were not color blind at that time. It is hard for our young people today to fully understand how ingrained racism was in our society just a few short decades ago. Nor are younger generations aware that by no means was racial segregation restricted to the south. I can recall from my own experiences as an N.A.A.C.P. member in the 1950's that quite often we were considered too ''radical'' for our times, even in New York State.

Thanks to people such as Bill Scott in Rockland, who were courageous enough to speak out and to act at a time when it was not popular, we are well on the road today to a society where all are truly equal, although we still have a long way to go.

Bill Scott hosted a popular television show on cable, ''Black Perspectives,'' which made him a household word in Rockland during the last few decades of his life. I was honored to be his guest on several broadcasts and, like his viewership, I never ceased to marvel at his enthusiasm, his knowledge, and his commitment.

Bill Scott, a native of New Jersey, moved to Rockland County, NY, when he was stationed at Camp Shanks during World War II. In the over half century that he called Rockland home, he made a genuine impact upon his neighbors and his community. Bill will truly be missed, and we extend our sympathy and condolences to his widow Barbara, his three sons, two daughters, and ten grandchildren, and to his family, friends, loved ones and admirers who appreciated the gifts of this truly caring leader.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 27, 1999 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 8

9:30 a.m.
Armed Services
To hold hearings on the nominations of General Eric K. Shinseki, USA, for reappointment to the grade and for appointment as Chief of Staff, United States Army, and Lieutenant General James L. Jones, Jr., USMC, to be general and for appointment as Commandant of the Marine Corps.
SR–222

JUNE 9

9:30 a.m.
Environment and Public Works
Transportation and Infrastructure Subcommittee
To resume hearings on the implementation of the Transportation Equity Act for the 21st century.
SD–406

Indian Affairs
To hold hearings on S. 438, to provide for the settlement of the water rights claims of the Chippewa Cree Tribe of the Rocky Boy's Reservation; and S. 944, to amend Public Law 105–188 to provide for the mineral leasing of certain Indian lands in Oklahoma.
SR–485

2 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold oversight hearings on the process to determine the future of the four lower Snake River dams and conduct oversight on the Northwest Power Planning Council's Framework Process.
SD–366

JUNE 10

9:30 a.m.
Energy and Natural Resources
To hold oversight hearings on the report of the National Recreation Lakes Study Commission.
SD–366

10 a.m.
Judiciary
Business meeting to markup S. 467, to restate and improve section 7A of the Clayton Act; and S. 606, for the relief of Global Exploration and Development Corporation, Kerr-Mcgee Corporation, and Kerr-Mcgee Chemical, LLC (successor to Kerr-McGee Chemical Corporation).
SD–226

JUNE 17

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on mergers and consolidations in the communications industry.
SR–253

Environment and Public Works
To hold hearings on S. 533, to amend the Solid Waste Disposal Act to authorize local governments and Governors to restrict receipt of out-of-State municipal solid waste; and S. 872, to impose certain limits on the receipt of out-of-State municipal solid waste, to authorize State and local controls over the flow of municipal solid waste.
SD–406

SEPTEMBER 28

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Legion.
345 Cannon Building

Daily Digest

HIGHLIGHTS

House passed H.R. 1259, Social Security and Medicare Safe Deposit Box Act.

House Committees order reported 11 sundry measures.

Senate

Chamber Action

Routine Proceedings, pages S5979–S6158

Measures Introduced: Eighteen bills and two resolutions were introduced, as follows: S. 1124–1141, S. Res. 108, and S. Con. Res. 35. **Pages S6049–50**

Measures Reported: Reports were made as follows:

S. 1134, to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts. (S. Rept. No. 106–54)

Measures Passed:

Adjournment Resolution: Senate agreed to S. Con. Res. 35, providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives. **Pages S6011–12**

Nonnavigable Waters Designation: Senate passed H.R. 1034, to declare a portion of the James River and Kanawha Canal in Richmond, Virginia, to be nonnavigable waters of the United States for purposes of title 46, United States Code, and the other maritime laws of the United States, clearing the measure for the President. **Page S6153**

Lewis R. Morgan Federal Building and U.S. Courthouse: Committee on Environment and Public Works was discharged from further consideration of H.R. 1121, to designate the Federal building and United States courthouse located at 18 Greenville Street in Newnan, Georgia, as the ''Lewis R. Morgan Federal Building and United States Courthouse'', and the bill was then passed, clearing the measure for the President. **Page S6153**

Department of Defense Authorization: Senate continued consideration of S. 1059, to authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, taking action on the following amendments proposed thereto: **Pages S5982–S6042**

Adopted:

Gramm Amendment No. 392, to delete certain provisions relating to the safety and security of America's federal prisons. **Page S6025**

Rejected:

By 40 yeas to 60 nays (Vote No. 147), McCain/Levin Amendment No. 393, to provide authority to carry out base closure round commencing in 2001. **Pages S5982, S5995–S6010**

Murray/Snowe Amendment No. 397, to repeal the restriction on use of Department of Defense facilities for privately funded abortions. (By 51 yeas to 49 nays (Vote No. 148), Senate tabled the amendment.) **Pages S6012–19**

Kerrey Amendment No. 395, to strike certain provisions relating to a limitation on retirement or dismantlement of strategic nuclear delivery systems. (By 56 yeas to 44 nays (Vote No. 149), **Pages S5986–95, S6019–24**

Smith (of N.H.) Amendment No. 406, to prohibit, effective October 1, 1999, the use of funds for military operations in the Federal Republic of Yugoslavia (Serbia and Montenegro) unless Congress enacts specific authorization in law for the conduct of those operations. (By 77 yeas to 21 nays (Vote No. 151), Senate tabled the amendment.) **Pages S6034–40**

Withdrawn:

Smith (of N.H.) Amendment No. 405, to express the sense of Congress with respect to the court-martial conviction of the late Rear Admiral Charles Butler McVay, III, and to call upon the President to

award a Presidential Unit Citation to the final crew of the U.S.S. *Indianapolis.* **Pages S6031–34**

Pending:

Lott Amendment No. 394, to improve the monitoring of the export of advanced satellite technology, to require annual reports with respect to Taiwan, and to improve the provisions relating to safeguards, security, and counterintelligence at Department of Energy facilities. **Pages S5982–86**

Allard/Harkin Amendment No. 396, to express the sense of Congress that no major change to the governance structure of the Civil Air Patrol should be mandated by Congress until a review of potential improvements in the management and oversight of Civil Air Patrol operations is conducted.

Pages S6010–11, S6025–30

During consideration of this measure today, Senate also took the following action:

By 51 yeas to 49 nays (Vote No. 150), Senate agreed to a motion to reconsider Vote No. 146, which occurred on Tuesday, May 25, 1999, by which the Gramm Amendment No. 392, to delete certain provisions relating to the safety and security of America's federal prisons, was not agreed to. (Subsequently, Gramm Amendment No. 392 was adopted by voice vote, as listed above.) **Page S6025**

A unanimous-consent agreement was reached providing for further consideration of the bill and pending Amendment No. 396, with a vote to occur on the amendment at 10 a.m., Thursday, May 27, 1999. **Pages S6040, S6155**

Appointment:

American Folklife Center of the Library of Congress: The Chair, on behalf of the President pro tempore, pursuant to Public Law 94–201, as amended by Public Law 105–275, appointed the following individuals as members of the Board of Trustees of the American Folklife Center of the Library of Congress: Janet L. Brown, of South Dakota, and Mickey Hart, of California. **Page S6153**

Messages From the President: Senate received the following messages from the President of the United States:

A message from the President of the United States transmitting, a report on the National Emergency with Respect to Burma; to the Committee on Banking, Housing, and Urban Affairs. (PM–33).

A message from the President of the United States transmitting, a report on the National Emergency with Respect to Iran; to the Committee on Banking, Housing, and Urban Affairs. (PM–34).

Nominations Confirmed: Senate confirmed the following nominations:

Kent M. Wiedemann, of California, to be Ambassador to the Kingdom of Cambodia.

Hiram E. Puig-Lugo, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Stephen H. Glickman, of the District of Columbia, to be an Associate Judge of the District of Columbia Court of Appeals for the term of fifteen years.

Eric T. Washington, of the District of Columbia, to be an Associate Judge of the District of Columbia Court of Appeals for the term of fifteen years.

Lorraine Pratte Lewis, of the District of Columbia, to be Inspector General, Department of Education.

Ikram U. Khan, of Nevada, to be a Member of the Board of Regents of the Uniformed Services University of the Health Sciences for a term expiring May 1, 1999.

Ikram U. Khan, of Nevada, to be a Member of the Board of Regents of the Uniformed Services University of the Health Sciences for a term expiring May 1, 2005.

2 Air Force nominations in the rank of general.

2 Army nominations in the rank of general.

17 Marine Corps nominations in the rank of general.

10 Navy nominations in the rank of admiral.

Routine lists in the Air Force, Army, Marine Corps, Navy. **Pages S6153–55, S6157–58**

Nominations Received: Senate received the following nominations:

A. Peter Burleigh, of California, to be Ambassador to the Republic of the Philippines and to serve concurrently and without additional compensation as Ambassador to the Republic of Palau.

Alberto J. Mora, of Florida, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2000. (Reappointment)

Mary Sheila Gall, of Virginia, to be a Commissioner of the Consumer Product Safety Commission for a term of seven years from October 27, 1998.

39 Army nominations in the rank of general.

Routine lists in the Foreign Service, Air Force, and Navy. **Page S6157**

Nomination Withdrawn: Senate received notification of the withdrawal of the following nomination:

Myrta K. Sale, of Maryland, to be Controller, Office of Federal Financial Management, Office of Management and Budget, vice G. Edward DeSeve, which was sent to the Senate on January 7, 1999. **Page S6158**

Measures Placed on Calendar: **Page S6047**

Communications: **Pages S6047–49**

Executive Reports of Committees: **Page S6049**

Statements on Introduced Bills: **Pages S6050–70**

Committee Meetings

(Committees not listed did not meet)

LIVESTOCK INDUSTRY

Committee on Agriculture, Nutrition, and Forestry: Committee concluded hearings to examine the livestock industry, including mandatory pricing and country of origin labeling, receiving testimony from Representative Chenoweth; Dan Glickman, Secretary of Agriculture; George Swan, House Creek Ranch, Rogerson, Idaho, on behalf of the National Cattlemen's Beef Association; John McNutt, Iowa City, Iowa, on behalf of the National Pork Producers Council; Frank Moore, Douglas, Wyoming, on behalf of the American Sheep Industry Association, Inc.; Harry L. Pearson, Indiana Farm Bureau, Hartford City, on behalf of the American Farm Bureau Federation; Phillip Klutts, Oklahoma Farmers Union, Oklahoma City, on behalf of the National Farmers Union; Robert P. Mack, Mack Farms, Watertown, South Dakota; Bruce Bass, IBP, Inc., Dakota Dunes, South Dakota; Rosemary Mucklow, National Meat Association, Oakland, California; Steven C. Anderson, American Frozen Food Institute, McLean, Virginia; Raymond M. Stewart, Hy-Vee, Inc., West Des Moines, Iowa, on behalf of the Food Marketing Institute; and J. Patrick Boyle, American Meat Institute, Arlington, Virginia.

BUSINESS MEETING

Committee on Agriculture, Nutrition, and Forestry: Committee ordered favorably reported the following business items:

S. 566, to amend the Agricultural Trade Act of 1978 to exempt agricultural commodities, livestock, and value-added products from unilateral economic sanctions, to prepare for future bilateral and multilateral trade negotiations affecting United States agriculture, with an amendment in the nature of a substitute;

S. 604, to direct the Secretary of Agriculture to complete a land exchange with Georgia Power Company;

The nomination of Thomas J. Erickson, of the District of Columbia, to be a Commissioner of the Commodity Futures Trading Commission.

CORPORATE BOND PRICE TRANSPARENCY

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Securities concluded hearings to examine the private sector's voluntary corporate bond price transparency initiative coordinated by the Bond Market Association (Corporate Trades 1), after receiving testimony from Nelson D. Civello, Bond Market Association, Minneapolis, Minnesota.

FEDERAL COMMUNICATIONS COMMISSION

Committee on Commerce, Science, and Transportation: Committee concluded oversight hearings on the activities of the Federal Communications Commission, after receiving testimony from William E. Kennard, Chairman, and Susan Ness, Harold W. Furchtgott-Roth, Michael K. Powell, and Gloria Tristani, each a Commissioner, all of the Federal Communications Commission.

AMERICAN LAND SOVEREIGNTY ACT

Committee on Energy and Natural Resources: Subcommittee on Forests and Public Land Management concluded hearings on S. 510, to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands, after receiving testimony from Representative Chenoweth; Melinda L. Kimble, Acting Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs; Donald J. Barry, Assistant Secretary of the Interior for Fish and Wildlife and Parks; Steven C. Borell, Alaska Miners Association, Anchorage, Alaska; Jeremy Rabkin, Cornell University Department of Government, Ithica, New York; Carol W. LaGrasse, Property Rights Foundation of America, Stony Creek, New York; and Kathleen Benedetto, National Wilderness Institute, Washington, D.C.

MEDICARE REFORM

Committee on Finance: Committee held hearings on Medicare reform issues, focusing on the work of the National Bipartisan Commission on the Future of Medicare, receiving testimony from Senator Breaux; Representative Thomas; William J. Scanlon, Director, Health Financing and Public Health Issues,

Health, Education, and Human Services Division, General Accounting Office; Dan L Crippen, Director, Congressional Budget Office; Bruce C. Vladeck, Mt. Sinai School of Medicine, New York, New York, former Administrator, Health Care Financing Administration, Department of Health and Human Services; Deborah Steelman, Steelman Health Strategies, and David B. Kendall, Progressive Policy Institute, both of Washington, D.C.; and Kenneth E. Thorpe, Tulane University Institute of Health Services Research, New Orleans, Louisiana.

Hearings continue tomorrow.

ANTI-BALLISTIC MISSILE TREATY

Committee on Foreign Relations: Committee concluded hearings to examine a protocol to reconstitute the Anti-Ballistic Missile (ABM) Treaty with four new partners, after receiving testimony from Henry A. Kissinger, Kissinger and Associates, New York, New York, former Secretary of State.

NATIONAL SECURITY AND MILITARY COMMERCIAL CONCERNS WITH CHINA

Committee on Governmental Affairs: Subcommittee on International Security, Proliferation and Federal Services concluded hearings to examine the unclassified report of the House Select Committee on United States National Security and Military/Commercial concerns with the People's Republic of China, after receiving testimony from Representatives Cox and Dicks.

IMMIGRANT'S CONTRIBUTION TO ARMED FORCES

Committee on the Judiciary: Subcommittee on Immigration concluded hearings to examine immigrant American's contribution to the Armed Forces and national defense, after receiving testimony from Erick A. Mogollon, Groton, Connecticut, Senior Chief Petty Officer, U.S. Navy; Charles MacGillivary, Braintree, Massachusetts, former Army Sergeant, Company I, 71st Infantry, 44th Infantry Division; and Elmer R. Compton, Evansville, Indiana, former Army Sergeant, and Alfred Rascon, Laurel, Maryland, former Army Specialist Four, both of the 173rd Airborne Brigade, 1st Battalion Recon Platoon.

FEDERAL MINE SAFETY AND HEALTH ACT

Committee on Health, Education, Labor, and Pensions: Subcommittee on Employment, Safety and Training held hearings on issues relating to mine safety and proposed legislation to amend the Federal Mine Safety and Health Act of 1977, to establish a more cooperative and effective method for rulemaking that takes into account the special needs and concerns of smaller miners, receiving testimony from J. Davitt McAteer, Assistant Secretary of Labor for Mine Safety and Health; Tom Thorson, Black Hills Bentonite, Mills, Wyoming; Steve Minshall, Ash Grove Cement Company, Overland Park, Kansas, on behalf of the American Portland Cement Alliance; Joseph A. Main, United Mine Workers of America, and Bruce H. Watzman, National Mining Association, both of Washington, D.C.; and Kim Snyder, Eastern Industries, Inc., Center Valley, Pennsylvania, on behalf of the National Stone Association.

Hearings recessed subject to call.

NATIVE AMERICAN YOUTH ACTIVITIES

Committee on Indian Affairs: Committee concluded oversight hearings to discuss Native American youth activities and initiatives within the Bureau of Indian Affairs, after receiving testimony from Dominic Nessi, Acting Director, Office of Economic Development, Bureau of Indian Affairs, Department of the Interior; Manne Lasiloo, United National Indian Tribal Youth (UNITY), Inc., Oklahoma City, Oklahoma; Delwyn Holthusen, Red Lake Band of Chippewa Indians, Red Lake, Minnesota; Paula Healy, Fort Belknap, Montana, on behalf of the National American Indian Business Leaders Board; Daniel N. Lewis, Bank of America, Phoenix, Arizona, on behalf of the Boys and Girls Clubs of America; and Notah Begay, Albuquerque, New Mexico.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to call.

House of Representatives

Chamber Action

Bills Introduced: 30 public bills, H.R. 1942–1971, 1 private bill, H.R. 1972; and 6 resolutions, H. Con. Res. 119–120 and H. Res. 191–194, were introduced. **Pages H3693–94**

Reports Filed: One report was filed today as follows:

H. Res. 195, providing for consideration of H.R. 1401, to authorize appropriations for fiscal years 2000 and 2001 for military activities of the Department of Defense, and to prescribe military personnel strengths for fiscal years 2000 and 2001 (H. Rept. 106–166); **Page H3693**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Sununu to act as Speaker pro tempore for today. **Page H3609**

Agriculture, Rural Development, FDA, and Related Agencies Appropriations: The House resumed consideration of amendments to H.R. 1906, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2000. The House completed general debate and considered amendments on May 25. **Pages H3614–49**

Rejected:

The Coburn amendment that sought to reduce funding for the Agriculture Research Service by $50.8 million (rejected by a recorded vote of 35 ayes to 390 noes, Roll No. 158); **Pages H3622–25, H3645**

The Coburn amendment that sought to reduce funding for special grants for agricultural research on climate change by $1 million (rejected by a recorded vote of 93 ayes to 330 noes, Roll No. 159); **Pages H3625–32, H3645–46**

The Sanford amendment that sought to reduce funding for special grants for agricultural research on wood by $5.1 million (rejected by a recorded vote of 79 ayes to 348 noes, Roll No. 160); and **Pages H3632–38, H3646–47**

The Coburn amendment that sought to reduce funding for research and education activities for peanut research by $300,000 (rejected by a recorded vote of 119 ayes to 308 noes, Roll No. 161). **Pages H3639–45, H3647**

Withdrawn:

The Kucinich amendment was offered, but subsequently withdrawn, that sought to allocate $100,000 to the Agriculture Research Center for a study on the effects of pollen on butterflies; and **Pages H3621–22**

The Coburn amendment was offered, but subsequently withdrawn, that sought to reduce funding for agricultural research grants by $300,000. **Pages H3638–39**

H. Res. 185, the rule that is providing for consideration of the bill was agreed to on May 25.

Social Security and Medicare Safe Deposit Box Act: The House passed H.R. 1259, to amend the Congressional Budget Act of 1974 to protect Social Security surpluses through strengthened budgetary enforcement mechanisms by a yea and nay vote of 416 yeas to 12 nays, Roll No. 164. **Pages H3657–79**

Rejected the Rangel motion to recommit the bill to the Committee on Ways and Means with instructions to report it back to the House forthwith with amendments to preserve budget surpluses until Social Security and Medicare Solvency Legislation is enacted by a yea and nay vote of 205 yeas to 222 nays, Roll No. 163. **Pages H3675–78**

Earlier, agreed to H. Res. 186, the rule that provided for consideration of the bill by a yea and nay vote of 223 yeas to 205 nays, Roll No. 162. The amendment to H.R. 1259, as specified in section 2 of the rule, was considered as adopted. **Pages H3649–56**

Memorial Day District Work Period: The House agreed to S. Con. Res. 35, providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives by a yea and nay vote of 249 yeas to 178 nays, Roll No. 165. **Pages H3679–80**

Presidential Messages: Read the following messages from the President:

National Emergency Re Iran: Read a message from the President wherein he transmitted his periodic report on the national emergency with respect to Iran—referred to the Committee on International Relations and ordered printed (H. Doc. 106–73); and **Page H3680**

National Emergency Re Burma: Read a message from the President wherein he transmitted his periodic report on the national emergency with respect to Burma—referred to the Committee on International Relations and ordered printed (H. Doc. 106–74); **Page H3680**

Clerk of the House Designation: Read a letter from the Clerk wherein he designated, in addition to Gerasimos C. Vans, Assistant to the Clerk, Daniel J. Strodel, Assistant to the Clerk to sign any and all papers and do all other acts under the name of the

Clerk of the House in case of the Clerk's temporary absence or disability. Page H3680

Recess: The House recessed at 9:35 p.m. and reconvened at 12:33 a.m. on May 27. Page H3690

Senate Messages: Messages received from the Senate appear on pages H3609 and H3657.

Amendments Ordered Printed: Amendments ordered printed pursuant to the rule appear on page H3695.

Quorum Calls—Votes: Four yea and nay votes and four recorded votes developed during the proceedings of the House today and appear on page H3645, H3646, H3646–47, H3647, H3656, H3678, H3678–79, and H3679–80. There were no quorum calls.

Adjournment: The House met at 10:00 a.m. and adjourned at 12:34 a.m. on May 27.

Committee Meetings

RURAL AREAS—ELECTRIC DEREGULATION EFFECTS

Committee on Agriculture: Subcommittee on General Farm Commodities, Resource Conservation, and Credit held a hearing to review the effects of electric deregulation on rural areas and an examination of legislative proposals. Testimony was heard from Wally Beyer, Administrator, Rural Utilities Service, USDA; Mark Mazur, Director, Office of Policy, Department of Energy; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Banking and Financial Services: Ordered reported the following bills: H.R. 629, Community Development Financial Institutions Fund Amendments Act of 1999; and H.R. 413, Program for Investment in Microentrepreneurs Act of 1999.

Prior to this action, the Committee held a hearing on these measures. Testimony was heard from Senator Kennedy; Representative Rush; Gary Gensler, Under Secretary, Domestic Finance, Department of the Treasury; and public witnesses.

ELECTRICITY COMPETITION

Committee on Commerce: Subcommittee on Energy and Power continued hearings on Electricity Competition, focusing on State Restructuring Efforts and Consumer Protection Issues. Testimony was heard from Elaine Kolish, Associate Director, Bureau of Consumer Protection, FTC; Mary Ellen Burns, Assistant Attorney General in Charge, Bureau of Energy and Telecommunications, State of New York; and public witnesses.

CHEMICAL SAFETY INFORMATION AND SITE SECURITY ACT

Committee on Commerce: Subcommittee on Health and Environment concluded hearings on H.R. 1790, Chemical Safety Information and Site Security Act of 1999. Testimony was heard from Leon G. Billings, member, House of Delegates, State of Maryland; and public witnesses.

DOE'S-FUNDED ENVIRONMENTAL CLEANUP TECHNOLOGIES

Committee on Commerce: Subcommittee on Oversight and Investigations held a hearing on a Review of the Department of Energy's Deployment of DOE-Funded Environmental Cleanup Technologies. Testimony was heard from Representative Hastings of Washington; Gary L, Jones, Associate Director, Energy, Resources, and Sciences Issues, GAO; the following officials of the Department of Energy: Ernest J. Moniz, Under Secretary; James Owendoff, Acting Assistant Secretary, Environmental Management; and Gerald Boyd, Acting Deputy Assistant Secretary, Science and Technology; and public witnesses.

COMBATING TERRORISM

Committee on Government Reform: Subcommittee on National Security, Veteran's Affairs and International Relations held a hearing on Combating Terrorism: Proposed Transfer of the Domestic Preparedness Program to the Department of Justice. Testimony was heard from Charles L. Cragin, Principal Deputy Assistant Secretary, Reserve Affairs, Department of Defense; Andy Mitchell, Deputy Director, Office for State and Local Domestic Preparedness Support, Office of Justice Programs, Department of Justice; and the following officials of the FEMA: Barbara Y. Martinez, Deputy Director, National Domestic Preparedness Office; and Catherine Light, Director, Office of National Security Affairs.

COX COMMITTEE REPORT

Committee on International Relations: Subcommittee on Asia and the Pacific held a hearing on The Cox Committee: Report of the Select Committee on U.S. Security and Military/Commercial Concerns with the People's Republic of China. Testimony was heard from Representatives Cox and Dicks.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Ordered reported the following measures: H.J. Res. 33, proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States; H.R. 354, amended, Collections of Information Antipiracy Act; H.R. 1565, amended, Trademark Amendments Act of 1999; H.R. 1761, amended, Copyright Damages

Improvement Act of 1999; and H.R. 1225, United States Patent and Trademark Office Reauthorization Act, Fiscal Year 2000.

RELIGIOUS LIBERTY PROTECTION ACT

Committee on the Judiciary: Subcommittee on the Constitution approved for full Committee action amended H.R. 1691, Religious Liberty Protection Act of 1999.

OVERSIGHT

Committee on Resources: Held an oversight hearing on Use of Land and Money Mitigation Requirements in Endangered Special Act Enforcement. Testimony was heard from Jamies Clark, Director, U.S. Fish and Wildlife Service, Department of the Interior; Penelope Dalton, Assistant Administrator, Fisheries, National Marine Fisheries Service, NOAA, Department of Commerce; and public witnesses.

NATIONAL DEFENSE AUTHORIZATION ACT

Committee on Rules: Granted, by a vote of 9 to 2, a structured rule providing one hour of general debate to be equally divided between the chairman and ranking minority member of the Committee on Armed Services on H.R. 1401, National Defense Authorization Act for Fiscal years 2000 and 2001. The rule waives all points of order against consideration of the bill. The rule makes in order the Committee on Armed Services amendment in the nature of a substitute now printed in the bill, modified by the amendment printed in Part A of the Rules Committee report, which shall be considered as read. The rule also waives all points of order against the amendment in the nature of a substitute, as modified. The rule makes in order only those amendments printed in the Rules Committee report and pro forma amendments offered by the chairman and ranking minority member of the Committee on Armed Services for the purpose of debate Amendments printed in Part C of the Rules Committee report may be offered en bloc. The rule provides that, except as specified in section 5 of the resolution, amendments will be considered only in the order specified in the report, may be offered only by a Member designated in the report, shall be considered as read, and shall not be subject to a demand for division of the question. The rule provides that, except as otherwise specified in the report, each amendment printed in the report shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent and shall not be subject to amendment (except that the chairman and ranking minority member of the Committee on Armed Services each may offer one pro forma amendment for the purpose of further debate on any pending amendment). The rule waives all points of order against amendments printed in the Rules Committee report and those amendments en bloc described in section 3 of the resolution. The rule provides for an additional one hour of general debate at the beginning of the second legislative day of consideration of H.R. 1401, which shall be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services. The rule authorizes the chairman of the Armed Services Committee or his designee to offer amendments en bloc consisting of the amendments in Part C of the Rules Committee report or germane modifications thereto, which shall be considered as read (except that modifications shall be reported), shall be debatable for 20 minutes equally divided between the chairman and ranking member of the Armed Services Committee or their designees, and shall not be subject to amendment or demand for division of the question. The rule provides that, for the purposes of inclusion in such amendments en bloc, an amendment printed in the form of a motion to strike may be modified to the form of a germane perfecting amendment to the text originally proposed to be stricken. The original proponent of an amendment included in such amendments en bloc may insert a statement in the Congressional Record immediately before the dispositions of the en bloc amendments. The rule allows the chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce voting time to five minutes on a postponed question if the vote follows a fifteen minute vote. The rule permits the chairman of the Committee of the Whole to recognize for consideration of any amendment printed in the report out of the order in which printed, but not sooner than one hour after the chairman of the Armed Services Committee or a designee announces from the floor a request to that effect. Finally, the rule provides one motion to recommit, with or without instructions. Testimony was heard from Chairman Spence and Representatives Weldon of Pennsylvania, Thornberry, Hostettler, Hilleary, Ryun of Kansas, Riley, Goodling, Boehlert, Shays, Castle, Collins, Hoekstra, Frelinghuysen, Metcalf, Ney, Weldon of Florida, Thune, Sweeney. Wilson, Ose, Skelton, Evans, Taylor of Mississippi, Abercrombie, Allen, Sanchez, McIntyre, Rodriguez, Stenholm, Frank of Massachusetts, Traficant, Costello, Roemer, Waters, Hinchey, Velázquez and Kucinich.

MISCELLANEOUS MEASURES

Committee on Science: Ordered reported amended the following bills: H.R. 1742, Environmental Protection Agency Office of Research and Development and Science Advisory Board Authorization Act of

1999; H.R. 1743, Environmental Protection Agency Office of Air and Radiation Authorization Act of 1999; and H.R. 1656, Department of Energy Commercial Application of Energy Technology Authorization Act of 1999.

The Committee began markup of H.R. 1744, National Institute of Standards and Technology Authorization Act of 1999.

The Committee recessed subject to call.

ELECTRONIC COMMERCE

Committee on Small Business: Held a hearing on Electronic Commerce: The Benefits and Pitfalls of Conducting Business Over the Internet. Testimony was heard from Daniel O. Hill, Assistant Administrator, Technology, SBA; and public witnesses.

OVERSIGHT—OFFICE OF MOTOR CARRIERS AND OF BUS SAFETY

Committee on Transportation and Infrastructure: Subcommittee on Ground Transportation held an oversight hearing on the Office of Motor Carriers and of Bus Safety. Testimony was heard from the following officials of the Department of Transportation: Eugene A. Conti, Jr., Assistant Secretary, Transportation Policy; and Kenneth R. Wykle, Administrator, Federal Highway Administration; Joseph Osterman, Director, Office of Highway Safety, National Transportation Safety Board; the following officials of the State of New Jersey: C. Richard Kamin, Assistant Commissioner, Division of Motor Vehicles; and James Crawford, Executive Director, South Jersey Transportation Authority; former Representative Norman Mineta of California; and public witnesses.

ADMINISTRATION'S HARBOR SERVICES FEE PROPOSAL

Committee on Transportation and Infrastructure: Subcommittee on Water Resources and Environment held a hearing on the Administration's Harbor Services Fee Proposal. Testimony was heard from Joseph W. Westphal, Assistant Secretary of the Army (Civil Works), Department of Defense; and public witnesses.

FOSTER CARE INDEPENDENCE ACT

Committee on Ways and Means: Ordered reported amended H.R. 1802, Foster Care Independence Act of 1999.

COMMITTEE MEETINGS FOR THURSDAY, MAY 27, 1999

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry: to hold hearings on S.935, to amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to authorize research to promote the conversion of biomass into biobased industrial products, 9:30 a.m., SR–328A.

Committee on Appropriations: business meeting to mark up proposed legislation making appropriations for fiscal year 2000 for Energy and Water Development programs, and to mark up proposed legislation making appropriations for fiscal year 2000 for the Department of Transportation and related agencies, 9:30 a.m., SD–106.

Committee on Commerce, Science, and Transportation: to hold hearings on S.761, to regulate interstate commerce by electronic means by permitting and encouraging the continued expansion of electronic commerce through the operation of free market forces, 10 a.m., SR–253.

Committee on Energy and Natural Resources: to hold hearings on the nomination of David L. Goldwyn, of the District of Columbia to be an Assistant Secretary of Energy (International Affairs); and the nomination of James B. Lewis, of New Mexico, to be Director of the Office of Minority Economic Impact, Department of Energy, 10 a.m., SD–366.

Subcommittee on Water and Power, to hold hearings on S. 623, to amend Public Law 89–108 to increase authorization levels for State and Indian tribal, municipal, rural, and industrial water supplies, to meet current and future water quantity and quality needs of the Red River Valley, to deauthorize certain project features and irrigation service areas, to enhance natural resources and fish and wildlife habitat; S. 244, to authorize the construction of the Lewis and Clark Rural Water System and to authorize assistance to the Lewis and Clark Rural Water System, Inc., a nonprofit corporation, for the planning and construction of the water supply system;

S. 769, to provide a final settlement on certain debt owed by the city of Dickinson, North Dakota, for the construction of the bascule gates on the Dickinson Dam; S. 1027, to reauthorize the participation of the Bureau of Reclamation in the Deschutes Resources Conservancy; and H.R. 459, to extend the deadline under the Federal Power Act for FERC Project No. 9401, the Mt. Hope Waterpower Project, 2 p.m., SD–366.

Committee on Environment and Public Works: Subcommittee on Fisheries, Wildlife, and Drinking Water, to hold hearings on S. 1100, to amend the Endangered Species Act of 1973 to provide that the designation of critical habitat for endangered and threatened species be required as part of the development of recovery plans for those species, 10:30 a.m., SD–406.

Committee on Finance: to resume hearings on Medicare reform issues, focusing on the work of the National Bipartisan Commission on the Future of Medicare, 10 a.m., SD–215.

Committee on Foreign Relations: Subcommittee on East Asian and Pacific Affairs, to hold hearings to examine the Chinese Embassy bombing and its effects on United States-China relations, 10 a.m., SD–562.

Full Committee, to hold hearings on the nomination of David B. Sandalow, of the District of Columbia, to be Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs; and the nomination of Lawrence Harrington, of Tennessee, to be United States Executive Director of the Inter-American Development Bank, 2 p.m., SD–562.

Committee on Health, Education, Labor, and Pensions: to hold hearings on proposed legislation authorizing funds for the National Endowment for the Arts, 10 a.m., SD–628.

Subcommittee on Aging, to resume hearings on issues relating to the Older Americans Act, 2:30 p.m., SD–628.

House

Committee on Appropriations, Subcommittee on Transportation, to mark up fiscal year 2000 appropriations, 9:30 a.m., 2358 Rayburn.

Committee on Commerce, Subcommittee on Finance and Hazardous Materials, to mark up H.R. 10, Financial Services Act of 1999, 9:30 a.m., 2123 Rayburn.

Subcommittee on Health and Environment, hearing on Medical Records Confidentiality in the Modern Delivery of Health Care, 10 a.m., 2322 Rayburn.

Committee on Education and the Workforce, Subcommittee on Oversight and Investigations, hearing to Review and Oversight of the 1998 Reading Results of the National Assessment of Education Programs (NAEP)—The Nation's Report Card, 9:30 a.m., 2175 Rayburn.

Committee on Government Reform, hearing on ''How Accurate is the FDA's Monitoring of Supplements Like Ephedra?'' 1 p.m., 2154 Rayburn.

Committee on International Relations, Subcommittee on International Operations and Human Rights and the Subcommittee on Africa, joint hearing on the Crisis Against Humanity in Sudan, 1:30 p.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on Commercial and Administrative Law, hearing and markup of H.R. 915, to authorize a cost of living adjustment in the pay of administrative law judges, 10 a.m., 2226 Rayburn.

Subcommittee on the Constitution, hearing on H.R. 1218, Child Custody Protection Act, 9 a.m., 2237 Rayburn.

Subcommittee on Courts and Intellectual Property, oversight hearing on Electronic Communication Privacy Policy Disclosure, 10 a.m., 2141 Rayburn.

Subcommittee on Crime, hearing on pending Firearms legislation and the Administration's Enforcement of Current Gun Laws, 2 p.m., 2141 Rayburn.

Committee on Resources, Subcommittee on Fisheries Conservation, Wildlife and Oceans, to mark up the following bills: H.R. 535, to direct the Secretary of the Interior to make corrections to a map relating to the Coastal Barrier Resources System; H.R. 1243, National Marine Sanctuaries Enhancement Act of 1999; and H.R. 1431, Coastal Barrier Resources Reauthorization Act of 1999, 10 a.m., 1334 Longworth.

Subcommittee on Fisheries Conservation, Wildlife and Oceans and the Subcommittee on Water and Power, joint hearing on H. Con. Res. 63, expressing the sense of the Congress opposing removal of dams on the Columbia and Snake Rivers for fishery restoration purposes, 10:30 a.m., 1334 Longworth.

Committee on Small Business, Subcommittee on Government Programs and Oversight, hearing on the Small Business Innovation Research (SBIR) Program, 10 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, to consider the following: resolutions authorizing the GSA's Fiscal Year 2000 Capital Investment Program; 2 construction resolutions; H. Con. Res. 91, authorizing the use of the Capitol Grounds for a clinic to be conducted by the United States Luge Association; and H. Con. Res. 105, authorizing the Law Enforcement Torch Run for the 1999 Special Olympics World Games to be run through the Capitol Grounds, 10 a.m., 2167 Rayburn.

Committee on Ways and Means, Subcommittee on Human Resources, hearing on the Effects of Welfare Reform, 10:30 a.m., B–318 Rayburn.

Subcommittee on Trade, hearing on the use and effect of unilateral trade sanctions, 11 a.m., 1100 Longworth.

Next Meeting of the SENATE

9:30 a.m., Thursday, May 27

Senate Chamber

Program for Thursday: Senate will continue consideration of S. 1059, Department of Defense Authorization, with a vote to occur on Amendment No. 396 at 10 a.m.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, May 27

House Chamber

Program for Thursday: Consideration of H.R. 1401, Defense Authorization Act (structured rule, one hour of general debate and an additional one hour of general debate on the second legislative day of consideration).

Extensions of Remarks, as inserted in this issue

HOUSE

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