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House of Representatives

The House met at 10 a.m.

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

Of all the gifts that You so generously have given, O God, we are appreciative of the gift of friendship. For those who support us all the day long and for those whose kindness and concern help us meet the challenges of the day, we offer these words of thanksgiving and praise. May each of us learn to support each other with respect and appreciation, with trust and faith and with that bond of love that stands all the tests of time. May Your blessing, O God, be with us now and evermore. Amen.

THE JOURNAL

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

Mr. KILDEE 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.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. There will be 15 one-minutes on each side this morning.

SUPPORT H.R. 1487, NATIONAL MONUMENT NEPA COMPLIANCE ACT

(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, the Washington Times has reported that the Clinton administration is planning to ban public use on 5 million acres of public land before the 2000 presidential election.

Now, why would this President deny Americans the right to use their public lands? Well, the Times says it is to woo environmentalists.

Do I need to remind the President that not just environmentalists but conservationists, bird hunters, bird watchers and other outdoor recreationists have all the rights to use that public land as well, and they all have the right to pull the lever on the voting booth.

To make matters worse, the President's own Cabinet is acknowledging the recklessness of this proposal. Secretary Bruce Babbitt is quoted as saying, ''We have switched the rules of the game. We are not trying to do anything legislatively.''

The implication is clear. If Congress does not pass the laws that the President wants passed, then he will make his own laws through regulation, executive orders and policy directives.

Therefore, I ask my colleagues to help stop this abuse of executive power, protect our constitutional rights as Members of Congress and support H.R. 1487, the National Monument NEPA Compliance Act.

PATIENTS' BILL OF RIGHTS

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

Mr. CUMMINGS. Mr. Speaker, sadly, over 50 percent of Americans believe that with managed care the quality of health care has declined. They feel powerless and unprotected.

The solution? A Bill of Rights.

Our Nation's forefathers were concerned about the government becoming unresponsive to the will of the people, so they enacted citizen protections and guarantees. Today, managed care has become unresponsive to the will of our Nation's patients. Lack of access to medical care or prescription drugs, inability to determine when medical care is necessary, and inability to seek legal redress on medical decisions.

Enactment of a Patients' Bill of Rights is ripe. As lawmakers, it is our duty. Let us adopt our forefathers' insight, renew our citizens' sense of empowerment in their health care, and pass a Patients' Bill of Rights.

IRS TARGETS POOR SOUTHERNERS

(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, every day there seems to be a new horror story coming out of the IRS. I sort of feel like David Letterman, because the stories I have to tell are so implausible, so hard to believe, that I should probably say, ''I'm not making this up.''

It turns out that poor Southerners are more likely than almost anyone else to be audited by the IRS. Why do you think this is? Well, of course, one reason is because there is rampant abuse, truly massive abuse in the earned income tax credit program and the IRS is perfectly correct in going after tax cheats who are ripping off their fellow Americans.

The problem is that there is another reason why poor Southerners are being targeted. That reason is more sinister and it is a reason the IRS does not want to talk about.

The poor do not have the resources to defend themselves against an army of IRS lawyers.

So here we have the United States Government embarked on a deliberate policy to take advantage of the weak and vulnerable just struggling to get

by, barely making it to the next payday.

I think that is wrong.

MANAGED CARE DISCHARGE PETITION

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

Mr. GEPHARDT. Mr. Speaker, instead of addressing the crisis of health care in our Nation, we keep finding excuse after excuse to block progress on this issue.

Let us stop the delay. We have a road map for reforming HMO care, the Democratic Patients' Bill of Rights.

There is not a one of us who would choose an MBA over an M.D. when it comes to our family's medical health, but that is exactly what has happened to our health care system. We have taken the power away from those who know and care about saving lives and we have given it to people whose priority is simply making money.

It needs to change, and that change can begin today.

I ask every Member on both sides of the aisle to join me in signing this petition to make sure that the needs of America's families are not pushed aside yet again, and to make sure we fulfill our responsibility to working families and prevent them from worrying about whether their children will get the care they need and deserve for another year.

Let us stop the obstruction, let us sign the petition, and let us get to work.

KHRUSHCHEV'S SON WILL NOT VOTE DEMOCRATIC

(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, last month the previous speaker suggested Congress raise taxes and lower our national defense. Last week, the head of the Democrat Congressional Campaign Committee said Democrats have written off rural America in the 2000 election. What could be next?

According to the Washington Post, Nikita Khrushchev's son, Sergei Khrushchev, becomes a United States citizen today after living in the United States for 8 years.

Now, before my Democrat friends celebrate another socialist joining their ranks, consider this. Mr. Khrushchev says, ''I will not vote for Democrats. It is too dangerous now for the country.''

At a time when even the children of Communists have rejected the Democrats as too dangerous, the American people are preparing another message for them in the 2000 election: ''We will bury you.''

MANAGED CARE REFORM

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

Mr. DOGGETT. Mr. Speaker, some of us think the problem is that too many people across America are being buried, buried unnecessarily because they have been managed out of their managed health care.

We gather here today to sign a petition to discharge from a Republican committee stranglehold a bill of rights for health care consumers. We gather to discharge this vital legislation because the Republican leadership has failed to discharge its responsibilities to the American people.

For too many folks, managed health care just means being managed out of the care that they need. Under our bill, physicians will be able to provide the best quality health care available rather than having some clerk be rewarded for denying care with a bonus.

The Republican leadership has served the insurance industry very well in blocking this bill. We believe it is time to discharge it for floor action, time to serve America's health care consumers, not the insurance lobby and the HMOs that are denying Americans the quality of care and the rights that they deserve.

BATTLE BETWEEN CONGRESSIONAL LIBERALS AND REPUBLICAN PARTY

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

Mr. TIAHRT. Mr. Speaker, there is a battle going on in this country, a fierce struggle between two opposing forces, each of enormous strength.

The battle is between the greedy hand of big government and the people. Individual liberty is at stake.

On one side stands the defenders of the greedy hand of big government, the liberals in Congress. On the other side stands the defenders of individual liberty, the Republican Party.

One side defends the greedy hand of big government at every turn, every day, on every bill, on every bureaucratic decision. The other side strains mightily to provide tax relief for working Americans and resists the siren call of the Washington politicians who claim that big government is the answer to all our problems.

Does anyone doubt the truth of this? If so, who on the other side will step forward and refute them? Who on the other side will denounce the greedy hand of big government and voice this support for individual liberty through tax relief and against the forces which erode our liberty with each passing day?

INTERNATIONAL TRADE LAW VIOLATIONS COST 10,000 STEELWORKER JOBS

(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, over 10,000 steelworkers have lost their jobs because Japan, Russia, South Korea and China are violating international trade laws. And after all of that, the White House says, America will not violate international trade laws, and the White House has helped to kill the import steel quota bill.

Beam me up, Mr. Speaker. There is not one citizen of Japan, Russia, China or South Korea that voted for this White House crew. Nearly 99 percent of those steelworkers who lost their job voted for that White House crew.

I think it is time that Uncle Sam requires everybody to heed the law, but if they are going to break it, by God, we should impose strict import quotas.

I yield back any manufacturing jobs still left in our country.

TIME FOR A TAX CUT

(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, time and time again my liberal friends march down to the well of the House to rail against tax cuts for the rich. Ironically, their misleading rhetoric never includes a definition of what constitutes being rich. This is because many of the people they are talking about would be shocked to learn that big-spending politicians consider them rich.

Take, for example, a young married couple earning $72,000 a year. This couple falls into the top 10 percent of taxpaying households and would surely be branded as greedy and undeserving of any tax relief by the rhetorical rants coming from the left side of the aisle.

Mr. Speaker, this is demagoguery, it is disingenuous, and it is not true. I would hope it would come to an end. I implore my Democratic colleagues to stop their misleading tactics and join the Republican Party's majority effort to provide an across-the-board tax cut to every American who pays Federal income taxes.

MANAGED CARE REFORM

(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, as we stand here this morning, we know that we are in the greatest country in the world. We have been responsible for finding all kinds of interventions for our health care, and we enjoy the best skill and best knowledge in the world for health care.

Yet American people do not have access to that care, the care that they have paid for through their tax dollars for the research. And yet we beg now and plead with the HMOs and the managed care insurance to allow people to have access to just basic health care. They need access to just needed care. They do not want to be treated one-size-fits-all.

Whether you are 7 or 70 in this country under HMOs, if you have got a certain diagnosis, you all get treated the same. That does not address individual needs. Doctors need the freedom to practice the art and the science that they have learned and that they are capable of doing. They do not have that right under our present system. They are pushed out on the line and given instructions by the HMOs, and yet the HMOs do not even want to be responsible for what they tell the physicians to do.

It is time for change. The American people are calling for it.

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FREEDOM FOR EDUCATION

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

Mr. FOSSELLA. Mr. Speaker, the essence of America, as we all know, is freedom, but somehow, that does not apply to education. Because the door slams shut on so many parents across this country when they want to have the freedom to choose the best education possible for their children.

Too often, too many Federal dollars are wasted here in Washington and not enough spent back home in Staten Island and across this country where the parents and the teachers, the local communities know better how to spend their funds.

Well, the Republican Party recently is embarking on a path towards freedom when it comes to education, and that is to allow States the opportunity and local communities to spend the money as they see fit. Can anyone in this country acknowledge that the folks here in Washington are in a better position to spend the money on education than back home where they are? Where the parents and teachers and administrators are? I think not.

Mr. Speaker, let us support freedom for education. Let us support the opportunity to send Federal money back home across America, and not be wasted here in Washington.

MANAGED CARE REFORM

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

Mr. GREEN of Texas. Mr. Speaker, the gentleman from Colorado that said he would bury us as Democrats, I guess going on their experience, they buried managed care reform for 2 years, so they have that kind of experience.

Let me talk this morning about some ads that are in the Washington publications that talk about how the Dingell bill will be more expensive. Well, let me give my colleagues the Texas experience. We have had managed care reform in Texas for 2 years and the reason it is going to be more expensive is that they are going to have to start paying claims. They have lost half of the appeals process, so I would much rather have better than a flip-of-the-coin odds if I am going to managed care for health care.

Mr. Speaker, a 500 percentage may be great if one is a baseball player who will be making $10 million, but when one is deciding whether one is going to have adequate health care, I would rather have a better percentage than a flip of the coin. They are actually going to have to pay those claims.

We need a real patients' bill of rights that has everything in it: accountability, access to specialists, a real appeals process, and no gag rules and medical necessity. That is why I do not think they are going to have the experience in burying this bill any more.

PHARMACEUTICAL BENEFITS FOR MEDICARE PATIENTS

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

Mr. COOKSEY. Mr. Speaker, I am a physician. Thirty years ago when I finished medical school, most of the patient's care was in-patient, and most of the pharmaceutical benefit was in-patient. Today, 25 percent of the cost of health care for Medicare patients is the pharmaceutical benefit. This is because most of health care for seniors and for everyone else is carried out on an out-patient basis today.

I feel that Medicare patients need some help with their pharmaceutical benefits. The truth is, two-thirds of Medicare patients already have a benefit. This two-thirds of the Medicare population does not need a pharmaceutical benefit. That leaves one-third who, in many cases, have high expenses for their pharmaceutical costs and desperately need some help with their Medicare benefits.

Medicare needs an integrated system with Medicare that will pay for these benefits. We have the best pharmaceutical industry in the world. We do not need to put them under the bureaucracy.

Mr. Speaker, this Republican supports a Medicare benefit for pharmaceuticals.

IMPROVING AMERICANS' ACCESS TO HEALTH CARE

(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, first it was campaign finance reform, then it was gun safety and school violence, now it is health care reform. There is an unfortunate pattern taking place here with the Republican leadership. On issue after issue, issues that are important to the people, the Republican leadership uses its power to stomp out real discussion.

Fortunately, we have an alternative, and that is the discharge petition, and we are signing it here today. Democrats have been waiting for 2 years to pass the Patients' Bill of Rights, and today we step forward to improve Americans' access to health care. Let us not be fooled by breaking last year's sham bill into eight pieces. The Republican leadership wants health care reform to be in small pieces. This will not sell. The American Medical Association says that the Republican package of bills falls short of the mark and it does not solve any of the problems of doctors and patients.

It is time to put doctors and their patients back in charge of health care reform.

FREE SOCIAL SECURITY LOCKBOX LEGISLATION

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

Mr. HERGER. Mr. Speaker, today is day number 63 of the latest hostage crisis. It is a hostage crisis that is not getting much attention in the mainstream media, but it has grave implications for current and future retirees nonetheless.

Since April 21 of this year, Democrats in the other body have blocked a Herger lockbox proposal, refusing to allow it to even come to a vote.

What is being held hostage is legislation to create a Social Security lockbox; in other words, legislation to create a safe deposit box that would put an end to the time-honored practice in Washington of raiding the Social Security Trust Fund whenever politicians want to expand government.

Republicans in the House of Representatives have passed Social Security lockbox legislation. We want to protect the Social Security Trust Fund from further raids. The other side is adamantly against it. Once we get into the habit of raiding a cookie jar, it is awfully tough to quit. It is time to end the hostage crisis and free the Social Security lockbox and protect seniors from more raids on the Social Security Trust Fund.

FEDERAL RESERVE SHOULD NOT RAISE INTEREST RATES

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

Mr. HINCHEY. Mr. Speaker, last week, the Chairman of the Federal Reserve Board appearing before the Joint

Economic Committee hinted broadly that the Federal Reserve is about to raise short-term interest rates. It would be a serious mistake for them to do so.

When asked why it was necessary to raise interest rates at this time, the Federal Reserve Chairman was at a loss to give a good reason. The only reason he could point to was that unemployment was now at about 4 percent, and they felt that that was too low.

To raise interest rates now would choke off the kind of economic progress that we have been enjoying for the last several years; and, it would create a situation whereby people who are just now beginning to benefit from this economic circumstance would be deprived of the ability to do so.

Wages and benefits of the average working people are now just beginning to go up over the course of the last couple of years. The Federal Reserve would cut that off. People who have not been able to find a job up until now are working. The Federal Reserve would cut that off.

It is a mistake to raise short-term interest rates, and we need to make it clear to the Federal Reserve that they ought not do so.

NATIONAL IDENTIFICATION CARD BAD IDEA FOR AMERICA

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

Mr. PAUL. Mr. Speaker, the American people strongly oppose the instituting of a national identification card. The authority was given for a national I.D. card in 1996. I have been working very hard to try to repeal this authority.

Today, we would have had an opportunity under the transportation bill to repeal this authority and to prevent a national I.D. card from coming into existence.

Unfortunately, that will not be permitted, due to the rule that is coming up for the transportation bill. I think this is a serious mistake. It is not just 30 or 40 or 50 percent of the American people who reject a national I.D., but almost all Americans reject this idea. I find it a shame that we are not able to vote on the repeal authority.

It was never intended that the Social Security number would be the universal, national identifier. It is given to a child at birth and one cannot even be buried without it. So the national I.D. card, when instituted, will be used for everything: To get on an airplane, to get a job, open up a bank account; whatever we want to do, we will have to show our papers.

This is un-American. It is something that we should not be doing, and unfortunately, we will not get to vote on it today.

DISCHARGE PETITION FOR HEALTH CARE REFORM

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

Mr. DINGELL. Mr. Speaker, I have introduced a discharge petition today, number 3. I am urging all of my colleagues to join in signing it on both sides of the aisle.

The discharge petition provides for essentially an open rule. It allows full opportunity for open debate, and it allows full opportunity for amendment. It permits the minority to do what they feel is necessary, but it also assures that my colleagues on the Majority side will have full opportunity to participate.

There is no funny rule here, no cooking of the process. It is a full, open and fair process, both with regard to the amendment process and with regard to the actual handling of time and other parts of the legislation.

I urge all of my colleagues on both sides to join in signing this discharge petition on the patients' bill of rights. It is almost the first of July. The important part of the session is almost behind us, and all that we really are going to have time on from now on is to address budget appropriation and spending matters.

Mr. Speaker, I urge my colleagues to do something that the American people want. Sign the discharge petition and support the patients' bill of rights.

PUTTING POLITICS BEFORE OUR CHILDREN

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

Mr. KINGSTON. Mr. Speaker, as a father of four, I was very disappointed in the White House's behavior last week and many of the Democrat leadership Members in the House. We had a gun control debate. We had a good debate on juvenile justice, and we agreed, ultimately, on four out of five key issues. Included in that was closing the loophole for gun shows, stricter enforcement, stricter penalties that involved guns, trigger locks, and yet, because it was not exactly what the White House and the Democrat leadership wanted, they put politics over children and torpedoed the bill, killed it, voted it down, and now we have nothing.

In the political body, something is always better than nothing if we want to advance the cause, but it is just obvious that politics count more than children's safety. As a father, I take off my Republican hat and I say, I regret it as a parent.

Something is going on out there with our children. We need to look at all aspects of the pop culture. Is it the violent video games? Is it the fact that the average TV-viewing child has seen 16,000 murders on TV by the time he is 18 years old? Is it a problem in our schools that maybe our classrooms are too large? We should look at all of those things. I am sorry that the White House put politics over children.

SUPPORT THE PATIENTS' BILL OF RIGHTS

(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, for the past 2 years, the American public has been very clear in its desire for managed care reform. It has sent the same consistent message time and time again that medical decisions should be made by doctors and patients and not by insurance company bureaucrats.

Yet, the Republican leadership foiled meaningful HMO reform in the last Congress, and they are stalling as we speak. Today, congressional Democrats are signing a discharge petition calling for real managed care reform to be brought to the House floor immediately, because the Republican leadership will not bring that bill to the floor of the House.

This petition calls for a very, very simple set of comments: the ability to choose one's own doctor, an easy thing to grasp on to, guaranteed access to emergency rooms, guaranteed access to specialty care. Freedom from gag rules to prevent doctors from offering care, and the ability to hold HMOs accountable.

Mr. Speaker, I urge my colleagues to sign on to the discharge petition. The families of this country should be able to make their medical decisions free from the heavy hand of HMO accountants. Let us sign our names today and support a real patients' bill of rights.

SUPPORT MANAGED CARE REFORM

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

Mrs. JONES of Ohio. Mr. Speaker, last week, our children and families were denied protection from guns. This week, and for 2 years, we have been denied protection from managed care. We have been denied a patients' bill of rights.

I promised the people of the 11th Congressional District of Ohio that when I got to Congress, I would work for a patients' bill of rights and campaign finance reform.

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I am chagrined, however, that I have not had the opportunity to debate these two issues. This is the second discharge petition I have had to sign. Over 122 million Americans are not insured with enforceable patient protections without a Federal Patients' Bill of Rights. Over 5,960,000 persons in Ohio alone are denied that protection.

I rise with my colleagues, my Democratic colleagues, to sign this discharge petition seeking a debate on a Patients' Bill of Rights that will allow patients access to needed care, allow them to have doctors make a determination with regard to their health care, and provide patients the opportunity to appeal.

EDUCATION

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

Ms. HOOLEY of Oregon. Mr. Speaker, I rise today on behalf of our Nation's children. Our children are being denied basic educational opportunities.

As a former teacher, I know one of the most important challenges facing this country is improving our educational system. We need to expand opportunities, set rigorous standards so our children learn the basics before being promoted to the next grade. This is crucial to our country's social and economic well-being.

A talented and dedicated teacher must be in every classroom. Creativity and innovation in public education must be encouraged, while still holding them accountable for results. Every classroom and library should be connected to the Internet so all students can be computer literate and be prepared for the 21st century.

Finally, we need to make sure our schools are healthy places to learn. Next week I intend to introduce legislation to improve air quality in our Nation's school buildings based on an existing Environmental Protection Agency program. Our children must have a healthy learning environment.

Let us make the commitment not only to our children but also to the future of this great Nation, and make education our number one priority.

SIGNING THE DISCHARGE PETITION TO ALLOW DEBATE ON THE PATIENTS' BILL OF RIGHTS

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

Mr. HOLT. Mr. Speaker, today many of us are signing the discharge petition to bring a Patients' Bill of Rights to the floor for free and open debate. I know the American public want it. I certainly know my constituents want it.

They want a restoration of the doctor-patient relationship so that doctors can determine medical necessity, so that doctors and their patients can make the medical decisions, so that health care plans are held accountable for their medical decisions or lack of decisions.

I am certainly proud that I have able to take the first legislative action in the Congress on the subject by introducing in subcommittee an amendment to hold health care plans accountable for their medical decisions.

The leadership has been holding the American public in the waiting room. This discharge petition will allow us to get out of the waiting room and get the health care that we Americans deserve.

WHAT A DEMOCRATIC MAJORITY IN CONGRESS WOULD MEAN

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

Mr. REYNOLDS. Mr. Speaker, not counting social security, the Congressional Budget Office or CBO projects an $824 billion in budget surpluses over the next 10 years. Again, that is not counting the temporary surplus in the social security trust fund.

Guess what the Democrats are planning to do with the surplus. Well, if the statements by the President, the House Minority Leader, and the Minority Leader in the other body are any indication, we might be surprised to learn that what they want to do is take this surplus and raise taxes; Members have heard that right, raise taxes, not cut them.

Many people in Washington are shaking their heads over the recent statements by Democratic Party leaders, the gentleman from Missouri (Mr. GEPHARDT) and Mr. DASCHLE. The gentleman from Missouri said earlier this month while in Ann Arbor, Michigan, unbelievably, that he would consider cutting defense and raising taxes in order to expand Washington's role in our schools.

Now we have a Democratic leader in the other body who stated on CNN's Evans and Novak that tax increases were ''on the table.'' I guess there is really no need to ask what a Democrat majority in Congress would mean.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. KINGSTON). Members must be reminded to not make reference to statements off the floor of Members of the other body.

DEMOCRATS TAKE THE NEXT STEP TOWARD REAL PATIENT PROTECTIONS

(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, today Democrats take the next step in the long, arduous road to real patient protections, despite the fact that Republicans continue to construct roadblocks to meaningful managed care reform.

Republicans will claim that they are moving managed care reform through the committee process, but what they will not tell us is that these so-called reforms lack meaning and enforcement.

The American people deserve more than empty promises and rhetoric. They deserve to choose their doctor. They deserve access to specialists. They deserve to have doctors, not health care bureaucrats, making their vital medical decisions. Most importantly, they deserve legal remedies to hold their health plans accountable.

The Democratic Patients' Bill of Rights provides these guarantees. Republicans are up to the same old tricks again this year. They will not even allow us to bring the Democratic Patients' Bill of Rights to a debate here on the floor for the American people to listen and ultimately for all of us to vote on.

Last year, protecting their special interests, they narrowly defeated the real patient protections Democrats pushed to the floor. Then realizing that we represented the views of Americans across this country, they put forth a watered down proposal to try to detract from the real issues.

Again this year Republicans are doing the same thing. This discharge petition should serve as a wake-up call to Republicans that Americans want real patient protections and they want it now.

REAL REFORM FOR THE TAX CODE

(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, oftentimes people come up to me and say, the politicians are always talking about reforming the Tax Code, getting rid of the Tax Code, making it easier to file our taxes, but nothing ever changes. How come that is?

The short answer is that the special interests benefit from the Tax Code, and the complexity of the Tax Code is a source of enormous government power. Thus, it would not be in the interests of anyone who wants to expand government power to change the Tax Code in a more sane direction.

Another reason is equally valid. It is called Tax Code progressivity. Any attempt to change the Tax Code into something that made sense, that actually looked like it was designed on purpose, would be met with howls of protests from the liberals. They would say it was unfair because it would undermine progressivity.

A flat tax, one rate, meaning that the more you make the more taxes you pay, is already a system that is fair and that makes high earners pay their fair share. A sales tax would also be fair.

In my view, if Members are against the flat tax or the sales tax, all the talk about reforming the Tax Code is simply empty rhetoric.

THE HOUSE MUST ADDRESS CERTAIN DISTURBING TRENDS IN GUN VIOLENCE

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

Mr. BLAGOJEVICH. Mr. Speaker, among the disturbing trends in America relating to gun violence are those loopholes where teenagers and criminals can get guns at gun shows. This House has yet to address this issue.

Another dangerous trend is the increasing availability of military-style weapons to the civilian market. Examples of these are laser sights, high-capacity ammunition clips, and the 50-caliber sniper rifle.

Mr. Speaker, the 50-caliber sniper rifle is among the most destructive and powerful weapons available today. It fires armor-piercing ammunition. It was designed to take out armored personnel, helicopters, and concrete bunkers. It was used in the Gulf War. It has a range of up to 4 miles. You can shoot one of these from the Capitol and hit the Washington Monument with accuracy. It is 5 feet long and weighs over 28 pounds. You do not need it for hunting, yet you can buy it legally. It is less regulated than handguns, and it ought to be available only if you are in the military fighting a war.

Mr. Speaker, this House must address this issue immediately.

A TRIBUTE TO WILLIAM RONEY, A TENNESSEE HERO, AND A PLEA FOR CONGRESS TO DEBATE AND PASS MEANINGFUL LEGISLATION

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

Mr. FORD. Mr. Speaker, I wanted to rise and pay tribute to a young man in my district, a hero in my district, William Roney, who just recently on Sunday, June 20, alerted families in a Park Estates apartment in East Memphis Park in my district of a fire that had developed and which eventually consumed portions, large portions of the building.

Because of his actions, he certainly could have driven right by and made a phone call, but he jumped out of his car, knocked on doors, waved and yelled, and got all the families out of this building. It is my hope that those in my community will certainly pay the type of respects and certainly honor him in a way that he deserves.

I would say to my colleagues here in the Congress, we have heard a lot of talk this morning about guns and HMO reform and campaign finance. I would hope my colleagues, particularly on this side of the aisle and even on my side of the aisle, would realize that all we have really done in this Congress is pass a bunch of suspension bills. We fly back on Monday evenings and Tuesday evenings to vote on naming Post Offices and other Federal buildings.

HMO reform, people are crying out for it. Campaign finance reform, people are crying out for it. People want some action on guns, maybe not what we want, maybe not what the other side wants, but people want something. Let us rise up and do what the American people have elected us to do: not pass suspension bills, but pass meaningful legislation.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES ACT, 2000

Mr. REYNOLDS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 218 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 218

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the house resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2084) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 4(c) of rule XIII or section 401(a) of the Congressional Budget Act of 1974 are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except as follows: page 10, line 16, through page 13, line 13; ''Notwithstanding any other provision of law,'' on page 13, line 16; ''Notwithstanding any other provision of law,'' on page 15, line 20; ''Notwithstanding any other provision of law,'' on page 17, line 14; ''Notwithstanding any other provision of law,'' on page 18, line 4; ''Notwithstanding any other provision of law,'' on page 19, line 5; ''Notwithstanding any other provision of law,'' on page 19, line 25; ''Notwithstanding any other provision of law,'' on page 25, line 9; ''Notwithstanding any other provision of law,'' on page 32, line 8; page 50, lines 1 through 9; page 50, line 22, through page 51, line 12; and page 52, lines 1 through 10. Where points of order are waived against part of a paragraph, points of order against a provision in another part of such paragraph may be made only against such provision and not against the entire paragraph. The amendment printed in the report of the Committee on Rules accompanying this resolution may be offered only by a Member designated in the report and only at the appropriate point in the reading of the bill, shall be considered as read, and shall not be subject to amendment. Points of order against the amendment printed in the report for failure to comply with clause 2 of rule XXI are waived. During consideration of the bill for further amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. HEFLEY). The gentleman from New York (Mr. REYNOLDS) is recognized for 1 hour.

Mr. REYNOLDS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purposes of debate only.

Mr. Speaker, House Resolution 218 is an open rule that governs the consideration of H.R. 2084, the Department of Transportation and related agencies appropriations bill for the fiscal year ending September 30, 2000.

The rule waives clause 4(c) of rule 13 requiring a 3-day availability of printed hearings on a general appropriations bill, and section 401(a) of the Congressional Budget Act prohibiting consideration of legislation containing contract authority not subject to appropriation against consideration of the bill.

□ 1045

The rule also provides for 1 hour of general debate to be equally divided between the chairman and the ranking minority member of the Committee on Appropriations.

In addition, the rule waives clause 2 of rule XXI, prohibiting unauthorized or legislative provisions in an appropriations bill, against provisions in the bill, except as otherwise specified in the rule.

The rule waives clause 2 of rule XXI against the amendment printed in the report accompanying this resolution, which may be offered only by a Member designated in the report and at the appropriate point in the reading of the bill, shall be considered as read, and shall not be subject to amendment.

Mr. Speaker, the rule authorizes the Chair to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD.

Further, the rule allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce votes to 5 minutes on a postponed question if the vote follows a 15-minute vote.

Finally, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, this bill provides for the appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000.

The underlying legislation represents an increase in safety measures and resources in every area of America's transportation system, from our airports and roads to bridges and railroads.

The Committee on Appropriations carefully looked into each area and determined how best to target our valuable transportation dollars for maximum efficiency and safety.

H.R. 2084 urges our transportation agencies to set priorities for competing requirements and compels those agencies to select priorities among their vast ranges of programs.

The bill meets the funding obligation limitations set by the 105th Congress in the transportation legislation known as TEA 21, which provides $27.7 billion in highway program obligation limitations, a $3.5 billion increase over last year's level.

This much needed funding is directed to the States to construct and improve roads and highways. This includes the bridge replacement and rehabilitation program that provides assistance for bridges on public roads, including a discretionary set-aside for high cost bridges and for seismic retrofit of bridges.

The bill also includes technical assistance to other agencies and organizations involved in road building activities.

The bill provides for $5.8 billion in transit program obligations, the funding level guaranteed in TEA 21, an $824 million increase over last year's level.

This includes Federal financial assistance programs for planning, developing, and improving comprehensive mass transportation systems in both urban and nonurban areas.

The bill recommends $4.6 billion for air traffic services, a 7.1 percent increase over the fiscal year 1999 level. Air traffic services make up an integral part of aviation safety.

Over the past several years, the problem of runway incursion continues to worsen, now occurring at a rate of almost one per day.

The bill also includes a general aviation provision to improve safety, including a $5 million grant for contract tower cost sharing and an additional $500,000 for the important aviation safety program.

In addition, the bill provides $571 million for grants to the National Railroad Passenger Corporation, Amtrak, which has undergone remarkable rehabilitation over the past 4 years.

This funding will cover capital expenses and preventative maintenance. In addition, the Federal Government will continue to work with Amtrak to help it reach its goal of total self-sufficiency.

Mr. Speaker, safety should remain the Federal Government's highest responsibility in the transportation area. Clearly, this bill addresses those needs and concerns.

In conclusion, I would like to commend the gentleman from Florida (Mr. YOUNG), chairman of the Committee on Appropriations, and the gentleman from Wisconsin (Mr. OBEY), the ranking member, for their hard work on this measure.

I urge my colleagues to support this rule and the underlying bill.

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

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, I want to thank the gentleman from New York (Mr. REYNOLDS) for yielding me the time.

This is an open rule which will allow for full consideration of the bill making appropriations for the Department of Transportation.

As my colleague has described, this rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

The rule permits amendments under the 5-minute rule, which is the normal amending process in the House. All Members on both sides of the aisle will have the opportunity to offer amendments which are germane and which follow the rules for appropriation bills.

Assisting transportation is one of the oldest and most important duties of the Federal Government. Our leaders, going back to the Founding Fathers, knew that transportation is the glue that holds the Nation together. Therefore, passage of this bill, which funds the Department of Transportation and related agencies, is one of the highest priorities of the Congress.

The bill funds highway construction and highway safety and transit. It assists our Nation's air traffic control system and airport improvements. It makes possible Amtrak and Federal railroad programs.

I call attention to the report of the committee, which directs the Federal Aviation Administration to give priority consideration of grant applications for the development of Dayton International Airport, in my district. Dayton is considering three projects, including an aircraft parking apron, site development work, and engineering for an aircraft hangar, and expansion of de-icing facilities.

This bill was adopted by a voice vote in the Committee on Appropriations. It is supported on both sides of the aisle.

I want to commend the gentleman from Virginia (Mr. WOLF), the chairman of the Subcommittee on Transportation of the Committee on Appropriations, for a great job, and the gentleman from Minnesota (Mr. SABO), the ranking minority member, for their work in bringing this bill to the House floor.

The resolution was reported by a voice vote in the Committee on Rules. It is an open rule. I urge adoption of the rule and the bill.

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

Mr. REYNOLDS. 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 (Mr. HEFLEY). The question is on the resolution.

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

Mr. HALL of Ohio. 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 416, nays 3, not voting 15, as follows:

[Roll No. 247]

YEAS—416

Abercrombie	Castle	Foley
Ackerman	Chabot	Forbes
Aderholt	Chambliss	Ford
Allen	Chenoweth	Fossella
Andrews	Clay	Fowler
Archer	Clayton	Frank (MA)
Armey	Clement	Franks (NJ)
Bachus	Clyburn	Frelinghuysen
Baird	Coble	Frost
Baker	Coburn	Gallegly
Baldacci	Collins	Ganske
Ballenger	Combest	Gejdenson
Barcia	Condit	Gekas
Barr	Conyers	Gephardt
Barrett (NE)	Cook	Gibbons
Barrett (WI)	Cooksey	Gillmor
Bartlett	Costello	Gilman
Bass	Cox	Gonzalez
Bateman	Coyne	Goode
Becerra	Cramer	Goodlatte
Bentsen	Crane	Goodling
Bereuter	Crowley	Gordon
Berkley	Cubin	Goss
Berman	Cummings	Graham
Berry	Cunningham	Green (TX)
Biggert	Danner	Green (WI)
Bilbray	Davis (FL)	Greenwood
Bilirakis	Davis (IL)	Gutierrez
Bishop	Davis (VA)	Gutknecht
Blagojevich	Deal	Hall (OH)
Bliley	DeGette	Hall (TX)
Blumenauer	Delahunt	Hansen
Blunt	DeLauro	Hastings (FL)
Boehlert	DeLay	Hastings (WA)
Boehner	DeMint	Hayes
Bonilla	Deutsch	Hayworth
Bonior	Dickey	Hefley
Bono	Dicks	Herger
Borski	Dingell	Hill (IN)
Boswell	Dixon	Hill (MT)
Boucher	Doggett	Hilleary
Boyd	Dooley	Hilliard
Brady (PA)	Doolittle	Hinchey
Brady (TX)	Doyle	Hinojosa
Brown (FL)	Dreier	Hobson
Brown (OH)	Duncan	Hoeffel
Bryant	Dunn	Hoekstra
Burr	Edwards	Holden
Burton	Ehlers	Holt
Buyer	Ehrlich	Hooley
Callahan	Emerson	Horn
Calvert	English	Hostettler
Camp	Eshoo	Houghton
Campbell	Etheridge	Hoyer
Canady	Evans	Hulshof
Cannon	Everett	Hunter
Capps	Ewing	Hutchinson
Capuano	Farr	Hyde
Cardin	Fattah	Inslee
Carson	Filner	Isakson

Istook	Moakley	Shaw
Jackson (IL)	Mollohan	Shays
Jackson-Lee (TX)	Moore	Sherman
	Moran (KS)	Sherwood
Jefferson	Moran (VA)	Shimkus
Jenkins	Morella	Shows
John	Murtha	Shuster
Johnson (CT)	Myrick	Simpson
Johnson, E.B.	Nadler	Sisisky
Johnson, Sam	Napolitano	Skeen
Jones (NC)	Neal	Skelton
Jones (OH)	Nethercutt	Slaughter
Kanjorski	Ney	Smith (MI)
Kasich	Northup	Smith (NJ)
Kelly	Norwood	Smith (TX)
Kennedy	Nussle	Smith (WA)
Kildee	Oberstar	Snyder
Kilpatrick	Obey	Souder
Kind (WI)	Ortiz	Spence
King (NY)	Ose	Spratt
Kingston	Owens	Stabenow
Kleczka	Oxley	Stark
Klink	Packard	Stearns
Knollenberg	Pallone	Stenholm
Kucinich	Pascrell	Strickland
LaFalce	Pastor	Stump
LaHood	Paul	Stupak
Lampson	Payne	Sununu
Lantos	Pease	Sweeney
Largent	Pelosi	Talent
Larson	Peterson (MN)	Tancredo
Latham	Peterson (PA)	Tanner
LaTourette	Petri	Tauscher
Lazio	Phelps	Tauzin
Lee	Pickering	Taylor (MS)
Levin	Pickett	Taylor (NC)
Lewis (CA)	Pitts	Terry
Lewis (GA)	Pombo	Thomas
Lewis (KY)	Pomeroy	Thompson (CA)
Linder	Porter	Thompson (MS)
Lipinski	Price (NC)	Thornberry
LoBiondo	Pryce (OH)	Thune
Lofgren	Quinn	Thurman
Lowey	Radanovich	Tiahrt
Lucas (KY)	Rahall	Tierney
Lucas (OK)	Ramstad	Toomey
Luther	Rangel	Traficant
Maloney (CT)	Regula	Turner
Maloney (NY)	Reyes	Udall (CO)
Manzullo	Reynolds	Udall (NM)
Markey	Riley	Upton
Martinez	Rivers	Velazquez
Mascara	Rodriguez	Vento
Matsui	Roemer	Visclosky
McCarthy (MO)	Rogan	Vitter
McCarthy (NY)	Rohrabacher	Walden
McCollum	Ros-Lehtinen	Walsh
McCrery	Rothman	Wamp
McDermott	Roukema	Waters
McGovern	Roybal-Allard	Watkins
McHugh	Royce	Watt (NC)
McInnis	Rush	Watts (OK)
McIntosh	Ryan (WI)	Waxman
McIntyre	Ryun (KS)	Weiner
McKeon	Sabo	Weldon (FL)
McKinney	Salmon	Weldon (PA)
McNulty	Sanchez	Weller
Meehan	Sanders	Wexler
Meek (FL)	Sandlin	Weygand
Meeks (NY)	Sanford	Whitfield
Menendez	Sawyer	Wicker
Metcalf	Saxton	Wilson
Mica	Scarborough	Wise
Millender-McDonald	Schaffer	Wolf
	Schakowsky	Woolsey
Miller (FL)	Scott	Wynn
Miller, Gary	Sensenbrenner	Young (AK)
Miller, George	Serrano	Young (FL)
Minge	Sessions	
Mink	Shadegg	

NAYS—3

Baldwin	Kolbe	Wu

NOT VOTING—15

Barton	Fletcher	Leach
Brown (CA)	Gilchrest	Olver
DeFazio	Granger	Portman
Diaz-Balart	Kaptur	Rogers
Engel	Kuykendall	Towns

□ 1113

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

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.

Stated for:

Mr. KUYKENDALL. Mr. Speaker, on rollcall No. 247, I was inadvertently detained. Had I been present, I would have voted ''yes.''

GENERAL LEAVE

Mr. WOLF. 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. 2084) making appropriations for the Department of Transportation 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. HEFLEY). Is there objection to the request of the gentleman from Virginia?

There was no objection.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

The SPEAKER pro tempore. Pursuant to House Resolution 218 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2084.

□ 1114

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 consideration of the bill (H.R. 2084) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes, with Mr. CAMP in the chair.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Virginia (Mr. WOLF) and the gentleman from Minnesota (Mr. SABO) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia (Mr. WOLF).

□ 1115

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today the House considers the third appropriations bill for Fiscal Year 2000, the Department of Transportation and Related Agencies Appropriations bill. This bill includes appropriations for our Nation's highways, transit systems, funding for the Coast Guard, the Federal Aviation Administration, the Federal Railroad Administration, and several other smaller agencies both within and separate from the Department of Transportation.

The bill totals $12.7 billion in discretionary budget authority, an increase of over $400 million over the fiscal year 1999 freeze level. Several of my colleagues have sought reductions to previous appropriations bills to bring those bills more in line with the levels provided in fiscal year 1999.

Mr. Chairman, it is important for the House to understand that more than 70 percent of the funding provided in this bill as discretionary spending is not within the control of the Committee on Appropriations. Funding of $28.8 billion for the highways and transit programs, though included in this bill, is mandatory. This committee has no control over the spending levels.

The bill does include increases for highway and transit programs, but the committee had no other choice. The bill presented to the House in no way alters the funding levels contained in TEA21.

Let me also note, Mr. Chairman, that the House recently passed the authorization for the Federal Aviation Administration. That bill contains provisions which had the effect of increasing funding for the FAA by $14 billion over the levels assumed in the budget resolution. It guarantees $3 billion a year in general fund subsidies for aviation programs within the discretionary caps.

Next year, if the FAA authorization bill were enacted, the only truly discretionary program over which this subcommittee would exert any control would be the Coast Guard. Creating new mandatory programs, whether they are off-budget or within the discretionary caps, creates more Federal spending, not less. Such mandatory spending is uncontrollable and makes the Congress' job of balancing the budget and reducing the national debt doubly difficult.

If the committee were required to reduce program levels within the bill to the levels provided last year, the House would be asked to do one of three things: One, reduce funding for the Federal Aviation Administration just days after passing an authorization containing $14 billion in new spending above the budget resolution and a few weeks after an aviation accident in Arkansas; two, reduce funding for the Coast Guard search and rescue operations and drug interdiction activities; or three, nearly eliminate all the Federal funding for Amtrak. The reported bill is a lean and balanced bill given the TEA21 aviation needs and one that should be supported by the House.

To briefly summarize, $4 billion for the Coast Guard, including $521 million for drug interdiction; $10.5 billion for the FAA, including $2.25 billion for the AIP program; $27.7 billion for the Federal-aid highways program, the same level as guaranteed by TEA21; $368 million for NHTSA, again the same level as authorized; $718 million for the Federal Railroad Administration, including $571 million for Amtrak; $5.8 billion for the Federal Transit Administration, the same level as guaranteed by TEA21; and several smaller appropriations for other modal administrations and independent agencies.

The bill has been developed in cooperation with the minority and the gentleman from Minnesota (Mr. SABO). We have had a good close working relationship over the past several years,

and this year was no different. The bill has encountered no significant disagreements, passing through both the subcommittee and the full committee markups with only minor amendments. The administration has also indicated its support for the bill.

The overarching priority for the committee in developing this bill has been safety, and I would like to bring several initiatives to the attention of the Members. Recently, the Inspector General of the Department of Transportation found that the Office of Motor Carriers, the office responsible for keeping trucks on the roads safe, had less than an arm's length relationship with the industry it regulates. Last year, the committee tried to transfer the Office of Motor Carriers from the Federal Highway Administration to the National Highway Traffic Safety Administration. The committee was unsuccessful.

This year the bill provides a total of $70 million more for inspectors but includes a limitation that none of these funds are available if the Office of Motor Carriers remains within the Federal Highway Administration. Hopefully, this limitation will encourage the administration and others to have legislation or to change the current placement and management of the Office of Motor Carriers as they have indicated they will do.

I would just tell the Members, on Monday I went out on a highway truck inspection. A large number of the trucks that were inspected off of Route 50 in my Congressional district were in such violation of the law that they were pulled off the road, meaning they could not move until they were either fixed there or towed away. One out of every five trucks on the major interstates that my colleagues and their constituents and their families are driving on are very, very unsafe.

This is an issue of safety. Fourteen to 15 people die every day with regard to accidents involving trucks. The bill provides a total of $4 billion for the Coast Guard, an increase of $150 million over the 1999 enacted level. Within the funds provided for the Coast Guard is $521 million for drug interdiction activities, a 40 percent increase over last year's level.

All in all, Mr. Chairman, it is a balanced bill, and I urge its adoption.

Mr. Chairman, I include the following for the RECORD.

TRANSPORTATION APPROPRIATIONS BILL, 2000 (H.R. 2084)
(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - DEPARTMENT OF TRANSPORTATION					
Office of the Secretary					
Salaries and expenses:					
Immediate Office of the Secretary	1,624	1,967	1,867	+243	-100
Immediate Office of the Deputy Secretary	585	612	612	+27	.....
Office of the General Counsel	8,750	9,150	9,000	+250	-150
Office of the Assistant Secretary for Policy	2,808	2,924	.....	-2,808	-2,924
Office of the Assistant Secretary for Aviation and International Affairs	7,650	7,732	7,632	-18	-100
Office of the Assistant Secretary for Budget and Programs	6,349	6,790	6,770	+421	-20
Office of the Assistant Secretary for Governmental Affairs	1,941	2,039	2,039	+98	.....
Office of the Assistant Secretary for Administration	19,722	18,847	17,767	-1,955	-1,080
Office of Public Affairs	1,565	1,836	1,836	+271	.....
Executive Secretariat	1,047	1,102	1,102	+55	.....
Board of Contract Appeals	561	520	520	-41	.....
Office of Small and Disadvantaged Business Utilization	1,020	1,222	1,222	+202	.....
Office of Intelligence and Security	1,036	1,574	1,454	+418	-120
Office of the Chief Information Officer	4,875	5,075	5,000	+125	-75
Office of Intermodalism	957	1,187	.....	-957	-1,187
Office of the Assistant Secretary for Transportation Policy and Intermodalism	.....	.....	3,781	+3,781	+3,781
Subtotal	60,490	62,577	60,602	+112	-1,975
Y2K conversion (emergency funding)	(7,754)	.....	.....	(-7,754)	.....
Office of civil rights	6,966	7,742	7,742	+776	.....
Transportation planning, research, and development	9,000	6,275	2,950	-6,050	-3,325
Transportation Administrative Service Center	(124,124)	.....	(157,965)	(+33,841)	(+157,965)
Minority business resource center program	1,900	1,900	1,900	.....	.....
(Limitation on direct loans)	(13,775)	(13,775)	(13,775)	.....	.....
Minority business outreach	2,900	2,900	2,900	.....	.....
Payments to air carriers (Airport and Airway Trust Fund) (rescission of contract authorization)	(-815)	.....	.....	(+815)	.....
Total, Office of the Secretary	81,256	81,394	76,094	-5,162	-5,300
Coast Guard					
Operating expenses	2,400,000	2,607,039	2,491,000	+91,000	-116,039
Defense function	300,000	334,000	300,000	.....	-34,000
Title I - Readiness (emergency funding)	(100,000)	.....	.....	(-100,000)	.....
Title IV - Counterdrug (emergency funding)	(16,300)	.....	.....	(-16,300)	.....
Y2K conversion (emergency funding)	(27,715)	.....	.....	(-27,715)	.....
Y2K conversion (emergency funding)	(4,058)	.....	.....	(-4,058)	.....
Emergency funding (P.L. 106-31)	(200,000)	.....	.....	(-200,000)	.....
Acquisition, construction, and improvements:					
Vessels	219,923	165,760	205,560	-14,363	+39,800
Aircraft	35,700	22,110	38,310	+2,610	+16,200
Other equipment	36,569	53,726	59,400	+22,831	+5,674
Shore facilities & aids to navigation facilities	54,823	55,800	55,800	+977	.....
Personnel and related support	48,450	52,930	50,930	+2,480	-2,000
Subtotal, A C & I appropriations	395,465	350,326	410,000	+14,535	+59,674
Offsetting collections (user fees)	.....	-41,000	.....	.....	+41,000
Title I - Counterdrug (emergency funding)	(100,000)	.....	.....	(-100,000)	.....
Hurricane Georges (emergency funding)	(12,600)	.....	.....	(-12,600)	.....
Title IV - Counterdrug (emergency funding)	(117,400)	.....	.....	(-117,400)	.....
Environmental compliance and restoration	21,000	19,500	18,000	-3,000	-1,500
Alteration of bridges	14,000	.....	15,000	+1,000	+15,000
Retired pay	684,000	721,000	721,000	+37,000	.....
Reserve training	69,000	72,000	72,000	+3,000	.....
Title I - Readiness (emergency funding)	(5,000)	.....	.....	(-5,000)	.....
Research, development, test, and evaluation	12,000	21,709	21,039	+9,039	-670
Title I - Readiness (emergency funding)	(5,000)	.....	.....	(-5,000)	.....
Total, Coast Guard	3,895,465	4,084,574	4,048,039	+152,574	-36,535
Federal Aviation Administration					
Operations (Airport and Airway Trust Fund)	5,562,558	6,039,000	5,925,000	+362,442	-114,000
Y2K conversion (emergency funding)	(14,946)	.....	.....	(-14,946)	.....
Y2K conversion (emergency funding)	(13,852)	.....	.....	(-13,852)	.....
Facilities & equipment (Airport & Airway Trust Fund)	1,900,000	2,319,000	2,200,000	+300,000	-119,000
Title II - Antiterrorism (emergency funding)	(100,000)	.....	.....	(-100,000)	.....
Y2K conversion (emergency funding)	(106,612)	.....	.....	(-106,612)	.....
Y2K conversion (emergency funding)	(15,521)	.....	.....	(-15,521)	.....
Research, engineering, and development (Airport and Airway Trust Fund)	150,000	173,000	173,000	+23,000	.....
Y2K conversion (emergency funding)	(147)	.....	.....	(-147)	.....
Y2K conversion (emergency funding)	(220)	.....	.....	(-220)	.....
Grants-in-aid for airports (Airport and Airway Trust Fund):					
(Liquidation of contract authorization)	(1,600,000)	(1,750,000)	(1,867,000)	(+267,000)	(+117,000)
(Limitation on obligations)	(1,950,000)	(1,600,000)	(2,250,000)	(+300,000)	(+650,000)
Total, Federal Aviation Administration	7,612,558	8,531,000	8,298,000	+685,442	-233,000
(Limitations on obligations)	(1,950,000)	(1,600,000)	(2,250,000)	(+300,000)	(+650,000)
Total budgetary resources	(9,562,558)	(10,131,000)	(10,548,000)	(+985,442)	(+417,000)

TRANSPORTATION APPROPRIATIONS BILL, 2000 (H.R. 2084)—Continued
(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	Bill	Bill vs. Enacted	Bill vs. Request
Federal Highway Administration					
Limitation on administrative expenses	(327,413)	(350,432)	(356,380)	(+28,967)	(+5,948)
Limitation on transportation research	.....	.....	(422,450)	(+422,450)	(+422,450)
Federal-aid highways (Highway Trust Fund):					
(Limitation on obligations)	(25,511,000)	(26,245,000)	(26,245,000)	(+734,000)	.....
(Revenue aligned budget authority) (RABA)	.....	(1,456,350)	(1,456,350)	(+1,456,350)	.....
(RABA transfer under Title III)	.....	(-502,120)	.....	.....	(+502,120)
(Adjustment)	.....	(63,000)	.....	.....	(-63,000)
Subtotal, limitation on obligations	(25,511,000)	(27,262,230)	(27,701,350)	(+2,190,350)	(+439,120)
(Exempt obligations)	(1,424,047)	(1,132,116)	(1,132,116)	(-291,931)	.....
(Liquidation of contract authorization)	(24,000,000)	(26,000,000)	(26,125,000)	(+2,125,000)	.....
Motor carrier safety grants (Highway Trust Fund):					
(Liquidation of contract authorization)	(100,000)	(155,000)	(105,000)	(+5,000)	(-50,000)
(Limitation on obligations)	(100,000)	(105,000)	(105,000)	(+5,000)	.....
(RABA transfer under Title III)	.....	(50,000)	.....	.....	(-50,000)
Additional provisions - Division A P.L. 105-277:					
Surface transportation projects, Massachusetts	100,000	.....	.....	-100,000	.....
Surface transportation projects, Arkansas	100,000	.....	.....	-100,000	.....
Appalachian development highway system, Alabama	100,000	.....	.....	-100,000	.....
Appalachian development highway system, West Va	32,000	.....	.....	-32,000	.....
State infrastructure banks (rescission)	(-6,500)	.....	.....	(+6,500)	.....
Total, Federal Highway Administration	332,000	.....	.....	-332,000	.....
(Limitations on obligations)	(25,611,000)	(27,417,230)	(27,806,350)	(+2,195,350)	(+389,120)
(Exempt obligations)	(1,424,047)	(1,132,116)	(1,132,116)	(-291,931)	.....
Total budgetary resources	(27,367,047)	(28,549,346)	(28,938,466)	(+1,571,419)	(+389,120)
National Highway Traffic Safety Administration					
Operations and research (Highway Trust Fund)	87,400	.....	87,400	.....	+87,400
Operations and research (highway trust fund):					
(Limitation on obligations)	(72,000)	(72,000)	(72,000)	.....	.....
(RABA transfer under Title III)	.....	(125,450)	.....	.....	(-125,450)
(Liquidation of contract authorization)	(72,000)	(197,450)	(72,000)	.....	(-125,450)
Y2K conversion (emergency funding)	(752)	.....	.....	(-752)	.....
National Driver Register (highway trust fund)	2,000	2,000	2,000	.....	.....
Subtotal, Operations and research	(161,400)	(199,450)	(161,400)	.....	(-38,050)
Highway traffic safety grants (Highway Trust Fund):					
(Liquidation of contract authorization)	(200,000)	(206,800)	(206,800)	(+6,800)	.....
(Limitation on obligations):					
Highway safety programs (Sec. 402)	(150,000)	(152,800)	(152,800)	(+2,800)	.....
Occupant protection incentive grants (Sec. 405)	(10,000)	(10,000)	(10,000)	.....	.....
Alcohol-impaired driving countermeasures grants (Sec. 410)	(35,000)	(36,000)	(36,000)	(+1,000)	.....
State Highway safety data grants (Sec. 411)	(5,000)	(8,000)	(8,000)	(+3,000)	.....
Total, National Highway Traffic Safety Administration	89,400	2,000	89,400	.....	+87,400
(Limitations on obligations)	(272,000)	(404,250)	(278,800)	(+6,800)	(-125,450)
Total budgetary resources	(361,400)	(406,250)	(368,200)	(+6,800)	(-38,050)
Federal Railroad Administration					
Office of the administrator	21,215	.....	.....	-21,215	.....
Railroad safety	61,488	.....	.....	-61,488	.....
Safety and operations	.....	95,462	94,448	+94,448	-1,014
Offsetting collections (user fees)	.....	-66,461	.....	.....	+66,461
Subtotal	82,703	29,001	94,448	+11,745	+65,447
Railroad research and development	22,364	21,800	21,300	-1,064	-500
Offsetting collections (user fees)	.....	-21,300	.....	.....	+21,300
Next generation high-speed rail	20,494	12,000	22,000	+1,506	+10,000
Alaska Railroad rehabilitation	10,000	.....	.....	-10,000	.....
Alaska Railroad capital improvements (Division A)	28,000	.....	.....	-28,000	.....
Rhode Island Rail Development	5,000	10,000	10,000	+5,000	.....
Capital grants to the National Railroad Passenger Corporation	609,230	570,976	570,976	-38,254	.....
Rail initiative trust fund (Highway Trust Fund) (RABA transfer under Title III):					
(Liquidation of contract authorization)	.....	(35,400)	.....	.....	(-35,400)
(Limitation on obligations)	.....	(35,400)	.....	.....	(-35,400)
Total, Federal Railroad Administration	777,791	622,477	718,724	-59,067	+96,247
(Limitations on obligations)	.....	(35,400)	.....	.....	(-35,400)
Total budgetary resources	(777,791)	(657,877)	(718,724)	(-59,067)	(+60,847)

TRANSPORTATION APPROPRIATIONS BILL, 2000 (H.R. 2084)—Continued
(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	Bill	Bill vs. Enacted	Bill vs. Request
Federal Transit Administration					
Administrative expenses	10,800	12,000	12,000	+1,200	.....
Administrative expenses (Highway Trust Fund, Mass Transit Account)	.....	.....	.....	.....	.....
(Limitation on obligations)	(43,200)	(48,000)	(48,000)	(+4,800)	.....
Subtotal, Administrative expenses	(54,000)	(60,000)	(60,000)	(+6,000)	.....
Y2K conversion (emergency funding)	(250)	.....	.....	(-250)	.....
Formula grants	570,000	619,600	619,600	+49,600	.....
Formula grants (Highway Trust Fund):					
(Limitation on obligations)	(2,280,000)	(2,478,400)	(2,478,400)	(+198,400)	.....
(RABA transfer under Title III)	.....	(212,270)	.....	.....	(-212,270)
Subtotal, Formula grants	(2,850,000)	(3,310,270)	(3,098,000)	(+248,000)	(-212,270)
University transportation research	1,200	1,200	1,200	.....	.....
University transportation research (Highway Trust Fund, Mass Transit Account) (limitation on obligations)	(4,800)	(4,800)	(4,800)	.....	.....
Subtotal, University transportation research	(6,000)	(6,000)	(6,000)	.....	.....
Transit planning and research (general fund)	19,800	21,000	21,000	+1,200	.....
Transit planning and research (Highway Trust Fund, Mass Transit Account):					
(Limitation on obligations)	(78,200)	(86,000)	(86,000)	(+7,800)	.....
(RABA transfer under Title III)	.....	(4,000)	.....	.....	(-4,000)
Subtotal, Transit planning and research	(98,000)	(111,000)	(107,000)	(+9,000)	(-4,000)
Rural transportation assistance	(5,250)	(5,250)	(5,250)	.....	.....
National transit institute	(4,000)	(4,000)	(4,000)	.....	.....
Transit cooperative research	(8,250)	(8,250)	(8,250)	.....	.....
Metropolitan planning	(43,842)	(49,632)	(49,632)	(+5,790)	.....
State planning and research	(9,158)	(10,368)	(10,368)	(+1,210)	.....
National planning and research	(27,500)	(33,500)	(29,500)	(+2,000)	(-4,000)
Subtotal	(98,000)	(111,000)	(107,000)	(+9,000)	(-4,000)
Trust fund share of expenses (Highway Trust Fund) (liquidation of contract authorization)	(4,251,800)	(4,929,270)	(4,638,000)	(+386,200)	(-291,270)
Capital investment grants (general fund)	451,400	490,200	490,200	+38,800	.....
Capital investment grants (Highway Trust Fund, Mass Transit Account) (limitation on obligations)	(1,805,600)	(1,960,800)	(1,960,800)	(+155,200)	.....
Subtotal, Capital investment grants	(2,257,000)	(2,451,000)	(2,451,000)	(+194,000)	.....
(Fixed guideway modernization)	(902,800)	(980,400)	(980,400)	(+77,600)	.....
(Buses and bus-related facilities)	(451,400)	(490,200)	(490,200)	(+38,800)	.....
(New starts)	(902,800)	(980,400)	(980,400)	(+77,600)	.....
Subtotal	(2,257,000)	(2,451,000)	(2,451,000)	(+194,000)	.....
Mass transit capital fund (Highway Trust Fund) (liquidation of contract authorization)	(2,000,000)	.....	.....	(-2,000,000)	.....
Discretionary grants (Highway Trust Fund, Mass Transit Account) (liquidation of contract authorization)	.....	(1,500,000)	(1,500,000)	(+1,500,000)	.....
Job access and reverse commute grants (general fund)	35,000	15,000	15,000	-20,000	.....
(Highway Trust Fund, Mass Transit Account) (limitation on obligations)	(40,000)	(60,000)	(60,000)	(+20,000)	.....
(RABA transfer under Title III)	.....	(75,000)	.....	.....	(-75,000)
Subtotal, Job access and reverse commute grants	(75,000)	(150,000)	(75,000)	.....	(-75,000)
Washington Metropolitan Area Transit Authority (general fund)	50,000	.....	.....	-50,000	.....
Trust fund share of transit programs (Highway Trust Fund) (rescission of contract authorization)	(-665)	.....	.....	(+665)	.....
Interstate transfer grants - transit (rescission)	(-600)	.....	.....	(+600)	.....
Total, Federal Transit Administration	1,138,200	1,159,000	1,159,000	+20,800	.....
(Limitations on obligations)	(4,251,800)	(4,929,270)	(4,638,000)	(+386,200)	(-291,270)
Total budgetary resources	(5,390,000)	(6,088,270)	(5,797,000)	(+407,000)	(-291,270)
Saint Lawrence Seaway Development Corporation					
Operations and maintenance (Harbor Maintenance Trust Fund)	11,496	.....	12,042	+546	+12,042
Mandatory proposal	.....	(12,042)	.....	.....	(-12,042)
Subtotal	(11,496)	(12,042)	(12,042)	(+546)	.....
Research and Special Programs Administration					
Research and special programs	.....	33,340	.....	.....	-33,340
Hazardous materials safety	16,063	.....	17,813	+1,750	+17,813
Emergency transportation	997	.....	1,459	+462	+1,459
Research and technology	3,676	.....	3,547	-129	+3,547
Program and administrative support	8,544	.....	9,542	+998	+9,542
Subtotal, research and special programs	29,280	33,340	32,361	+3,081	-979

TRANSPORTATION APPROPRIATIONS BILL, 2000 (H.R. 2084)—Continued
(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	Bill	Bill vs. Enacted	Bill vs. Request
Offsetting collections (user fees)	.....	-4,575	.....	.....	+4,575
Y2K conversion (emergency funding)	(182)	.....	.....	(-182)	.....
Y2K conversion (emergency funding)	(100)	.....	.....	(-100)	.....
Pipeline safety:					
Pipeline Safety Fund	29,000	33,939	30,598	+1,598	-3,341
Oil Spill Liability Trust Fund	4,248	4,248	5,494	+1,246	+1,246
Pipeline safety reserve	(1,400)	.....	(1,300)	(-100)	(+1,300)
Subtotal, Pipeline safety	33,248	38,187	36,092	+2,844	-2,095
Y2K conversion (emergency funding)	(150)	.....	.....	(-150)	.....
Emergency preparedness grants:					
Emergency preparedness fund	200	200	200	.....	.....
(Limitation on obligations)	(11,000)	.....	(14,300)	(+3,300)	(+14,300)
Total, Research and Special Programs Administration	62,728	67,152	68,653	+5,925	+1,501
(Limitations on obligations)	(11,000)	.....	(14,300)	(+3,300)	(+14,300)
Total budgetary resources	(73,728)	(67,152)	(82,953)	(+9,225)	(+15,801)
Office of Inspector General					
Salaries and expenses	43,495	44,840	44,840	+1,345	.....
Surface Transportation Board					
Salaries and expenses	16,000	17,000	17,000	+1,000	.....
User fees	.....	-2,600	.....	.....	+2,600
Offsetting collections	-2,600	-14,400	-1,600	+1,000	+12,800
General Provisions					
Transportation Administrative Service Center reduction	-15,000	.....	-10,000	+5,000	-10,000
Transit discretionary grants (rescission of contract authorization)	(-392,000)	.....	.....	(+392,000)	.....
National Aviation Review Commission (rescission)	(-849)	.....	.....	(+849)	.....
Amtrak Reform Council	450	750	750	+300	.....
Urban discretionary grants (rescission)	(-4,026)	.....	.....	(+4,026)	.....
Net total, title I, Department of Transportation	14,486,343	14,593,187	14,520,942	+34,599	-72,245
Appropriations	(14,043,239)	(14,593,187)	(14,520,942)	(+477,703)	(-72,245)
Rescissions	(-405,455)	.....	.....	(+405,455)	.....
Emergency appropriations	(848,559)	.....	.....	(-848,559)	.....
(Limitations on obligations)	(32,095,800)	(34,386,150)	(34,987,450)	(+2,891,650)	(+601,300)
(Exempt obligations)	(1,424,047)	(1,132,116)	(1,132,116)	(-291,931)	.....
Net total budgetary resources	(48,006,190)	(50,111,453)	(50,640,508)	(+2,634,318)	(+529,055)
TITLE II - RELATED AGENCIES					
Architectural and Transportation Barriers Compliance Board					
Salaries and expenses	3,847	4,633	4,633	+786	.....
Y2K conversion (emergency funding)	(60)	.....	.....	(-60)	.....
National Transportation Safety Board					
Salaries and expenses	53,473	57,000	57,000	+3,527	.....
Rental payments (supplemental P.L. 160-31)	2,300	.....	.....	-2,300	.....
Offsetting collections	.....	-10,000	.....	.....	+10,000
Emergency fund	1,000	.....	.....	-1,000	.....
Total, National Transportation Safety Board	56,773	47,000	57,000	+227	+10,000
Total, title II, Related Agencies	60,680	51,633	61,633	+953	+10,000
Appropriations	(60,620)	(51,633)	(61,633)	(+1,013)	(+10,000)
Emergency appropriations	(60)	.....	.....	(-60)	.....
Net total appropriations	14,547,023	14,644,820	14,582,575	+35,552	-62,245
Scorekeeping adjustments:					
Pipeline safety (OSLTF)	1,400	-5,000	-3,000	-4,400	+2,000
General Provision (Sec. 329)	4,000	.....	.....	-4,000	.....
FTA: Job access (mass transit category)	-25,000	.....	.....	+25,000	.....
FTA: Job access (non-defense discretionary)	25,000	.....	.....	-25,000	.....
Emergency funding	-848,619	.....	.....	+848,619	.....
FY 1999 adjustments to CBO rescissions	205	.....	.....	-205	.....
Total, adjustments	-843,014	-5,000	-3,000	+840,014	+2,000
Net grand total	13,704,009	14,639,820	14,579,575	+875,566	-60,245
Appropriations	(14,109,464)	(14,639,820)	(14,579,575)	(+470,111)	(-60,245)
Rescissions	(-405,455)	.....	.....	(+405,455)	.....
(Limitations on obligations)	(32,095,800)	(34,386,150)	(34,987,450)	(+2,891,650)	(+601,300)
(Exempt obligations)	(1,424,047)	(1,132,116)	(1,132,116)	(-291,931)	.....
Net grand total budgetary resources	(47,223,856)	(50,158,086)	(50,699,141)	(+3,475,285)	(+541,055)

TRANSPORTATION APPROPRIATIONS BILL, 2000 (H.R. 2084)—Continued
(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	Bill	Bill vs. Enacted	Bill vs. Request
302B SUMMARY					
Total mandatory and discretionary	12,982,809	13,480,820	13,420,575	+437,766	-60,245
Mandatory	684,000	721,000	721,000	+37,000	.....
Discretionary:					
Highway category: (Limitation on obligations)	(25,883,000)	(27,821,480)	(28,085,150)	(+2,202,150)	(+263,670)
Mass Transit category	721,200	1,159,000	1,159,000	+437,800	.....
(Limitation on obligations)	(4,251,800)	(4,929,270)	(4,638,000)	(+386,200)	(-291,270)
Total, Mass Transit category	(4,973,000)	(6,088,270)	(5,797,000)	(+824,000)	(-291,270)
General purpose discretionary	12,298,809	12,759,820	12,699,575	+400,766	-60,245

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

Mr. SABO. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Ohio (Mr. KUCINICH).

(Mr. KUCINICH asked and was given permission to revise and extend his remarks.)

Mr. KUCINICH. Mr. Chairman, I rise in support of the bill.

Mr. Chairman, I rise in support of the bill/rule. I would like to thank Chairman WOLF and Ranking Member SABO for all the hard work they've put into this bill.

On June 1st of this year, Norfolk Southern and CSX Transportation finalized their acquisition of Conrail. As a result of this acquisition, train traffic through parts of my district, has increased significantly. The rail crossings in these cities literally split the cities in half, and increased traffic has been causing traffic backups and delays.

With the Chairman's assistance and with commitments from NS and CSX and the State of Ohio, funds have been secured to construct grade separations at three different rail crossings in my district. When construction is completed, residents in Berea, Olmsted Falls and Olmsted Township will be relieved of traffic backups and delays as a result of train traffic.

In too many cases they will still have to contend with train whistle noise. Once the grade separations are built, trains will not be required to sound their whistles when passing those specific intersections. Several densely populated neighborhoods in my congressional district will, however, experience an increase in whistle noise from passing trains. Many of these homes are located within 30 to 40 feet of the railroad tracks, and the increased traffic through this area means increased noise for these residents.

Currently, Federal regulations require each lead locomotive to have a warning device that produces a sound level of 96 decibels at least 100 feet ahead of the locomotive. The State of Ohio requires trains to sound their whistles 1,320 feet before a crossing and continuously while passing through it.

In addition, all major railroads have operating rules that require their engineers to blow train horns—normally four consecutive times—at highway-rail grade crossings as a warning to motorists and pedestrians.

These regulations were implemented to protect public safety, but the disturbance train whistles cause nearby residents should be addressed. In 1994, Congress passed the Swift Rail Development Act which directs the Federal Railroad Administration to mandate the use of train horns at all public crossings.

This legislation also allows for ''quiet zones'' whenever communities establish alternatives that provide the same level of safety at crossings as that provided by train whistles. The FRA is in the process of drafting new regulations on train whistles and ''quiet zones.''

I have written to Secretary Slater on the issue of quiet zones. I have proposed that the railroad tracks through the 10th District be designated as ''Pilot Corridors'' and be used to demonstrate the use of supplementary safety measures that would provide the same level of safety as the sounding of a locomotive horn.

The pilot corridors would include Norfolk Southern's Nickel Plate Line, which runs through some of the very densely populated residential neighborhoods. The stretch of the Nickel Plate Line through Lakewood includes 27 at-grade crossings within 2.7 miles of track. The other tracks that should be included in the pilot corridors are the Conrail Mainline through Berea, Olmsted Falls, and Olmsted Township; and the stretch of the Berea-Greenwich line that runs through Berea and Olmsted Falls.

All of these tracks are experiencing significant increases in freight traffic due to the operating changes of the Conrail acquisition. While I understand the importance of warning motorists, pedestrians, and cyclists at these crossings, my constituents are being awakened in the middle of the night by train operators that blow their horns loud and long. There must be a way that we can have safe railroad crossings without the railroads being a nuisance to residents living near tracks.

Through a pilot corridor demonstration project in my district, we can use some of the latest safety procedures to ensure safety while protecting the peace and quiet of the neighborhoods. Photo-enforcement, median strips, 4-quadrant gates, long arm gates, one-way paired streets, and enforcement/education efforts are among the most up-to-date supplementary safety measures available that may help maintain safety while keeping peace in our residential areas.

I applaud the FRA in its efforts to draft and implement quiet zone regulations, and I hope that a portion of the funds appropriated in this bill can be used for that purpose. I believe we can maintain the safety of these rail lines while making areas like the cities in my district quieter environments in which to live.

Mr. SABO. Mr. Chairman, I yield myself such time as I may consume.

(Mr. SABO asked and was given permission to revise and extend his remarks.)

Mr. SABO. Mr. Chairman, I will not go through the details of the bill as the chairman did. But let me commend the gentleman from Virginia (Mr. WOLF) for conducting fair and very professional hearings in an excellent bill before us today.

Let me mention the staff of the committee on the minority side. Cheryl Smith from the minority staff; Marjorie Duske from my personal staff, who worked very hard on this bill. Let me also thank the members of the majority staff, John Blazey, Rich Efford, Stephanie Gupta, Linda Muir, and David Whitestone, all of whom have worked very hard and in a very professional way on this bill. This work is outstanding.

The bill before us is a good one, and should be passed. As always, one has a few concerns. I have some concern that funding for FAA operations may be a little tight. I am a little concerned over some technical language as relates to transit. But we will continue to look at those issues as we go to conference.

But it is a good bill. It moves transportation funding in this country forward in a positive fashion. I would hope the bill would remain intact, and it would serve the House well.

Mr. Chairman, I rise in strong support of the fiscal year 2000 Transportation and related agencies appropriations bill. Let me start by commending Chairman WOLF for his hard work in putting together a bill that addresses the transportation needs of our citizens, communities and businesses. I also want to thank the majority staff—John Blazey, Rich Efford, Stephanie Gupta, Linda Muir and David Whitestone—for the fine job that they do.

This bill was developed in a bipartisan manner and is balanced and fair.

The bill provides $12.7 billion in new budget authority and $50.7 billion in total resources. While technically speaking this level is $400 million over last year, the bill actually provides new budget authority about equal to last year's level, adjusted for $400 million in one-time rescissions adopted last year that cannot be continued into 2000.

Mr. Chairman, two-thirds of the outlays in the bill are mandated highways and transit firewalls in TEA–21. As a result, obligation levels for highway programs increase by $2.2 billion or 8.5 percent over 1999 and $6.2 billion or 29 percent since 1998. Transit obligation authority will increase by $432 million or 8.1 percent over 1999 and $953 million or 20 percent since 1998.

The FY2000 Transportation appropriations bill is just $425 thousand below its 302(b) allocation in budget authority and at the 302(b) allocation in outlays. These 302(b) allocations are adequate, but not generous, and they are absolutely necessary if we are to fund vital safety, security and operational requirements of the Coast Guard, the FAA, and AMTRAK.

COAST GUARD

The bill provides $3.3 billion in discretionary resources and $721 million in mandatory resources for the Coast Guard. This provides a discretionary increase of $116 million or 3.6 percent over 1999, excluding mandatory retired pay and excluding 1999 emergency supplementals which will fund some year 2000 pay requirements. While these levels are short of the President's request, I believe they are adequate for the Coast Guard to accomplish its national defense, search and rescue, and law enforcement missions.

Coast Guard drug interdiction activities are funded at $541 million—a 40 percent increase over the 1999 level.

In addition, we have had great interest from some members in certain Coast Guard facilities. This bill does not mandate the closure of any facilities. In fact, the bill ensures that air facilities in Long Island and Michigan will remain open, and provides funding for a new air facility in Illinois for southern Lake Michigan.

FEDERAL AVIATION ADMINISTRATION

With regard to aviation, this bill does not shortchange the FAA. It includes $10.5 billion for the FAA, primarily to fund increased air traffic control and airport development requirements. This provides a 10 percent increase of $985 million, including a $300 million or 15 percent increase for the airport improvement program—funded at its highest level ever of $2.25 billion.

Mr. Chairman, I understand that there is concern about some of the reductions in the FAA operations budget, particularly those that may impact the air traffic controllers pay agreement. I share these concerns and intend to work diligently in conference with the Senate to ensure that we have adequately funded all aspects of the new air traffic controllers compensation agreement negotiated with the FAA last year.

AMTRAK

Mr. Chairman, this bill also includes $571 million in capital grants for AMTRAK—An amount that is $37 million or 6 percent below last year's level. Since FY1995, funding for AMTRAK in this bill has been cut by over $200 million or nearly 30 percent.

The bill also provides AMTRAK with the flexibility it needs to use these funds for preventive maintenance on equipment and track—a good business practice adopted by other transportation modes.

In our hearings this year, we heard testimony from both AMTRAK and the DOT inspector general about the progress AMTRAK is making toward operational self-sufficiency. Ridership is up. Revenues are up.

Nevertheless, we also heard testimony that AMTRAK must receive the entire $571 million in this bill if AMTRAK is to continue to launch high speed rail, make improvements in its performance, and meet its on-going financial obligations. AMTRAK is relying on receiving the full amount of its FY2000 request, and anything less than that amount could effectively force the railroad into bankruptcy.

In closing, the FY2000 Transportation appropriations bill deserves our strong support. I urge members to support it and to reject any amendments to cut the funding provided in the bill.

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

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Utah (Mr. COOK).

Mr. COOK. Mr. Chairman, I rise for the purpose of engaging the gentleman from Virginia (Mr. WOLF), the chairman of the Subcommittee on Transportation of the Committee on Appropriations, in a colloquy.

Mr. Chairman, as you know, Salt Lake City has been selected the site of the 2002 Winter Olympic Games. Hosting the games poses a significant challenge to any area, particularly with respect to transportation. This challenge is manageable, however, with support from the Federal Government.

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

Mr. COOK. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, the committee recognizes the importance of a successful Winter Olympic Games to the Salt Lake community, the State of Utah, and to the entire country. In light of the national interest in a successful Olympic experience in Salt Lake City, the subcommittee bill includes almost $75 million for various transportation infrastructure investments. These funds are available for transportation planning, park and ride lots, intelligent transportation systems, buses, highways, and the south-north light rail system. These appropriations were secured, I might say, by the diligence of the gentleman from Salt Lake City.

The bill, however, does include a prohibition on the use of Federal funds to execute a letter of no prejudice, a letter of intent or full funding grant agreement for the west-east light rail line. This limitation was added by the committee and was not requested by the gentleman from Utah (Mr. COOK). I and the committee staff have spoken with the gentleman and his staff to discuss the reasons why, in the opinion of the committee, this limitation is necessary and appropriate and in the interest of the American taxpayer.

Mr. COOK. Mr. Chairman, I appreciate the generosity of the committee for including appropriations for Salt Lake City and its surrounding communities to meet the requirements of the Olympic Games. The chairman and his staff of the committee have spoken with me and my staff about the reasons why the limitation on the west-east line was included in the bill.

It is my hope that over the next several months that I and other members of the Utah delegation could address the issues identified by the committee and seek ways to provide the necessary appropriations to ensure a successful Winter Games in Salt Lake Valley.

Mr. WOLF. Mr. Chairman, I say to the gentleman from Utah (Mr. COOK), we look forward, the committee and the members, to working with the gentleman from Utah and other members of the delegation to address the most critical transportation requirements related to the Salt Lake City 2002 Winter Olympic Games, and I appreciate the help of the gentleman.

Mr. COOK. Mr. Chairman, I commend the gentleman for his work.

Mr. SABO. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia (Mr. LEWIS).

(Mr. LEWIS of Georgia asked and was given permission to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Chairman, I want to commend the gentleman from Virginia (Mr. WOLF), the chairman, and the gentleman from Minnesota (Mr. SABO), the ranking member, for their good work on this bill.

Mr. Chairman, I rise in support of H.R. 2084.

Metropolitan Atlanta is facing a crisis. Declining air quality and bumper to bumper traffic are clouding Atlanta's future.

The people who bear the heaviest burden of air pollution—poor people, the elderly, and children—are those who most need our protection. As we speak, Atlanta's hospitals are bracing for a rush of respiratory emergencies as this season's ozone season approaches.

Traffic in and around Atlanta is so congested that the term "quick commute" has become an oxymoron. Parents spend more time in traffic than attending little league games and PTA meetings. Atlantans now rank traffic, public transportation and air pollution alongside education and crime as their top concerns.

More roads will not solve Atlanta's problem. In fact, more roads are not an option. Federal funding cannot be used for road construction because Georgia has not filed the State Improvement Plan required by the Clean Air Act.

The best way to improve this situation and the quality of life for my constituents is to expand the Metropolitan Atlanta Rapid Transit Authority system.

MARTA's Board has identified the western light rail extension as the most cost effective addition to the system. The project would reduce congestion and air pollution, and improve access to educational and employment resources—linking thousands of students to Georgia Tech University and workers to Fulton County Industrial Park.

While I realize the severe constraints we face in making responsible decisions about spending our transportation tax dollars, one million dollars dedicated to studying the MARTA west side extension is a sound and responsible investment.

Mr. SABO. Mr. Chairman, I yield 3 minutes to the gentleman from Arizona (Mr. PASTOR), a very hard-working member of our subcommittee.

(Mr. PASTOR asked and was given permission to revise and extend his remarks.)

Mr. PASTOR. Mr. Chairman, first of all, I want to commend the gentleman from Virginia (Mr. WOLF) for bringing forth a fair, bipartisan bill through the subcommittee and also through the full committee, and I want to thank him for working with us and congratulate him on the bill.

There are two issues that are addressed in this bill that I would like to take a few minutes to talk about. One deals with an issue that he talked about and it deals with the issue of truck safety on our highways. He should be commended for bringing that issue forth and highlighting it.

We had a hearing in which we had interest groups that were making presentations at that hearing, and there were several options that were proposed. One would be to strengthen the Office of Motor Carriers to ensure that the enforcement of safety becomes its objective. Also, the possibility of creation of an office within the Department of Transportation whose only objective would be truck safety.

There are several hybrids. The most recent one that I read about was former Congressman Mineta's proposal and suggestion what we can do and should adopt in terms of strengthening the enforcement of truck safety on our highways. So I commend the chairman and I look forward to working with him to resolving this issue.

The other issue that I would like to commend the committee, the ranking member, and also the chairman is the issue of truck safety as it deals with our borders. The Inspector General, in a report, told us that California seems to have adequate safety inspection along the borders, but Texas, New Mexico, and Arizona are lacking somewhat in terms of ensuring that the trucks coming across from Mexico meet all the safety standards.

The chairman and the ranking member have addressed this problem by providing monies so that the Department of Transportation would have additional Federal inspectors at the borders and also would provide monies to the States so that they could establish facilities where we could conduct these safety inspections.

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I hope that as this bill goes forward through the House to conference that the issue of truck safety at the borders will be addressed with additional resources made available to the States and additional Federal inspectors also being made available to the border. I congratulate the ranking member and the chairman for a great bill and move its adoption.

Mr. WOLF. Mr. Chairman, 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. Chairman, I rise in strong support of H.R. 2084, the fiscal year 2000 Transportation Appropriations Bill. I would like to thank the gentleman from Virginia (Mr. WOLF) and the gentleman from Minnesota (Mr. SABO) for their hard work in crafting this bill in such a good, bipartisan manner. H.R. 2084 appropriates $13.4 billion in new budget authority for transit programs for fiscal year 2000, $437.8 million more than last year.

Some of the dollars have a great deal of importance to my district which includes Ontario International Airport located in my district. $2.25 billion is appropriated for the Airport Improvement Program, $300 million more than last year and $650 million more than the President requested.

$957.1 million to procure air traffic control facilities and equipment, an increase of 13.4 percent from the previous fiscal year. The bill also provides funding for key projects located in and around my district. H.R. 2084 provides $3 million for fleet replacement for the Foothill Transit Agency, $1 million for the Orange County Transitway Corridor, $1 million for the purchase of compressed natural gas buses for San Bernardino County, and $7 million for acquisition of buses for Los Angeles County.

Finally, the bill provides $5 million for oceanic air traffic modernization which is extremely important to American airline passengers traveling to and from Asia.

Mr. SABO. Mr. Chairman, I yield 2 minutes to the gentlewoman from Michigan (Ms. KILPATRICK), a new member of our subcommittee.

(Ms. KILPATRICK asked and was given permission to revise and extend her remarks.)

Ms. KILPATRICK. Mr. Chairman, I thank very much the gentleman from Virginia (Mr. WOLF), the chairman of our subcommittee, for his tireless, equal, just work and the gentleman from Minnesota (Mr. SABO), our ranking member, who has certainly been a leader in providing for each of us the input we have wanted as we discussed this transportation appropriations bill for fiscal year 2000.

Mr. Chairman, I rise in support of the legislation. As a member of Michigan's appropriations transportation team for 14 years, I find coming here to the United States Congress to be quite a blessing to work in a bipartisan way on such a very important bill that affects all of us as American citizens.

We heard a lot of testimony on truck safety and what we need to do to begin to address it, and we did that in a bipartisan fashion. I know there were many, many requests for transit assistance and because of the limited dollars that we are able to work with, we were not able to fill all of those. We hope to work more on this.

I thank the committee and the staff for, in a bipartisan way, making sure that we did what we could with those dollars that were available to us. A few of my colleagues from Michigan are a bit upset that some of their concerns were not taken into heed, and that is mainly because I did not know about them, but I will work with the entire Michigan delegation as we move to conference.

The gentleman from Michigan (Mr. KILDEE) and the gentleman from Georgia (Mr. LEWIS) have certain interests that they would like to see addressed. Again we will work with them as we move to conference. As a new member of this subcommittee and under the leadership of the gentleman from Virginia (Mr. WOLF) and the gentleman from Minnesota (Mr. SABO), I urge my colleagues to vote ''yes'' for this most important, very fine, bipartisan appropriations bill.

Mr. Chairman, I want to rise in strong support for H.R. 2084, the Transportation Appropriations bill for the next fiscal year. This responsible, reasonable and rational bill is the result of a lot of hard work, long hours and diligence on behalf of both my Democratic and Republican colleagues and staff, and shows that Congress can be both fiscally prudent and make a real change for improving the transportation needs of our nation.

As one of the newest members to the august Appropriations Committee, I am pleased to be part of this debate that will be the first bill from one of the two subcommittees on which I am honored to serve. While this bill provides $50.7 billion in total funding to highway, highway safety, and mass transit programs, almost 70 percent of this money is part of the guarantee from the Transportation Efficiency Act of the 21st Century, or TEA–21. As my colleagues know, this money is beyond the scope and control of the House Appropriations Subcommittee on Transportation. As we point out in our Committee Report, the funding increases associated with TEA–21 have used up most of the 8.5 percent increase in outlays allocated for the next fiscal year. As a result, we had to make many difficult decisions with the meager amount of funds that was available.

This bill does many great things, and I would like to point out some specific additions:

The bill will expedite the backlog of sexual harassment cases at the FAA. FAA Administrator Jane Garvey is to be commended for her hard work and effort at eliminating the problem of sexual harassment at the FAA, and we were successful in getting language added that would hopefully eliminate this backlog of cases.

The bill provides that the Department of Transportation work hard to ensure that qualified small businesses, women-owned businesses, and minority-owned businesses get their fair share of the advertising pie.

This bill provides more funding for road safety and innovative programs that will make travel safer for all Americans.

I am especially honored to serve on this Subcommittee as I served the majority of my career as an elected member for the Michigan House of Representatives on the same Subcommittee. As such, I have over 20 years of experience working with transportation-related issues and budgets for the State of Michigan, and I am glad to be able to use this knowledge to improving the transportation needs of all Americans. As the first Democratic Member of this Committee since the retirement of Congressman Bob Carr, I want to add and note that I am ready and willing to work with all of the different transportation entities of the State of Michigan to ensure that Michigan retains its fair share of these meager resources. While we were not able to meet everyone's transportation needs, it is my sincere hope and desire that we will be able to sit down together and try to help my colleagues during conference committee.

As I said earlier, I want to work with all of my Michigan colleagues—Democratic and Republican alike—during conference committee on this bill. I want to, however, cite some specific examples. Congressman DALE E. KILDEE has been ardently working with the Federal Aviation Administration (FAA) to secure funding to upgrade the antenna system at Bishop Airport. According to the December 8, 1998 edition of the Flint Journal, ''In dozens of documents cases this year, air traffic controllers have lost radar signals of aircraft in Flint's airspace. Federal Aviation Administration documents show the radar is not scheduled to be replaced until September 2002. FAA officials, controllers and technicians have said they do not believe the system's weaknesses are compromising the safety of pilots and fliers, but could cause delays and added stress for controllers.'' Because Congressman KILDEE was focusing his efforts at the FAA, Congressman KILDEE was not able to make a formal request to the Subcommittee in time for consideration of this budget. I want to make a formal request that, among my Michigan colleagues, we give full consideration to Congressman KILDEE'S issue, and hope that we can work out something during conference consideration.

I also wanted to assist Congressman JOHN LEWIS of Georgia in confronting the difficult task of meeting the transportation needs of a rapidly growing population in Atlanta, Georgia. Congressman LEWIS is seeking support for expanding the service of his region's wonderful Metropolitan Atlanta Rapid Transit Authority, and it is also may hope that we are able to work with Congressman LEWIS during conference committee on this issue as well.

Finally, I would like to once against thank the hard work that Ms. Cheryl Smith and Mr. John Blazey on putting this whole package together. Sometimes, we forget that we are fortunate to have a dedicated staff willing to pay the price of long hours and thankless service that public service requires.

Again, I strongly encourage my colleagues to support this bill.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. First, I would like to congratulate my colleague from Virginia for his work on the transportation bill today. I have an issue, however, that I would like to bring to his attention.

Mr. Chairman, the Rock County Airport which is located in the district that I serve has recently begun to see an increase in air traffic for business deliveries to local employers.

In order to accommodate these important deliveries, the Rock County Airport is in desperate need of improvement. Rock County began work on these improvements, but Federal assistance is needed to address this immediate need. These improvements are critical not only to the local businesses in the district I represent but also to the local economy and the livelihood of the employees who work at these businesses.

I understand the committee report has included a list of airports which the committee directs the FAA to give priority consideration for grant funding next year. Would the gentleman be willing to communicate to the Federal Aviation Administration that these improvements to the Rock County Airport are to be considered a priority for grant funding as well?

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

Mr. RYAN of Wisconsin. I yield to the gentleman from Virginia.

Mr. WOLF. Absolutely. I appreciate my colleague from Wisconsin bringing this important issue to our attention. I understand the merits of the project. I am committed to making sure that it is communicated to the FAA that this project receives the same priority consideration as those included in the committee report. The gentleman has my word on that.

Mr. RYAN of Wisconsin. I thank the gentleman from Virginia. I sincerely appreciate my colleague's commitment. I look forward to working with him on the Rock County Airport issues.

Mr. SABO. Mr. Chairman, I yield 2½ minutes to the gentleman from Massachusetts (Mr. DELAHUNT), one of the members who always has very high interest in the Coast Guard.

Mr. DELAHUNT. I thank the ranking member for yielding me this time.

Mr. Chairman, I do stand here in strong support for the United States Coast Guard and to thank the gentleman from Virginia (Mr. WOLF) and the gentleman from Minnesota (Mr. Sabo) for their leadership in crafting this bill under such tight budget constraints. I also applaud them for increasing the Coast Guard's acquisition, construction, and improvements account to help replace its aging vessels and aircraft and to thank them for including readiness funding in the supplemental bill passed earlier this year. However, the administration's requested level for operating expenses represents the absolute minimum required for the Coast Guard to perform the fundamental duties it has been assigned by the Congress.

Let us not forget that these services often are matters of life and death. The men and women of the Coast Guard have put their lives on the line every day for 200 years to save thousands of recreational and commercial mariners. Over 45,000 people in the last decade alone have been saved by the Coast Guard.

Moreover, the General Accounting Office has documented that during the 1990s, the Coast Guard has been assigned vastly increased responsibilities while its workforce has been shrunk by nearly 10 percent and has operated within a budget that has risen by only 1 percent in actual dollars. The Coast Guard's new assignments go considerably beyond basic vessel safety and search-and-rescue, including marine environmental protection, fisheries management, overseas military port security, international maritime training, and, of course, drug interdiction.

In the wake of these increased mandates, at the same time as a decrease is planned in search-and-rescue spending, the Coast Guard needs adequate funding to meet its new tasks and perform its traditional but critical basic services to protect people, the environment, and the United States economic interests.

Again, I thank the appropriators for their hard work in meeting the challenges of assembling this spending bill and look forward to continuing to work with the committee to increase funding to at least the administration's requested level.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. KING), the great author of a new book which he hopes becomes a best seller.

Mr. KING. Mr. Chairman, I thank the gentleman for yielding me this time, and, most importantly, I thank him for his kind remarks about the book.

Mr. Chairman, I would like to express my support for this important legislation to fund transportation projects in fiscal year 2000 and to communicate my sincere appreciation to the gentleman from Virginia (Mr. WOLF) for his efforts in including $4 million for a project of great importance to me and my constituents, the New York Metropolitan Transportation Authority's Long Island Railroad East Side Access Project. This project, to be completed by the year 2009, is a major commuter rail improvement project which will enable 50,000 existing and tens of thousands of new commuters on the Nation's busiest commuter rail line, the Long Island Railroad, to travel directly to final destinations on Manhattan's East Side without spending over half an hour backtracking on subways from Penn Station on the West Side.

Over $100 million in combined prior Federal appropriations and State and local funds have already been dedicated to this critical project which will greatly improve transit flow and reduce vehicular traffic in the New York City region. East Side access is supported by a Statewide bipartisan majority of New York's congressional delegation and is the top funding transportation priority of Governor Pataki.

I look forward to working with the gentleman from Virginia and the other members of the committee as this vital project goes forward. I thank the gentleman for all his courtesies and generosity on this project.

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

Mr. KING. I yield to the gentleman from Virginia.

Mr. WOLF. I appreciate the remarks of the gentleman from New York. I would like to point out that the Federal Transit new starts funds provided in H.R. 2084 for this project will help. They would not be there without his effort, and will help to maximize previous Federal investments in the 63rd Street Subway Tunnel and Connector Project. All these projects are linked together to alleviate congestion, promote environmentally sound transportation, and enable weary commuters to spend more quality time with their families by reducing lengthly daily commutes.

I look forward to working with the gentleman from New York and other members of the New York delegation to ensure that this project will be adequately funded as it moves into the heavy construction phase.

Mr. KING. I thank the gentleman from Virginia.

Mr. SABO. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from South Carolina (Mr. CLYBURN), one of the members of our subcommittee.

Mr. CLYBURN. I thank the ranking member for yielding me this time.

Mr. Chairman, I know the gentleman from Virginia is aware of the recent media reports detailing the use of racial profiling by numerous law enforcement agencies as they patrol our Nation's highways. Indeed, one study by a nongovernmental entity found that along the I–95 corridor in Maryland, African Americans comprised only 17 percent of all drivers, yet accounted for 73 percent of all police searches.

As chairman of the Congressional Black Caucus, I have been directed by the Caucus to request the General Accounting Office to conduct its own comprehensive study to determine the extent and magnitude of this problem.

Mr. Chairman, I call this to the gentleman's attention so that he will know that next year, I will address this issue in our hearings. These citizens are driving on roads paid for with funding in the Transportation Appropriations bill, yet are experiencing discriminatory law enforcement practices on these highways. I hope that next year we can explore whether there are avenues through the Department of Transportation to assist in eradicating this unfair practice.

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

Mr. CLYBURN. I yield to the gentleman from Virginia.

Mr. WOLF. I thank the gentleman from South Carolina for drawing our attention to this important matter. I am hopeful that his GAO study will be completed by our hearing schedule next year, and I look forward to examining its results. I look forward to working with the gentleman from South Carolina in addressing the issue.

Mr. CLYBURN. I thank the gentleman for his commitment to working together to find a solution to an issue about which millions of African Americans harbor intense feelings.

Mr. SABO. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from West Virginia (Mr. RAHALL).

(Mr. RAHALL asked and was given permission to revise and extend his remarks.)

Mr. RAHALL. I thank the distinguished ranking member for yielding me the time.

Mr. Chairman, I rise in my capacity as the ranking Democrat on the Subcommittee on Ground Transportation. I want to express my appreciation to the gentleman from Virginia for giving some funding priority to those transit new start projects which are under full funding grant agreements.

The authorizing committee undertook an extensive review of these projects when preparing legislation enacted last year as TEA 21 which among its many initiatives authorized the transit program through fiscal year 2003.

Among the new start projects being funded in the pending legislation is the Tren Urbano in San Juan, Puerto Rico. As I noted in a recent letter to the gentleman from Virginia, San Juan is densely populated and at times its transportation facilities appear to be paralyzed with congestion. In fact, downtown San Juan has an exceedingly high vehicle density, some 4,200 vehicles per square mile, which is expected to increase by almost 50 percent by 2010.

In a situation like this, the Tren Urbano system is a logical, environmentally benign means to facilitate transportation in the area.

The pending measure, in accordance with the recommendations of the FTA, would appropriate $82 million for Tren Urbano for the next fiscal year. I applaud the committee and the ranking member for making this recommendation.

However, what I find disturbing is language included in the Committee Report accompanying this appropriation measure.

In the Report, the Committee notes it is troubled by the findings of a financial management oversight contractor which indicate that the Commonwealth of Puerto Rico may not have sufficient financial resources to build and maintain the project. Consequently, a number of time consuming reports are required before the appropriation would be available.

First, I would note that the Committee on Transportation and Infrastructure, in its extensive review of this project, did not at any point find anything which would lead one to question the ability of Puerto Rico to meet its financial responsibilities with respect to Tren Urbano and at the same time adequately meet other transportation requirements of the region. In addition, earlier this year the Transportation and Infrastructure Committee requested that the General Accounting Office conduct a review of all existing projects under Full Funding Grant Agreements. The results of this review are expected shortly.

Second, it is my understanding that the financial management report referenced by the Committee Report does not exist, at least, in final form. With all due respect to the Committee, it is relying on hearsay and innuendo rather than official reports with respect to this particular project. The fact of the matter is that the so-called financial management report at issue here was never approved by the FTA.

Third, I would urge the Committee to rethink the costly bells and whistles it has recommended be attached to this appropriation. The various reports called for in the Committee Report are simply not necessary, especially since a GAO review is already underway, and will cause delays. As we all know, delays in transportation projects lead to increased costs, and cost overruns, and that is something we are all seeking to avoid. In this regard, I would emphasize that statements made in a Committee Report, even from the Appropriations Committee, do not carry the force of law.

Again, I applaud the Committee's funding recommendation in this matter but strongly urge that the appropriation be made final by the Conference Committee without unnecessary strings attached.

Mr. SABO. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from New York (Mrs. MALONEY).

(Mrs. MALONEY of New York asked and was given permission to revise and extend her remarks.)

Mrs. MALONEY of New York. Mr. Chairman, I rise in support of the Transportation Appropriations Bill. Unlike the bill on the Senate side, the House version understands that each State has different needs. The Senate bill placed a cap on transit spending for a State.

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This cap, if enacted, would mean a loss of over $160 million in transit aid to New York City and State alone. In a country which is trying to emphasize the importance of using public transportation these caps are counterproductive.

The House bill uses a funding formula which takes into account the number of mass transit riders a region handles. The same Senators who may support caps for mass transit I would assume would be opposed to similar caps on highway spending. The House bill shows an understanding that funding for mass transit is equally as important as other transportation funding.

I commend both the gentleman from Virginia (Mr. WOLF) and the gentleman from Minnesota (Mr. SABO) for constructing a bipartisan balanced bill. I do wish to raise one concern:

In this bill there is money earmarked for the East Side Connector, which will allow commuters from Queens and Long Island to end up in New York City. This project is worthy and important, but it only makes sense if at the same time we institute a plan to finish the Second Avenue subway in New York City. When the estimated 50,000 new commuters wind up in Grand Central in New York most of them will have to continue on an additional commuter line, the Lexington Avenue line. Currently the Lexington Avenue line is the only one that goes up the East Side of Manhattan, and it is already terribly crowded. Adding thousands of additional commuters will only add to the already overburdened state of this line. The solution is to create a line along Second Avenue in Manhattan, which has been in the works on and off for over 30 years, and part of it has already been constructed. This subway line will allow the city's economic growth to continue and make the subway system an asset and not a hindrance. The Senate bill allows for funding to continue the process of building the Second Avenue subway, and I do support this bill, but I hope that in conference the appropriators will follow the Senate version.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman for yielding this time to me, and I thank the gentleman from Virginia (Mr. WOLF) for all his incredible work, and I rise today in support of this bill and commend him for his efforts. I especially want to thank the gentleman from Virginia for including $6 million in this bill for the redesign of the New Jersey/New York Metropolitan airspace. This is a critical effort that will benefit not only the residents of northern New Jersey and New York State, but other parts of the region. Once completed, this redesign will become the model for other regions such at Boston, Washington, D.C., Chicago and Miami.

For over a decade residents in my district in northern New Jersey have been plagued by the problem of aircraft noise. According to the Federal Aviation Administration, redesign of the airspace will solve many of the region's air noise problems. The airspace over Newark, Kennedy and LaGuardia airports is the busiest, most congested and most complex in the Nation. These three major airports have over 1 million flight arrivals and departures a year. Further, the high volume of flights is complicated by the fact that these three airports share the same airspace. When Newark changes departure and arrival patterns, adjustments have to be made at Kennedy and LaGuardia airports as well.

Last year the FAA announced it would begin the process of redesigning the airspace over New Jersey and New

York Metropolitan region. This was to be the first area in the country addressed by the FAA, and results could be applied to other regions during future airspace redesign processes. The $6 million included in the transportation appropriations bill will enable the airspace redesign to move ahead in a timely manner. It will provide much needed relief from the constant loud intrusion of aircraft noise.

Again, my thanks to the gentleman from Virginia (Mr. WOLF) for including this critical funding in his bill, and I urge my colleagues to support it.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Chairman, I thank the chairman of the subcommittee for yielding this time to me. I wish to comment on section 332 of the transportation appropriations bill.

The Committee on Appropriations has seen fit to include language which prohibits the National Highway Transportation Safety Agency from implementing a final rule for Section 656(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. By preventing the implementation of a final rule, section 332 will undermine the key provision of the 1996 immigration law, a law passed by overwhelming majorities in both Houses of Congress. By nullifying laws to the appropriations process, this measure undermines the legislative process itself.

Regarding the section 656(b) of the immigration law, it is unfortunate to see the national ID card hysteria is alive and well. I do not support a national ID card and do not know anyone in Congress who does. I do support immigration laws that stop illegal aliens from using fraudulent documents to take jobs and benefits away from Americans. There is no national ID card in the 1996 immigration reform law. It merely directed the Department of Transportation to establish reasonable standards for permitting the abuse of State issued driver's licenses. It is entirely optional for States to use a Social Security number on State driver's licenses. The 1996 immigration reform law encourages States to create driver's licenses, birth certificates and other forms of ID that are hard to counterfeit. Fourteen States, for example, already have tamper resistant driver's licenses, but only in the wildest imagination does any of this constitute a national ID card.

Neither the legislation, nor the proposed rules, require that the individual States include an individual's Social Security number on the driver's license. This will remain a State option. It is not mandatory.

Driver's licenses and Social Security cards are the most fraudulently duplicated IDs, and without making them tamper resistant we are asking illegal aliens to use them to commit fraud and, of course, wrongfully gain citizenship.

While I will not ask my colleagues to vote against H.R. 2084, the transportation appropriations bill we are now considering, I wish to voice my strong concerns about this provision and the process which allowed it to be included in the bill. If the legislative process means anything, we have to stop overturning and changing legislation through appropriation bills.

Mr. Chairman, I plan to work with members of the Committee on Appropriations, including the gentleman from Virginia (Mr. WOLF), to ensure that this does not happen again.

Mr. WOLF. Mr. Chairman, I yield 1 minute to the gentleman from Washington (Mr. NETHERCUTT).

Mr. NETHERCUTT. Mr. Chairman, I rise to engage in a brief colloquy with the gentleman from Virginia (Mr. WOLF), the chairman of the Subcommittee on Transportation, regarding Federal Aviation Administration's acquisitions of transponder landing systems.

Mr. Chairman, H.R. 2084 and the accompanying committee report directs the FAA to acquire and install several transponder landing systems. Is it the gentleman's understanding that the intent of the report language also directs FAA to move immediately to commission these systems pending a successful in-service review and validation of TLS at the Watertown, Wisconsin, airport, and further, that FAA should perform the in-service review and validation at Watertown as soon as possible?

Mr. WOLF. Mr. Chairman, would the gentleman yield?

Mr. NETHERCUTT. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, that is my understanding, that the transponder landing system was issued a type certificate by FAA Administrator Jane Garvey during May of 1998, and barring any setbacks with the review and validation, FAA should proceed to acquire and commission these systems as soon as practicable.

Mr. NETHERCUTT. Mr. Chairman, I thank the gentleman from Virginia very much for allowing me to engage in this colloquy.

Mr. SABO. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. GUTIERREZ).

Mr. GUTIERREZ. Mr. Chairman, I just wanted to thank the committee for its work and to ask that they once again consider in conference as they come back with the Senate report and obviously the House report; in the House Report there is $2 million for the Blue Line in Chicago. It is a line that needs to be completely rebuilt at a cost estimate of $425 million. The State of Illinois has passed a rather robust transportation authorization of over a billion dollars that the Chicago Transit Authority will receive to redo those lines, so from the State point of view, and of course Mayor Daley and the Governor of the State of Illinois have worked together on the legislative process, so we have got the dollars from the State of Illinois to really make a big infusion, but we have only been able to receive $3 million thus far from the authorized amount of money at $325 million from the House of Representatives.

So I would simply ask that in conference my colleagues take another look at the needs of the Blue Line in Chicago, and I thank the gentleman from Virginia (Mr. WOLF) and the gentleman from Minnesota (Mr. SABO) for their work on this issue.

Mr. WOLF. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. WELLER).

(Mr. WELLER asked and was given permission to revise and extend his remarks)

Mr. WELLER. Mr. Chairman, I rise in support of this legislation. I want to take a moment just to thank the gentleman from Virginia (Mr. WOLF) for not only his friendship but his leadership on issues important to Illinois and the district I represent, and I particularly want to thank him, Mr. Chairman, for his assistance in response to the Amtrak tragedy that occurred in my district in the village of Bourbonnais, and I really appreciate the assistance and the extraordinary effort that he gave on behalf of the local communities there.

I also want to point out that this legislation today that is before us is good for Illinois. I would point out that this legislation includes $25 million in new start funds for extensions, for new extensions, for Metro which is the mass transit rail system serving the suburbs as well as Chicago Metropolitan Area. I point out particularly that one of the beneficiaries of this new funding will be extension of the Southwest Line, an additional 11 miles out to the village of Manhattan in the district that I represent; would also note that this will allow for additional expansion beyond Manhattan, out to the Joliet Arsenal development at the Midway National Tall Grass Prairie and Abraham Lincoln National Cemetery.

This legislation also includes $1.6 million for the city of Joliet to assist with their maintenance of mass transit facility and help us with a bridge in the Morris area.

So, Mr. Chairman, I thank my colleagues very much for their able assistance and leadership.

Mr. WOLF. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. GRANGER).

Ms. GRANGER. Mr. Chairman, I rise in support of this transportation appropriation. The business of transportation and appropriations is to fund important national projects, and few are as important as this. Transportation is the lifeline of our national economy. Our roads, our bridges, our highways, our railways and our airports are what connect the various parts of our American family. Product made in San Francisco can reach a market in San Antonio on a safe road

in a short period of time, and this propels the economic growth of our Nation and protects the safety of our drivers.

So I commend the gentleman from Virginia (Mr. WOLF) for his leadership on this issue. He has done his best to make the most of this bill, and he and his staff have accepted the very difficult budget constraints we currently work under and produced a bill that we can all be proud of. I am proud to serve on his committee and proud of his work.

I am especially pleased to point out to my colleagues that the bill includes a $1.6 billion increase for highway improvements and a $333 million increase for airport improvements. These increases are in addition to a forty percent increase for the Coast Guard's Drug Interdiction Program. These increases represent priority funding for priority goals.

I would also like to praise Chairman WOLF'S ability to work with the other side of the aisle, identify key transportation needs and still develop a fiscally sound transportation bill. This bill proves that we in Congress can get it done if we get it together.

When we lower our voices and raise our sights, it's amazing what we can accomplish. And this bill is proof of that. I am proud to be a member of this important and bipartisan committee and I look forward to working with Chairman WOLF in the future.

In closing, I want to commend again Mr. WOLF for successfully steering this bill down the road to passage. And I urge all my colleagues to end this journey by voting this bill into law.

Mr. GUTIERREZ. Mr. Chairman. I rise today to reiterate my strong support for much-needed and already authorized funding for the Douglas Branch of the Chicago Transit Authority's Blue Line.

I am extremely concerned about the inadequate level of funding H.R. 2084 includes for the Blue Line and I urge conferees from the House and the Senate who will consider this legislation to dramatically increase funding for this vital project.

The Douglas branch of the Blue Line is more than a century old. It has never undergone systematic capital improvements. Due to its age and deterioration, the Blue Line has become increasingly difficult to operate efficiently and safely.

The House of Representatives clearly recognized the need to improve and rebuild the Douglas branch of the Blue Line and authorized federal funding of $315 million in TEA–21 legislation passed last year. Obviously, many projects were competing for this limited pool of money and this authorization represented a thoughtful and reasonable response to the needs of Chicago-area residents who use the Blue Line.

In response to this federal authorization of funds, the State of Illinois has appropriated more money than is needed for the local matching portion of this project. Improving the Blue Line has the strong support of the entire Illinois Congressional delegation, the Illinois Legislature, Governor George Ryan and Chicago Mayor Richard M. Daley.

The need for an adequate appropriation of funds could not be more urgent. The Chicago Transit Authority has reduced services on the line drastically, with weekend and late evening services eliminated. Speeds have been reduced considerably on the Blue Line, making daily commutes impossible or extremely inefficient for the 27,000 passengers who rely on this route to travel to work, school, health care facilities and other essential destinations.

Mass transit is absolutely vital to the economic health of the Chicago area and the many communities this transit link serves directly, including the Pilsen and Little Village neighborhoods. The funding request I have been joined by local, state and federal leaders in making for the Blue Line is very important to the economic vitality of the community I represent.

Unfortunately, H.R. 2084 includes only two million dollars in funding for the Douglas Branch of the Blue Line, far less than the $77 million that was requested for this year. This level of funding is inadequate to serve the needs of the residents who count on this vital transit line. I urge the members of this Congress to respond to the needs of the people of the Chicago area and provide the requested level of funding for the Blue Line.

Mr. MATSUI. Mr. Chairman, I rise to extend my most sincere thanks to Chairman WOLF and the Ranking Member, Mr. SABO, and the Members of the Committee, for their willingness to provide funding for Sacramento's transportation priorities contained in the Department of Transportation and Related Agencies Appropriations Bill for Fiscal Year 2000.

Funding in this legislation will allow Sacramento to make significant advancements on projects that are urgently needed to address the population growth and transportation inadequacies confronting our region. Specifically, I am grateful for $25 million for the Sacramento light rail extension project and the $1.25 million allocation for the Sacramento compressed natural gas bus program. Both projects are needed to assist efforts to ease traffic congestion and provide efficient, affordable, and environmentally sound modes of transportation to our region.

I also thank the Committee for the $1 million in funds for the Sacramento Transportation Information Technology Project and seek clarification in noting that this program supports the efforts of Sacramento County, California. This project represents the latest undertaking by Sacramento County under a program that will permit our community to develop and implement a model intelligent transportation system. Watt Avenue is a major north-south artery in the region surrounded by tremendous geographic restrictions, making expansion extremely impractical. These restrictions result in much larger than normal traffic flows for an arterial of its character. By creating a transit priority system to permit queue jumping for buses, this program will improve transportation efficiency, increase traffic flow, reduce emissions of air pollutants, improve traveler information, and build on existing projects among other priorities.

Again, on behalf of the Sacramento community, I thank the Committee for its recognition of these transportation priorities so vital to the stability and growth of our region.

Ms. JACKSON-LEE of Texas. Mr. Chairman I rise to urge my colleagues to vote in favor of H.R. 2084, the Transportation Appropriations for FY 2000. I would like to thank both Chairman WOLF of the Appropriations Subcommittee on Transportation and the Ranking Member, Congressman SABO, for including much needed projects for the city of Houston, as well as those for the entire State of Texas.

The bill provides a total of 50.7 Billion, 7% more than current funding, with nearly 70% of the total earmarked for highway safety and mass transit programs under guarantees set by the new highway and transit law (''TEA21'') enacted by Congress last year. The amount provided for highways includes $1.5 Billion more than initially authorized, due to a TEA21 mechanism that automatically increases guaranteed highway spending to match increases in gas tax revenues to the Highway Trust Fund.

Both the Congress and the Administration recognized the need to invest more resources in our transportation system with the enactment last year of TEA–21 and the firewalls established for road, bridge and mass transit needs. H.R. 2084 affirms the goal by funding roads, bridges and mass transit systems at TEA–21's firewall levels. In addition, this measure will increase funding for federal transportation programs, including additional resources for needed improvements to airports and aviation infrastructure.

The investment levels contained in this bill are a major step in beginning to close America's infrastructure funding shortfall and reversing decades of infrastructure disinvestment. As a result of that disinvestment, 59 percent of our roads are in poor to fair condition and nearly one third of our bridges are in disrepair. In addition, 22 percent of all buses and 33 percent of all rail vehicles are over aged. The number of seriously congested airports rose from 22 percent to 32 percent in less than 10 years.

The measure provides $28.9 Billion for highway programs (6% more than the current level), $5.8 Billion for mass transit (8% more than current funding), $2.8 Billion for Coast Guard operations (8% less than in FY 1999), $10.5 Billion for the FAA (10% more than the current amount), and $571 million from Amtrak (6% less than current funding).

I am pleased by this report and would like to thank the Committee for the hard and diligent effort. I know that each member on the committee and their staffs put long hours into the formation of this bill, considering each request with the best interest of the nation in mind.

Mr. Chairman, I am disappointed that the light rail option in Houston, Texas has not been explored as a viable alternative. As congestion continues to grow in our metropolitan areas we need to explore other options besides the automobile. I would have liked to see funds dedicated to the study of a light rail system in Houston.

I would like to thank the Committee for including a total appropriation of $52.7 Million for the Houston Regional bus project. The plan, developed by Houston METRO, consists of a package of major improvements to the region's existing bus system. It includes major service expansion in most of the region, new and extended HOV facilities and ramps, several transit centers and park-and-ride lots, and supporting facilities.

I am also thankful, Mr. Chairman, that the City of Houston received $1 million dollars for the redevelopment of its Main Street Corridor. This money will go to the revitalization of the heart of the 2000 square mile Houston region. This backbone runs through both my district and that of Representative KEN BENTSEN.

The corridor runs from Buffalo Bayou north through downtown, midtown, Hermann Park,

and Texas Medical Center. Main Street links two important economic hubs—Downtown and Texas Medical Center, as well as entertainment, cultural, and governmental centers.

To reinforce and sustain the development activity in the corridor, the City of Houston initiated the Main Street Corridor Redevelopment Program. The program focuses on the coordination of transportation, land development, and community systems. This program will ensure that the Main Street Corridor linking downtown to the Astrodome becomes an urban place befitting of local, national and international recognition in the next millennium.

This project focuses on coordinated transportation and Community system planning for the eight-mile long Main Street Corridor—the ten-mile square historic heart of the Houston region. Current and proposed highway, street, and transit investments will be planned in concert with substantial economic redevelopment to maximize efficiency of transport systems and guide real estate development and to preserve significant community assets. Long term results will increase development density, increase access to jobs, reduce automobile trips, lower emissions, and reduce long term capital investment in regional infrastructure.

I thank both Chairman WOLF and Ranking member SABO for their recognition of the worthiness of this investment in the infrastructure of Houston. I am hopeful that the Chairman and Ranking Member will protect this project when we proceed to conference, and add the additional $500,000 I have requested to keep this project on schedule. This revitalization is vital to ensuring the future of this center of commerce and business.

I know that my constituents in the 18th Congressional District support providing the resources to meet these transportation needs. I believe that spending on America's infrastructure is truly a strong investment in the future of America.

Once again, I want to urge my colleagues to support H.R. 2084 and vote, yes for America's infrastructure future.

Mr. SENSENBRENNER. Mr. Chairman, I rise today to support the research and development provisions in H.R. 2084, the Department of Transportation and Related Agencies Appropriations Bill, for FY 2000. As Chairman of the Committee on Science, I believe this bill's research funding provisions meet the requirements for a solid research and development base in support of the Department of Transportation's (DOT) mission. Like Chairmen YOUNG and WOLF, I too recognize that investing in research today will improve the safety and efficiency of travel in the future.

Last month the Science Committee passed H.R. 1551, the Federal Aviation Administration Civil Aviation Research and Development Act. The bill included a $208.5 million authorization for research and development programs at the Department of Transportation. Like H.R. 2084, H.R. 1551 proposes a $173 million dollar commitment to the Research, Engineering and Development account at the Federal Aviation Administration. This is an increase of $23 million over the FY 1999 enacted or a 15.3 percent increase for FAA Research and Development programs and will provide FAA with the resources necessary to expand their Research and Development activities.

In addition, I am pleased H.R. 2084 funds the Advanced Technology Development and Prototyping function of the FAA's Facilities and Equipment account at a level of $33 million dollars. These critical projects and activities are assisting us to develop the next generation of communications, navigation and surveillance capabilities necessary to meet the projected increases in aviation in the 21st century.

Similarly, the bill supports the Safe Flight 21 program at FAA at the authorized level of $16 million. Although I would have liked to have seen Safe Flight 21 in the research account, and not in the Facilities and Equipment account, I do believe this is a program of merit and worthy of support.

While I believe H.R. 2084 provides DOT and FAA with the resources necessary to conduct world class research that is mission critical to DOT, I cannot support the bill as a whole. I believe that the $50.7 billion appropriated by this legislation is more than we can afford for the Department of Transportation.

Mr. SHAW. Mr. Chairman, I rise today in support of H.R. 2084, the FY 2000 Transportation Appropriations Bill.

While this bill contains many worthy provisions, I was disappointed that no funding was included for Broward County's (FL) busing program. As my colleagues may recall, last year Congress appropriated $1 million for new buses in Broward County.

Considering that Broward County is still rapidly expanding, and that current transit service is inadequate (especially in the western areas of the county), I am hopeful that some funding can be added in conference committee for this worthwhile program.

Mr. Chairman, considering the numerous budgetary constraints Chairman WOLF is operating under, he did a commendable job in bringing this bill to the floor today, I urge my colleagues to support this legislation.

Mr. SERRANO. Mr. Chairman, I rise in strong support of H.R. 2084, the bill making appropriations for the Department of Transportation and Related Agencies for the fiscal year 2000.

As a new member of the Subcommittee, it has been a pleasure to be part of such a fair, bipartisan process. I particularly commend our Chairman, the gentleman from Virginia (Mr. WOLF) and our Ranking Democrat, the gentleman from Minnesota (Mr. SABO) for the good work they have done in developing this bill and the attention they have paid to fairly distributing funds among the various modes of transportation, and to balancing the needs of the nation with the needs of individual members and their districts.

And I would be remiss if I did not express my appreciation and thanks to the staff, Cheryl Smith and Marjorie Duske on our side, John Blazey, Rich Efford, Stephanie Gupta, Linda Muir, and David Whitestone. They are thoroughly professional and dedicated public servants.

Given the stringent budget constraints facing the Subcommittee, this bill is quite an accomplishment. Of considerable importance, the bill fully funds the highway and transit programs as called for in TEA–21, so that projects many of us worked hard to achieve can proceed without interruption. But it also provides the resources needed to continue the safe and efficient operation of our nation's transportation system. This system has been described as the circulatory system of America, without which our economy would clog and slow.

Again, Mr. Chairman, I would like to thank Mr. WOLF and Mr. SABO and all the other talented people who have worked so hard to develop this bill, and I urge my colleagues to support it.

Ms. MILLENDER-McDONALD. Mr. Chairman, I rise today in support of H.R. 2084, the Fiscal Year 2000 Transportation Appropriations Act. This bill provides a total of $50.7 billion in FY 2000 for the Transportation Department and related agencies. The bill's funding includes $14.6 billion in direct appropriations and nearly 70% of the bills funding comes from guarantees set forth in the Transportation Equity Act for the 21st Century—TEA–21.

I would like to commend Chairman FRANK WOLF and Ranking Member SABO and the leadership of the Full Committee on Appropriations for putting together a bill that increases funding for highways, highway safety, transit, and operations at the Federal Aviation Administration.

This bill provides $7 million for bus acquisition for Los Angeles County and $5 million for the Municipal Transit Operators Coalition. Further, this bill meets the transportation needs for the State of California. However, I am concerned that once this bill passes the House and moves to conference that it may be subject to the language offered to the Senate's bill. As part of last year's landmark highway and transit authorization bill, TEA–21, California is slated to receive 14.6% of the total federal allocation for transit funding. However, the so-called ''Transit Equity Provision'' included as part of the Senate Appropriations Committee's FY 2000 Transportation Appropriations bill artificially caps California's share of transit funding at 12.5%. This reduction will result in a loss of at least $120 million for the State of California in fiscal year 2000.

California accounts for roughly one-quarter of the nation's transit users, yet we receive only about 15% of the federal transit funding. A majority of our statewide transit capital programs are financed from state and local resources, but we need the federal funding to continue to provide and expand effective service and to spur economic growth. Furthermore, capping the state's federal transit aid will reopen the carefully crafted distribution formulas enacted just one year ago, and invite a host of new problems.

When this bill goes to conference, I urge the leadership of both the Committee and Subcommittee to fight this provision and avoid reopening TEA–21. I urge passage of this legislation and I yield back the balance of my time.

Mr. BEREUTER. Mr. Chairman, this Member rises in support of H.R. 2084, the FY2000 Transportation Appropriations Act.

This Member would like to begin by commending the distinguished gentleman from Virginia (Mr. WOLF), the Chairman of the Transportation Appropriations Subcommittee, and the distinguished gentleman from Minnesota (Mr. SABO), the ranking member of the Subcommittee, for their hard work in bringing this bill to the floor.

Mr. Chairman, this Member certainly recognizes the severe budget constraints under which the full Appropriations Committee and the Transportation Appropriations Subcommittee operated. In light of these constraints, this Member is grateful and pleased that this legislation includes $1 million in funding for vital improvements to the bus maintenance facility in the City of Lincoln, Nebraska.

The City's of Lincoln's bus system, known as StarTran, is the primary provider of public transportation services in the area, with 65 buses and vans serving over 1.7 million riders annually. The need for increased bus service in the area continues to grow, but Lincoln's share of Federal transit assistance has steadily declined over the last several years. As a result, the City has had to use more and more of its General Fund revenues just to maintain current StarTran services, which makes major projects such as facility improvements next to impossible without a one-time infusion of Federal dollars.

For several years, the bus maintenance and operations facility have not provided adequate space for the duties that must be performed there and the result has been decreased safety and efficiency. For example, none of the current stalls in the maintenance area are capable of lifting a bus any more than a few inches because of lack of overhead clearance, sloping floors prevent what should be simple maintenance functions, and narrow stalls provide insufficient workspace around the buses.

In order to correct these deficiencies, StarTran will use the Federal funds for the construction of a 15,000 square foot expansion adjacent to the current facility. This expansion would include new repair bays that would be properly sized with lift capabilities; an improved service and cleaning area; a level, safe, and more efficient work area; and a relocated tire and brake shop that will eliminate the need to perform tire work in the parking lot. These improvements would go a long way in providing the proper tools with which to maintain StarTran buses as well as a safe area for the department employees.

Mr. Chairman, this Member urges his colleagues to support H.R. 2084.

Mr. WOLF. Mr. Chairman, I yield back the balance of my time.

Mr. SABO. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time having been yielded back, pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

The amendment printed in House Report 106–196 may be offered only by a Member designated in the report and only at the appropriate point in the reading of the bill, shall be considered read and shall not be subject to amendment.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

The Clerk will read:

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes, namely:

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

IMMEDIATE OFFICE OF THE SECRETARY

For necessary expenses of the Immediate Office of the Secretary, $1,867,000.

IMMEDIATE OFFICE OF THE DEPUTY SECRETARY

For necessary expenses of the Immediate Office of the Deputy Secretary, $612,000.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, $9,000,000.

OFFICE OF THE ASSISTANT SECRETARY FOR AVIATION AND INTERNATIONAL AFFAIRS

For necessary expenses of the Office of the Assistant Secretary for Aviation and International Affairs, $7,632,000: *Provided,* That notwithstanding any other provision of law, there may be credited to this appropriation up to $1,250,000 in funds received in user fees.

OFFICE OF THE ASSISTANT SECRETARY FOR BUDGET AND PROGRAMS

For necessary expenses of the Office of the Assistant Secretary for Budget and Programs, $6,770,000, including not to exceed $40,000 for allocation within the Department for official reception and representation expenses as the Secretary may determine.

OFFICE OF THE ASSISTANT SECRETARY FOR GOVERNMENTAL AFFAIRS

For necessary expenses of the Office of the Assistant Secretary for Governmental Affairs, $2,039,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary expenses of the Office of the Assistant Secretary for Administration, $17,767,000.

OFFICE OF PUBLIC AFFAIRS

For necessary expenses of the Office of Public Affairs, $1,836,000.

EXECUTIVE SECRETARIAT

For necessary expenses of the Executive Secretariat, $1,102,000.

BOARD OF CONTRACT APPEALS

For necessary expenses of the Board of Contract Appeals, $520,000.

OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION

For necessary expenses of the Office of Small and Disadvantaged Business Utilization, $1,222,000.

OFFICE OF INTELLIGENCE AND SECURITY

For necessary expenses of the Office of Intelligence and Security, $1,454,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, $5,000,000.

OFFICE OF THE ASSISTANT SECRETARY FOR TRANSPORTATION POLICY AND INTERMODALISM

For necessary expenses of the Office of the Assistant Secretary for Transportation Policy and Intermodalism, $3,781,000.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $7,742,000.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, $2,950,000.

TRANSPORTATION ADMINISTRATIVE SERVICE CENTER

Necessary expenses for operating costs and capital outlays of the Transportation Administrative Service Center, not to exceed $157,965,000, shall be paid from appropriations made available to the Department of Transportation: *Provided,* That the preceding limitation shall not apply to activities associated with departmental Year 2000 conversion activities: *Provided further,* That such services shall be provided on a competitive basis to entities within the Department of Transportation: *Provided further,* That the above limitation on operating expenses shall not apply to non-DOT entities: *Provided further,* That no funds appropriated in this Act to an agency of the Department shall be transferred to the Transportation Administrative Service Center without the approval of the agency modal administrator: *Provided further,* That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

MINORITY BUSINESS RESOURCE CENTER

For the cost of direct loans, $1,500,000, as authorized by 49 U.S.C. 332: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further,* That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $13,775,000. In addition, for administrative expenses to carry out the direct loan program, $400,000.

MINORITY BUSINESS OUTREACH

For necessary expenses of Minority Business Resource Center outreach activities, $2,900,000, of which $2,635,000 shall remain available until September 30, 2001: *Provided,* That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

COAST GUARD

OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase of not to exceed five passenger motor vehicles for replacement only; payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and section 229(b) of the Social Security Act (42 U.S.C. 429(b)); and recreation and welfare; $2,791,000,000, of which $300,000,000 shall be available for defense-related activities; and of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund: *Provided,* That none of the funds appropriated in this or any other Act shall be available for pay or administrative expenses in connection with shipping commissioners in the United States: *Provided further,* That none of the funds provided in this Act shall be available for expenses incurred for yacht documentation under 46 U.S.C. 12109, except to the extent fees are collected from yacht owners and credited to this appropriation: *Provided further,* That the Commandant shall reduce both military and civilian employment levels for the purpose of complying with Executive Order No. 12839: *Provided further,* That up to $615,000 in user fees collected pursuant to section 1111 of Public Law 104–324 shall be credited to this appropriation as offsetting collections in fiscal year 2000: *Provided further,* That none of the funds in this Act shall be available for the Coast Guard to plan, finalize, or implement any regulation that would promulgate new maritime user fees not specifically authorized by law after the date of enactment of this Act.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, renovation, and improvement of

aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto, $410,000,000, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund; of which $205,560,000 shall be available to acquire, repair, renovate or improve vessels, small boats and related equipment, to remain available until September 30, 2004; $38,310,000 shall be available to acquire new aircraft and increase aviation capability, to remain available until September 30, 2002; $59,400,000 shall be available for other equipment, to remain available until September 30, 2002; $55,800,000 shall be available for shore facilities and aids to navigation facilities, to remain available until September 30, 2002; and $50,930,000 shall be available for personnel compensation and benefits and related costs, to remain available until September 30, 2001: *Provided*, That the Commandant may dispose of surplus real property by sale or lease and the proceeds shall be credited to this appropriation: *Provided further*, That upon initial submission to the Congress of the fiscal year 2001 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the United States Coast Guard which includes funding for each budget line item for fiscal years 2001 through 2005, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the Coast Guard's environmental compliance and restoration functions under chapter 19 of title 14, United States Code, $18,000,000, to remain available until expended.

ALTERATION OF BRIDGES

For necessary expenses for alteration or removal of obstructive bridges, $15,000,000, to remain available until expended.

RETIRED PAY

For retired pay, including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, and payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), $721,000,000.

RESERVE TRAINING

(INCLUDING TRANSFER OF FUNDS)

For all necessary expenses of the Coast Guard Reserve, as authorized by law; maintenance and operation of facilities; and supplies, equipment, and services; $72,000,000: *Provided*, That no more than $23,000,000 of funds made available under this heading may be transferred to Coast Guard ''Operating expenses'' or otherwise made available to reimburse the Coast Guard for financial support of the Coast Guard Reserve: *Provided further*, That none of the funds in this Act may be used by the Coast Guard to assess direct charges on the Coast Guard Reserves for items or activities which were not so charged during fiscal year 1997.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses, not otherwise provided for, for applied scientific research, development, test, and evaluation; maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law, $21,039,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund: *Provided*, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries, for expenses incurred for research, development, testing, and evaluation.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(AIRPORT AND AIRWAY TRUST FUND)

Notwithstanding any other provision of law, for necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, and carrying out the provisions of subchapter I of chapter 471 of title 49, United States Code, or other provisions of law authorizing the obligation of funds for similar programs of airport and airway development or improvement, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 104–264, $5,925,000,000, to be derived from the Airport and Airway Trust Fund: *Provided*, That none of the funds in this Act shall be available for the Federal Aviation Administration to plan, finalize, or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of enactment of this Act: *Provided further*, That there may be credited to this appropriation funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: *Provided further*, That of the funds appropriated under this heading, $5,000,000 shall be for the contract tower cost-sharing program and $600,000 shall be for the Centennial of Flight Commission: *Provided further*, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: *Provided further*, That none of the funds in this Act shall be available for new applicants for the second career training program: *Provided further*, That none of the funds in this Act shall be available for paying premium pay under 5 U.S.C. 5546(a) to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay: *Provided further*, That none of the funds in this Act may be obligated or expended to operate a manned auxiliary flight service station in the contiguous United States: *Provided further*, That no more than $28,600,000 of funds appropriated to the Federal Aviation Administration in this Act may be used for activities conducted by, or coordinated through, the Transportation Administrative Service Center: *Provided further*, That none of the funds in this Act for aeronautical charting and cartography are available for activities conducted by, or coordinated through, the Transportation Administrative Service Center: *Provided further*, That none of the funds in this Act may be used for the Federal Aviation Administration to enter into a multiyear lease greater than five years in length or greater than $100,000,000 in value unless such lease is specifically authorized by the Congress and appropriations have been provided to fully cover the Federal Government's contingent liabilities: *Provided further*, That none of the funds in this Act may be used for the Federal Aviation Administration (FAA) to sign a lease for satellite services related to the global positioning system (GPS) wide area augmentation system until the administrator of the FAA certifies in writing to the House and Senate Committees on Appropriations that FAA has conducted a lease versus buy analysis which indicates that such lease will result in the lowest overall cost to the agency.

□ 1200

POINTS OF ORDER

Mr. SHUSTER. Mr. Chairman, I make a point of order.

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

Mr. SHUSTER. Mr. Chairman, I rise on a point of order against the phrase ''to be derived from the Airport and Airway Trust Fund'' on page 11, line 8, through page 11, line 9 on the grounds that this is legislation on an appropriations bill in violation of clause 2 of Rule XXI of the Rules of the House.

This provision is legislation on an appropriations bill because it provides funding for FAA operations solely from the Airport and Airway Trust Fund. Funding the program entirely out of the Trust Fund has the effect of changing existing law, which precludes funding from the Trust Fund in a fiscal year unless a general fund component has been included and, therefore, constitutes legislation on an appropriations bill.

My point of order would strike the provision which makes the source of funding for FAA operations, the Airport and Aviation Trust Fund, but leaves the overall funding level for FAA operations in place. This would have the effect of making all funding provided for FAA operations from the General Fund.

Mr. Chairman, I want to strongly emphasize that it is not my intention that all FAA operations funding should come from the general fund. My goal is that the FAA operations funding should be from both the Trust Fund and the General Fund at levels consistent with the levels determined by the House last week in AIR 21. There, the House overwhelmingly, by a vote of 316-to-110, and I might add with 67 percent of the Republicans voting in favor of it, passed the bill which provided a general fund component for FAA operations. By contrast, the appropriations bill being considered today provides no general fund component at all, thereby ignoring the overwhelming will of the House just last week.

However, I would certainly acknowledge that it ultimately would be irresponsible to eliminate all funding for FAA operations, which would mean no funding for important services such as flight safety inspectors and the air traffic control system.

I had intended to cure this problem of having all FAA operation funding coming from the general fund by offering an amendment to restore the levels of Trust Fund and General Fund spending for FAA operations to the levels

that were overwhelmingly approved by this House last week in AIR 21. Unfortunately, my friends on the Appropriations Committee objected to making this amendment in order, even though the House had overwhelmingly expressed its will just last week.

I regret having to take this action, and I still would be amenable to agreeing on an amendment that would restore the balance between General Fund spending and Trust Fund spending, if my friends on the Appropriations Committee would be interested in doing this. I again emphasize, it is not my intention to have to do this, I regret having to do it. I had an amendment to cure it which was not made in order by the Committee on Rules, and I regret that as well.

So it leaves me no recourse but to object on this point of order.

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

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

Mr. COBURN. Mr. Chairman, I make a point of order against provisions of the bill and would request that the point of order that the gentleman from Pennsylvania (Mr. SHUSTER) just made be expanded to include starting on page 10, line 17 and include through page 13, line 13.

The Federal Aviation Administration operations are unauthorized. They have never been authorized by this Congress and, therefore, are in violation of clause 2, rule XXI prohibiting the expenditure of funds for programs not authorized by law.

Mr. Chairman, I ask for a ruling of the Chair.

The CHAIRMAN. Is there any other Member who wishes to be heard on the point of order?

Mr. WOLF. Mr. Chairman, we concede the point of order.

The CHAIRMAN. The Chair is then prepared to rule on the points of order.

The language identified by the point of order provides that the amendment appropriated in the pending paragraph be derived from the Airport and Airway Trust Fund. In the absence of any provision of existing law to support the inclusion of that language in a general appropriation bill, the language constitutes legislation in violation of clause 2 of Rule XXI.

The point of order is sustained.

In response to the point of order of the gentleman from Oklahoma (Mr. COBURN), the entire paragraph from line 17 on page 10 through line 13 on page 13 is stricken from the bill unauthorized.

Are there any amendments to this portion of the bill?

The Clerk will read.

The Clerk read as follows:

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

Notwithstanding any other provision of law, for necessary expenses, not otherwise provided for, for acquisition, establishment, and improvement by contract or purchase, and hire of air navigation and experimental facilities and equipment as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; and construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this head; to be derived from the Airport and Airway Trust Fund, $2,200,000,000, of which $1,917,000,000 shall remain available until September 30, 2002, and of which $283,000,000 shall remain available until September 30, 2000: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities: *Provided further*, That upon initial submission to the Congress of the fiscal year 2001 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2001 through 2005, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget: *Provided further*, That none of the funds in this Act may be used for the Federal Aviation Administration to enter into a capital lease agreement unless appropriations have been provided to fully cover the Federal Government's contingent liabilities at the time the lease agreement is signed.

POINT OF ORDER

Mr. SHUSTER. Mr. Chairman, I make a point of order.

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

Mr. SHUSTER. Mr. Chairman, I rise to a point of order against the phrase ''notwithstanding any other provision of law'' on page 13, line 16, on the grounds that it is legislation on an appropriations bill and violates clause 2 of Rule XXI of the Rules of the House.

This phrase has long been recognized as legislative in nature and has the effect of waiving all other legislative constraints on the provision of funds for FAA facilities and equipment.

I would emphasize, Mr. Chairman, that there are approximately 35 legislative provisions in this appropriations bill. We were not consulted on any of them. Had we been, we might have been able to work out many of these points. Nevertheless, we will not be objecting to a majority of these legislative provisions, even though we were not consulted on them. Indeed, had we been consulted, I believe we could have worked out many of them.

So I insist upon my point of order on this particular matter at this time.

Mr. WOLF. Mr. Chairman, we concede the point of order.

The CHAIRMAN. The point of order is conceded and sustained, and the described language is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

Notwithstanding any other provision of law, for necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, $173,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2002: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for research, engineering, and development.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(AIRPORT AND AIRWAY TRUST FUND)

Notwithstanding any other provision of law, for liquidation of obligations incurred for grants-in-aid for airport planning and development, and for noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations, $1,867,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the obligations for which are in excess of $2,250,000,000 in fiscal year 2000 for grants-in-aid for airport planning and development, and noise compatibility planning and programs, notwithstanding section 47117(h) of title 49, United States Code.

POINT OF ORDER

Mr. SHUSTER. Mr. Chairman, I make a point of order.

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

Mr. SHUSTER: Mr. Chairman, I rise to a point of order against the phrase, ''notwithstanding any other provision of law'' on page 15, line 20 on the grounds that it is legislation on an appropriations bill and violates clause 2 of Rule XXI of the rules of the House.

This phrase has long been recognized as legislative in nature and has the effect of waiving all legislative constraints on the provision of liquidating cash from the airport and airways Trust Fund for aviation improvement program grants.

Mr. WOLF. Mr. Chairman, we concede the point of order.

The CHAIRMAN. The point of order is conceded and sustained, and the described language is stricken from the bill.

Mr. SHUSTER. Some have argued that the TEA–21 highway and transit firewalls somehow have caused the appropriators to underfund other discretionary spending. This is false. The truth is that TEA–21 provided more, not less, funds for remaining discretionary appropriations.

First, all the increased spending for the highway and transit firewalls was fully reflected in the firewalls and fully offset by other saving provisions in TEA–21.

Second, the current, overall discretionary spending caps were only adjusted downward by the amount of highway and transit spending provided in 1998.

In other words, existing discretionary spending was not reduced by the amount of firewall

spending, but rather by the amount that the appropriations had previously provided for FY 1998.

Third, there is no longer any pressure on the existing discretionary spending caps to fund increased highway trust fund spending.

Without a doubt, if these new highway and transit firewalls had not been created, there would have been inordinate pressure within the existing caps to increase trust fund spending above FY 1998 levels.

Fourth, because of differences in CBO's and OMB's scoring of the discretionary cap adjustments an extra $900 million of outlays was added to the Appropriations Committee's 302 allocation for FY 1999.

Over the next five years, the effect of this adjustment is between $4 and $5 billion.

The fact is that TEA–21 made more funds available for remaining discretionary programs. If certain non-firewall transportation programs remain underfunded, the cause is not TEA–21, but rather decisions by the appropriators to spend the money elsewhere.

Finally, the argument that other transportation programs are underfunded because the appropriators cannot reduce firewalled spending to increase other, general fund programs has already been rejected by the Congress and the President.

The sole purpose of the firewalls—which I remain my colleagues was a compromise from the House position of taking the highway trust fund off-budget—was to guarantee that future gasoline taxes are spent for their intended purposes.

TEA–21 settled for once and for all that this Congress will no longer continue the charade of masking the size of general fund spending through raiding the Highway Trust Fund.

AMENDMENT OFFERED BY MR. YOUNG OF FLORIDA.

Mr. YOUNG of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. YOUNG of Florida:

Page 16, after line 8, insert the following:

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the obligated balances authorized under section 48103 of title 49, United States Code, $300,000,000 are rescinded.

Mr. YOUNG of Florida. Mr. Chairman, this is an amendment that is authorized by the rule and it is an amendment to reduce the unobligated balances in the FAA airport improvement program by $300 million. Because of a limitation on obligations, most of these funds would not be obligated over the next year, so we estimate that the impact on the program will be relatively minor.

The obligation limitation in the bill for fiscal year 2000 will remain at $2.25 billion, which we believe will provide adequately for our Nation's airports.

Mr. Chairman, this bill is a good bill, and it has been worked out by the subcommittee and the full committee to bring to the floor under a pretty good bipartisan agreement. But we were able to reduce this $300 million without having a severe impact on the programs.

Now, this bill, because of the T–21 program, has been stripped of a lot of its ability to fund other transportation projects. In this bill, some of those other transportation projects are Amtrak, which is funded at only $570 million, but the United States Coast Guard, which was funded at approximately $4 billion.

Now, in an attempt to reduce the overall cost of this bill, we could have gone to Amtrak. But to arrive at a number that we thought we should arrive at, we would have to basically wipe out Amtrak, and I do not think that most of the Members of the House want to do that.

In addition, we could go deeply into the Coast Guard budget, but the Coast Guard budget is already inadequate, and it is recognized by this bill that it is inadequate by assuming that part of the Coast Guard funding will be taken up by another subcommittee.

Now, that has happened in the past, and we have done that, and we have done it fairly successfully. But what the Members need to know is that the Coast Guard as it went to war in Kosovo, and regardless of where that war stands today, the Coast Guard went to war. They were there. They sent three ships. They did not get any extra money in the supplemental that we provided for the other services, except to bring their pay raise situation into line with the other uniformed military services.

Mr. Chairman, we cannot afford to be cutting into the Coast Guard's ability to do search and rescue missions. We cannot afford to cut into the Coast Guard's ability to do drug interdiction. We cannot afford to cut into the Coast Guard's ability to do port security and other responsibilities they have with seaports, not only in the United States, but in other parts of the world. So in order to get to the level that we thought was more acceptable to the House, we offer this amendment, $300 million. And the $300 million is just coming out of funds that are not going to be obligated over the next year anyway for the most part.

So I would suggest to my colleagues that this is a good amendment. This makes this good bill even better, and I would hope that the Members would be willing to accept this amendment and move on to further consideration of the bill.

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

Mr. Chairman, I would agree with my friend that this is a good bill; while I do not think anybody would agree with every sentence in it, I agree it is a good bill. I support the bill.

Further, I would say that my good friend, the gentleman from Florida (Mr. YOUNG) and his people did consult with us on this particular amendment and we agree with him, even though this is legislation on an appropriations bill, we do agree with him on this, and so we support him in this effort.

I also must add that with regard to T–21, T–21 took absolutely no money from Amtrak. T–21 took absolutely no money from the Coast Guard. T–21 funding was all offset, even the general portion part of it. So I would respectfully say it is a red herring to talk in terms of T–21 being a culprit in terms of causing limited funding for other provisions.

That having been said as an aside, I come back to the main issue here which is the amendment which is before us. I thank the gentleman for consulting with us on this amendment. We agree with him, and we support his amendment.

□ 1215

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

Mr. Chairman, this is one of these amendments and one of these proposals we seem to have seen regularly this session, like we had on the emergency supplemental. It is a pretend that we are cutting when in fact we are not.

The amendment really does not do any damage to the bill, because it does not cut any money that we were planning to spend in the year 2000. It does not provide any outlay savings. It does not complicate the AIP program through August 6. I assume that program will eventually be extended, at which point new contract authority will be given to fund it throughout the balance of the fiscal year.

So it is one of these amendments, if it makes someone feel good, I guess that is a plus. But it is also one of our pretend schemes which really is not doing anything.

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

Mr. Chairman, this bill was developed by an appropriations subcommittee in an attempt to represent all of the elements of the House. After months of hearings and weeks of negotiations, that subcommittee was able to produce a bipartisan product. Nobody got what they wanted, but it was a reasonable compromise.

Now, once again, we are faced with the fact that the chairman of the committee has been forced to unilaterally attempt to alter a bill which had been put together originally in a bipartisan manner.

We have seen the chairman come to the floor and amend the agriculture bill. We have seen the chairman come to the floor and amend the legislative branch bill. In his defense, he is not doing that because he wants to start a fight. He has done it because he has been instructed, apparently by his leadership, to change the funding level in these bills in order to satisfy a hardline element within the caucus of the majority party.

They have a perfect right to do that if they want, but I think we need to really lay out what the reality is. We are being asked to believe that somehow, because of the tiny cut that was made in the legislative appropriations bill and the tiny cut that was made in the agriculture bill and now the tiny

cut which is being offered in this bill, that somehow some progress is being made by this Congress in reaching or in producing appropriation bills which will be passable and signable by the President.

In fact, that is not the case at all. This chart shows what I mean. Because the majority party has made a decision to increase the military budget by about $19 billion, the fact is that they have produced cuts on the domestic side of the ledger in their 302 allocations, as they are known in the budget. They have produced cuts which total almost $40 billion below last year's budget, adjusted for inflation.

We are being asked to believe that these bills are going to be made passable by the tiny cuts that were made in the legislative branch, the agriculture branch, and now this bill today, when in fact if we total up all the cuts made so far by the majority party in response to the demands of the hardliners and their caucus, this is all that we fill up the thermometer with.

As we can see, the amount of money represented by those cuts is so small it is virtually impossible to see unless one is standing next to it, as I am. So we are being asked to believe that this amendment today will actually contribute in any meaningful way to savings, and in fact it does not.

The fact is that the majority party and elements in this caucus can continue to deny that they are in denial if they want, but the fact is that in order to be able to pass all 13 appropriation bills, they are going to have to do something besides pretending that these tiny little cuts will fill up this bottle, in the end.

The fact is that this House is not going to vote for a labor-health-education appropriation bill which is $10 to $12 billion below last year's level in terms of current services. This House is not going to vote for funding for EPA and HUD and veterans benefits. They are not going to vote for a bill which takes those programs down $6 billion to $8 billion below current services.

So we are going to continue to come out here with these tiny little amendments pretending that some progress is being made, when in fact the gap between the rhetoric and the reality is the gap between the top level of this little amount of red in the bottom of the thermometer up to the top of the thermometer.

When the Majority gets real, when you get into this range, let us know. Until then, there is not a whole lot that the minority can do to help the other side.

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

Mr. Chairman, I think it is very important that the American public know that every Member of this House voted for a budget resolution that would not touch social security money. Only two Members of this House voted for the President's budget, which said that we have to spend some social security money.

Having said that, to me actually the savings thus far are $170 million. To most people in Oklahoma and the rest of the country, $170 million saved is a lot of money. I know it is not here in Washington, but to those who are actually paying the taxes, $170 million is a lot of money.

I think we as a House have to tell the American public either we meant what we said when we voted on our respective budgets that we would not spend social security money, and I would note for the RECORD that the gentleman from Minnesota (Mr. SABO) did in fact vote for his party's budget and did not vote for the President's budget; that in fact, then, if Members say something, i.e., we are not going to spend social security money, regardless of how hard it is and regardless of how tough a job it is, that we ought to make every effort in good faith to try to do that.

The gentleman makes some real points. I would tend to agree with him. I do not think we will pass a bill in Labor-HHS with those kinds of cuts. But I think it is entirely possible that we can pass a Labor-HHS bill that has $700 million or $800 million or $900 million less because we are obligated to do that, recognizing that any money that we spend above our level target of $438 billion will in fact come from social security money.

Mr. Chairman, the gentleman has great experience in the appropriations process. I understand that. But I also understand that it is time for us to do what we say we are going to do. That means honoring our commitment and making sure that when we vote for something, we mean it.

It is fine if we all want to disavow the votes on the budgets, the respective votes on the budgets. I do not intend to do that. Yes, I am part of that portion of the Republican conference that, number one, believes that the government is too big; number two, believes if we tell people we are not going to spend social security, we should not do it, and which should die trying not to spend their money. We can do that.

This amendment that is before us will delay the expenditure of money. No, it does not save any money right now, but it will delay the spending of the money. In Washington, if we can delay spending money, we may be able to get better at not spending it.

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

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

Mr. OBEY. I thank the gentleman for yielding, Mr. Chairman. Just three points, Mr. Chairman.

First, I am not from Minnesota. The gentleman from Minnesota (Mr. SABO) is from Minnesota.

Secondly, it was not this Member that voted for the Republican proposition to move $19 billion out of domestic funds into the military budget. That has nothing whatsoever to do with saving money for social security, it has a lot to do with priorities.

Thirdly, I would simply make the point, the gentleman has misstated my votes. He has said that I had voted for the Democratic alternative on the budget. The fact is that when we voted, I took the well of the floor and I stated that I voted for that amendment only as a substitute for the Republican amendment, but that I would vote against both on final passage because I felt that neither reflected reality. I still feel that way.

Mr. COBURN. I thank the gentleman. I stand corrected.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

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

Mr. YOUNG of Florida. I thank the gentleman for yielding.

Mr. Chairman, I want to agree with what the gentleman from Wisconsin (Mr. OBEY) said and what the gentleman from Oklahoma (Mr. COBURN) said and just make one further comment on the chart of the gentleman from Wisconsin.

There is another number that should have been on there. That is the agreed-upon budget as established in 1997, which would be $17 billion below the lowest number that the chart of the gentleman from Wisconsin (Mr. OBEY) showed.

Whether we like it or not, everybody has pretty much signed off on that number. That is the number we are working to, and not to the $25 billion or the other.

Mr. COBURN. Reclaiming my time, Mr. Chairman, there are three principles.

One is that almost every Member of the House, and in one way or another every Member of the House, has cast a vote to not spend social security money.

Number two, we do have a 1997 budget agreement that is law that the President has already said he is not going to follow, but that does not mean we should not.

Number three, one of our obligations as Members of this body is to rebuild confidence in it, not to tear it down. If we say we are not going to touch social security money, then we ought to make the effort.

Finally, I would say $170 million is not much. We have a long ways to go. But the assumption we are going to pass a bill that has $19 billion in increased defense spending, I do not think that is a true assumption.

So I am willing to work with anybody that will help me fund Labor-HHS adequately.

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

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

Mr. COBURN. Mr. Chairman, I am willing to work with anyone that will

help us fund veterans affairs appropriately, that will help us make appropriate judgments in all the other areas where we are worried about the balances and the targets that have been set.

One of the ways to do that is to make sure we do not spend money in these early bills that we do not have to. If we can take $300 million or $570 million, which is my goal for this bill, and move towards it, that is a half a billion.

In Oklahoma half a billion dollars is a lot of money.

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

(On request of Mr. OBEY, and by unanimous consent, Mr. COBURN was allowed to proceed for 30 additional seconds.)

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

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

Mr. OBEY. Mr. Chairman, I would simply say that the idea that somehow social security is going to be saved because out of a gap of anywhere from $25 billion to $35 billion these cuts are going to save the grand total of almost $300 million is patently preposterous. That does not begin to save either social security or provide a rational balance of priorities within accounts in the appropriation bill.

So I would simply suggest this debate has nothing to do with social security. It has a whole lot to do with spending priorities.

I would also add, in disagreement with the gentleman from Florida, not all of us did sign onto that budget deal 2 years ago. At the time I called it a giant ''Public Fib,'' and I still regard it as being such, as the numbers in that chart demonstrate.

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

Mr. Chairman, just a couple of points. Mr. Chairman, with regard to this amendment, this $300 million reduction is a cut in budget authority currently available to the FAA.

Just a few minutes ago, or now probably a half-hour ago, the CBO reaffirmed to the staff that this bill will result in savings. Apparently others have raised technical points over the last days as to what CBO has considered but CBO does not find these agreements convincing.

Certainly this amendment is less painful, as the gentleman from Florida (Mr. YOUNG) than cuts to the Coast Guard drug interdiction, which both sides want; the FAA, and other programs. This is precisely the responsible action to take.

Let me just say one other thing that I just thought of when I was listening to the gentleman from Oklahoma (Mr. COBURN). I think this is all going to work out.

I did not support the amendments that the gentleman offered to the agriculture bill, but I think I would be less than honest if I did not say that the gentleman has been courageous and has come here to propose and to argue for his point of view. Everyone ought to have the ability to come here and make their case. He has made his case I think in a fair, fair way. I did not vote that way. But I think this process has come together. I think he has actually been helpful on this bill.

I think the gentleman from Florida (Mr. YOUNG) has been very, very faithful in trying to keep to the numbers. I think it will come together with the other side of the aisle whereby we can pass these appropriation bills, spending as little as possible, with integrity and faithfulness to the American people, recognizing the difference in views that we may have. The gentleman from Florida (Mr. YOUNG) is committed to doing that just as the gentleman from Oklahoma (Mr. COBURN) is.

□ 1230

It takes a lot of courage to kind of do what the gentleman from Oklahoma (Mr. COBURN) has done. Although I have not, and he knows that I have not, agreed, there is a great quote, and I do not have it with me, but I use it in speeches that I give. It was a quote by Bobby Kennedy that he gave in South Africa to a group of students in 1966. It is a profound speech that moves me every time that I read it, where he talks about moral courage and timidity and to brave the censure of your colleagues. The gentleman from Oklahoma (Mr. COBURN) has done that. Again, I feel an obligation to say I did not vote for those amendments, but one has to respect that, and one has to admire that.

I respect the gentleman from Florida (Mr. YOUNG) in what he is doing. I hope that we can work together to pass bills in a way in which we all can be proud.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. YOUNG).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Necessary expenses for administration and operation of the Federal Highway Administration, not to exceed $356,380,000, shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration together with advances and reimbursements received by the Federal Highway Administration: *Provided,* That $70,484,000 shall be available to carry out the functions and operations of the office of motor carriers.

LIMITATION ON TRANSPORTATION RESEARCH

Necessary expenses for transportation research of the Federal Highway Administration, not to exceed $422,450,000 shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration: *Provided,* That this limitation shall not apply to any authority previously made available for obligation.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $27,701,350,000 for Federal-aid highways and highway safety construction programs for fiscal year 2000.

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

I yield to the gentleman from Maine (Mr. BALDACCI) for the purpose of a colloquy.

Mr. BALDACCI. Mr. Chairman, I thank the gentleman from Minnesota (Mr. SABO) for yielding to me, and I thank him for extending this courtesy.

Mr. Chairman, we have an unusual situation in Maine where the weight limit on trucks that are traveling through Maine is much lower than it is in the surrounding States and in the provinces in Canada.

Presently in the surrounding States, in New Hampshire, New York, and Massachusetts and in Eastern Canada and the provinces is in excess of 100,000 pound trucks. In the State of Maine, because of the Federal Highway Administration and a weight limitation of 80,000 pounds on the interstate system, it has forced the State of Maine trucks and the trucks coming in from the surrounding communities to have to go on State and local roads.

This has created a tremendous safety problem on our roads. We have had deaths and tragedies and accidents because of these heavy trucks being forced to use State and local roads because of these inequities and those exemptions that have been given around Maine and through the provinces.

I solicit the help and want to work together with the gentleman from Minnesota (Mr. SABO) to see if we can look into this and try to resolve this in a fair and equitable manner.

Mr. SABO. Mr. Chairman, I thank the gentleman from Maine for his presentation. It is a new problem, and we will try and work with the gentleman in the future.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FEDERAL-AID HIGHWAYS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for carrying out the provisions of title 23, U.S.C., that are attributable to Federal-aid highways, including the National Scenic and Recreational Highway as authorized by 23 U.S.C. 148, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C. 308, $26,125,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund, to remain available until expended.

POINT OF ORDER

Mr. SHUSTER. Mr. Chairman, I rise on a point of order against the phrase ''notwithstanding any other provision of law'' on page 17, line 14 on the grounds that it is legislation on an appropriations bill and violates clause 2 of rule XXI of the rules of the House.

This phrase has long been recognized as legislative in nature and has the effect of waiving all legislative constraints on the provisions of liquidating cash from the highway trust

fund for the Federal Aid Highway Program.

Mr. WOLF. Mr. Chairman, we concede the point of order.

The CHAIRMAN. The point of order is conceded and sustained, and the described language is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out 49 U.S.C. 31102, $105,000,000, to be derived from the Highway Trust Fund and to remain available until expended: *Provided,* That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $105,000,000 for ''Motor Carrier Safety Grants''.

POINT OF ORDER

Mr. SHUSTER. Mr. Chairman, I rise on a point of order against the phrase ''notwithstanding any other provision of law'' at page 18, line 4 on the same grounds that I have previously stated.

Mr. WOLF. Mr. Chairman, we concede the point of order.

The CHAIRMAN. The point of order is conceded and sustained, and the described language is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety under chapter 301 of title 49, U.S.C., and part C of subtitle VI of title 49, U.S.C., $87,400,000 of which $62,928,000 shall remain available until September 30, 2002: *Provided,* That none of the funds appropriated by this Act may be obligated or expended to plan, finalize, or implement any rulemaking to add to section 575.104 of title 49 of the Code of Federal Regulations any requirement pertaining to a grading standard that is different from the three grading standards (treadwear, traction, and temperature resistance) already in effect.

OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, to remain available until expended, $72,000,000, to be derived from the Highway Trust Fund: *Provided,* That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2000 are in excess of $72,000,000 for programs authorized under 23 U.S.C. 403.

POINT OF ORDER

Mr. SHUSTER. Mr. Chairman, I rise on a point of order against the phrase ''notwithstanding any provision of law'' on page 19, line 5 on the same grounds that I have previously stated.

Mr. WOLF. Mr. Chairman, we concede the point of order.

The CHAIRMAN. The point of order is conceded and sustained, and the described language is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

NATIONAL DRIVER REGISTER

(HIGHWAY TRUST FUND)

For expenses necessary to discharge the functions of the Secretary with respect to the National Driver Register under chapter 303 of title 49, United States Code, $2,000,000, to be derived from the Highway Trust Fund and to remain available until expended.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402, 405, 410, and 411, to remain available until expended, $206,800,000, to be derived from the Highway Trust Fund: *Provided,* That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2000, are in excess of $206,800,000 for programs authorized under 23 U.S.C. 402, 405, 410, and 411, of which $152,800,000 shall be for ''Highway Safety Programs'' under 23 U.S.C. 402, $10,000,000 shall be for ''Occupant Protection Incentive Grants'' under 23 U.S.C. 405, $36,000,000 shall be for ''Alcohol-Impaired Driving Countermeasures Grants'' under 23 U.S.C. 410, $8,000,000 shall be for the ''State Highway Safety Data Grants'' under 23 U.S.C. 411: *Provided further,* That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local, or private buildings or structures: *Provided further,* That not to exceed $7,500,000 of the funds made available for section 402, not to exceed $500,000 of the funds made available for section 405, not to exceed $1,750,000 of the funds made available for section 410, and not to exceed $223,000 of the funds made available for section 411 shall be available to NHTSA for administering highway safety grants under Chapter 4 of title 23, U.S.C.: *Provided further,* That not to exceed $500,000 of the funds made available for section 410 ''Alcohol-Impaired Driving Countermeasures Grants'' shall be available for technical assistance to the States.

POINT OF ORDER

Mr. SHUSTER. Mr. Chairman, I rise on a point of order against the phrase ''notwithstanding any other provision of law'' on page 19, line 25 on the same grounds that I have previously stated.

Mr. WOLF. Mr. Chairman, we concede the point of order.

The CHAIRMAN. The point of order is conceded and sustained, and the described language is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

FEDERAL RAILROAD ADMINISTRATION

SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $94,448,000, of which $6,800,000 shall remain available until expended: *Provided,* That, as part of the Washington Union Station transaction in which the Secretary assumed the first deed of trust on the property and, where the Union Station Redevelopment Corporation or any successor is obligated to make payments on such deed of trust on the Secretary's behalf, including payments on and after September 30, 1988, the Secretary is authorized to receive such payments directly from the Union Station Redevelopment Corporation, credit them to the appropriation charged for the first deed of trust, and make payments on the first deed of trust with those funds: *Provided further,* That such additional sums as may be necessary for payment on the first deed of trust may be advanced by the Administrator from unobligated balances available to the Federal Railroad Administration, to be reimbursed from payments received from the Union Station Redevelopment Corporation.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, $21,300,000, to remain available until expended.

RAILROAD REHABILITATION AND IMPROVEMENT PROGRAM

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: *Provided,* That pursuant to section 502 of such Act, as amended, no new direct loans or loan guarantee commitments shall be made using Federal funds for the credit risk premium during fiscal year 2000.

NEXT GENERATION HIGH-SPEED RAIL

For necessary expenses for the Next Generation High-Speed Rail program as authorized under 49 United States Code sections 26101 and 26102, $22,000,000, to remain available until expended.

RHODE ISLAND RAIL DEVELOPMENT

For the costs associated with construction of a third track on the Northeast Corridor between Davisville and Central Falls, Rhode Island, with sufficient clearance to accommodate double stack freight cars, $10,000,000, to be matched by the State of Rhode Island or its designee on a dollar-for-dollar basis and to remain available until expended.

CAPITAL GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

For necessary expenses of capital improvements of the National Railroad Passenger Corporation as authorized by 49 U.S.C. 24104(a), $570,976,000 to remain available until expended: *Provided,* That the Secretary shall not obligate more than $228,400,000 prior to September 30, 2000.

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, $12,000,000: *Provided,* That no more than $60,000,000 of budget authority shall be available for these purposes: *Provided further,* That of the funds in this Act available for the execution of contracts under section 5327(c) of title 49, United States Code, $800,000 shall be transferred to the Department of Transportation Inspector General for costs associated with the audit and review of new fixed guideway systems.

FORMULA GRANTS

For necessary expenses to carry out 49 U.S.C. 5307, 5308, 5310, 5311, 5327, and section 3038 of Public Law 105–178, $619,600,000, to remain available until expended: *Provided,* That no more than $3,098,000,000 of budget authority shall be available for these purposes.

UNIVERSITY TRANSPORTATION RESEARCH

For necessary expenses to carry out 49 U.S.C. 5505, $1,200,000, to remain available

until expended: *Provided,* That no more than $6,000,000 of budget authority shall be available for these purposes.

TRANSIT PLANNING AND RESEARCH

For necessary expenses to carry out 49 U.S.C. 5303, 5304, 5305, 5311(b)(2), 5312, 5313(a), 5314, 5315, and 5322, $21,000,000, to remain available until expended: *Provided,* That no more than $107,000,000 of budget authority shall be available for these purposes: *Provided further,* That $5,250,000 is available to provide rural transportation assistance (49 U.S.C. 5311(b)(2)); $4,000,000 is available to carry out programs under the National Transit Institute (49 U.S.C. 5315); $8,250,000 is available to carry out transit cooperative research programs (49 U.S.C. 5313(a)); $49,632,000 is available for metropolitan planning (49 U.S.C. 5303, 5304, and 5305); $10,368,000 is available for state planning (49 U.S.C. 5313(b)); and $29,500,000 is available for the national planning and research program (49 U.S.C. 5314).

TRUST FUND SHARE OF EXPENSES

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out 49 U.S.C. 5303–5308, 5310–5315, 5317(b), 5322, 5327, 5334, 5505, and sections 3037 and 3038 of Public Law 105–178, $4,638,000,000, to remain available until expended, and to be derived from the Mass Transit Account of the Highway Trust Fund: *Provided,* That $2,478,400,000 shall be paid to the Federal Transit Administration's formula grants account: *Provided further,* That $86,000,000 shall be paid to the Federal Transit Administration's transit planning and research account: *Provided further,* That $48,000,000 shall be paid to the Federal Transit Administration's administrative expenses account: *Provided further,* That $4,800,000 shall be paid to the Federal Transit Administration's university transportation research account: *Provided further,* That $60,000,000 shall be paid to the Federal Transit Administration's job access and reverse commute grants program: *Provided further,* That $1,960,800,000 shall be paid to the Federal Transit Administration's Capital Investment Grants account.

POINT OF ORDER

Mr. SHUSTER. Mr. Chairman, I rise on a point of order against the phrase ''notwithstanding any other provision of law'' on page 25, line 9 on the same grounds that I have previously stated.

Mr. WOLF. Mr. Chairman, I concede the point of order.

The CHAIRMAN. The point of order is conceded and sustained, and the described language is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

CAPITAL INVESTMENT GRANTS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out 49 U.S.C. 5308, 5309, 5318, and 5327, $490,200,000, to remain available until expended: *Provided,* That no more than $2,451,000,000 of budget authority shall be available for these purposes: *Provided further,* That there shall be available for fixed guideway modernization, $980,400,000; there shall be available for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities, $490,200,000; and there shall be available for new fixed guideway systems, $980,400,000, to be available as follows:

$10,400,000 for Alaska or Hawaii ferry projects;

$45,142,000 for the Atlanta, Georgia, North line extension project;

$5,000,000 for the Baltimore central LRT double track project;

$4,000,000 for the Canton-Akron-Cleveland commuter rail project;

$3,000,000 for the Charlotte, North Carolina, north-south corridor transitway project;

$25,000,000 for the Chicago METRA commuter rail project;

$2,000,000 for the Chicago Transit Authority Douglas branch line project;

$2,000,000 for the Chicago Transit Authority Ravenswood branch line project;

$2,000,000 for the Cincinnati northeast/northern Kentucky corridor project;

$2,000,000 for the Clark County, Nevada, fixed guideway project;

$1,000,000 for the Cleveland Euclid corridor improvement project;

$1,000,000 for the Colorado Roaring Fork Valley project;

$35,000,000 for the Dallas north central light rail extension project;

$1,000,000 for the Dayton, Ohio, light rail study;

$35,000,000 for the Denver Southwest corridor project;

$25,000,000 for the Dulles corridor project;

$12,000,000 for the Fort Lauderdale, Florida Tri-County commuter rail project;

$4,000,000 for the Houston advanced transit program;

$52,770,000 for the Houston regional bus project;

$1,000,000 for the Johnson County, Kansas, I–35 commuter rail project;

$1,000,000 for the Kenosha-Racine-Milwaukee rail extension project;

$4,000,000 for the Long Island Railroad East Side access project;

$5,000,000 for the Los Angeles Mid-City and East side corridors projects;

$50,000,000 for the Los Angeles North Hollywood extension project;

$1,000,000 for the Los Angeles-San Diego LOSSAN corridor project;

$703,000 for the MARC commuter rail project;

$1,000,000 for the Massachusetts North Shore corridor project;

$5,000,000 for the Memphis, Tennessee, Medical Center rail extension project;

$3,000,000 for the Miami-Dade Transit east-west multimodal corridor project;

$3,000,000 for the Miami-Dade Transit North 27th corridor project;

$1,000,000 for the Nashville, Tennessee, commuter rail project;

$99,000,000 for the New Jersey Hudson Bergen project;

$2,000,000 for the New Orleans Canal Street corridor project;

$6,000,000 for the Newark rail link MOS–1 project;

$1,000,000 for the Norfolk-Virginia Beach corridor project;

$4,000,000 for the Northern Indiana south shore commuter rail project;

$2,000,000 for the Oceanside-Escondido, California light rail system;

$5,000,000 for Olympic transportation infrastructure investments: *Provided,* That these funds shall be allocated by the Secretary based on the approved transportation management plan for the Salt Lake City 2002 Winter Olympic Games: *Provided further,* That none of these funds shall be made available for the Salt Lake City west-east light rail project, any segment thereof, or a downtown connector in Salt Lake City, Utah;

$1,000,000 for the Orange County, California, transitway project;

$20,000,000 for the Orlando Lynx light rail project (phase 1);

$1,000,000 for the Philadelphia-Reading SETPA Schuylkill Valley metro project;

$7,000,000 for the Phoenix metropolitan area transit project;

$3,000,000 for the Pinellas County, Florida, mobility initiative project;

$11,062,000 for the Portland Westside light rail transit project;

$2,000,000 for the Puget Sound RTA Link light rail project;

$12,000,000 for the Puget Sound RTA Sounder commuter rail project;

$12,000,000 for the Raleigh-Durham-Chapel Hill Triangle transit project;

$25,000,000 for the Sacramento south corridor LRT project;

$1,000,000 for the San Bernardino, California Metrolink project;

$7,000,000 for the San Diego Mid Coast corridor project;

$23,000,000 for the San Diego Mission Valley East light rail transit project;

$84,000,000 for the San Francisco BART extension to the airport project;

$20,000,000 for the San Jose Tasman West light rail project;

$82,000,000 for the San Juan Tren Urbano project;

$53,962,000 for the South Boston piers transitway;

$1,000,000 for the South DeKalb-Lindbergh, Georgia, corridor project;

$3,000,000 for the Spokane, Washington, South Valley corridor light rail project;

$3,000,000 for the St. Louis, Missouri, MetroLink cross county corridor project;

$50,000,000 for the St. Louis-St. Clair County MetroLink light rail (phase II) extension project;

$1,000,000 for the Tampa Bay regional rail project;

$5,433,000 for the Twin Cities Transitways projects;

$46,000,000 for the Twin Cities Transitways—Hiawatha corridor project;

$37,928,000 for the Utah north/south light rail project;

$2,000,000 for the Virginia Railway Express Woodbridge station improvements project;

$1,000,000 for the West Trenton, New Jersey, rail project; and

$3,000,000 for the Whitehall terminal reconstruction project.

DISCRETIONARY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of previous obligations incurred in carrying out 49 U.S.C. 5338(b), $1,500,000,000, to remain available until expended and to be derived from the Mass Transit Account of the Highway Trust Fund.

POINT OF ORDER

Mr. SHUSTER. Mr. Chairman, I rise on a point of order against the phrase ''notwithstanding any other provision of law'' on page 32, line 8 on the same grounds that I have previously stated.

Mr. WOLF. Mr. Chairman, we concede the point of order.

The CHAIRMAN. The point of order is conceded and sustained, and the described language is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

JOB ACCESS AND REVERSE COMMUTE GRANTS

For necessary expenses to carry out section 3037 of the Federal Transit Act of 1998, $15,000,000, to remain available until expended: *Provided,* That no more than $75,000,000 of budget authority shall be available for these purposes.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operations and maintenance of those portions of the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation, $12,042,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

RESEARCH AND SPECIAL PROGRAMS

For expenses necessary to discharge the functions of the Research and Special Programs Administration, $32,361,000, of which $645,000 shall be derived from the Pipeline Safety Fund, and of which $3,704,000 shall remain available until September 30, 2002: *Provided*, That up to $1,200,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: *Provided further*, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

Mr. CHAMBLISS. Mr. Chairman, I move to strike the last word. I do so for the purpose of engaging in a colloquy with the gentleman from Virginia (Chairman WOLF).

Mr. Chairman, I understand that the gentleman from Virginia (Chairman WOLF) is concerned, as we all are, with the effects of peanut allergies on individuals who fly on our Nation's airlines, as well as for other reasons.

As the gentleman knows, included in the 1999 Omnibus Appropriations bill was language to ban the Department of Transportation from implementing peanut-free buffer zones on airlines without the Department first conducting a study on peanut allergies. In fact, in Fiscal Year 2000's Agriculture, Rural Development, Food and Drug Administration Appropriations bill, $300,000 was earmarked for the peanut industry to conduct research to find a vaccination for peanut allergies and eliminate the allergy that is contained in the peanut.

I ask the gentleman from Virginia (Chairman WOLF), is it true that the language included in the omnibus bill was a change to permanent law and does not need to be addressed again this year?

Mr. Chairman, I yield to the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Chairman, that is correct. The language included in the omnibus bill is permanent law.

Mr. CHAMBLISS. Moreover, Mr. Chairman, can the gentleman from Virginia verify if a peanut allergy study has been conducted by the Department of Transportation as specified in the 1999 omnibus bill?

Mr. Chairman, I yield to the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Chairman, the Department of Transportation has yet to issue a report on their peanut allergy study.

Mr. CHAMBLISS. Mr. Chairman, I thank the gentleman from Virginia (Mr. WOLF) for his clarification in this matter and the leadership that he provides for this committee.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, $36,092,000, of which $5,494,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2002; and of which $30,598,000 shall be derived from the Pipeline Safety Fund, of which $17,074,000 shall remain available until September 30, 2002: *Provided*, That in addition to amounts made available from the Pipeline Safety Fund, $1,300,000 shall be available for grants to States for the development and establishment of one-call notification systems, emergency notification, damage prevention, and public education activities, and shall be derived from amounts previously collected under 49 U.S.C. 60301.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out 49 U.S.C. 5127(c), $200,000, to be derived from the Emergency Preparedness Fund, to remain available until September 30, 2002: *Provided*, That not more than $14,300,000 shall be made available for obligation in fiscal year 2000 from amounts made available by 49 U.S.C. 5116(i) and 5127(d): *Provided further*, That none of the funds made available by 49 U.S.C. 5116(i) and 5127(d) shall be made available for obligation by individuals other than the Secretary of Transportation, or his designee.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, $44,840,000.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, $17,000,000: *Provided*, That notwithstanding any other provision of law, not to exceed $1,600,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: *Provided further*, That the sum herein appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2000, to result in a final appropriation from the general fund estimated at no more than $15,400,000.

TITLE II

RELATED AGENCIES

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

SALARIES AND EXPENSES

For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, $4,633,000: *Provided*, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902) $57,000,000, of which not to exceed $2,000 may be used for official reception and representation expenses.

TITLE III

GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

SEC. 301. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 302. Such sums as may be necessary for fiscal year 2000 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.

SEC. 303. Funds appropriated under this Act for expenditures by the Federal Aviation Administration shall be available: (1) except as otherwise authorized by title VIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7701 et seq.), for expenses of primary and secondary schooling for dependents of Federal Aviation Administration personnel stationed outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of such dependents; and (2) for transportation of said dependents between schools serving the area that they attend and their places of residence when the Secretary, under such regulations as may be prescribed, determines that such schools are not accessible by public means of transportation on a regular basis.

SEC. 304. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 305. None of the funds in this Act shall be available for salaries and expenses of more than 100 political and Presidential appointees in the Department of Transportation: *Provided*, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

SEC. 306. None of the funds in this Act shall be used for the planning or execution of any

program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 307. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 308. The Secretary of Transportation may enter into grants, cooperative agreements, and other transactions with any person, agency, or instrumentality of the United States, any unit of State or local government, any educational institution, and any other entity in execution of the Technology Reinvestment Project authorized under the Defense Conversion, Reinvestment and Transition Assistance Act of 1992 and related legislation: *Provided*, That the authority provided in this section may be exercised without regard to section 3324 of title 31, United States Code.

SEC. 309. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 310. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

SEC. 311. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

SEC. 312. None of the funds in this Act shall be available to plan, finalize, or implement regulations that would establish a vessel traffic safety fairway less than five miles wide between the Santa Barbara Traffic Separation Scheme and the San Francisco Traffic Separation Scheme.

SEC. 313. Notwithstanding any other provision of law, airports may transfer, without consideration, to the Federal Aviation Administration (FAA) instrument landing systems (along with associated approach lighting equipment and runway visual range equipment) which conform to FAA design and performance specifications, the purchase of which was assisted by a Federal airport-aid program, airport development aid program or airport improvement program grant. The FAA shall accept such equipment, which shall thereafter be operated and maintained by the FAA in accordance with agency criteria.

SEC. 314. None of the funds in this Act shall be available to award a multiyear contract for production end items that: (1) includes economic order quantity or long lead time material procurement in excess of $10,000,000 in any one year of the contract; (2) includes a cancellation charge greater than $10,000,000 which at the time of obligation has not been appropriated to the limits of the Government's liability; or (3) includes a requirement that permits performance under the contract during the second and subsequent years of the contract without conditioning such performance upon the appropriation of funds: *Provided*, That this limitation does not apply to a contract in which the Federal Government incurs no financial liability from not buying additional systems, subsystems, or components beyond the basic contract requirements.

SEC. 315. Notwithstanding any other provision of law, and except for fixed guideway modernization projects, funds made available by this Act under ''Federal Transit Administration, Capital investment grants'' for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2002, and other recoveries, shall be made available for other projects under 49 U.S.C. 5309.

SEC. 316. Notwithstanding any other provision of law, any funds appropriated before October 1, 1999, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 317. None of the funds in this Act may be used to compensate in excess of 320 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2000.

SEC. 318. Funds provided in this Act for the Transportation Administrative Service Center (TASC) shall be reduced by $10,000,000, which limits fiscal year 2000 TASC obligational authority for elements of the Department of Transportation funded in this Act to no more than $147,965,000: *Provided*, That such reductions from the budget request shall be allocated by the Department of Transportation to each appropriations account in proportion to the amount included in each account for the Transportation Administrative Service Center.

SEC. 319. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's ''Federal-Aid Highways'' account, the Federal Transit Administration's ''Transit Planning and Research'' account, and to the Federal Railroad Administration's ''Safety and Operations'' account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 320. None of the funds in this Act shall be available to prepare, propose, or promulgate any regulations pursuant to title V of the Motor Vehicle Information and Cost Savings Act (49 U.S.C. 32901 et seq.) prescribing corporate average fuel economy standards for automobiles, as defined in such title, in any model year that differs from standards promulgated for such automobiles prior to enactment of this section.

SEC. 321. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: *Provided*, That such funds shall be subject to the obligation limitation for Federal-aid highways and highway safety construction.

SEC. 322. None of the funds in this Act may be obligated or expended for employee training which: (a) does not meet identified needs for knowledge, skills and abilities bearing directly upon the performance of official duties; (b) contains elements likely to induce high levels of emotional response or psychological stress in some participants; (c) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluations; (d) contains any methods or content associated with religious or quasi-religious belief systems or ''new age'' belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; (e) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace; or (f) includes content related to human immunodeficiency virus/acquired immune deficiency syndrome (HIV/AIDS) other than that necessary to make employees more aware of the medical ramifications of HIV/AIDS and the workplace rights of HIV-positive employees.

SEC. 323. None of the funds in this Act shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress, whether before or after the introduction of any bill or resolution proposing such legislation or appropriation: *Provided*, That this shall not prevent officers or employees of the Department of Transportation or related agencies funded in this Act from communicating to Members of Congress on the request of any Member or to Congress, through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business.

SEC. 324. (a) None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a–10c).

(b) SENSE OF THE CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products to the greatest extent practicable.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 325. Notwithstanding any other provision of law, receipts, in amounts determined by the Secretary, collected from users of fitness centers operated by or for the Department of Transportation shall be available to support the operation and maintenance of those facilities.

SEC. 326. None of the funds in this Act shall be available to implement or enforce regulations that would result in the withdrawal of a slot from an air carrier at O'Hare International Airport under section 93.223 of title 14 of the Code of Federal Regulations in excess of the total slots withdrawn from that air carrier as of October 31, 1993 if such additional slot is to be allocated to an air carrier or foreign air carrier under section 93.217 of title 14 of the Code of Federal Regulations.

SEC. 327. Notwithstanding 49 U.S.C. 41742, no essential air service subsidies shall be

provided to communities in the 48 contiguous States that are located fewer than 70 highway miles from the nearest large or medium hub airport, or that require a rate of subsidy per passenger in excess of $200 unless such point is greater than 210 miles from the nearest large or medium hub airport.

□ 1245

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

Mr. Chairman, I rise as assistant majority leader and as a member of the New York delegation to seek support from the distinguished chairman of the Subcommittee on Transportation of the Committee on Appropriations, the gentleman from Virginia (Mr. WOLF), to protect funding crucial to New York State and to uphold the historic legislation covering highway and transportation programs, which is known colloquially as TEA–21.

This time last year, the Transportation Equity Act for the 21st Century, known as TEA–21, was signed into law. The success of this bill is due to a 3-year effort of the authorizing committee, the appropriating committee, and support from a broad coalition. TEA–21 has been an enormous success. It established a new funding formula structure for distributing funds to States. This funding formula represents a carefully crafted, well-balanced compromise.

Mr. Chairman, the Senate will soon consider its version of the transportation appropriations bill for the fiscal year 2000. On May 27, the Senate Committee on Appropriations included a controversial provision that unfairly caps transit aid at 12.5 percent of the total amount of transit dollars that any one State may receive. This legislation, as crafted, adversely affects the Nation's two most transit-dependent States, those of California and New York, and would result in an estimated loss of $1.2 billion over a 6-year period or at a minimum $200 million per year for New York and $120 million per year for California.

This artificial cap was included in the Senate Committee on Appropriations with no notice or public debate on its merits. I wanted to ask the distinguished subcommittee chairman for his support for maintaining that historic compromise.

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

Mr. LAZIO. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I appreciate the gentleman bringing this to my attention, and also the gentleman from New York (Mr. SWEENEY). I have also spoken to the gentleman from California (Mr. DREIER) about the same thing.

The gentleman has my commitment to do everything we can to attempt to make this the way it should be with regard to fairness. We have never been into punishing one State over another, so I can assure the gentleman we will work with the gentleman, and the gentleman from New York (Mr. SWEENEY), and the other members of the New York delegation, and also the California delegation who have come to me again, as I said, the gentleman from California (Mr. DREIER) and others, to make sure that there is fairness.

Mr. LAZIO. Mr. Chairman, I want to express my gratitude to the subcommittee chairman and my friend on behalf of the House who supported the compromise, and as a member of the New York delegation, and I just wanted to reiterate how important this is.

New York has one-third of the Nation's transit riders, California has about 14 percent. Combined the two States make up almost half of the entire Nation's transit users. On a daily basis, New York State has over 7.5 million transit riders. On the MTA system alone, the daily ridership is 7.2 million. For the millions of people who use mass transit, the environment and the economy, we should uphold the allocation formulas we worked so hard for in that historically crafted bill.

Mr. WOLF. Mr. Chairman, if the gentleman will continue to yield, I would just tell him that a member of my family lives in New York City and I understand how congested the traffic is and the needs and everything else, so the gentleman makes a very credible point.

Mr. LAZIO. I ride on that subway myself.

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

Mr. LAZIO. I yield to the gentleman from New York (Mr. SWEENEY) who has been working very hard on this issue and, as a matter of fact, has gathered on a bipartisan basis signatures for the subcommittee chairman.

Mr. SWEENEY. Mr. Chairman, I thank my good friend, the gentleman from New York (Mr. LAZIO).

Quickly, I want to applaud this effort, and I am proud to join it. As the chairman knows, 81 members from both the New York and California delegation sent a letter to the chairman last week, and I wanted to add a point to this.

I represent a rural area, and on behalf of the rural areas in New York and California, I wanted to just stress that rural transit systems have few sources of revenue to make up for huge cuts to their Federal formula funding allocation. So this will hit disproportionately those areas pretty significantly.

As the gentleman from New York (Mr. LAZIO) has pointed out, we in New York have committed to a high standard on infrastructure repair and transportation repair. A higher share of our own resources are committed to transit than any other State; nearly 70 percent of our $12 million Statewide transit capital program financed from State and local resources.

So this is a critical issue for us in my district and throughout New York State. And, again, I want to applaud the efforts of my colleague, the gentleman from New York (Mr. LAZIO), and ask the Chairman for his support and thank the gentleman for the opportunity to express this concern.

Mr. WOLF. Mr. Chairman, will the gentleman once again yield?

Mr. LAZIO. I yield to the gentleman from Virginia.

Mr. WOLF. I would give the gentleman the same type of commitment, Mr. Chairman, as with the gentleman from New York (Mr. LAZIO), and I appreciate the gentleman bringing it to my attention. Both gentlemen have talked to me about it a number of times, and we will do everything we can to help.

Mr. LAZIO. Mr. Chairman, reclaiming my time, I want to thank the gentleman for his support.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 328. Rebates, refunds, incentive payments, minor fees and other funds received by the Department from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department and allocated to elements of the Department using fair and equitable criteria and such funds shall be available until December 31, 2000.

SEC. 329. Notwithstanding any other provision of law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

AMENDMENT OFFERED BY MR. SANFORD

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

The Clerk read as follows:

Amendment offered by Mr. SANFORD:

Page 42, line 15, after the dollar amount, insert the following: ''(plus an additional reduction of $1,000,000)''.

Page 42, line 18, after the dollar amount, insert the following: ''(reduced by $1,000,000)''.

POINT OF ORDER

Mr. SABO. Mr. Chairman, I rise to make a point of order against the gentleman's amendment because he seeks to amend a paragraph that has already been read under the 5-minute rule. The House manual clearly states in Section 876(2) that when a paragraph or section has been passed, it is not in order to return thereto.

I regret to say the gentleman's amendment comes too late, and I ask for a ruling from the Chair.

The CHAIRMAN. Does the gentleman from South Carolina (Mr. SANFORD) wish to be heard on the point of order?

Mr. SANFORD. No, Mr. Chairman, I will withdraw the amendment. It was a last chance to save the taxpayers $1 million. We had indeed passed this section of the bill, but, nonetheless, I wanted to try.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

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

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

The Clerk will read.

The Clerk read as follows:

SEC. 330. For necessary expenses of the Amtrak Reform Council authorized under section 203 of Public Law 105–134, $750,000, to remain available until September 30, 2001.

SEC. 331. The Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: *Provided,* That no appropriation shall be increased or decreased by more than 12 per centum by all such transfers: *Provided further,* That any such transfer shall be submitted for approval to the House and Senate Committees on Appropriations.

SEC. 332. None of the funds appropriated by this Act may be used to issue a final standard under docket number NHTSA 98–3945 (relating to section 656(b) of the Illegal Immigration Reform and Responsibility Act of 1996).

SEC. 333. (a) Section 110(b)(2) of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4109(b)(2)) is amended by striking all that follows ''research'' and inserting a period.

(b) Section 312 of the Arctic Marine Living Resources Convention Act of 1984 (16 U.S.C. 2441) is amended by striking subsection (c).

SEC. 334. None of the funds in this Act shall be available for activities under the Aircraft Purchase Loan Guarantee Program during fiscal year 2000.

SEC. 335. None of the funds in this Act may be used to carry out the functions and operations of the office of motor carriers within the Federal Highway Administration.

SEC. 336. Section 3027 of the Transportation Equity Act for the 21st Century (49 U.S.C. 5307 note: 112 Stat. 336) is amended by adding at the end the following:

''(e) Government share for operating assistance to certain smaller urbanized areas.—Notwithstanding 49 U.S.C. 5307(e), a grant of the Government for operating expenses of a project under 49 U.S.C. 5307(b) in fiscal years 1999 and 2000 to any recipient that is providing transit services in an urbanized area with a population between 128,000 and 128,200, as determined in the 1990 census, and that had adopted a five-year transit plan before September 1, 1998, may not be more than 80 percent of the net project cost.''.

SEC. 337. Section 130 of Title 23, United States Code, is amended in subsection (f) by striking ''90 percent'' where it appears in the last sentence and inserting ''100 percent''.

POINT OF ORDER

Mr. SHUSTER. Mr. Chairman, I rise on a point of order against section 337 on page 50, lines 1 through 4. This is legislation on an appropriation bill and is in violation of clause 2 of rule XXI.

This provision is an amendment to section 130 of title 23 to raise the Federal share for rail-highway grade crossing projects funded under the Transportation Equity Act for the 21st Century, TEA–21.

Mr. WOLF. Mr. Chairman, I would like to be heard on that, if I may.

The CHAIRMAN. The gentleman from Virginia (Mr. WOLF) may be heard on the point of order.

Mr. WOLF. I am going to concede the point of order, Mr. Chairman, but this is the provision that deletes the non-Federal match for the section 130 grade crossing program.

In 1998, the unobligated national balance totaled $148 million and now may be as high as $220 million. Many States have difficulty expanding the section 130 funds and, as a result, some States have a few years of unobligated balances that could be used to eliminate grade crossings.

For example, the State of Wisconsin has $13 million in unobligated balances. The State of Oregon has $6,888,000 in unobligated balances. If we were to delete the non-Federal match, it would permit States to reduce those unobligated balances and eliminate a greater number of grade crossing hazards than previously planned and, therefore, improving safety for the American family.

Mr. Chairman, maybe this is an area the authorizers could look at, because I think it would enable States to move that money quickly and, I think, bring about safety. Each year there are 3,500 collisions at grade crossings with nearly 1,500 injuries and 500 deaths. The tragic accident we heard of earlier, that we worked with the gentleman from Illinois (Mr. WELLER) on, certainly demonstrates that more needs to be done to upgrade safety at grade crossings. With that, hopefully, this can be looked at in some way, because I think it would be good in helping to save lives.

Mr. Chairman, I do concede the point of order.

The CHAIRMAN. The language cited by the point of order directly amends existing law. As such, it constitutes legislation. The point of order is sustained. The section is stricken.

The Clerk will read.

The Clerk read as follows:

SEC. 338. Section 3030(b) of the Transportation Equity Act for the 21st Century (112 Stat. 373–375) is amended by adding at the end the following:

''(71) Dane County Corridor—East-West Madison Metropolitan Area.''.

POINT OF ORDER

Mr. SHUSTER. Mr. Chairman, I rise on a point of order against section 338 on page 50 lines 5 through 9. This is legislation on an appropriation bill and is in violation of clause 2 of rule XXI. This provision is an amendment to TEA–21 to authorize a mass transit project in Dane County, Wisconsin.

Mr. WOLF. Mr. Chairman, we concede the point of order.

The CHAIRMAN. The gentleman from Virginia (Mr. WOLF) concedes the point of order.

The language cited directly amends existing law. As such, it constitutes legislation, and the point of order is sustained. This section is stricken.

The Clerk will read.

The Clerk read as follows:

SEC. 339. Funds provided in Public Law 104–205 for the Griffin light rail project shall be available for alternative analysis and environmental impact studies for other transit alternatives in the Griffin corridor from Hartford to Bradley International Airport.

SEC. 340. Section 3030(c)(1)(A)(v) of the Transportation Equity Act for the 21st Century (Public Law 105–178) is amended by deleting ''Light Rail''.

SEC. 341. Notwithstanding any other provision of law, the federal share of projects funded under section 3038(g)(1)(B) of Public Law 105–178 shall not exceed 90 percent of the project cost.

SEC. 342. The Secretary of Transportation is hereby authorized to make such expenditures and investments, within the limits of funds available pursuant to 49 U.S.C. 44307, and in accordance with section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program for aviation insurance activities under chapter 443 of title 49, United States Code.

□ 1300

POINT OF ORDER

Mr. SHUSTER. Mr. Chairman, I raise a point of order against section 342, on page 50, line 22 through page 51, line 4.

This is legislation on an appropriations bill and is in violation of clause 2 of rule XXI. This provision reauthorizes the payments from the War Risk Insurance Program. The House has twice passed versions of the War Risk Insurance Program this year, and a 5-year reauthorization of the program has passed the House and is currently pending in the Senate.

Mr. WOLF. Mr. Chairman, we concede the point of order.

The CHAIRMAN. The point of order is conceded.

The language cited by the point of order conveys authority to the Executive. As such, it constitutes legislation.

The point of order is sustained. The section is stricken.

The Clerk will read.

The Clerk read, as follows:

SEC. 343. Notwithstanding current policies or guidelines of the Department of Transportation, the Administrator of the Federal Aviation Administration is hereby authorized to issue grant awards utilizing funds limited in this bill under ''Grants-in-aid for airports'' fifteen days after transmittal of recommended grant awards to the Office of the Secretary of Transportation for Congressional notification purposes.

POINT OF ORDER

Mr. SHUSTER. Mr. Chairman, I raise a point of order against section 343, on page 51, lines 5 through 12.

This is legislation on an appropriations bill and is in a violation of clause 2 of rule XXI.

This provision mandates changes in the FAA's grant award and processing policies so that all grant awards must be issued within 15 days of the notification of their approval.

A similar provision was included in H.R. 1000, which passed this House overwhelmingly last week.

Mr. WOLF. Mr. Chairman, we concede the point of order.

The CHAIRMAN. The language cited by the point of order conveys authority to the Executive. As such, it constitutes legislation.

The point of order is conceded and sustained.

The section is stricken.

The Clerk will read.

The Clerk read, as follows:

SEC. 344. None of the funds in this Act shall be available to execute a letter of no prejudice, letter of intent or full funding grant agreement for the Salt Lake City west-east light rail line, any segment thereof, or a downtown connector in Salt Lake City, Utah.

SEC. 345. Of the funds made available to the Coast Guard in this Act under ''Acquisition, construction, and improvements'', $10,000,000 is only for necessary expenses to support a portion of the acquisition costs, currently estimated at $128,000,000, of a multi-mission vessel to replace the Mackinaw icebreaker in

the Great Lakes, to remain available until September 30, 2005.

SEC. 346. Notwithstanding the Federal Airport Act (as in effect on April 3, 1956) or sections 47125 and 47153 of title 49, United States Code, and subject to subsection (b), the Secretary of Transportation may waive any term contained in the deed of conveyance dated April 3, 1956, by which the United States conveyed lands to the city of Safford, Arizona, for use by the city for airport purposes: *Provided*, That no waiver may be made under subsection (a) if the waiver would result in the closure of an airport.

POINT OF ORDER

Mr. SHUSTER. Mr. Chairman, I raise a point of order against section 346, on page 52, lines 1 through 10.

This is legislation on an appropriations bill in violation of clause 2 of rule XXI. This provision waives deed restrictions for an airport in Safford, Arizona. Moreover, it would allow the airport to sell land without having to reinvest the proceeds of the sale in the airport, which is contrary to provisions in Title 49 of the U.S. Code and to the usual practice of the House when deed restrictions have been removed for other airports across the country.

Mr. KOLBE. Mr. Chairman, I wish to be heard on the point of order.

Mr. Chairman, while I will concede the point of order, I would like to inquire of the gentleman from Pennsylvania (Mr. SHUSTER), the distinguished chairman, about his reasons for objecting to this.

Let me just state, for the record, that I have been working closely with the local community, the local FAA representatives, the Aircraft Owners and Pilots Association, for years to draft language that is acceptable and have attempted to work with his committee and committee staff to do that. This has been the result of long discussions to get us to where we are. It only allows the FAA to waive terms contained in the 1956 deed of conveyance more than 40 years ago. It does not require them to do so.

This is land which is vitally needed in order for this small rural community where unemployment is three times the rate of other areas in Arizona to develop an industrial park in this area. I am just curious as to why this particular provision, looking at all the provisions in here that were not singled out, as to why this one has been singled out.

Mr. SHUSTER. Mr. Chairman, continuing to rise on my point of order, I will respond to the gentleman by pointing out that he did ask us to put this in AIR–21, and we said that if they could provide us with information showing that it conformed with other actions of the past, we would be happy to consider it.

Moreover, and even more importantly, we have required other airports across America to conform, particularly even an airport in my own congressional district in Chambersburg, Pennsylvania. So when we have required this of other airports, including an airport in my own congressional district, it hardly seems fair to provide this special consideration for an airport in another part of the country. And those are my reasons, I say to my good friend.

Mr. KOLBE. Mr. Chairman, I would simply state that we are prepared to use language that conforms precisely to language that was used in AIR–21 last week on another project in Newport News that would apparently do that. We have attempted to have discussions with the staff about this and apparently have not had a great deal of success.

I must say that this objection is very devastating to this community, which has been trying very hard for a long time to get this very small project of economic development off the ground. I would just simply say that I do not think that this language is different than has been provided in other cases, and I do believe we can point to that.

Mr. SHUSTER. Mr. Chairman, I would like to respond to further emphasize that requiring my own community of Chambersburg, Pennsylvania, to adhere to the law certainly was difficult for them. But having required them to adhere to the law, it would seem very, very unfair to give a special waiver to another community.

The CHAIRMAN. The Chair is prepared to rule on the point of order.

The language cited by the point of order explicitly waives existing law. As such, it constitutes legislation.

The point of order is sustained.

The section is stricken.

Mr. SABO. Mr. Chairman, I move to strike the last word, and I yield to the gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Mr. Chairman, I want to thank the gentleman from Minnesota for yielding and for his hard work on this piece of legislation.

Mr. Chairman, I have a concern about this legislation in regard to an authorization for a critical transit project in Dane County, Wisconsin, which is in my district. I would like to engage the gentleman from Wisconsin (Mr. PETRI), the chairman of the Subcommittee on Ground Transportation, in a colloquy.

Mr. Chairman, Dane County and the City of Madison are currently examining future transportation needs, including various mass transit options. Traffic congestion and the need for additional parking will need to be addressed as the population of the region continues to grow into the next century. Dane County, which contains Madison, is working hard to promote concentrated development along existing and potential transit corridors.

In addition, I would like to note the strong potential of new mass transit options since Madison Metro consistently ranks as one of the finest in the Nation with excellent service and ridership that ranks higher than most similar cities.

Unfortunately, Dane County was not ready for new start projects authorization when TEA–21 was enacted last year. Their planning for future transit needs has now reached a point where an authorization for a new start project would be appropriated.

I understand that such an authorization would be most appropriately included on a bill from the committee of jurisdiction, the House Subcommittee on Ground Transportation. I would like to obtain the assurance of the gentleman from Wisconsin (Mr. PETRI) that an authorization for the Dane County project would be considered in the subcommittee's next appropriate vehicle.

Mr. PETRI. Mr. Chairman, if the gentlewoman would yield, I would like to thank the gentlewoman and assure her that the subcommittee would be pleased to consider an authorization for the Dane County project in our next appropriate vehicle.

I understand that Dane County has a number of transit options under consideration and would be seeking Federal funding for continued planning and evaluation in budget year 2002. And I am quite sure that the need of the county can be addressed by our committee on a timely basis, and I look forward to working with my colleague toward that end.

Ms. BALDWIN. Mr. Chairman, I thank the gentleman for his comments. I look forward to working with him to address the transit needs of Dane County.

Mr. SABO. Mr. Chairman, I move to strike the last word, and I yield to the gentlewoman from Texas (Ms. JACKSON-LEE) for the purposes of a colloquy.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentleman, the ranking member, for yielding.

Mr. Chairman, I thank the chairman for his hard work. I would like to enter into a colloquy on an important matter in my community that many of us have worked on, and that is included in H.R. 2084, the Houston, Texas Main Street Corridor Project, of which a request was made for some $8 million. It received $1 million in funding for fiscal year 2000.

I would hope, as we move this bill to conference, that, in recognizing the commitment that the committee has made to infrastructure and making our communities less congested, that we could seek an additional funding of $500,000 to keep this project on schedule.

Traffic congestion and a depleted infrastructure threatens the future of this vital backbone of transit. Houston's Main Street Corridor has been the heart of the 2,000 square mile Houston region for many years. In fact, we have gathered together a diverse community collaboration and coalition that have organized around enhancing the Main Street Corridor.

The Corridor runs from Buffalo Bayo north through Downtown, Midtown, Hermann Park, and the Texas Medical Center. Main Street links two important economic hubs, Downtown and

Texas Medical Center, as well as the entertainment, cultural, and governmental centers. The City of Houston and I and others believe that this funding is necessary to ensure that effective traffic management will continue the redevelopment of this center of commerce and business, the very principles of this committee.

Long-term, this project will result in increased development density, increased access to jobs, reduced automobile inventories, lower emissions, and reduced long-term capital investment in the regional infrastructure, again, the principles of this committee.

I would ask my colleagues, the ranking member, and the chairman to work with me on this matter.

Mr. SABO. Mr. Chairman, I thank the gentlewoman from Texas for bringing this important matter to the consideration of the subcommittee.

The CHAIRMAN. The time of the gentleman from Minnesota (Mr. SABO) has expired.

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

Mr. SABO. Mr. Chairman, as we go to conference and consider all our alternatives, we will keep the request of the gentlewoman in mind.

Let me add, however, for the gentlewoman and for all other Members that part of this bill carries very significant increase in transit formula funding for local transit agencies and we may have limits as to what we can do in discretionary funding. But communities should also look to the additional formula funding for potential use in preliminary engineering on some of these projects.

I thank the gentlewoman for bringing this to our attention.

Mr. Chairman, I yield to my friend, the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Chairman, the gentlewoman has spoken to me about this. Everything is very tight. The gentleman from Minnesota (Mr. SABO) and I can work together and see. But we will certainly take a very, very close look at it, I promise.

Ms. JACKSON-LEE of Texas. Mr. Chairman, if the gentleman would continue to yield, this is most helpful to me, and I thank the gentlemen very much for their cooperation in working on this very important project.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 347. None of the funds in this Act may be expended to review or issue a waiver for a vessel deemed to be equipped with a double buttom or double sides.

This act may be cited as the ''Department of Transportation and Related Agencies Appropriations Act, 2000''.

AMENDMENT OFFERED BY MR. ROGAN

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

The Clerk read as follows:

Amendment offered by Mr. Rogan:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. ___. None of the funds in this Act may be used for the planning or development of the California State Route 710 Freeway extension project through South Pasadena, California (as approved in the Record of Decision on State Route 710 Freeway, issued by the U.S. Department of Transportation, Federal Highway Administration, on April 13, 1998).

Mr. ROGAN. Mr. Chairman, in order to defer to my colleague from South Carolina (Mr. SANFORD) I ask unanimous consent to withdraw my amendment for the time being.

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

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

AMENDMENT OFFERED BY MR. SANFORD

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

The Clerk read as follows:

Amendment offered by Mr. Sanford:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. _____. Funds provided in this Act for the Transportation Administrative Service Center (TASC) shall be further reduced by $1,000,000.

Mr. SANFORD (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. DUNCAN. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. A point of order is reserved.

□ 1315

Mr. SANFORD. Mr. Chairman, first of all I would applaud the gentleman from Pennsylvania (Mr. SHUSTER), I would applaud the gentleman from Virginia (Mr. WOLF), I would applaud the gentleman from Oklahoma (Mr. COBURN) for what they have done to in essence refine this bill as we go through this process here on the House floor. What this amendment does is it basically continues that simple theme of refining and focusing this bill, because this bill looks at the Transportation Administrative Service Center which was basically founded by the Department of Transportation back in 1997.

It last year was funded at about $109 million. This year it is projected to be funded at about $148 million. All this amendment does is it takes one of those million dollars of increase, and again, there are roughly about $50 million of increase, it takes one of those million dollars and it cuts it. The reason it does that is because it is basically a shot over the bow to this service center to say, ''Let's really look under the hood at some of these expenses and really examine closely whether or not they are in the best interests of the taxpayer.''

A lot of the things that this service center does basically for the Department of Transportation makes a whole lot of sense. Whether it is with photocopying or telecommunications services, there are certain advantages to one-stop-shopping which this center does. But some of the expenses when we really looked at them to me did not pass the litmus test of best interests of the taxpayer.

Let me give my colleagues just a few of those. First of all, it has like career development seminar and workshops designed to assist organizations in promoting employee empowerment. It goes on to say, ''Emphasis is on providing employees with the tools, the information, the resources they need to seek opportunities that will make them more marketable and enhance their careers.''

That is a good thing, but I do not know that it is really in the best interest of building more roads and bridges and airports across this country. Similarly, another component of the center was fitness center equipment consulting.

I read from their own web page:

''If you're thinking of purchasing exercise equipment for your employees but are not sure what it should cost, what's most effective, what's currently popular, let our staff with over 50 years of experience in exercise physiology and fitness equipment handling assist you to facilitate your plans.'' That is a very nice thing, but again it is almost a bureaucracy within a bureaucracy. I do not think the taxpayer really wants to see a lot of those.

Another one here I see, responding to employee stress. It says here, ''These are difficult times, downsizing, changing work styles, uncertainty about the future, family stresses. The effects of too much stress can start showing up in the workplace in big and small ways. Let us help you help them.''

A lot of these things, I am sure, are very reasonable things. That is why this bill only cuts $1 million of the basic $50 million of increase, asking them to carefully look under the hood to really examine whether or not all these expenses are warranted. I think the committee has already taken up the Inspector General's study which basically discontinued the computer operations over at the service center. This is again a shot over the bow. It is nothing more than that.

Mr. DUNCAN. Mr. Chairman, I withdraw my point of order and state that I have no objection to this amendment.

The CHAIRMAN. The gentleman withdraws the point of order.

Mr. SABO. Mr. Chairman, I rise in opposition to this amendment.

This amendment cuts $1 million from the Transportation Administrative Service Center, which has already been cut in the request by $10 million in this bill.

The center finances common administrative services, such as payroll, accounting, copying and telecommunications that can be performed more

economically and efficiently through a central organization rather than the various modal administrations of the Department of Transportation.

Mr. Chairman, the entire purpose of the Transportation Administrative Service Center is to save the government money by consolidating redundant administrative overhead and functions. Individual departmental agencies may purchase administrative services outside the Transportation Administrative Service Center only if they can demonstrate that doing so is cost beneficial to the department as a whole.

Rather than supporting the Transportation Department's effort to control costs by centralizing administrative functions, this amendment would penalize the Department.

The net effect of the Sanford amendment might well be that the various agencies in the Department will seek out other sources for their needs which could cause duplication of procurement, accounting and other administrative services and higher costs overall.

In the end, Mr. Chairman, this amendment will not save money, it will cost the government money, and it should not be adopted.

Mr. WOLF. Mr. Chairman, I move to strike the last word. I have no objection to the amendment offered by the gentleman from South Carolina.

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

Mr. Chairman, this is a good amendment. It takes a million dollars away from a $39 million increase. The reason it does, it says to the people who are working in this center, you can spend the money more wisely, more efficiently.

The concept of the center is fine, but a 45 percent increase in your spending this year? We are going to cut some of that back. We recognize the value of this center, but we can save a million dollars and send a signal that ''next year, if you are not better, you are not going to see this kind of increase. Regardless of what is there, you cannot justify the inefficiencies that you are generating.''

The Sanford amendment takes just $1 million out of a $39 million increase and says, ''We want you to wake up and smell the roses, do some things a little more efficiently, and let's save some money.'' It is not even 1 percent of their budget, it is about three-quarters of 1 percent, and it is of an increase. They had $109 million last year, we are going to give them $148 million this year.

I want to make one other statement. Earlier in our debate today, we talked about how $170 million was not much. $170 million will pay for the Social Security for 1.8 million Americans this year. When this bill is finished, if we pass it, we are going to have savings of about $555 million. That is enough to pay the Social Security for 5.4 million Americans. That is a good achievement. We ought not to lose sight of that.

Let us save an additional $1 million, we can save another couple of hundred thousand people their opportunity for Social Security, and we can live up to the commitment that we all agreed to.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ANDREWS

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

The Clerk read as follows:

Amendment offered by Mr. Andrews:

Page 52, after line 13, insert the following new section:

SEC. 348. The amount otherwise provided by section 330 for the Amtrak Reform Council is hereby reduced by $300,000.

Mr. SHUSTER. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Pennsylvania reserves a point of order.

Mr. ANDREWS. Mr. Chairman, I believe that one of the bipartisan success stories of the last few years in America's transportation policy has been the improvements that have taken place in Amtrak. I am a frequent rider on Amtrak and a great devotee of its efforts. I salute all the men and women who work so hard for Amtrak.

I also believe that the efforts of the chairman of the authorizing committee the gentleman from Pennsylvania (Mr. SHUSTER), the chairman of the appropriations subcommittee the gentleman from Virginia (Mr. WOLF), together with the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Minnesota (Mr. SABO), their ranking members, have helped to take what was a very critical and difficult situation just a few years ago and turn it into a success story. I commend and congratulate them for that.

This amendment is really offered in the spirit of continuing the success that I believe they and the thousands of men and women who work for Amtrak have achieved, because it is based on the idea, Mr. Chairman, that too many cooks spoil the broth. Amtrak has achieved a labor-management cooperation. It is achieving a program of progress together with its unions and its management that have improved service, increased revenues and expanded future opportunities for Amtrak for years to come.

I believe when something is on the right track, when something is proceeding the way that it should, that second-guessing and Monday morning quarterbacking really is inappropriate. The role of the Amtrak Reform Council lends itself to the possibility of that Monday morning quarterbacking and second-guessing.

There is a delicate balance that has been established in labor and management in Amtrak, with the cooperation of the rail unions, with the able leadership of the board of directors of Amtrak, and its management headed by Mr. Warrington. I think that the possibility of mischief being created that would upset that delicate balance, that frankly would roll back meaningful and important labor protections for men and women who work for Amtrak would be the wrong thing to do.

Now, I had contemplated offering an amendment that would have the effect of defunding, or zeroing out, or eliminating the Amtrak Reform Council. In retrospect, I believe that would be the wrong approach to take at this time. Again, I would salute the efforts of the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Virginia (Mr. WOLF) in contributing to the worthy mission of the Amtrak Reform Council.

In lieu of that idea, I offer this amendment which limits the funding in the new fiscal year for the Amtrak Reform Council to the same amount that the reform council received in fiscal year 1999, namely, $450,000. I would commend the gentleman from Virginia as chairman of the subcommittee and the gentleman from Minnesota as ranking member for their efforts they have already made in reducing the funding request, which was well over $1 million, down to $750,000, and I thank them for that. I believe, though, that there is no evidence that justifies an increase in the funding of the Amtrak Reform Council, so it is the express intent of my amendment and the effect of my amendment that we reduce the funding for the Amtrak Reform Council down to its fiscal year 1999 level of $450,000.

Those of us who believe that there is risk of mischief, that there is the chance that important labor protections would be undone, those of us who believe that the balance that the board of directors and the management and labor of Amtrak are achieving would be disrupted, believe that the best way to limit that risk is to appropriately limit the funding of the Amtrak Reform Council to the level that it was funded in the 1999 budget of $450,000.

To summarize, this is a compromise between those of us who believe that maybe there is no role at all for the Amtrak Reform Council and those who would wish to see it do more. The compromise calls for the limitation of funds to the 1999 level. The amendment cuts $300,000 from the level of appropriation. I again express my appreciation to the chairman and ranking member for the fiscally prudent steps they have already taken. I would just respectfully say I believe we should just go a little further and limit the funding to the 1999 level, in particular importance to making sure that the important labor protections that are in our law protecting Amtrak employees and passengers remain in the law.

Mr. WOLF. Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from New Jersey which would restrict funding for

the Amtrak Reform Council to $450,000, or the level enacted in fiscal year 1999. The bill before my colleagues contains an appropriation for the ARC of $750,000 which is what the administration asked for, well below the $1.3 million that the ARC requested for fiscal year 2000. We have taken them down dramatically to the level requested by the administration.

Secondly, this was part of the Amtrak authorization bill. We want to do everything we can to see that Amtrak makes it. For those of us who voted for the ARC in the authorization bill, we need to give them the ability to do their work. If we don't, it would be a mistake.

I have a letter from Mr. Carmichael, Chairman of the Amtrak Reform Council. He says:

''Cutting ARC's funding to $450,000 would damage ARC severely. Specifically, the cut would mean eliminating our valuable program of field hearings that are providing important insights into the problems of Amtrak and rail passenger service throughout the Nation, and laying off at least two of our small staff of six''—they only have a staff of six—''just at the time when we will be preparing our first annual report under the Congressional mandate.''

□ 1330

The Congress created the panel. I think to wound the panel at this time would be a mistake.

In 1998 Amtrak lost $930 million. Amtrak's high speed program, the most important element in Amtrak's program to improve its financial performance to meet the goals of the Amtrak Reform and Accountability Act, is now falling behind schedule, and now for Congress to try to save $300,000, which is the amount that Amtrak loses in about an 8-hour period, by underfunding the organization as it is trying to bring fiscal sanity and some semblance of making this organization run appropriately would really be shortsighted. It would be self-defeating for those who really want Amtrak to survive, to make it, as the members of this committee and most Members of the Congress want. It would be a mistake.

So I have great respect, and sometimes we just say those things, but I am not just saying it for the gentleman from New Jersey (Mr. ANDREWS), but I really think this would actually hurt Amtrak. Since Congress in its wisdom set up the ARC to help Amtrak stay alive, we should not take their ability away.

So, therefore, I urge the defeat of the amendment, Mr. Chairman.

Mr. SHUSTER. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment also.

The CHAIRMAN. Does the gentleman withdraw the point of order?

Mr. SHUSTER. I withdraw my point of order; yes, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER) for 5 minutes.

Mr. SHUSTER. Mr. Chairman, I join with the chairman of the Committee on Appropriations' subcommittee in opposing this amendment.

We made a deal, and the deal when we decided to continue to support Amtrak was that there would be this independent commission of public spirited, unpaid volunteers appointed by the congressional leadership and the President under our reform law to have them look at Amtrak.

Now why does Amtrak need looked at?

Amtrak lost $930 million last year. The Federal Government, the taxpayers of America, subsidized Amtrak to the tune of $1.7 billion last year. So this paltry $300,000 that we are debating right here now represents 2 ten-thousandths of 1 percent of the money that the taxpayers put into Amtrak. We need this tiny sum so that the commission can do its work. One of the reasons we need this additional tiny sum is because the President was so tardy in appointing the commissioners. We need to let them do their work. If they can come up with one small recommendation, to figure out how to save 2 ten-thousandths of 1 percent of the money the taxpayers put in this bill, this will cover this tiny amount of money that we are speaking about here today.

But the issue really is not the money. The issue here is there are those who do not want any oversight of Amtrak, any independent oversight of Amtrak. They want us to keep pouring billions of dollars into Amtrak without having any outside group looking over their shoulder. It is wrong, and it is causing me to rethink my support of Amtrak.

We have got to provide adequate funding, and if we do not provide adequate funding, then it is time, I guess, for us to start looking at more drastic measures concerning Amtrak.

Let us not renege on the deal we made when we passed Amtrak reform, which included having this provision in it. Let us adequately fund it, tiny as those funds may be, so that they can do the job they are supposed to do, and I urge a vote against this amendment which breaks the deal that we made previously.

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

I yield to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, I just want the RECORD to show some of the fiscal facts about the Amtrak Reform Council and, in particular, what many of us believe is its potential for doing mischief to the rights of working men and women in the hard-fought rights of those who belong to collective bargaining units to unions in the Amtrak company.

The director, the executive director of the commission, makes $148,000 a year, more than we do. Now I am sure that individual works very hard, but so do we, and I am not sure that that is an appropriate expenditure.

There is $700,000 for technical support and analysis that was requested without much delineation as to what that was for. One of our concerns is that there would be the overuse of outside consultants, often at the cost of $400 an hour or so, and again I want to say for the record that the gentleman from Virginia (Mr. WOLF) I think has done an admirable job in paring down this request, and I acknowledge and respect that. They have proposed a great deal of travel from their travel budgets.

And I would also point out that ARC, the Amtrak Reform Council, has at its disposal the resources of the Department of Transportation already. We do not need to reinvent this wheel or charge the public twice for something already at its disposal. The Inspector General's office at the DOT is also conducting an ongoing assessment of Amtrak. The GAO is available with its resources to investigate and think about these questions, and then various other offices under the auspices of the Secretary of Transportation.

So I simply believe that it is prudent and right to strike a balance by limiting funding of the ARC to last year's amount that was in last year's bill of $450,000, and I would just caution that many of us are concerned that broader financing means broader power, and broader power means the ability to do broader mischief to the hard-fought rights that were won in collective bargaining of the men and women who work for Amtrak.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Mr. Chairman, I demand a recorded vote, and pending that I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 218, further proceedings on the amendment offered by the gentleman from New Jersey (Mr. ANDREWS) will be postponed.

The point of no quorum is considered withdrawn.

The CHAIRMAN. Are there any other amendments?

AMENDMENT OFFERED BY MR. ROGAN

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

The Clerk read as follows:

Amendment offered by Mr. Rogan:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. ___. None of the funds in this Act may be used for the planning or development of the California State Route 710 Freeway extension project through South Pasadena, California (as approved in the Record of Decision on State Route 710 Freeway, issued by the U.S. Department of Transportation, Federal Highway Administration, on April 13, 1998).

(Mr. ROGAN asked and was given permission to revise and extend his remarks.)

Mr. ROGAN. Mr. Chairman, I offer this amendment for the residents of Pasadena and South Pasadena in California. Their historic communities are threatened today by a proposal to construct an extension to the 710 freeway through South Pasadena. This extension will cost the taxpayers over $1½ billion and will slice the historic community of South Pasadena into quarters. My amendment offered today will prohibit funds from this bill from being allocated to the planning or construction of the 710 freeway project.

Mr. Chairman, as my colleagues may know, we face considerable traffic and congestion problems in that region. Steps must be taken to alleviate this challenge. However, building an expensive, environmentally-harmful freeway in the middle of historic South Pasadena is not the only or the best solution. Studies indicate that the 710 freeway extension will destroy more than 1,000 South Pasadena historic homes and dislocate more than 4,000 people. More than 7,000 old trees and 70 national historic buildings will be razed. In fact, the National Trust for Historic Preservation has vehemently opposed the 710 freeway and has worked to stop this devastating project. This is the first time in the history of the National Trust For Historic Preservation that they have taken a stand against a Federal Highway project, but this organization has seen the danger of continuing the 710 freeway.

Mr. Chairman, the Federal Government shares the concerns of the community leaders regarding this pork barrel project. A tentative ruling on ordering a preliminary injunction was issued by Judge Dean Pragerson in the U.S. Federal District Court on June 2 of this year. Judge Pragerson found that the FHA and Cal Trans failed to properly evaluate Pasadena's multimode, low-build alternative. In fact, Judge Pragerson found a lack of new consideration regarding the impact upon historic homes and upon the environment in this community.

We do have options which reduce traffic and minimize the impact of traffic mitigation efforts upon the area's environment. Studies show that a multi-modal, low-build alternative could move traffic through the affected area at average speeds of almost 18 miles per hour. As proposed, the 710 extension would only move traffic at an average speed of 18½ miles per hour. This is a meager improvement that does not justify leveling a community or spending $1.5 billion on a project that is not needed.

Further, the low-build alternative will provide 90 percent of the transportation benefits of the proposed 710 extension for one-tenth of the cost.

I share with the Chair a strong desire to improve our infrastructure in a manner that enhances communities, protects the environment and uses taxpayer dollars in a sensible way, but the 710 freeway project stands in direct opposition to these principles. My amendment will stop this project in its tracks for the year so that more sensible alternatives to reduce traffic in the area can be pursued.

Mr. Chairman, I urge adoption of the amendment.

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

Mr. ROGAN. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, I would say to the gentleman that we have examined this amendment. It does not affect the firewalls in TEA–21, and therefore I have no objection to the gentleman's amendment.

Mr. ROGAN. Mr. Chairman, I thank the gentleman from Pennsylvania for those words.

Mr. WOLF. Mr. Chairman, I move to strike the last word, and I rise in support of the amendment.

We did this several years ago for the gentleman from New York (Mr. NADLER). In fact, I believe, if my memory serves me, that we actually carried it in the bill. I think we should defer to a Member who known firsthand their own congressional district. Each member knows their Congressional districts needs. This was the same principle we used with regard to Mr. NADLER in the past, and it is the same principle we would use here.

So I rise in support of the amendment offered by the gentleman from California (Mr. ROGAN).

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

(Mr. MARTINEZ asked and was given permission to revise and extend his remarks.)

Mr. MARTINEZ. Mr. Chairman, I really do not know why this amendment is before us since there is no mention in the appropriation bill of the 710 freeway. Regardless, I understand that the gentleman is here to try to protect one of his cities that he represents, and that is commendable except that all the other cities in his district are in support of the completion of the freeway.

Let me try to explain to my colleagues what the situation is with a little bit of the background since the distortion I have heard here today from the gentleman from the district to my north which is understandable given his contention about the completion of the freeway in regards to that city.

First, let me correct something. The City of Pasadena is not in support of his amendment. They, in fact, passed a resolution in support of the completion of the freeway. We have letters which we will provide at the appropriate time in the full committee from the Transportation Department, from Cal Trans, from everybody else involved except the City of South Pasadena.

Now, why I find this is illogical is because the record of decision that was signed by Rodney Slater, the Secretary of Transportation, was only to move the freeway from the present closure that it has now on Fremont and Valley to Huntington Drive, which is a much wider street, to alleviate the traffic congestion, the accidents and the environmental and soundness of having that freeway dump out on Valley Boulevard.

Now the low-built proposition that has been offered several times and in several different manners has been studied over the period of some 35 years, and everyone that studied that has found that it is inappropriate and that it would not correct the situation that exists and would only make matters more complicated.

The gentleman uses statistic of 18 miles per hour on surface streets; that is absolutely true; and then 18 miles per hour on a freeway that cannot possibly be except in the heaviest of congestion, and if that freeway were completed, there would not be that congestion.

□ 1345

But more than that, the whole misunderstanding of this situation, as I said earlier, is that the record of decision only takes the freeway, relieving that congestion to the City of Alhambra to Huntington Drive, and the portion that goes to that point is not in the gentleman's district, but is in my district.

I have certainly the right to stand and try to protect my city of Alhambra from all of the impacts that have been created, because South Pasadena is unwilling to be a good neighbor, because through South Pasadena that freeway would not present all of the problems that the gentleman has described, because it would be undergrounded through there, the top of it would be landscaped, historical buildings would be replaced and refurbished, so everything would be put back in order and it would not cut the city into quarters, as he has stated.

More than that, this situation has existed there for 34 years. If the Transportation Department did not intend to complete this freeway, they should have never built it, because every city along that route suffers from lack of completion of that freeway.

As far as displacing people, the freeway has for a long time displaced people in that the State was required to buy homes and over 40 percent of the homes in that area have been purchased by the State and are already owned by the State towards the eventual completion of that freeway.

But the record of decision that everybody agreed to came to the conclusion that the first thing to do was to move it from Fremont and the valley where it has created such a problem to Huntington Drive. Then the decision would be made. So at this point in time, any funding that would be denied would be denied for a completion that does not go through the gentleman's district, but up to the gentleman's district and, thereby, relieving the situation in the city below it.

If that at that time comes to pass, that the freeway would need to be completed, that would have to be addressed

at that time with new environmental impact reports done and the like.

At this point in time, the only thing he would be prohibiting is from funding for, if at some future date somebody would decide to fund that portion of the freeway to Huntington Drive, he would be preventing us from alleviating a series of problems that are created not only by the lack of completion of the freeway, but because of the elevated corridor, which is now going to put an extensive amount of train traffic through the district with many of the crossings being at grade, not below grade, and in this record of decision also, money was appropriated or was established that would be appropriated for the taking of those railroad crossings and putting them below grade.

So at this point in time I oppose the gentleman's amendment, and I would urge my colleagues to oppose it, since the completion that is taking place is within my district.

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

Mr. Chairman, I have a question for the gentleman from California (Mr. ROGAN), and I would like to engage him in a colloquy at this time.

Mr. Chairman, I do not know anything about this project, although I do not know where it is, what it is, and I suspect most House Members do not. Is this a highway demo?

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

Mr. SABO. I yield to the gentleman from Minnesota.

Mr. ROGAN. Mr. Chairman, this is a completion of a freeway project that was designed 50 years ago.

Mr. SABO. Mr. Chairman, reclaiming my time. Is this a highway project that was designed by the State of California with general highway funds?

Mr. ROGAN. Mr. Chairman, if the gentleman will yield, I cannot answer the question of the gentleman. It was designed before I was born. I am not sure where the source of the design came from.

Mr. SABO. But it is not a demo project that we have specifically designated by Federal law?

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

Mr. SABO. I yield to the gentleman from California.

Mr. MARTINEZ. Mr. Chairman, the answer to the gentleman's question is yes. The State of California designed that freeway with the intention of completing it.

Mr. SABO. Mr. Chairman, reclaiming, my time, but it is not a demo?

Mr. MARTINEZ. No, Mr. Chairman.

Mr. SABO. So this is a project, Mr. Chairman, that has proceeded under whatever the procedures are in California, I assume using general Federal highway aid money, through the normal environmental process, dealing in whatever fashion they do in California with local units of government. I gather some of this project is built right now, and right now it is at a stop; is that accurate?

Mr. MARTINEZ. Mr. Chairman, if the gentleman will yield, yes, it is.

Mr. SABO. Mr. Chairman, I am finding it difficult to understand why on the House floor where most of us do not know what we are doing, we should make a judgment on what happens in the State of California with funds that they control, subject to the normal procedures that we have.

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

Mr. SABO. I yield to the gentleman from California.

Mr. ROGAN. Mr. Chairman, I appreciate the gentleman's inquiry, and I will try to enlighten the gentleman.

In fact, the point the gentleman makes is the point that is currently before the Federal court. A permanent ruling is going to come down on July 1, but the Federal court, in a temporary ruling to an injunction has said a number of these factors have not been considered, such as the environmental impact, the impact upon the historic area of the community. So what I am attempting to do in this amendment is to stop the spending of Federal dollars on a project that could go forward through the general funds of the FHWA when, in fact, it may be a waste of money and certainly would have a very bad impact on the community.

Mr. SABO. So, Mr. Chairman, reclaiming my time, this highway is also in the courts?

Mr. ROGAN. Yes.

Mr. SABO. And we are going to prejudge what the courts are going to do?

Mr. ROGAN. Mr. Chairman, if the gentleman will continue to yield, all I am attempting to do, as I indicated in my opening statement, is try to protect an historic area of the community and protect the environment.

Mr. SABO. Mr. Chairman, reclaiming my time, I am sure the gentleman is, but I am sort of curious why the U.S. House of Representatives on a late afternoon on the House floor, where most of us are not familiar with the project, should override whatever the normal procedures are and adopt an amendment saying we cannot do something which one normally can do in the State of California.

Mr. ROGAN. Mr. Chairman, if the gentleman will again yield, it is because we have the purse strings here, and we have the right in the oversight to say whether or not such projects are going to be developed.

Mr. SABO. Mr. Chairman, reclaiming my time, I do not know that we have often done that, although I hate to say never, on particular projects that are not demos.

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

Mr. SABO. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I think we did several years ago, and the gentleman from New York (Mr. NADLER) can better explain, as the gentleman is here.

Mr. SABO. Mr. Chairman, that was that big elevated thing in New York?

Mr. WOLF. Yes, Mr. Chairman. We interceded against it.

Mr. SABO. But was that not a highway demo?

Mr. WOLF. Mr. Chairman, the staff tells me that it was not. That was in opposition to the State of New York in defense to the gentleman from the district.

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

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

Mr. SANFORD. Mr. Chairman, just as much as I can shed light on this for the benefit of my colleague from California, I guess it was the year before last there had been basically authorization within the Federal highway bill for an interstate to run down to Charleston, South Carolina.

Our environmental community did not want that road running down to Charleston, and so we were actually able, with the help of the gentleman from Pennsylvania (Mr. SHUSTER), to take it out and stop the road in Georgetown, South Carolina. So I do think there is historical precedence here.

Mr. SABO. Mr. Chairman, reclaiming my time, was that a demo?

Mr. SANFORD. No, it was not.

The CHAIRMAN. The time of the gentleman from Minnesota (Mr. SABO) has expired.

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

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

Mr. SABO. I yield to the gentleman from California.

Mr. MARTINEZ. Mr. Chairman, there are several differences between the examples that have been given here today. The freeway was set for completion, the design was there. The reason it was stopped is because in the State of California, we have a law that requires the cities to give permission for street closures when freeways were being built through a city. South Pasadena used that gimmick to stop the freeway because they refused to close the streets for the freeway to be built.

Some 17 years later, when I was elected to the State legislature, with a negotiation with South Pasadena, we were able to pass a law that took that right of veto, because it actually amounts to veto, away from cities so that freeways that were for the best interests of the community and the surrounding communities and the whole area of L.A., because that completes a circulation pattern in the county of L.A., then that was passed and signed by the governor. Subsequent to that, we have had at every instance a roadblock put by South Pasadena trying to stop the freeway.

Now, every community in southern California has got a freeway running to it, by it or through it. We have all had to suffer the indignation during the

building of it and we have all had to put up with a lot of inconveniences, in many cases no sound walls until more recently a bill was passed to require more sound walls.

All of these things have been mitigated for South Pasadena in every way. As I said, it will be undergrounded through South Pasadena, no on ramps or off ramps, everything that is possible to be done for South Pasadena has been done, and yet they refuse. Every county in L.A. at one time or another has passed a resolution in order to complete that freeway because of the suffering that it causes everywhere else, and more than that, the State Transportation Department is in total support of the completion of that freeway. CALTRANS is in total support of that freeway. Everybody except South Pasadena is in support of completion of that freeway because of the need for it.

Mr. SABO. Mr. Chairman, I remain confused.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. ROGAN).

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

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

The CHAIRMAN. Pursuant to House resolution 218, further proceedings on the amendment offered by the gentleman from California (Mr. ROGAN) will be postponed.

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

(Mr. BENTSEN asked and was given permission to revise and extend his remarks.)

Mr. BENTSEN. Mr. Chairman, I will not take the full 5 minutes. I was unable to be here for the earlier part of the debate. I wanted to rise in strong support of the fiscal year 2000 Transportation Appropriations bill, and in particular, to commend the chairman and the ranking member for crafting this bipartisan legislation.

In particular, I want to express my appreciation to the committee for providing $1 million appropriations for the planning and design of the Main Street Corridor project in Houston, Texas, a large part of which runs through my congressional district. The city of Houston, in collaboration with the Houston Metro and the Main Street Coalition, Incorporated is about to undertake a study of one of the most comprehensive urban redevelopment projects in Houston's history.

The city of Houston is committed to redeveloping Main Street. Redeveloping the city's ''urban spine'' is critical to Houston's ability to compete economically, culturally, and socially in the next century. This project has the potential for becoming a thriving retail and commercial anchor for the future of economic growth.

I again appreciate the work of both the chairman and the ranking member for including this, and I recommend passage of the bill.

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

Mr. Chairman, I am going to support the Transportation Appropriations bill, but I want to raise an issue that was discussed last year during the TEA–21 debate. The Federal Government is mandating that communities reduce their emissions from air pollution and is requiring that the private sector clean up its act on air emissions, yet it continues to provide funds to local transportation agencies that are, in fact, polluting the environment. I will give my colleagues an example, and I would ask us to reconsider our priorities in the very near future.

We are going to spend $2.7 billion on traditional polluting mass transit using diesel fuel while only $50 million is going to clean technology.

I would just ask both Chairmen WOLF and SHUSTER, who are here today, that next year, when we bring this spending bill up, that the Federal Government makes more of an effort to lead through example and make sure that every Federal transit dollar that is spent, no matter who spends it, is spending it in the purchase and the use of clean technology, clean buses and clean mass transit.

For those of us that have worked on air pollution issues, it is frustrating to see the Federal Government, State governments, and local governments mandate that private citizens and the private sector clean up their act, while we have not redirected our resources towards the cleanest technology available. I would just ask the subcommittee chairman if he would be willing to work with we in the next fiscal year to make sure next year's allocation places a priority on the cleanest technology available and that Federal funds should be used on technology that will not only get our people around, but also do it without polluting the air.

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

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

Mr. WOLF. Mr. Chairman, I will. As the gentleman knows, there is money in the bill here, I believe $100 million, directed toward that effort, but we will be glad to work with him to see that we can do a better job for more.

Mr. BILBRAY. Mr. Chairman, reclaiming my time, I appreciate that. I think this is the beginning of a process that we can work together. Mr. Chairman, I want to point out that Chairman SHUSTER on the Transportation Committee has started this process. Traditionally for the last 30 years, Washington has been subsidizing dirty polluting diesel fuel while we have purported to be for clean air.

□ 1400

I appreciate Chairman SHUSTER and WOLF in trying to change that mindset. I would just ask that next year, going into the next millenium, we draw the line and say we will now support the clean air strategies with our commitment of Federal transportation funds.

AMENDMENT OFFERED BY MR. NADLER

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

The Clerk read as follows:

Amendment offered by Mr. Nadler:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. ___. None of the funds in this Act shall be available to carry out the project specified in item 732 of the table contained in section 1602 of Public Law 105–178.

Mr. SHUSTER. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. A point of order is reserved.

Mr. NADLER. As Yogi Berra said, Mr. Chairman, it feels like deja vu all over again.

This time I rise to offer an amendment to keep valuable taxpayer dollars from being wasted on an outrageous boondoggle in my district in New York.

The issue is simple: The Miller Highway, which is 13 blocks long, the entire thing, 13 blocks, half a mile, was almost completely rebuilt only 5 years ago at a cost to the taxpayers of almost $90 million. It has a life expectancy expectancy of 35 to 40 years before major rehabilitation work may be necessary.

Now Donald Trump wants us to spend $300 to $350 million to tear it down, a brand new highway, and bury it, bury it so it will not block the views of the Hudson River from some of the apartments in his new Riverside South luxury housing development. For $350 million of the taxpayers' money, Donald Trump will get higher prices for his condos.

To add flame to the fire, nobody even pretends there is any transportation purpose for this project whatsoever. Indeed, the proposal is to replace a straight segment of highway with a curved segment, never a good idea from a transportation perspective.

Nobody in the area affected in the community wants this project. It is opposed by every local elected official, the State senator, the State assembly member, the New York City council member, the Manhattan borough president, and the two local community planning boards.

In past years this project has been opposed consistently by the Porkbusters Coalition, the Council for Citizens Against Government Waste, the National Taxpayers Union, the Taxpayers for Common Sense, not to mention the administration.

Much is said in this Chamber about stopping waste and put an end to taxpayers' subsidies for millionaires and billionaires. Today we have an opportunity to buttress these statements with actions.

To make it even worse, this is a project that is not going to happen. What we are doing is wasting money on planning an engineering studies for a project that will not happen.

In the letter that was quoted on the floor last year from the mayor of the city of New York, he says as follows, dated March 26, last year: ''While the administration is fully committed to the Miller Highway relocation,'' they think it is a good project, unlike me, ''it is critical that the funds for the project not redirect or act as an offset for Federal or State funds for other Transportation and Infrastructure projects in New York City. The city has numerous pressing highway and transportation needs that have Federal financial support, and the administration would not be able to support a relocation proposal that reduced the Federal commitments to these other projects.''

In other words, they are only going to do this project if the House decides that we are going to take $300 million over and above what New York normally gets for transportation and give it specifically for this project. That is obviously not going to happen.

They are not willing to, the city government is not willing to take $300 million from the normal city Federal aid for transportation, take it away from other projects for this. So what we are left with is a project that is not going to happen because no one is going to put the money into it, but we will waste 6 million a year, $5 million a year on environmental and planning studies and engineering studies for a project that will never happen.

My amendment is simply saying, do not waste that $6 million, $10 million on planning study for a project that should not happen and that will not happen.

Mr. SHUSTER. Mr. Chairman, I move to strike the word.

Mr. Chairman, it will be my intention in a moment to withdraw my reservation on my point of order, but I would make the point that I do not see any additional dollars being spent beyond T–21 on this project unless there is very substantial investment in the project by both the State and the city.

As the gentleman has pointed out, that seems to be, in all probability, not going to happen.

Therefore, Mr. Chairman, I would withdraw my reservation on my point of order and ask the gentleman if he would withdraw his amendment.

The CHAIRMAN. The point of order is withdrawn.

Mr. NADLER. Mr. Chairman, I ask unanimous consent to strike the requisite number of words.

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

There was no objection.

Mr. NADLER. Mr. Chairman, if I heard correctly, and if in fact what the gentleman from Pennsylvania (Mr. SHUSTER) is saying is that unless the city and the State come up with a specific financing plan to show a commitment for the bulk of the money, three-quarters or whatever of the several hundred million dollars that this will take, which I do not believe can happen, but that unless that happens there will not be additional funding for this project, then I think that is a very wise statement and it would render the amendment unnecessary.

Mr. Chairman, I ask unanimous consent to withdraw the amendment, and I appreciate the commitment from the gentleman from Pennsylvania.

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

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

Are there any further amendments?

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 218, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

The amendment offered by the gentleman from New Jersey (Mr. ANDREWS);

The amendment offered by the gentleman from California (Mr. ROGAN).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. ANDREWS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. ANDREWS) 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 289, noes 141, not voting 4, as follows:

[Roll No. 248]

AYES—289

Abercrombie
Ackerman
Allen
Andrews
Bachus
Baird
Baldacci
Baldwin
Ballenger
Barcia
Barrett (WI)
Bass
Becerra
Bentsen
Berkley
Berman
Berry
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Camp
Campbell
Cannon
Capps
Capuano
Cardin
Carson
Chenoweth
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
Deal
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Edwards
Emerson
Engel
English
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Filner
Foley
Forbes
Ford
Fossella
Frank (MA)
Frost
Ganske
Gejdenson
Gephardt
Gillmor
Gilman
Gonzalez
Goodling
Gordon
Graham
Green (TX)
Green (WI)
Greenwood
Gutierrez
Hall (OH)
Hastings (FL)
Hefley
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hostettler
Hoyer
Hulshof
Hutchinson
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Myrick
Nadler
Napolitano
Neal
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Portman
Price (NC)
Quinn
Radanovich
Rahall
Rangel
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Ryan (WI)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sherman
Shimkus
Shows
Sisisky
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stearns
Strickland
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Waters
Watt (NC)
Weiner
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wilson
Wise
Woolsey
Wu
Wynn
Young (AK)

NOES—141

Aderholt
Archer
Armey
Baker
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Biggert
Bilbray
Bliley
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Canady
Castle
Chabot
Chambliss
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
DeLay
Doolittle
Dreier
Dunn
Ehlers
Ehrlich
Everett
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Gekas
Gibbons
Goode
Goodlatte
Goss
Granger
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Herger
Hobson
Hoekstra
Horn
Houghton
Hunter
Hyde
Isakson
Istook
Johnson (CT)
Kasich
Kingston
Knollenberg
Kolbe
Kuykendall
Largent
Lewis (KY)
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McIntosh
Mica
Miller (FL)
Miller, Gary
Morella
Nethercutt
Northup
Packard

Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Pryce (OH)
Ramstad
Regula
Riley
Rogan
Rogers
Rohrabacher
Roukema
Royce
Ryun (KS)
Sanford
Saxton
Scarborough
Sessions
Shadegg
Shaw
Shays
Sherwood
Shuster
Simpson
Skeen
Smith (MI)
Smith (TX)
Souder
Spence
Stenholm
Stump
Sununu
Talent
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Toomey
Wamp
Watkins
Watts (OK)
Waxman
Weldon (FL)
Wicker
Wolf
Young (FL)

NOT VOTING—4

Brown (CA)
DeFazio
Fletcher
Gilchrest

☐ 1430

Messrs. MILLER of Florida, HASTINGS of Washington, ADERHOLT, KINGSTON, KASICH, HAYES, BRYANT, SMITH of Michigan, and SHADEGG changed their vote from ''aye'' to ''no.''

Messrs. HILL of Montana, FORBES, YOUNG of Alaska, DEMINT, DUNCAN, SALMON, GEORGE MILLER of California, DICKEY, FOSSELLA, STEARNS, MOLLOHAN and METCALF and Mrs. EMERSON changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

☐ 1430

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 218, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT OFFERED BY MR. ROGAN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. ROGAN) 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 CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 241, noes 190, not voting 3, as follows:

[Roll No. 249]

AYES—241

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Carson
Castle
Chabot
Chambliss
Chenoweth
Clayton
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dicks
Doggett
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kucinich
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCarthy (MO)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—190

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Clay
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Dixon
Dooley
Doyle
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—3

Brown (CA)
DeFazio
Gilchrest

☐ 1438

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there any further amendments to the bill?

AMENDMENT OFFERED BY MR. SMITH OF MICHIGAN

Mr. SMITH of Michigan. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Michigan:

At the end of the bill, insert the following new section:

SECTION ___. Amend paragraph ''Capital investment Grants'' by striking ''$2,451,000,000'' and inserting ''$1,470,600,000''. On page 26, line 15, strike ''$980,400,000'' and insert ''$0''.

Mr. SMITH of Michigan (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered read and printed in the RECORD.

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

There was no objection.

POINT OF ORDER

Mr. WOLF. Mr. Chairman, I rise to make a point of order against the amendment because the author seeks to amend a paragraph that has already been read under the 5-minute rule.

The House Rules and Manual clearly state in Section 872 that: ''When a paragraph or section has been passed it is not in order to return thereto.''

This amendment comes too late, and I ask for a ruling from the Chair, but in deference to the gentleman from Michigan (Mr. SMITH), Mr. Chairman, I ask that he be given several minutes to explain his amendment.

PARLIAMENTARY INQUIRY

Mr. SABO. Mr. Chairman, parliamentary inquiry. Did I understand my friend from Virginia (Mr. WOLF) to raise a point of order against the amendment but requests unanimous consent that the gentleman from Michigan (Mr. SMITH) might have 2 minutes to explain his amendment before a ruling by the Chair?

The CHAIRMAN. The Chair would ask the gentleman from Virginia (Mr. WOLF) has he made a point of order or has he simply reserved a point of order?

Mr. WOLF. Mr. Chairman, I will reserve a point of order in deference to the gentleman, and then I will make the point of order after the gentleman has an opportunity to explain.

The CHAIRMAN. The point of order is reserved, and the gentleman from Michigan (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Chairman, this is an amendment that the gentleman from Ohio (Mr. CHABOT) and I had introduced. I understand that TEA–21 might be a reason for claiming it out of order. In addition, it amends page 26 of the bill.

Let me just briefly tell the body our concern with spending millions of dollars for new fixed-rail starts. This amendment, if passed, would have saved $980 million. What happens is, these new subway systems, these new fixed-rail systems are not paying their way. They are extremely expensive.

I am going to say this very quickly and very briefly. It is an issue that should concern us all. I understand that most of these new starts are Republican projects, but a Department of Transportation study has found that subsidies for building and operating mass transit rail programs cost between $4,800 and $17,000 annually for each rider.

Then, after we build the system, we continue to subsidize them. We have increased the Federal Government's cost share because local communities are not interested in putting in 50 percent of the cost. I think it is an issue that we need to consider. We need to look about us as we are threatened with spending the Social Security surplus money. It is a special challenge to each one of us to make sure we be very frugal. There is not a single mass transit rail system in the U.S. that covers its operating cost with fares.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

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

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

Are there any further amendments to the bill?

If there are no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. FOLEY) having assumed the chair, Mr. CAMP, 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. 2084) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes, pursuant to House Resolution 218, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. 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.

□ 1445

The CHAIRMAN. The question is on passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 429, nays 3, not voting 3, as follows:

[Roll No. 250]

YEAS—429

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
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
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
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
Houghton
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
Kasich
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
McDermott
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
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
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
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—3

Chenoweth
Paul
Royce

NOT VOTING—3

Brown (CA)
DeFazio
Gilchrest

□ 1503

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 33, CONSTITUTIONAL AMENDMENT AUTHORIZING CONGRESS TO PROHIBIT PHYSICAL DESECRATION OF THE FLAG OF THE UNITED STATES

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 217 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 217

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the joint resolution (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. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution and any amendment thereto to final passage without intervening motion except: (1) two hours of debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; (2) an amendment in the nature of a substitute, if offered by Representative Conyers of Michigan or his designee, which shall be considered as read and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. FOLEY). The gentleman from Florida (Mr. GOSS) is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for the purpose 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, this is a fair and appropriate rule for consideration of a constitutional amendment. This is not something we do every day. The rule provides the minority with two bites at the apple by making in order a substitute as well as the motion to recommit. It should engender no opposition, and I urge all Members to support this rule.

Mr. Speaker, the United States flag is a cherished symbol of the very best our Nation represents. It signifies the lasting ideals that have come to define our Nation, ideals that men and women have risked and often lost their lives for; ideals like freedom.

There are some well-intentioned, honorable Americans who will assert that it is precisely this freedom that allows us to defile our flag. I politely disagree with those folks. The flag may be just a symbol, but burning it flies in the face of the respect that we have for our liberties, our Constitution, and our history as a Nation. Worst of all, it strikes a devastating blow to our national unity, and our unity is what makes us great. While we all come from different backgrounds and may worship different gods, we can all come together as Americans under our flag. We can disagree on the most challenging issues in our great democracy and have great debate, but at the end of the day we know that our flag is still flying and it represents all of us together, united. The soldier serving overseas understands it in the same way that the World War II vet saluting ''Old Glory'' on Memorial Day does. It is an unspoken pride and it comes from the heart. It is not something easily explained. It is something easily understood.

Today, we have the opportunity to affirm our commitment to our uniquely American values and to uphold the will of the American people. I say that because 49 States, including my home State of Florida, have asked us to take action to protect the flag. This will require amending the Constitution, an action which is not to be taken lightly. But it is an action that our Founding Fathers deemed appropriate on issues of integral national importance, and I believe this is one of them. This, I believe, is what the American people are asking us to do, for those individuals who have fought to preserve our freedom and for those individuals who are interested in the future of our country.

I urge support for this rule, and I urge thoughtful consideration on the final vote on the matter before us.

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

Mr. MOAKLEY. Mr. Speaker, I thank my dear friend the gentleman from Florida (Mr. GOSS) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, I join the gentleman from Florida (Mr. GOSS) in cosponsoring this resolution to prohibit desecration of the flag.

Mr. Speaker, as one who served in World War II, I served not only to defend our flag but also, and probably even more importantly, I served to defend the ideas for which the flag stands.

Still, I do not believe that people should be allowed to desecrate the flag. I think there are far better ways to express unhappiness than by engaging in an act that so many American citizens find offensive.

Mr. Speaker, every time I meet with American Legion veterans, they tell me their number one priority is protecting the flag that they fought so hard to defend. I think this is the least this country can do for these men and the many other Americans who risked their lives for the United States to grant that wish to them.

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

Mr. GOSS. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from California (Mr. CUNNINGHAM), a man whose experience on behalf of his Nation is well-known to those who know him. We are very proud to have him be the author and lead speaker on this.

Mr. CUNNINGHAM. Mr. Speaker, first of all, I would say that even though I am the author of this amendment, I am not the author of this amendment. I was just flying close wing on Congressman Solomon, a Marine Corps who always hates to hear that the Navy owns the Marine Corps. Jerry Solomon since 1990 has persevered on this particular issue. When he retired, he asked myself and his replacement to push the issue, to bring it before the American people and have a constructive dialogue.

In 1989, in a 5–4 decision, the Supreme Court wiped out 200 years of tradition. In 1990, there was another vote but just for a resolution. The Supreme Court acted again with the same five individuals. The Supreme Court has told us that this is the only way to proceed, and many legal scholars agree.

Mr. Speaker, I would say from the onset, some of my colleagues have a difference of opinion on this issue. This has won by over 300 votes every time it has come up and we will pass this here today with over 300 votes. But I would chastise anybody that would characterize an opponent of this particular issue as nonpatriotic. As a matter of fact, I would stand side by side with that individual, because people have different beliefs on this issue. Fortunately, they are in a minority of those.

Secondly, that 85 percent of the American people feel that those individuals are wrong that oppose this particular amendment. Forty-nine States have asked us to pass this amendment, and their legislatures and the governors. The 50th State has actually passed this in the House and the Senate but not in the same year, and they plan to do it.

Some people will say that this is an unnecessary Federal statute, but yet the Supreme Court told us that this is necessary.

I would ask my colleagues not to bring a circus event, of bringing bandanas, underwear, those kinds of things with the American flag on them. That is not what we are talking about here. We are talking about the desecration of an American flag.

There would be those people that say it abridges the first amendment. Legal scholars again disagree, that this is expressive conduct, not actual speech; that no one is prevented from expressing themselves on an idea such as the flag through speech, or any other manner, except for the desecration of a flag.

We are not talking about burning handkerchiefs or underwear as some of my colleagues have brought forward or other things. We are talking about the American flag. This amendment is supported by 120 different organizations. The Flag Alliance has put together a

grassroots. Eighty-five percent of the citizens, 49 States, and prior to the Supreme Court decision, by one vote, 48 States already had laws in which they did not feel that the first amendment was abridged.

In 1995, this House passed this 312–120. We lost it by three votes in the Senate. Since that time, we have had a change in the Senate to where now we can pass this bill in the Senate. This bill can go forward. In 1997, we passed it in the House but we got tied up with other judiciary legislation and it was not taken up in the Senate.

Mr. Speaker, this is the opportunity that we have been waiting for since 1989, not only in the House and in the Senate, the American people, but every State legislature in this country that disagree with the minority dissenting views on this particular issue. The Citizens Flag Alliance has put together a good coalition. Jerry Solomon, the original author of this, has put together a coalition.

□ 1515

And for those that would chastise us saying this is a political issue, I would beg difference with them. For many of us, and including my friend the gentleman from Massachusetts (Mr. MOAKLEY), this is a deeply reserved and caring issue for us, important to the core, to the heart, and to the mind and the soul. If anything, this brings unity to people, it brings freedom and the idea of what the flag stands for, and for those reasons we go forth with this amendment with hope and prayer that this amendment will pass in the House and Senate, it will be ratified by three-quarters of the States, which we agree that it will be.

I thank the chairman of the committee, the gentleman from Illinois (Mr. HYDE), the gentleman from Florida (Mr. CANADY) of the subcommittee and my colleagues on both sides of the aisle for the support of this amendment.

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

(Mr. TRAFICANT asked and was given permission to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, I support the rule, I support the amendment. I want to commend former Member Mr. Solomon and the Duke-ster, the gentleman from California (Mr. CUNNINGHAM), and all those involved.

My colleagues, in some cities in America it is illegal to kiss in public. It is illegal to sing and yodel in public. It is illegal to ride a skate board. It is illegal to burn trash and to burn leaves, but someone can burn the flag. In America it is illegal to tear the labels off of pillows, it is illegal to touch or desecrate a mailbox, but someone could literally rip the stars and stripes off our flag.

Beam me up.

Mr. Chairman, I have been listening to all the scholars. They say the Constitution allows for Americans to burn the flag, and the courts have ruled that Americans can burn the flag. That is why today we must change and move the process to change the Constitution.

Let me remind Members the first Constitution permitted and allowed slavery, slavery. The first Constitution allowed and in fact treated women and Native American Indians like cattle. That was wrong, and it was right to change the Constitution.

The bottom line is a people who do not honor and respect the flag do not respect their neighbors or their country, and a people that do not honor and respect the flag do not actually respect themselves, nor our great freedoms.

I say today if dissidents wish to express their first amendment rights and to proclaim their political statements: Burn their money, Burn their brassieres, Burn their pantyhose, Burn their BVDs, But leave the flag alone.

The flag is sacred, and it is time that we start protecting it and paying tribute and honor to our flag which represents our great republic.

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

(Mr. PAUL asked and was given permission to revise and extend his remarks.)

Mr. PAUL. Mr. Speaker, I appreciate the comments of the gentleman from California earlier that said that those of us who oppose this amendment should not be challenged on our patriotism. That certainly should be true. But I do rise in support of the rule because obviously it is constitutional to amend the Constitution; that we cannot object to. But I do have questions about what we are doing to the spirit of America, the spirit of the Constitution in a desire to protect a symbol.

Not too long ago Hong Kong was taken over by Red China. The very first law that Red China passed on Hong Kong was to make it illegal to burn a flag. The first time Hong Kong ever had that law, the British do not have a law like this. Red China, as soon as they took over Hong Kong, they pass a law to make it illegal to burn a flag.

But it does not stop there. On an annual basis we, the Congress, require the State Department to report to us any human rights violations around the world. The human rights violations in Red China are used specifically to decide whether or not they will get Most Favored Nation status. Last year, in 1998, the report came to the Congress in April of this year, and it reported that indeed there were violations of human rights. What were the human rights violations that we are condemning by this report and we are going to use against the Red Chinese? Two individuals burned the Hong Kong or the Red Chinese flag.

I think it is just a little bit hypocritical if we want to claim the Red Chinese are violating human rights because somebody there burned the flag at the same time we intend to pass that law here.

The spirit of the Constitution did not require this. We have had 212 years of our history since the Constitution was passed. We have not had this pass. We have not required this. Where is the epidemic? I cannot remember ever seeing, and of course I am sure it has been on television where an American citizen burned the flag. It must happen; it will happen again. As a matter of fact, it will probably happen more often because there will be more attention given to it once this law is passed.

Where I see the burning of the American flag, where I get outraged is when the foreigners are doing it because they are so defiant about our policies around the world. But that is a lot different. We are not dealing with that hatred toward America that we are dealing with here.

We are dealing with a few deranged individuals that were willing to challenge the spirit of the Constitution. They say this is not free speech, but it is indeed expression, just as religion is, just as the study of philosophy is, just as our personal convictions. To say that this is not protected under the Constitution, the current Constitution, I think is quite wrong. I think we do protect that.

And, yes, one would say this is egregious, this is horrible, to burn this flag. But that is the purpose of the first amendment, to protect obnoxious and uncomfortable speech.

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

Mr. Speaker, let me just say in response to what the gentleman from Texas (Mr. PAUL) has said about the Chinese's first act was to ban the burning of flags, I understand that was also the same act of Adolf Hitler.

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

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

I just simply wanted to make a couple of comments before I yield back. I think that the flag is obviously very much part of our life every day here. We start out with the pledge, many of our institutions. When we sing the national anthem, whatever occasion, before sports events, we speak of what so proudly we hailed before the twilight's last gleaming. When we have the tragedy of death in our military, we have the presentation of the flag at the ceremonial part of that process, and I think quite often the flag is so much part of our life that when somebody desecrates it in any way most Americans are outrageously offended.

I suppose for many overseas who still see the American flag as the last best hope for freedom and opportunity it must be puzzling if that flag is devalued in its homeland, in the United States of America. What would that mean if one sees Americans burning the American flag? It is a curious message to send.

I believe that there are limitations on the first amendment. I think they

have been recognized, I think they are appropriate for public safety and public well-being. They are well understood. I believe this is an area where a case can be made clearly for the well-being of the United States of America and its people. We should accept the responsibility of protecting the one symbol that unites us, our flag.

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 resolution was agreed to.

A motion to reconsider was laid on the table.

REQUEST FOR POSTPONEMENT OF FURTHER CONSIDERATION OF H.J. RES. 33, CONSTITUTIONAL AMENDMENT AUTHORIZING CONGRESS TO PROHIBIT PHYSICAL DESECRATION OF THE FLAG OF THE UNITED STATES, AFTER GENERAL DEBATE TODAY; TO A TIME DESIGNATED BY THE SPEAKER

MR. CANADY of Florida. Mr. Speaker, I ask unanimous consent that after debate on H.J. Res. 33, notwithstanding the operation of the previous question, it may be in order at that point for the Chair to postpone further consideration of the bill to a time designated by the Speaker on which consideration may be resumed at a time designated by the Speaker.

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

Mr. WATT of North Carolina. Reserving the right to object, Mr. Speaker, let me be clear, and I do not intend to object. What I have been told is that the debate on the substitute amendment will be conducted tomorrow. I assume we are not contemplating carrying it beyond tomorrow; are we?

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

Mr. WATT of North Carolina. I yield to the gentleman from Florida.

Mr. CANADY of Florida. That is my understanding. We would proceed with general debate today and then conclude consideration of this bill tomorrow with the debate on the substitute amendment.

Mr. WATT of North Carolina. That is a little different than the unanimous-consent request.

I guess the only thing that leaves me a little uneasy is that this could go on, and on, and on.

Mr. CANADY of Florida. If I could address that, I believe that my objection to that would be as great or perhaps greater than the objection lodged by the gentleman from North Carolina (Mr. WATT), so I believe that it is the intention to have this bill come to a final vote tomorrow morning.

Mr. WATT of North Carolina. I wonder if the gentleman might consider revising his unanimous-consent request to that effect, and then if it becomes necessary to go beyond tomorrow, we could come back and address that tomorrow.

I am just trying to make the record absolutely clear on this. I do not think either he or I can bind the leadership to this.

Mr. CANADY of Florida. Mr. Chairman, I will withdraw the unanimous-consent request, and we will discuss it further.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was 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 with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 775. An act to establish certain procedures for civil actions brought for damages relating to the failure of any device or system to process or otherwise deal with the transition from the year 1999 to the year 2000, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 775) ''An Act to establish certain procedures for civil actions brought for damages relating to the failure of any device or system to process or otherwise deal with the transition from the year 1999 to the year 2000, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints from the—

Committee on Commerce, Science, and Transportation: Mr. MCCAIN, Mr. STEVENS, Mr. BURNS, Mr. GORTON, Mr. HOLLINGS, Mr. KERRY, and Mr. WYDEN;

Committee on the Judiciary: Mr. HATCH, Mr. THURMOND, and Mr. LEAHY; and

Special Committee on the Year 2000 Technology Problems: Mr. BENNETT and Mr. DODD; to be the conferees on the part of the Senate.

APPOINTMENT OF CONFEREES ON H.R. 1554, SATELLITE COPYRIGHT, COMPETITION, AND CONSUMER PROTECTION ACT OF 1999

Mr. ARMEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1554) to amend the provisions of title 17, United States Code, and the Communications Act of 1934, relating to copyright licensing and carriage of broadcast signals by satellite, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas? The Chair hears none and, without objection, appoints the following conferees:

From the Committee on Commerce, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

Messrs. BLILEY; TAUZIN; OXLEY; DINGELL; and MARKEY.

Provided that Mr. BOUCHER is appointed in lieu of Mr. MARKEY for consideration of sections 712(b)(1), 712(b)(2), and 712(c)(1) of the Communications Act of 1934 as added by section 104 of the House bill.

From the Committee on the Judiciary, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

Messrs. HYDE; COBLE; GOODLATTE; CONYERS; and BERMAN.

There was no objection.

☐ 1530

POSTPONING FURTHER CONSIDERATION OF H.J. RES. 33, CONSTITUTIONAL AMENDMENT AUTHORIZING CONGRESS TO PROHIBIT PHYSICAL DESECRATION OF THE FLAG OF THE UNITED STATES, AFTER GENERAL DEBATE TODAY TO A TIME DESIGNATED BY THE SPEAKER

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that after debate on H.J. Res. 33, notwithstanding the operation of the previous question, it may be in order at that point for the Chair to postpone further consideration of the bill until the following legislative day on which consideration may resume at a time designated by the Speaker.

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

There was no objection.

CONSTITUTIONAL AMENDMENT AUTHORIZING CONGRESS TO PROHIBIT PHYSICAL DESECRATION OF THE FLAG OF THE UNITED STATES

Mr. CANADY of Florida. Mr. Speaker, pursuant to House Resolution 217, I call up the joint resolution (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, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 33 is as follows:

H.J. RES. 33

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein),

SECTION 1. CONSTITUTIONAL AMENDMENT.

The following article is proposed as an amendment to the Constitution of the

United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

''ARTICLE—

''The Congress shall have power to prohibit the physical desecration of the flag of the United States.''.

The SPEAKER pro tempore. Pursuant to House Resolution 217, the joint resolution is considered as having been read for amendment.

After 2 hours of debate on the joint resolution, it shall be in order to consider an amendment in the nature of a substitute, if offered by the gentleman from Michigan (Mr. CONYERS) or his designee, which shall be considered read and debatable for 1 hour, equally divided and controlled by the proponent and an opponent.

The gentleman from Florida (Mr. CANADY) and the gentleman from Michigan (Mr. CONYERS) each will control 1 hour of debate on the joint resolution.

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

GENERAL LEAVE

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.J.Res. 33.

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

There was no objection.

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

Mr. Speaker, House Joint Resolution 33 proposes to amend the Constitution of the United States to restore the power of Congress to protect the flag of the United States from physical desecration. An identical constitutional amendment was approved by the House in the 105th Congress and a similar measure was also approved by the House in the 104th Congress.

House Joint Resolution 33 provides simply, and I quote, the Congress shall have the power to prohibit the physical desecration of the flag of the United States. The amendment itself does not prohibit flag desecration; rather, it empowers Congress to enact legislation to prohibit the physical desecration of the flag. Subsequent legislation passed by Congress would define, within the parameters established by the constitutional amendment, what constitutes the flag of the United States and what constitutes physical desecration of the flag.

Under the amendment, such legislation would not stop anyone from expressing any idea or opinion. No one would be prevented from saying anything about the flag or anything else. Free, full, and robust debate of public issues would proceed unimpeded. The only thing that would be prohibited would be conduct involving physical acts against the flag which are designed to cause the desecration of the flag.

Mr. Speaker, we are considering this amendment to the Constitution because in 1989, in the case of Texas v. Johnson, the Supreme Court of the United States, by a 5-to-4 margin, ruled that flag-burning is an act of expression protected by the First Amendment of the Constitution.

The Congress initially responded to the decision in Texas v. Johnson by passing the Flag Protection Act of 1989. This statute was specifically crafted to address concerns raised by the Supreme Court in the Johnson opinion. However, in 1990, the Supreme Court in United States v. Eichmann, another 5-to-4 decision, struck down the Flag Protection Act as inconsistent with the First Amendment. The court stated that even though the Federal statute ''contains no explicit content-based limitation. . . . the Government's asserted interest is related to the suppression of free expression.''

Based on the decisions in Johnson and Eichmann, it is apparent that the Supreme Court, as presently constituted, would find any meaningful flag protection statute unconstitutional. This reality was recognized in 1995 by Assistant Attorney General Walter Dellinger of the Office of Legal Counsel, when he wrote, and I quote, that the ''Supreme Court's decision in the Eichmann case, invalidating the Federal Flag Protection Act, appears to foreclose legislative efforts to protect flag burning.''

As I noted earlier, Texas v. Johnson was decided by the slimmest of majorities and it overthrew what until then was settled law; until the Johnson decision, punishing flag desecration had been viewed by most as compatible with both the letter and the spirit of the First Amendment. Indeed, noted civil libertarians such as Chief Justice Earl Warren, Justice Hugo Black, and Justice Abe Fortas had unequivocally supported the legal protection of the flag.

In 1969, Justice Black wrote, and I quote: ''It passes my belief that anything in the Federal Constitution bars . . . making the deliberate burning of the American flag an offense.'' Chief Justice Warren said, and I quote again: ''I believe that States and the Federal Government do have power to protect the flag from acts of desecration and disgrace.'' Finally, Justice Fortas has expressed the view that ''the flag is a special kind of personality. Its use is traditionally and universally subject to special rules and regulations. The States and the Federal Government have the power to protect the flag from acts of desecration.'' This constitutional amendment which is before the House today is based on the conviction that Warren, Black, and Fortas were right, and that both the Johnson and the Eichmann cases were improperly decided.

It is well established that when speech or expressive conduct infringes on certain conventionally protected rights and interests, the First Amendment does not provide for the speech or expressive conduct.

As Professor George Fletcher has observed, and I quote, ''Several historically entrenched exceptions to the First Amendment illustrate this general thesis. Using words to defame another invades the right to a good name. . . . Making copies of another's artistic or literary creation trenches upon copyright, the author's property right in her work. Under circumstances, verbal insults constitute intentional infliction of emotional distress, entailing a duty to pay compensation for the injury.''

Obscenity, which undermines fundamental standards of civilized life, is recognized as outside the protection of the First Amendment. Symbolic speech or expressive conduct can also cause harm by infringing on protected rights and interests. It is essential to understand that as Professor Fletcher notes, ''there are instances of conduct in which the relevant harm is not only to individuals, but to a collective sense of minimally decent behavior necessary to sustain group living.'' Public nudity, public fornication, and other indecent acts may be intended to convey a particular message. The expressive element of such conduct does not, however, insulate that conduct from proscription.

Now, we all agree that the government should not attempt to suppress ideas because we happen to find them offensive or disagreeable. But as Justice Stevens said in his dissent in Eichmann and I quote: ''It is equally well settled that certain methods of expression may be prohibited if (a) the prohibition is supported by a legitimate societal interest that is unrelated to suppression of the ideas that the speaker desires to express; (b) the prohibition does not entail any interference with the speaker's freedom to express those ideas by other means; and (c) the interest in allowing the speaker complete freedom of choice among alternative methods of expression is less important than the societal interest supporting the prohibition.''

A prohibition on the physical desecration of the flag of the United States easily satisfies the test set forth by Justice Stevens. There is a compelling societal interest in maintaining the physical integrity of the flag as a national symbol by protecting it from acts of physical desecration. Such protection can be afforded without any interference with the right of individuals to express their ideas by other means. The interest of the American people in protecting the flag far outweighs any interest in allowing the crude and inarticulate expression involved in burning, shredding, trampling, or otherwise desecrating our flag.

Mr. Speaker, 49 of the 50 States have adopted resolutions calling upon the Congress to pass a flag protection amendment and send it back to the

States for ratification. The legislatures of these States have recognized that the desecration of our flag does harm to our collective sense of minimally decent behavior necessary to sustain our life as a Nation. The legislators of these States know, as we do, that passing another statute will not restore protection for the flag. They know that a constitutional amendment is the only means to restore the protection for the flag of the United States.

The constitutional process for amendments established by Article V recognizes that the Constitution is ultimately grounded in the will of the people. Today, we simply respond to the clear and strong message sent to us by the people speaking through the legislatures of 49 States.

The purpose of this amendment is not to change the First Amendment. There is no problem with the First Amendment. The problem is with the Supreme Court's interpretation of the First Amendment. The measure before the House today is simply designed to correct the novel and flawed interpretation of the First Amendment adopted by the court a decade ago and to restore the protection which was previously given to the flag of the United States.

Chief Justice Rehnquist in his dissent in Texas v. Johnson, summed up the case for protecting the flag as well as anyone. He said, ''The American flag . . . throughout more than 200 years of our history, has come to be the visible symbol embodying our Nation. It does not represent the views of any particular party, and it does not represent any particular political philosophy. The flag is not simply another idea or point of view competing for recognition in the marketplace of ideas. Millions and millions of Americans regard it with an almost mystical reverence, regardless of what sort of social, political or philosophical beliefs they may have. I cannot agree,'' the Chief Justice said, ''that the First Amendment invalidates the act of Congress and the laws of 48 of the 50 States which make criminal the public burning of the flag.''

I would submit to the House that the Chief Justice of the United States had it right. As we today act under Article V of the Constitution, we in this House of Representatives should now recognize on behalf of the people of the United States that the physical desecration of the flag does not deserve the protection of the law, and we should accordingly adopt this resolution and move forward with this measure to restore protection for the flag of our Nation.

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

Mr. WATT of North Carolina. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. CONYERS), the ranking member of the Committee on the Judiciary.

Mr. CONYERS. Mr. Speaker, I want to express my gratitude to the gentleman from North Carolina (Mr. WATT) for agreeing to manage this bill. He is the ranking member on the Subcommittee on the Constitution of the Committee on the Judiciary, and I appreciate the hard and continuing work he has put in on this subject matter.

I would like to join in this discussion to begin by asking the question that must be asked of all legislation that comes on the floor: What is the problem? In other words, why are we here today? When we deal with questions of civil rights, when we deal with questions of police abuse, when we deal with questions of international policy, when we deal with the crisis in Haiti, we are all brought here because there is a problem.

Does anyone know how many cases of flag-burning have occurred in this year or last year, or any of the years? Well, I am glad I asked that question, because I will provide my colleagues with the answer. The answer is that since 1990, we have had 72 reported cases of flag burning that I can bring to my colleagues' attention. I do not know of any in recent times. I think it is important that we consider in the midst of all of the issues that weigh upon the House of Representatives why this measure keeps coming back up time and time again.

The issue is really around the First Amendment and the Bill of Rights, not flag burning because the test that we will be putting the Members of this great body to is whether we have the strength to remain true to our forefather's constitutional ideals and defend our citizens' rights to express themselves, even if we disagree vehemently with their method of expression.

□ 1545

Madam Speaker, I have always deplored flag-burning as a tactic, as a strategy, as a policy. But I am strongly opposed to this attempt to amend or start the process to amend the Constitution of the United States because it simply goes against the ideals and elevates a symbol of freedom over freedom itself.

How ironic that we would now take the symbol and forget the message, the purpose which this symbol represents. For if this resolution were adopted, and thankfully it has never been finally processed out of the legislative system, it would represent the first time in our Nation's history that the people's representatives in this House voted to alter the Bill of Rights to limit the freedom of speech of our citizens.

So what we are considering here, notwithstanding the explanations that it is very popular to do this, is that we are saying that now, in the year 1999, over 200 years after the Bill of Rights, we have now decided that there was a flaw in the Bill of Rights and we now need to make a change. There was a mistake.

I resist that argument, and it would it seem to me that if we were going to alter the Bill of Rights, it would have to be over a measure far, far more grave and threatening than merely the conduct, one particular form of conduct that we might resent.

What about burning the Bible? Does that not raise Members' temper a few degrees? How obscene it would be to burn a Bible publicly. Of course, someone might say, well, sure, we ought to include that, too, or we ought to look at that next. But these acts, as despicable as they are, are protected speech under the First Amendment.

So I would say to the Members that the true test of any Nation's commitment to freedom, to this freedom of expression, lies in the inability to protect unpopular expression, the kinds of things, the conduct that we do not like, exactly like flag-burning and Bible-burning.

Remember what Justice Oliver Wendell Holmes stated: ''The Constitution protects not only freedom for the thought and expression we agree with, but freedom for the thought we hate, the conduct and action we seriously dislike.''

So what we are really doing is saying that since this is such a repulsive act, we are going to take it out from under the protection of the Bill of Rights, from the First Amendment. So by limiting the free speech protections and the First Amendment, I suggest we are setting the most dangerous precedent that has ever come out of the Subcommittee on the Constitution in the Committee on the Judiciary.

If we open the doors to criminalizing constitutionally protected expression related to the flag, I am afraid that there will be further efforts to limit and censor speech or conduct that we do not like.

We do not like it, we do not like flag-burning. That is why we want to stop it. But guess what, there are some other things that we do not like and we may want to start curbing just as well. Once we decide to limit freedom of speech in any respect from a constitutional point of view, the limitations on freedom of the press and limitations on freedom of religion may not be far behind. This is not a road that I would like to go down.

The courts have ruled. The ultimately deciders of what is constitutional, they have said that. They have said that flag-burning, as despicable as it is, is protected freedom of speech.

So it is tempting for us, the only people in government that have the power, to say we will show the court who is boss, we will show that Supreme Court. We will amend the Constitution to outlaw flag-burning. We will pass this amendment through the States, and then they will not be able to write any more decisions about this conduct that we dislike so much.

However, if we do, we will be carving an awkward exception into the document designed to last for the ages, and that with only 27 amendments, has

never been modified. We will be undermining the very constitutional structure that Thomas Jefferson and James Madison designed to protect our rights.

In effect, we will be glorifying the very people in our national community who disrespect the flag and what it stands for while we will be denigrating the constitutional vision of James Madison and Thomas Jefferson.

The concern about the tyranny of the majority led the Framers to create an independent judiciary, free of political pressure, to ensure that the legislative and executive branches would honor the Bill of Rights. A constitutional amendment like this banning flag desecration flies in the very face of this carefully balanced structure.

Madison warned against using the amendment process to correct every perceived constitutional defect. I repeat that warning here, because it applies to what we are considering, particularly concerning issues which easily inflame public passion.

Unfortunately, there is no better illustration of Madison's concern than this proposed flag-burning or anti-flag-burning amendment. History has proved that efforts to legislate respect for the flag only serve to increase flag-related protests, as few as they are, and a constitutional amendment would be far more inflammatory than even a statute.

Almost as significant as the damage this resolution would do to our own Constitution is the harm it would inflict upon our international standing in the area of human rights. Consider the demonstrators who ripped apart Communist flags before the fall of the Iron Curtain and committed crimes against their country. Yet, freedom-loving Americans applauded their brave actions.

If we pass this amendment, we will be beginning to align ourselves with autocratic regimes such as those in Iran and the former South Africa, and diminish our own moral stature as a protector of freedom in all its forms. Let us not do it.

For those who believe a constitutional amendment will honor the flag, I just want to read them the two sentences from the Supreme Court's 1989 decision on the subject, Texas and Johnson: ''The way to preserve the flag's special role is not to punish those who feel differently about these matters. It is to persuade them that they are wrong. We can imagine no more appropriate response to burning a flag than waving one's own; no better way to counter a flag-burner's message than to salute the flag. We do not consecrate the flag by punishing its desecration. For in doing so, we dilute the freedom that this cherished emblem represents.''

Madam Speaker, I close with only one additional comment. That is, as soon as the polls that are taken on this subject let our citizens know that this would be the first time in our Nation's history to cut back the First Amendment freedoms of speech and expression, then, guess what happens? They do not support the flag-burning proposal.

So please join with those of us who are patriots in a perhaps deeper sense, who really believe that protecting freedom of speech includes the kind we abhor, the kinds we like least, the kinds that we detest. Join me in opposing this flag desecration amendment.

Madam Speaker, I thank the ranking member of the subcommittee who is now managing the bill.

Madam Speaker, I reserve the balance of my time.

Mr. CANADY of Florida. Madam Speaker, I yield such time as he may consume to the gentleman from California (Mr. CUNNINGHAM), the chief sponsor of this amendment.

Mr. CUNNINGHAM. Madam Speaker, I thank my colleagues for their views, but I would say, Madam Speaker, 85 percent of the American people feel those views are wrong, they are absolutely wrong, and 49 States have asked us to pass this, and 49 legislatures have asked us to pass this amendment.

We have passed this on the House floor by over 300 votes every time it comes up. Unfortunately, the Senate has not reacted in one case, and in 1997 the Senate did not have time to take it up. This is the first time that we can.

I would say to my friend, whose 85 percent of the American people do not give a rat's rear how many times flag-burning has existed, I ask Members to give themselves a vision, Iwo Jima, and the men, Ira Hayes and the rest of them that put up that American flag. Now allow some hippie to go up there and burn it. They do not care how many times. It is the issue.

Madam Speaker, my colleague brings fear into this, fear that we are doing something. Well, this country ran fine for 200 years-plus until one liberal Supreme Court said no to 200 years of tradition. Forty-eight States have laws to protect the American flag. Is that radical, that 48 States believed that the First Amendment is not abridged, that the First Amendment is not abridged, it is expressive conduct, and the Supreme Court has ruled on that?

There are more Supreme Court Justices in history that have said that this amendment is in line and should be passed than there are of the five that ruled against this in 1989. And we say that that is wrong.

My colleague, the gentleman from California (Mr. BILBRAY) does not care how many times. The flag in his office was draped over his father's coffin. He has that flag in his office today.

I would tell my colleague that if he cringed at people burning the Communist flag, I cheered. My mother and father were Democrats. They voted for Ronald Reagan, but they were Democrats. They taught my brother and I that the lowest thing on Earth is a socialist and a Communist. So if Members want to burn the Communist flag, be my guest. My mom and dad are Democrats. I lost my dad.

I would tell my colleagues, they say that this is despicable to burn the American flag. Yet they would allow it to happen. The 85 percent of the American people that support this, and we will pass this bill, I say to the Members in the minority view, and who will remain so, we are going to pass this in the House, we are going to pass this in the Senate, and 49 States have vowed to ratify it. All that does is it gives Congress the right to proceed.

□ 1600

It is not a self-enacting bill. The 48 States have got to react to what they believe. I believe in States rights.

So I would say to my colleagues, if one thinks something is despicable, change it. If one wants to spread fear, fear of 200 years of tradition, it is okay by 85 percent of the American people.

Mr. WATT of North Carolina. Madam Speaker, I yield as much time as he may consume to the gentleman from New York (Mr. ACKERMAN).

Mr. ACKERMAN. Madam Speaker, our Founding Fathers must be very puzzled looking down on us today. Instead of seeing us dealing with the very real challenges that face our Nation, they see us laboring under this compulsion to amend the document that underpins our democracy.

They see a house of dwarfs trying to give this government a great new power at the expense of the people, the power for the first time to stifle dissent.

The threat must be great, they must be saying, to justify changing the Bill of Rights and, for the first time, decreasing rather than increasing the rights of the people. They see their beloved Bill of Rights being eroded into the Bill of Rights and Restrictions.

What is the threat? What is the threat? Madam Speaker, I ask again, what is the threat? Is our democracy at risk? What is the crisis to the Republic? What is the challenge to our way of life? Where is our belief system being threatened? Are people jumping from behind parked cars, waiving burning flags at us, trying to prevent us from getting to work and causing America to grind to a halt?

Do we really believe that we are under such a siege because of a few loose cannons? Do we need to change our Constitution to save our democracy? Or, Madam Speaker, are we offended?

The real threat to our society is not the occasional burning of a flag, but the permanent banning of the burners. The real threat is that some of us have now mistaken the flag for a religious icon to be worshipped as pagans would, rather than to keep it as the beloved symbol of our freedom that is to be cherished.

These rare but vile acts of desecration that have been cited by those who would propose changing our founding document do not threaten anybody. If a jerk burns a flag, America is not threatened. If a jerk burns a flag, democracy is not under siege. If a jerk

burns a flag, freedom is not at risk and we are not threatened. My colleagues, we are offended. To change our Constitution because someone offends us is in itself unconscionable.

The Nazis, Madam Speaker, the Nazis and the fascists and the imperial Japanese army combined could not diminish the rights of even one single American. Yet, in an act of cowardice, Madam Speaker, we are about to do what they could not.

Where are the patriots? Where are the patriots? Where are the patriots? Whatever happened to fighting to the death for somebody's right to disagree? We now choose, instead, to react by taking away the right to protest. Even a despicable low-life malcontent has a right to disagree, and he has a right to disagree in an obnoxious fashion if he wishes. That is the true test of free expression, and we are about to fail that test.

Real patriots choose freedom over symbolism. That is the ultimate contest between substance and form. Why does the flag need protecting? Is it an endangered species? Burning one flag or burning 1,000 flags does not endanger it. It is a symbol. But change just one word of our Constitution of this great Nation, and it and we will never be the same.

We cannot destroy a symbol. Yes, people have burnt the flag, but, Madam Speaker, there it is again right in back of the Speaker's chair. It goes on. It cannot be destroyed. It represents our beliefs.

Now poets and patriots will tell us that men have died for the flag. But that language itself, Madam Speaker, that language itself is symbolic. People do not die for symbols. They fight and die for freedom. They fight and die for democracy. They fight and die for values. They fight and die for the flag means to fight and die for the cause in which we believe. My colleagues would have us change that.

We love and we honor and respect our flag for that which it represents. It is different from all other flags. I notice in the amendment that we do not make it illegal to burn some other country's flags, and that is because our flag is different. No, it is not because of the colors or the shape or the design. They are all relatively the same.

Our flag is unique, because it represents our unique values. It represents tolerance for dissent. This country was founded by dissenters that others found to be obnoxious.

What is a dissenter? In this case, it is a social protester who feels so strongly about an issue that he would stoop so low as to try to get under our skin, to try to rile us up, to prove his point, and to have us react by making this great Nation less than it was.

How do we react? Dictators and dictatorships make political prisoners out of those who burn their Nation's flags, not democracies. We tolerate dissent and dissenters, even the despicable dissenters.

What is the flag, Madam Speaker? The American flag? Yes, it is a piece of cloth. It is red and white and blue, and it has 50 stars and 13 stripes. But if we pass this amendment and desecrators decide to go into a cottage industry and make flags with 55 stars and burn them, will we rush to the floor to amend our Constitution again?

If they add a stripe or two and set it ablaze, it surely looks like our flag, but is it? Do we rush in and count the stripes before determining whether or not we are constitutionally offended? What if the stripes are orange instead of red? How do we interrupt that? What mischief do we do here? If it is a full-size color picture of a flag they burn, is it a crime to desecrate a symbol of a symbol? What are we doing?

Our beloved flag represents this great Nation, Madam Speaker. We love our flag. Because there is a Republic for which it stands, made great by a Constitution that we want to protect, a Constitution given to our care by giants and about to be nibbled to death by dwarfs.

Madam Speaker, I call upon the patriots of the House to rise and defend the Constitution, resist the temptation to drape ourselves in the flag, and hold sacred the Bill of Rights. Defend our Constitution. Defeat this amendment.

Mr. CANADY of Florida. Madam Speaker, I yield such time as he may consume to the gentleman from New York (Mr. SWEENEY).

Mr. SWEENEY. Madam Speaker, I thank the gentleman from Florida (Mr. CANADY) for yielding me this time. I want to start by commending the gentleman from California (Mr. CUNNINGHAM) for his diligent hard work on this amendment and to help carry the good work brought forward by my predecessor, Gerald Solomon.

Madam Speaker, I rise today as one of the lead cosponsors and supporters of this constitutional amendment. There are many reasons to do so. As we know, there is a deeply reserved desire by many Americans to protect the flag because they recognize that the American flag holds a sacred place in their hearts.

Prior speakers spoke of the flag serving as a mere symbol. He said that this country was founded by dissenters. I would like to say that it was not founded just by dissenters, it was founded by dissenters who risked their lives, their blood, who took action because it requires action to provide freedom. They did so for their flag.

I would also like the prior speaker and those who would dissent here to consider that the Medal of Honor is specifically awarded to those who have fought for their flag and on its behalf.

I take very personally the issue. I recall a year ago my own father, a veteran of World War II, passed away. Prior to his passing, one of his great concerns was that the flag that is bestowed upon veterans by our country for their service be provided at his wake, be shown at his wake in the most meaningful way. If it means nothing, then why does one have, as their last thoughts, thoughts of the flag? If it means nothing, then tell that to those who go to war and march behind it. If it means nothing, then those who have gone and given their lives and made the ultimate sacrifice have done so because of the flag.

Further, I believe that, as an elected public official, it is our duty to represent the views of an overwhelming majority of Americans who want us to restore to them the power to prohibit the physical desecration of our flag.

Madam Speaker, as citizens of the United States, we are concerned with protecting individual rights. We fight to protect our freedom of religion. We fight to protect our freedom of assembly. Essentially, we protect our right to live as free citizens.

So, Madam Speaker, why would anybody find fault with protecting the very symbol of that freedom. Here, in Congress, we are here to pass laws to protect and rename old buildings, and laws to protect citizens from creditors, and laws to protect citizens from predators. We do these things for the right reasons and good reasons. Can we not do the same for the very symbol of what is right and good and just in our Nation?

Every Member of Congress takes the time to have his or her picture taken with the flag of the United States as a backdrop. Every Member of Congress takes the time to march in parades with our flag. Every Member of Congress takes the time to present the American flag to groups of constituents back in their district. Why? Is it because this is just some sort of studio prop? No. It is because the flag is a symbol that everyone understands and respects.

Madam Speaker, we cannot use the flag of the United States as a prop and then fail to protect it and what it stands for. We cannot, we should not, we must not cave in to intellectual snobbery. Being patriotic and sharing a deep love for the American flag is not politically incorrect. So let us stop acting like we are all too smart to be patriotic.

Madam Speaker, some of my colleagues will argue today that this amendment would infringe on the individual right to free speech. The right to free speech is the bedrock of America's founding. I will be the first to passionately defend the First Amendment. But burning an American flag is not free speech. It is inexcusable conduct that must be condemned. We should not protect such reprehensible behavior any more than we should protect arsonists and vandals.

Madam Speaker, I am not alone in this argument. There are many people far more distinguished than I who believe that flag burning does not deserve to be a constitutionally protected form of speech.

As the gentleman from California (Mr. CUNNINGHAM) has pointed out,

nearly 10 years ago to this very day the Supreme Court ruled that flag burning was an act of free expression by the slimmest margins, one vote. In that case, the four dissenters based their opposition on the fact that flag desecration is expressive conduct as distinguished from actual speech.

□ 1615

In this regard they stated that the government's interest in preserving the value of the flag is unrelated to the suppression of ideas that flag burners are trying to suppress.

Madam Speaker, let me finish by quoting Harvard law professor Richard D. Parker. Mr. Parker is a self-proclaimed liberal Democrat who has spoken so eloquently in support of this amendment in the past. He said, ''The American flag doesn't stand for one government or one party or one party platform. Instead, it stands for an aspiration to national unity despite, and transcending, our differences and diversity. A robust system of free speech depends, after all, on maintaining a sense of community. It depends on some agreement that, despite our differences, we are 'one'; that the problem of any American is 'our' problem. It is thus for minority and unpopular viewpoints that the aspiration to and respect for the unique symbol of national unity is thus most important.''

Madam Speaker, I move to protect that symbol of unity, and I urge all of my colleagues to vote in support of this resolution.

Mr. WATT of North Carolina. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I have yielded time to several people, and I want to thank them for debating this issue. I wanted to accommodate their schedules, but now I want to kind of set the framework for this debate a little bit.

I want to thank my colleagues, the gentleman from Florida (Mr. CANADY) and the gentleman from California (Mr. CUNNINGHAM), for already during the debate on the rule and the debate on the bill making it clear that this is not about one side being patriotic and the other side being unpatriotic. I do not think there is a single Member of the Congress of the United States that I would dare call unpatriotic. We all are patriots. We all believe in our country. This is an honest dispute about how we reflect that patriotism.

The gentleman from Florida (Mr. CANADY) has gone out of his way, particularly this year, to set a framework for us to have this debate in a way that we can honor each other and honor our differences on this issue. And I was never more proud of the process than I was at the hearing that we had on this proposed constitutional amendment when I saw my colleagues, the gentleman from California (Mr. CUNNINGHAM), a decorated hero, and the gentleman from Maryland (Mr. GILCHREST), a Republican also and a decorated hero, on opposite sides of this important issue.

This is not about one side being patriotic and the other side being unpatriotic. And I hope that throughout the course of this debate today and tomorrow my colleagues will keep that fact in mind and not stoop to calling one side unpatriotic or not make this about who is patriotic. This is not about that.

I want to correct my good friend, the gentleman from California (Mr. CUNNINGHAM), who earlier in the debate suggested that this was about liberals versus conservatives. It is not about that either, Madam Speaker. If we look at the lineup of the members of the Supreme Court who decided this issue we will not find the liberals lined up on one side of the issue and the conservatives lined up on the other side of the issue.

The members who joined in the opinion to declare the burning of the flag a protected expression under the first amendment were Justices Brennan, Marshal, Blackmun, Scalia and Kennedy. Three of those five justices were Republican justices, Republican appointees, to the court. And I do not think there is anybody who is running around these days saying that Justice Scalia is a liberal.

So this is not about liberals versus conservatives. It is about how we believe the First Amendment protects us, and what expressions we believe ought to be protected, and how we play out our own patriotism.

Now, I want to acknowledge that the very first time I came to the Congress of the United States and debated this amendment I did not believe what I just said. I was one of those people who came to the Congress saying I do not know how anybody who supports the Constitution of the United States could not believe that the First Amendment to the Constitution is protective of somebody who expresses themselves by burning the flag.

But over the last four sessions of Congress, and this is the fourth time we will have debated this issue in the four terms that I have been in the Congress of the United States, what I have started to do is I have started to listen to my colleagues, like the gentleman from California (Mr. CUNNINGHAM) and the gentleman from Florida (Mr. CANADY), who are on the opposite side of this issue. What I have seen is that people on our side of this issue have started to listen to the other side, and I have heard them start to listen to us. And where we are today is a product of listening to each other, because we now understand that a patriot like the gentleman from California (Mr. CUNNINGHAM) can disagree with a patriot like the gentleman from Maryland (Mr. GILCHREST) on this important issue. This is not about who is patriotic.

We are going to recognize today that anybody who comes to this well, Republican or Democrat, regardless of which side of this issue they are on, is going to be recognized to engage in the debate. We are not censoring anybody. If somebody wants some time, I welcome them to come and state their position on this proposed constitutional amendment.

So this is not about patriotism, it is not about liberal versus conservative, it is not about Republican versus Democrat. It is about how we learned what the first amendment was about, and how we learned what patriotism was about, and what we think the Constitution protects, and what we think ought to be unprotected by the Constitution. That is what this debate will be about.

So I want to right here welcome and encourage my colleagues to come to the floor, debate this important proposal, tell us what their experiences have been with the first amendment and how it gets applied to them. I invite my colleagues to tell us what their experiences have been regarding patriotism, and tell us what their experiences have been regarding liberty and honoring the liberties that we have in this country. And if my colleagues come to the floor and engage in the debate with that attitude, this will be one of the most powerful debates ever conducted on the floor of the House.

I want people to come and debate this important issue, and I want them to bring their stories. I want to start by telling my colleagues my story.

I went to law school, and some people say it is the best law school in the country, although I am sure we could generate a serious amount of debate on that.

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

Mr. WATT of North Carolina. I yield to the gentleman from Florida.

Mr. CANADY of Florida. Madam Speaker, I would agree with the gentleman on that.

Mr. WATT of North Carolina. Madam Speaker, reclaiming my time, I thought the gentleman was going to spring up, because we went to the same law school. So it is even about people from the same law school disagreeing on this, as my colleagues will see.

I thought I knew the Constitution. I had studied it. By the time I got to the third year of law school, I thought nobody could teach me anything else. And then I went into the practice of law in a small law firm that was known for its civil rights reputation.

One day I got a call from my senior law partner and he asked me to go down to another county and represent some people who had been charged with disturbing the peace and resisting arrest and various and sundry other offenses that people get charged with when they engage in demonstrations, and I said, fine.

So I went traipsing off to the next county, and what I found when I started to investigate was that a group of Native Americans, with tomahawks and other such kinds of instruments, had gathered in front of a school to demonstrate and to express their position on an issue. And I kept inquiring about what the issue was, and I found

that those Native Americans were there demonstrating because they did not want to go to school with black students. They did not want their children to go to school with black students.

Well, I was black then, I am still black, and I said to myself, now, I do not know if I want to be here representing these people who are demonstrating against going to school with black kids. And I called up my senior law partner and I said, ''Julius, why did you send me down here to represent these people knowing what they were demonstrating about?'' And he asked me one simple question. He said, ''Do you not believe in the first amendment to the Constitution?'' It stopped me dead in my tracks.

I will never ever forget that question that my senior law partner asked me on that occasion. It brought home to me, after all the education I had gotten about what the first amendment meant, the book learning, what the first amendment was really about. It is about tolerating the views and defending the rights of people to express those views even if they disagree with the views we hold.

□ 1630

That is what our First Amendment is all about. It did not come as any surprise to me later in my legal practice to find that my law firm went to represent the Ku Klux Klan. There was not a single person in my law firm who believed in anything that the Ku Klux Klan stood for. But when it came time to defend their right to demonstrate and express themselves, we were right in court there saying we may not agree with the ideas they express, but we will defend until the end their right to express them.

I am not here today, my colleagues, to defend people who burn the flag. I abhor flag burners. But I am here to defend the Constitution of the United States. I am here to defend the First Amendment. I am here to defend the freedom of expression. I am here to defend the right of people who have views that are contrary to mine to express those views and to be heard in a democracy that we call America.

I believe that is what the First Amendment and our Bill of Rights is about. The Bill of Rights was not put in place by the majority to protect the majority. It was put in place to protect the minority from the tyranny of the majority. And when we diminish that, we diminish our constitutional government.

Now, my colleagues are going to be put in this debate to a clear choice. I want to applaud the Committee on Rules, I do not get to do that very often, for giving us the opportunity to exercise that clear choice. Because the underlying proposed amendment to the Constitution of the United States that my friend and colleague from Yale University also supports reads like this. It says, ''The Congress shall have power to prohibit the physical desecration of the flag of the United States.''

My colleague says he does not object to the First Amendment, he objects to the Supreme Court's interpretation of the First Amendment. That is one choice that we all have to vote on the amendment that has been proposed by my colleague the gentleman from Florida (Mr. CANADY). We are going to have an opportunity tomorrow to vote on an alternative. It is an alternative that I will offer to this House to be voted on, and it reads like this. It says, ''Not inconsistent with the First Article of Amendment to this Constitution, the Congress shall have power to prohibit the physical desecration of the flag of the United States.''

So if they believe that the First Amendment is sacred, if they are honoring the First Amendment, if they believe that this new guy on the block, the new proposed amendment, is important but they want it to be interpreted subordinate and in conformity with the First Amendment to the Constitution that is currently on the books, I am going to ask my colleagues to vote for the substitute, then, because I believe in the First Amendment.

Now, I am not going to say that those who believe that the First Amendment is different than my interpretation of it are not patriots. I would not dare call my good colleague the gentleman from California (Mr. CUNNINGHAM) unpatriotic. I have seen him. He is a wonderful patriot. But I submit to this body that we must not put in the Constitution an amendment that we believe to be at odds with the First Amendment. And if we do, we must make it clear that the First Amendment is to be the ruling amendment in our Constitution. It has served us for over 200 years, and it will continue to serve us. But it will do so only if we allow it.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I will just speak briefly. I want to express my appreciation to the gentleman from North Carolina (Mr. WATT) for the spirit in which he has approached this debate concerning this constitutional amendment throughout the process, from the subcommittee hearing through the subcommittee markup, full committee markup, and now on the floor today.

I believe that the gentleman from North Carolina (Mr. WATT) is exactly right when he says that no one should question the patriotism of anyone who might take a differing viewpoint on this particular issue. I understand that those who are opposed to this amendment base their opposition on principles that they hold very dear. This is the sort of issue which tends to engender passionate feelings. And I respect that.

I just again want to express my gratitude to the gentleman from North Carolina (Mr. WATT) for approaching this issue and dealing with it on the merits rather than on the basis of an attack on the motivations or the patriotism of those who have a differing viewpoint.

Madam Speaker, I yield 1½ minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Madam Speaker, I would say to my colleague that if he thinks he was opposed to the Ku Klux Klan, my opposition was to those that protested in a war that many of my friends lost their lives, but yet I would fight for the right for them to protest.

Many of us felt that the Tom Haydens, the Jane Fondas, and the Bill Clintons went too far by protesting in the enemy's camp. That was different. But I would also say that 90 percent, 90 percent, of the Supreme Court justices through history have supported this amendment. It was only one Supreme Court in 1989, the same Supreme Court that in 1990 by one vote overrode 200 years of tradition.

That is why 85 percent of the American people, 120 organizations, say that this is the correct thing to do and disagree with my colleagues on the other side of this issue. They also support the First Amendment.

When I went into the camps of those anti-war protesters and sat down with them, disagreed with them, I supported their First Amendment rights to do that. In this amendment, it does not take away from those rights. This particular amendment does not enfranchise the First Amendment. They still have full ability to speak, to express themselves in any legal way outside of the desecration of the American flag.

Forty-eight States had this prior to that one Supreme Court vote. It is wrong, Madam Speaker.

Mr. CANADY of Florida. Madam Speaker, I yield 4 minutes to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Madam Speaker, I thank my colleague for yielding my the time.

Madam Speaker, I rise in strong support of House Joint Resolution 33.

First I would like to agree with my colleague the gentleman from North Carolina (Mr. WATT) that what we should hear today and I believe what we are going to hear today is a series of speakers on both sides talking about their personal experiences and what all of the issues arising from this mean to us. I think that is appropriate. That is a good debate for us all to have.

We have heard from my good friend and colleague the gentleman from New York (Mr. SWEENEY) about how much this means to him and to his family. My story is more brief but I think sheds light on my own view.

I am the first native born American in my family. My parents were immigrants. They came to this country as so many other immigrants do, even today, because they want for their children the freedoms and opportunities that this country offers, more importantly what this country should offer.

My parents were not born American. That means that they had to affirmatively choose to take up the values and the principles and the ideals that are the foundation of our citizenship. They did so gladly and they did so naturally. I sometimes think that those Americans who had to choose to be American, that had to take that affirmative step, perhaps they have a greater appreciation for what this country offers.

At an early age, my parents taught me respect for our Nation, her leaders, and her most distinct symbol, Old Glory. I learned that from an early age. But I have to admit, Madam Speaker, I never really appreciated just how important the flag was as a symbol until I left this country, until I lived and worked overseas in a land where there was no Declaration of Independence, there was no Bill of Rights, the sort of wonderful document that we are all talking about and debating and interpreting today.

As my wife Sue and I traveled around East Africa is where we were, every time we saw Old Glory, whether it be at embassies or at private homes, our spirits were lifted by what it symbolized not just for us but for the rest of the world, nations and people struggling to be free. If we fail to protect the flag, that symbol both here and abroad is tarnished. And I submit to my colleagues, each time the flag suffers physically, our stature in the eyes of the world suffers just as clearly.

If we fail to protect the flag, people around the world may believe that we do not care, that we have become tired or complacent or self-doubting. The flag is a symbol. But in a time where the eyes of the world are upon us, symbols matter; and no symbol matters more than our flag. Our constituents are not complacent. Our constituents care. Every survey ever done tells us that. They want to protect the flag. So should we.

Finally, I think part of the debate is going to be what the First Amendment means today. And I think it is easy to draw lines between action and thought and expression. We have done so in the past. We have created hate crime laws. We do have laws for destruction of symbols like gravestones and synagogues and churches. We have done that.

I urge us all today, as we go through this debate, to follow the principles and respect what my colleague has suggested and support this House resolution.

Mr. WATT of North Carolina. Madam Speaker, I yield 4 minutes to the gentleman from Texas (Mr. PAUL).

(Mr. PAUL asked and was given permission to revise and extend his remarks.)

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

Madam Speaker, I rise in opposition to this amendment. I have myself served 5 years in the military, and I have great respect for the symbol of our freedom. I salute the flag, and I pledge to the flag. But I served my country to protect our freedoms and to protect our Constitution. I believe very sincerely that today we are undermining to some degree that freedom that we have had all these many years.

We have not had a law against flag desecration in the 212 years of our constitutional history. So I do not see where it is necessary. We have some misfits on occasion burn the flag, which we all despise. But to now change the ability for some people to express themselves and to challenge the First Amendment, I think we should not do this carelessly.

□ 1645

Let me just emphasize how the first amendment is written. ''Congress shall write no law.'' That was the spirit of our Nation at that time. ''Congress shall write no laws.''

We have written a lot of laws since then. But every time we write a law to enforce a law, we imply that somebody has to arrive with a gun, because if you desecrate the flag, you have to punish that person. So how do you do that? You send an agent of the government to arrest him and it is done with a gun. This is in many ways patriotism with a gun. So if you are not a patriot, you are assumed not to be a patriot and you are doing this, we will send somebody to arrest them.

It is assumed that many in the military who fought, but I think the gentleman from North Carolina pointed out aptly that some who have been great heroes in war can be on either side of this issue. I would like to read a quote from a past national commander of the American Legion, Keith Kreul. He said:

> Our Nation was not founded on devotion to symbolic idols, but on principles, beliefs and ideals expressed in the Constitution and its Bill of Rights. American veterans who have protected our banner in battle have not done so to protect a golden calf. Instead, they carried the banner forward with reverence for what it represents, our beliefs and freedom for all. Therein lies the beauty of our flag. A patriot cannot be created by legislation.

I think that is what we are trying to do. Out of our frustration and exasperation and our feeling of helplessness when we see this happen, we feel like we must do something. But I think most of the time when we see flag burning on television, it is not by American citizens, it is done too often by foreigners who have strong objection to what we do overseas. That is when I see it on television and that is when I get rather annoyed.

I want to emphasize once again that one of the very first laws that Red China passed on Hong Kong was to make flag burning illegal. The very first law by Red China on Hong Kong was to make sure they had a law on the books like this. Since that time they have prosecuted some individuals. Our State Department tallies this, keeps records of this as a human rights violation, that if they burn the flag, they are violating human rights. Our State Department reports it to our Congress as they did in April of this year and those violations are used against Red China in the argument that they should not gain most-favored-nation status. There is just a bit of hypocrisy here, if they think that this law will do so much good and yet we are so critical of it when Red China does it.

We must be interested in the spirit of our Constitution. We must be interested in the principles of liberty. We should not be careless in accepting this approach to enforce a sense of patriotism.

Mr. GOODLATTE. Madam Speaker, I yield 15 seconds to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. I would address my colleague that just spoke in the well. Is it not true that the gentleman votes ''no'' on over 90 percent of the issues and finds reason not to vote for issues on this House floor? Is that true?

Mr. PAUL. If the gentleman will yield, I think that is correct, because probably 90 percent of the time, this Congress is doing things that are not constitutional, and I think they are very legitimate.

Mr. CUNNINGHAM. My point is made. I thank the gentleman.

Mr. GOODLATTE. Madam Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Madam Speaker, I want to share with Members some words written by a third grader:

''I feel so proud whenever I see
my country's flag flying over me.
The red's so bold
the white's so clear
the brightness of the blue is all so dear.
I love my country
my family, too,
but most of all I love
the red, white and blue.''

Madam Speaker, these words were written because this child was allowed to value our flag, to understand the importance of the symbolism embodied in our flag and its importance in representing the values of our country.

Madam Speaker, the child who wrote these words, Carolyn Holmes, is grown now. She still values this country. She still values our flag. Madam Speaker, we must teach our children values.

If we allow the desecration of our flag, we allow those who desecrate it to teach our children a values lesson which may yield bitter fruit.

Madam Speaker, this issue is important. We worry about how to help our children learn the basic values for a civil society. Respect is one of the most important of these. Children need to be taught respect. Respect for the flag seems a very good place to begin. Let it spread from there to respect for others and their ideas.

It is important to remember here that it takes the States to ratify what we do and it takes the voice of the people in those States. So let the people speak. Let them speak.

Madam Speaker, the flag desecration amendment should be passed.

Mr. GOODLATTE. Madam Speaker, I yield 3 minutes to the distinguished gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Madam Speaker, I rise today in strong support of House Joint Resolution 33, and I commend the gentleman from California for bringing this forward.

Madam Speaker, it was on June 14, 1777, that the Continental Congress passed the first Flag Act, calling for the symbol of the United States of America to bear its Stars and Stripes.

Over the years, the flag has grown to become a symbol of freedom and a faithful tribute to those, living and deceased, who have fought to protect and preserve peace both here and abroad.

Madam Speaker, we stand and pledge our allegiance to the flag every day, but it is our United States soldiers who salute and serve beneath the flag who truly bear the burden of ultimate allegiance. They sacrifice their lives to protect our freedom and our liberty.

Madam Speaker, I want to share with Members a poem by Father Denis Edward O'Brien, United States Marine Corps, that shows the special relationship our soldiers have with the flag of the United States. I quote Father O'Brien:

It is the soldier, not the reporter,
who has given us freedom of the press.
It is the soldier, not the poet,
who has given us freedom of speech.
It is the soldier, not the campus organizer,
who has given us the freedom to demonstrate.
It is the soldier
who salutes the flag,
who serves beneath the flag,
and whose coffin is draped by the flag
who allows the protester to burn the flag.

Madam Speaker, when we allow our flag, the very essence of our country, to be destroyed, in my opinion we dishonor the men and women who gave their lives serving under that flag so that every one of us could live free.

I know, Madam Speaker, that many of my colleagues will raise important constitutional questions about adding an amendment to protect the flag. But when it comes down to it as a representative of the people, I believe that we have the support from the majority of the American people on this issue.

Madam Speaker, I have had the honor of serving the citizens of the Third District of North Carolina for 5 years. I can say with absolute honesty that I have never personally spoken with any citizen on this issue who did not express support for congressional action to protect and preserve the integrity of the United States flag.

With many of our United States veterans and a majority of the American people backing this measure, it has my full and absolute support.

Madam Speaker, I hope this House will support House Joint Resolution 33.

Mr. CANADY of Florida. Madam Speaker, I yield 2½ minutes to the gentleman from Michigan (Mr. KNOLLENBERG).

Mr. KNOLLENBERG. I thank the gentleman for yielding me this time.

Madam Speaker, I rise in strong support of the constitutional amendment to protect the American flag. I want to commend the gentleman from California (Mr. CUNNINGHAM) for bringing this forward. His leadership is important in this because of his background. But I also want to relate to the American people how I feel that they feel about why Congress should be called upon to enact a flag protection amendment. They have done this ever since 1989 when the Supreme Court did the decision-making as to burning or desecrating the flag. The storm of protest coming from the American people since that time, I think, has been consistent.

While public opinion on most issues tends to be volatile, every reliable survey, every single one that they have conducted on this issue over the last 10 years indicates, shows clearly, that 75 percent or better of the American people believe it should be illegal to burn, trample or destroy Old Glory. They tell me it is illegal to burn trash, but we can burn the flag. It is illegal to destroy Federal property, even a mailbox. But it is okay to destroy the flag.

This indicates that while Americans hold their first amendment rights dear to their hearts, they also understand that our flag should be honored and protected against senseless acts of vandalism. People can still express their views without resorting to vandalism.

Madam Speaker, the American flag is not just a piece of cloth. It is a symbol that reflects the values, the struggles and the storied history of our great country.

I urge my colleagues, those that oppose this amendment, to rethink exactly what the flag means to the American people, those who protest what has taken place, what took place in 1989. I would urge everyone to defend the principles that it embodies by voting for this very important amendment to the Constitution.

Mr. CANADY of Florida. Madam Speaker, I yield 3 minutes to the gentleman from New York (Mr. GILMAN).

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. I thank the gentleman for yielding me this time.

Madam Speaker, today the House has this opportunity to make an important statement on behalf of all of us and on behalf of every soldier who has fought and died for the principles upon which our Nation was founded. I commend the gentleman from California (Mr. CUNNINGHAM) for introducing this important legislation and the gentleman from Illinois (Mr. HYDE) for bringing this measure to the floor.

I have long been a strong supporter of prohibiting the desecration of our Nation's flag, and I have served and fought to protect the freedoms of our Nation, freedoms represented by our flag, to people throughout the world.

Although opponents of this measure contend that this amendment infringes upon the freedom of speech, to that I take exception. While we defend the right of any person, no matter how misguided, to argue against the principles for which our Nation stands, we should not contend that destroying our flag is in any sense such an argument.

Our flag has been a citadel of freedom and a beacon of hope to the world. It has stood with our courageous servicemen and women in two world wars, in Korea, Vietnam, in Panama, Grenada, Kuwait, Bosnia and more recently Yugoslavia, and anywhere that Americans have fought and died to oppose oppression. Our flag represents everything good about our Nation and its desecration stands as an insult to every American.

Our flag symbolizes our Nation's great history. Within that field of stars and stripes stands the devotion of countless numbers of citizens who have loved and honored the principles of freedom and justice.

In this city of many monuments representing our Nation's pride, honor and history, let us take this opportunity to protect the greatest monument of them all, our flag, the flag of the United States of America. It is proudly displayed as a monument in virtually every courthouse, every school, library, city, town and village throughout our Nation.

In closing, Madam Speaker, and in urging my colleagues to support this amendment, let me remind my colleagues of the thoughts reflected by Supreme Court Justice John Paul Stevens who said, and I quote, ''The flag uniquely symbolizes the ideas of liberty, equality and tolerance, ideas that Americans have passionately defended and debated throughout our history.''

Mr. CANADY of Florida. Madam Speaker, I yield 3 minutes to the gentleman from California (Mr. BILBRAY).

□ 1700

Mr. BILBRAY. Madam Speaker, I rise in support of the resolution, and, Madam Speaker, I would just ask my colleagues to remember that when the Constitution, including every amendment, was drafted the drafting fathers assumed they would be reasonable, commonsense applications of laws, and I would like to remind my colleagues that the first amendment existed, A, because of the fifth article which specifically says not only do the legislators of America have a right to amend the Constitution when they think there has been a mistake or there needs to be something clarified, but they have a responsibility to do it. In fact, the first amendment would not be here if the fifth article had not been acted on by the legislative body and other legislators.

Madam Speaker, I want to point out one thing, is that we are not talking about the first amendment being restricted. We are talking about, as we have talked about with other amendments, that reasonable commonsense restrictions are not a threat to our

constitutional freedoms, but they are the best safeguards that abuses and extremist approaches to our first amendment, second amendment, third amendment and every part of the Constitution is the greatest threat to those constitutional protections.

As Thomas Jefferson articulated quite clearly his intention for freedom of speech and the articulation of the first amendment, and that was to encourage the intellectual exchange in our society and not as just a protection to the individual who wanted to speak up, but to the protection of society so that they could get the intellectual exchange and contribute to the dialogue in our community.

Madam Speaker, the burning of the American flag is not being expressed as an intellectual exchange. It is just like somebody screaming fire in a movie house. It is someone trying to invoke an emotional response. Screaming fire happens to invoke fear. Burning the American flag is trying to invoke outrage and purposefully trying to invoke an emotional response. That emotional response, just like carnal pornography, is not protected under the first amendment. It has never been perceived to be protected. The intellectual exchange of disagreement about political activity is. But when we get to this emotional response I think we have got to be the reasonable, commonsense approach and say there are some things like burning the flag which do not encourage intellectual exchange in our society.

And I want to point out again that those who would not change the Constitution no matter what, we need sometimes to correct mistakes made by the Supreme Court. That is why our Constitution has Article V. I think we all agree, I think everyone agrees, that the Dred Scott decision was an absolute farce, it was wrong, it should not have been done. So the 14th amendment was passed to address that mistake, and I think history has proven that the 14th amendment overall was a good piece of legislation and was an amendment that was needed.

Madam Speaker, I think history is going to prove that this amendment to the Constitution is desperately needed to correct a wrong the Supreme Court has made just recently that they had not for 200 years.

Mr. CANADY of Florida. Madam Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Madam Speaker, I thank the gentleman from Florida for the time and the opportunity to share today.

I join to support this proposal to protect our flag, the red, white and blue, the leading symbol of freedom not in just this country, but in the world. Much of the world, when they look at that flag, they know it means freedom, the greatest freedom in the world.

My grandfather was an immigrant from Sweden, and he taught me at a very young age to be so proud to be an American because he was so proud to be an American, and he was so proud of the red, white and blue; it meant so much to him. We all know young men who have given it all. Today I want to mention three that left the small town I come from of Pleasantville, a thousand people. Three young men, Roger, Danny and Bruce, went to Vietnam at about the same time. The only one to return was my brother Bruce. Roger and Danny gave it all. They left their blood in the swamps of Vietnam, they left their life there, they gave everything. They gave their future to preserve that flag.

Four out of five Americans support this proposal. When do we get 80 percent to agree on anything? Forty-nine States have passed resolutions urging us to do this. When do we get 49 State governments of both parties to agree on anything?

This is the symbol of freedom. Should it not have a higher priority than money or mailboxes or other things that we are not allowed to desecrate?

As Justice Rehnquist noted, the flag is not simply another idea or point of view competing for recognition in the marketplace of ideas. Millions and millions of Americans regard it with almost mystical reverence. All should. In my view it is literally the fabric which binds us together, it is the symbol of who we are and the emblem we rally around when times get tough.

A businessman from my district, an immigrant from Iran, recently invited me to the opening of his new facility, and instead of cutting a ribbon he run up the American flag on the pole, and he allowed me to do that, and he said the reason I want that flag on my pole that looks right out my window of my office, because I understand the freedom in this country that I did not have in Iran, that I did not have when I was in Germany for a short time. I want to look at that flag and never forget. He said also outside my window at the house from my dining room table I want a flag that I can look out there in light hours and see the symbol of freedom that America has presented to the whole world.

Let us join those, the majority of Americans, the majority of States, who realize this is more than a flag. It is a symbol that embodies the bloodshed by Americans so that we can be free.

Mr. WATT of North Carolina. Madam Speaker, I yield 3½ minutes to the gentleman from Wisconsin (Mr. KIND).

(Mr. KIND asked and was given permission to revise and extend his remarks.)

Mr. KIND. Madam Speaker, I thank the gentleman for yielding this time to me.

Madam Speaker, if there is one bright shining star in our constitutional constellation, it is the first amendment of the Bill of Rights. That is the amendment that embodies the very essence upon which our democracy was founded because it stands for the proposition that anyone in this country can stand up and criticize this government and its policies without fear of prosecution. But here we are yet again in the 106th Congress debating an amendment that would seriously weaken the first amendment and freedom of expression in this country.

Now I want to be clear. I am going to oppose this amendment, not because I condone or I do not feel repulsed by the senseless act of disrespect that is shown from time to time against one of the most cherished symbols of our country, the American flag, but because I recognize that our Constitution can be a pesky document sometimes. It challenges us, and it reminds us that this democracy of ours requires a lot of hard work. It was never meant to be easy. Our democracy rather is all about advanced citizenship. It is about the rights and liberties embodied in the Constitution that will put up a fight against what we believe and value most in our lives. Our Constitution is going to challenge us, and it is going to say, ''Hey, you believe in freedom of expression or free speech in this country? Let's see how we react when someone steps up on their soap box at high noon and expresses at the top of their lungs ideas and beliefs that are completely contrary to ideas and beliefs that we have fought for and believed in during our entire lives.''

That is what advanced citizenship is about. That is what the challenge in the Constitution is for us. And yes, the Supreme Court has ruled on numerous occasions that the repulsive disrespect and the idiotic act of desecrating the American flag is freedom of expression protected under the first amendment.

As former Supreme Court Justice Jackson said in the Barnette decision, and I quote:

''Freedom to differ cannot just be limited to those things that do not matter much. That would be a mere shadow of freedom. The test of its substance is the right to differ as to things that touch the very heart of the existing order.''

There are few things that evoke more emotion, passion, pride or patriotism than the American flag; I recognize that. But if we pass this amendment today, where do we stop? Do we next try to prohibit the desecration of the Bible? Or the Koran? Or the Torah? Or perhaps even this book that I like to carry around in my pocket to remind me how difficult our democracy is? The Constitution? The Declaration of Independence? Or the very Bill of Rights itself? They too are symbols of our country that young men and women have fought for and died for.

Let us not go down that path today. We have done pretty well these passed 210 years without having to amend the Constitution to deal with a few individuals' act of senseless desecration.

There are other ways of dealing with content neutral acts. If someone steals my flag, they can be prosecuted for theft and trespassing. If they steal my

flag and burn it, they can be prosecuted for theft, trespass, criminal damage to property. If they burn it on a crowded subway station, they can also be prosecuted for inciting a riot, reckless endangerment, criminal damage to property and theft. There are other ways that this type of conduct can be prosecuted, but if someone buys a flag, goes down in their basement and because they do not like the government decides to desecrate it or burn it, are we going to obtain search warrants and arrest warrants to go in and arrest that person and prosecute them? We do not need to do that.

That is why I encourage my colleagues today, Madam Speaker, to oppose this amendment and not change 210 years of history in this country.

Mr. CANADY of Florida. Madam Speaker, I yield 1½ minutes to the gentleman from Montana (Mr. HILL).

Mr. HILL of Montana. Madam Speaker, I thank the gentleman for time, and, Madam Speaker, if colleagues would listen to the debate today, they would conclude that we are here to make a choice between defending the flag and defending the Constitution. In fact, the opposite is true. What we are here doing today is to try to reconcile our respect and our affection for the flag for our respect and our commitment to the Constitution.

I happen to disagree with the Supreme Court decision, but this process that we are following today does not do damage to the first amendment or to the Constitution. In fact, we are following a constitutional process.

I believe that we owe the blessings of liberty and freedom to those who served and sacrificed for this Nation, and as I attend the Memorial Day parade or Memorial Day service and I watch the tears streaming down the face of those veterans that are there, I know that our flag is more than a symbol. Somehow it is a link to the friends that they left on the battlefield or their friends who left parts of themselves on the battlefield.

I believe that the desecration of our flag is an insult. It is an insult to our Constitution, it is an insult to the liberty and freedom that is in it. It is an insult to the sacrifice, and it is an insult to the values that these men and women share: Honor and value, valor and courage.

Veterans groups. I think every major veteran group supports this. Forty-nine States have expressed to the Congress that we ought to act on this.

I would just urge my colleagues to support this amendment.

Mr. CANADY of Florida. Madam Speaker, I yield 2½ minutes to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Madam Speaker, I rise in strong support of the legislation that we have here to have a constitutional amendment to prohibit the desecration of the United States flag.

I listened to some of the debate, I respect my colleagues, but this is not an issue about speech. What one can say is anything they want in this country, but conduct is what we are focusing on.

I suppose if someone believes that they, in fact, are embodied with the right to burn this flag being displayed directly behind me, go ahead, but they have to get through me first, and when they do that, they really upset me. Now why do they upset me? I suppose that that statement written on a blackboard long ago when I was a college student at the Citadel that said those who serve their country on a distant battlefield see life in the dimension the protected may never know.

I have seen that flag on a distant battlefield. I understand what it represents, the physical embodiment of everything that is great about our Nation and perhaps not so great. Each of us individually when we see that flag, we get a tingle inside, and it is personal. We should do everything we can to protect that which is so vitally important to us as a Nation.

As I listened to some of my colleagues here, I am puzzled. I am puzzled because some of those who are in opposition to this amendment are also in opposition to our efforts to bring prayer back into school, our efforts to revitalize America to find its moral center. I do not know how those advocates want to see America. See, America, a little over 200 years young; are we going to be seen as some meteor that shined brightly but moved quickly across the span of world history?

□ 1715

Or, do we believe, as I do, if we permit the eyes of our mind to see a greater vision, I believe America has what it takes to reach deep, to revitalize itself, to find its center, its moral center, its proper balance, to seek the greater understanding, to have wise tolerance, and to respect each other for an enduring peace. As we do that, there are certain things that we have to respect in our society, and one that represents the physical embodiment of this Nation, and we are sensitive to liberty, is, in fact, Old Glory.

That is what this amendment is about. I respect the Committee on the Judiciary for bringing it to the floor, and I ask all of my colleagues to vote for this constitutional amendment.

Mr. WATT of North Carolina. Madam Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. DOYLE).

Mr. DOYLE. Madam Speaker, I can think of no greater symbol of freedom, no higher embodiment of American ideals than the flag of the United States of America. Since the Revolutionary War, our flag has served as a sacred reminder of who we are, what we stand for, and the dreams we hope to achieve. Therefore, I am pleased to rise today in support of H.J. Res. 33, which reaffirms our national commitment to protect our great flag. As in the 104th and 105th Congress, I am proud to say that I am once again a cosponsor of H.J. Res. 33.

Madam Speaker, support for prohibiting the desecration of our flag is apparent not just from my constituents in the 18th District of Pennsylvania, but from 279 of my colleagues that have cosponsored this resolution. Our flag represents the very essence of what it means to be an American. By honoring and respecting our flag, we, in turn, honor and respect those who gave their lives and lost loved ones in the fight to protect this important symbol of America.

Under our great flag, many different cultures, beliefs, and ethnicities can find common ground and come together as one. It is this unit and freedom that is represented by our flag and forms the cornerstone of America. Throughout our history, the United States has called upon her husbands and wives, sons and daughters to travel to foreign lands and defend freedom and liberty at all costs. We owe it to them to ensure the American flag, the very symbol they fought and died to protect, is respected and cherished by all.

Prohibiting the desecration of the flag does not deny any individuals any freedoms or beliefs, but it does serve to strengthen our commitment to these very ideals. We should join together in this effort to preserve the symbol of our national unit.

Madam Speaker, I urge my colleagues to support the sacrifices of all of our Nation's citizens; support the very beliefs that our great country was founded upon, and support our great American flag.

Mr. CANADY of Florida. Madam Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Madam Speaker, I thank the gentleman for yielding and for his leadership on this issue.

Madam Speaker, I rise in strong support of this constitutional amendment. Not all physical actions constitute free speech, and I am hardly alone in asserting that flag desecration is not free speech to be protected under the first amendment.

I believe that the States and Federal Government do have the power to protect the flag against acts of desecration and disgrace, wrote former Chief Justice Earl Warren. This view is shared by many past and present Justices of the U.S. Supreme Court across the ideological spectrum, including Hugo Black, Abe Fortas, Byron White, John Paul Stevens, Sandra Day O'Connor, and current Chief Justice William Rehnquist.

These eminent men and women have not taken a merely political stance based upon shallow assumptions. Rather, they rely upon well-established principles. ''Surely one of the high purposes of a democratic society'' wrote Rehnquist, ''is to legislate against conduct that is regarded as evil and profoundly offensive to the majority of people, whether it be murder, embezzlement, pollution or flag-burning.''

The flaw with the opposition's entire line of reasoning is their concept of

free speech. It is not and never has been the right to do anything you want to do any time you want to do it. Rather, it is a precious liberty founded in law; a freedom preserved by respect for the rights of others.

To say that society is not entitled to establish rules of behavior governing its members is either to abandon any meaningful definition of civilization, or to believe that civilization can survive without regard to the feelings or decent treatment of others. To burn a flag in front of a veteran or someone else who has put his or her life on the line for their country is a despicable act not deserving of protection.

It is well established that certain types of speech may be prevented under certain circumstances, including lewd, obscene, profane, libelous, insulting or fighting words. When it comes to actions, the limits may be even broader. That is where I will vote to put flag desecration, where 48 State legislatures thought it was when they passed laws prohibiting it.

This amendment does not in any way alter the first amendment. It simply corrects a misguided 5-to-4 court interpretation of that amendment. As Justice Rehnquist eloquently observed in concluding his dissent, ''Uncritical extension of constitutional protection to the burning of the flag risks the frustration of the very purpose for which organized governments are instituted. The Government may conscript men into the Armed Forces where they must fight and perhaps die for the flag, but the government may not prohibit the public burning of the banner under which they fight.''

Madam Speaker, I am proud to play a part in trying to right that wrong.

Mr. CANADY of Florida. Madam Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. YOUNG**).**

(Mr. YOUNG of Florida asked and was given permission to revise and extend his remarks and include extraneous material.)

Mr. YOUNG of Florida. Madam Speaker, I rise in support of H.J. Res. 33.

Madam Speaker, the American flag is a symbol of our nation's freedom and liberty. Today we have an opportunity to protect that sacred symbol by approving House Joint Resolution 33, a Constitutional Amendment authorizing Congress to prohibit the physical desecration of the flag of the United States.

Our children learn the story of Francis Scott Key waiting throughout the night of September 13, 1813 in hopes that the British had not broken through the American defenses in Baltimore Harbor. At the break of dawn, Key's fears were quieted as he awoke to find that the flag, battered with holes ripped by cannon fire, was still flying proudly over Fort McHenry. Since the early part of this century, millions of visitors have flocked to the Smithsonian to view this huge flag and continue to do so today, nearly two hundred years after that fateful night in Baltimore. This national symbol is so important that it is now being carefully restored so that future generations of Americans can reflect on our distinct and glorious heritage.

American service members have proudly marched, sailed, or flown under the flag in every conflict from the Mexican War to the recent Kosovo campaign. Just this past April, an American pilot was shot down deep in Serb territory while flying a mission during the war in Kosovo. Clutching a small American flag that he had kept tucked away in his flight suit, the pilot said it was the Stars and Stripes that gave him the hope, strength, and endurance that was required to withstand such an ordeal. For the benefit of my colleagues who may not have seen this story, I will include this story in the Congressional Record following my remarks.

The American Flag is a symbol of courage and bravery. We all recall the famous scene of our Marines in World War II raising Old Glory high above the blood stained beaches of Iwo Jima, signifying that America had just won one of this century's fiercest battles. Today, a sea of small flags quietly stands guard over the graves of these fallen heroes across our nation's cemeteries. These men and women fought and died to protect our nation and the sanctity of our flag, and that is precisely why we must approve this legislation today. We must pay tribute to this strength and pride of America and her people by honoring Old Glory.

Madam Speaker, the flag stands for much more than the 50 states and 13 original colonies. It stands for freedom, liberty, and democracy, ideals attributed to our great country by peoples from around the globe. The great naval hero John Paul Jones once wrote, ''The Flag and I are twins . . . So long as we can float, we shall float together. If we must sink, we shall go down as one.'' Madam Speaker, today we must heed the words of John Paul Jones. May the flag always fly freely and proudly over our land, and may we revere and cherish it forever.

[From the St. Petersburg Times, April 7, 1999]

U.S. FLAG GAVE DOWNED PILOT HOPE WHILE AWAITING RESCUE

WASHINGTON—Crouched in a shallow culvert deep in Serb territory, one of the worst moments for the F–117A stealth fighter pilot downed over Yugoslavia came when barking search dogs drew within 30 feet of his hiding place.

The U.S. pilot reached for a folded American flag that he had tucked inside his flight suit next to his skin and said a silent prayer.

''It helped me not let go of hope,'' the pilot said in an interview released Tuesday by the *Air Force News*, ''Hope gives you strength. . . . It gives you endurance,''

The dogs moved on, and after he spent six hours watching passing headlights on a nearby road, helicopters from the Air Force's 16th Special Operations Group picked him up, backed by support planes that swooped in for the rescue.

The Pentagon is withholding the pilot's name and details surrounding the crash of his F–117A and his rescue, although senior defense officials say a Serb missile probably shot the plane down March 27. It was the first F–117A to go down in combat.

The plane went down near Budjenovci, 35 miles northwest of the Yugoslav capital, Belgrade, and the pilot bailed out as ''enormous'' G-forces worked against him.

''I remember having to fight to get my hands to go down toward the (ejection seat) handgrips,'' he said. ''I always strap in very tightly, but because of the Intense G-forces, I was hanging in the straps and had to stretch to reach the handles.''

He can't remember reaching the handle. ''God took my hands and pulled,'' he said.

Although slightly disoriented, the pilot began radio contact with NATO forces as he parachuted toward a freshly plowed field 50 years from a road and rail intersection.

''I knew I was fairly deep into Serbian territory,'' he said, but he remembered his training. ''It didn't panic me. I just got very busy doing what I needed to do.''

After he hit the ground, the pilot buried a life raft and other survival equipment and spent the next six hours in a ''hold-up site''—a shallow culvert 200 yards from his landing site. He made only infrequent radio contact with NATO rescuers in order to avoid detection by Serb forces who might be listening and racing to capture him.

''For the downed guy,'' he said, ''it's very unsettling to not know what's going on. You're thinking, 'Do they know I'm here? Do they know my locations? Where are the assets and who is involved: What's the plan? Are they going to try to do this tonight?' It's the unknowns that are unsettling.''

Passing cars and trucks might have been Serb military or police, but the pilot said he couldn't confirm they were looking for him, although search dogs came close.

''There was some activity at that intersection,'' he said. ''Thank God no one actually saw me come down.''

The pilot said he concentrated on staying low and on the American flag, which a fellow airman gave him as he strapped in for his mission at an air base in Aviano, Italy.

''Her giving that flag to me was saying, 'I'm giving this to you to give back to me when you get home,''' the pilot said. ''For me, it was representative of all the people who I knew were praying. It was a piece of everyone and very comforting.''

The airman who gave the pilot the U.S. flag was among the first to greet him when he returned to Aviano and he opened his flight suit to show her he still had it, the *Air Force News* reported. The airman's name also was withheld by the Pentagon.

So far, the pilot hasn't rejoined the NATO airstrikes, although he has asked his commanders to put him back into combat. ''All I asked was that I be able to stay here for as long as possible before heading back'' to the United States, he said.

The distinctive arrowhead-shaped F–117A, which has a 43-foot wingspan, is armed with laser-guided bombs and equipped with sophisticated navigation and attack systems. Stealth technology uses curved or angular surfaces to reduce radar reflections.

Mr. WATT of North Carolina. Madam Speaker, I yield 3½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Madam Speaker, I thank the gentleman from Virginia for yielding me this time. I thank the ranking member, the gentleman from North Carolina (Mr. WATT), and the gentleman from Florida (Mr. CANADY), the chairman of the subcommittee.

One of the good things that has occurred in this debate is the recognition that no one's patriotism is diminished, and we would hope that that is a clear and salient point as we debate this constitutional issue.

Before I came to the floor, I thought for a moment where my patriotism

might have developed. Where did I first refine and understand what a glory it is to live and love and be free under the flag of the United States of America. I was reminded of going to school, and I am always encouraging my youngsters to make sure they pledge allegiance to the flag every day, as we do.

I would hope in every school our children are taught to pledge allegiance to the flag of the United States of America. It is symbolic of all of who we are, and it is symbolic of the fact that we stand as a people in this Nation, united, because of the freedom that is offered through those who have died, and the wisdom of our Founding Fathers who structured this fragile Nation on the premise of a democratic unit and on the premise of a Bill of Rights. Not an afterthought, but rather, something that was separate and set aside to reinforce the fact that we have freedom of expression.

Madam Speaker, I say to my colleagues, be reminded that we have lasted these 400 plus years not because we keep people from expressing themselves, but we have managed not to have coups and revolutions and deposing of leaders in an illegal and unconstitutional manner, because people believe they can petition the government. I go to my American Legion halls. I am supporting my good friend, Mr. Lee, who is going to put up a monument to World War II veterans in my district. We believe in exercising pride in our country.

But this amendment says something different, and I am not sure if it is because Gregory Lee Johnson burned a flag in Dallas, Texas, and I am from Houston, against protesting the Reagan administration policies. But the Supreme Court and the Court of Appeals indicated that the Texas law was wrong because freedom of expression is one that is guaranteed by the first amendment, and the intent of the burning of a flag is not to create a fire, but it is to inflame passions because I am so vigorously against policies of the government or otherwise.

So I thought for a moment, what made me a patriot. Does this amendment, my vote for or against it, make me stand taller than my neighbor? And I disagreed with myself; it does not. My vote against it does not diminish my patriotism, because I stand with the likes of Senator John Glenn, a hero who just these past months made us to proud of his recent trip into space, and he acknowledged the fact that those who served in the Armed Forces risked their lives, believed it was our duty to defend our Nation, Senator Glenn said. I can tell my colleagues that in combat, I did not start thinking with the philosophy of our Nation, I put my life on the line. I fight for the flag because it symbolizes freedom.

Let us fight for the freedom of expression and not vote for this amendment; vote it down.

Madam Speaker, I stand to oppose this amendment to the Constitution to prohibit physical desecration of the flag of the United States. This effort to amend the Constitution is an exercise in misjudgment and a waste of precious time. This is not the first time we have visited this issue, and I renew my opposition.

In 1984, in front of the Dallas City Hall, Gregory Lee Johnson burned an American flag as means of protest against Reagan administration policies. Johnson was tried and convicted under a Texas law outlawing flag desecration. He was sentenced to one year in jail and assessed a $2,000 fine.

After the Texas Court of Criminal Appeals reversed the conviction, the case went to the Supreme Court. In a 5-to-4 decision, the Court held that Johnson's burning the flag was protected expression under the First Amendment. The Court found that Johnson's action fell into the category of expressive conduct and had a distinctively political nature.

The Court found that fact that an audience takes offense to certain ideas or expression does not justify prohibitions of speech. The Court also held that state officials did not have the authority to designate symbols to be used to communicate only limited sets of messages noting that ''[i]f there is a bedrock principle underlying the First Amendment, it is that the Government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable.''

The flag is a symbol of freedom. The red bars are tributes to the blood shed by the colonists who revolted against tyrannical oppression, including censorship and the inability to protest government policies. The proposed amendment slaps the faces of those marvelous patriots and decries the very freedoms for which the flag flies.

The intent of burning the flag is not to start a fire, but to inflame passions. That simple fact is why it is a form of expression protected by the First Amendment to our Constitution. And that is why it would be a contradiction of the Constitution itself to make this particular form of free speech a crime.

For those who say our brave men and women did not die in all the wars the past 200 years to end up have people free to burn our country's flag with impunity, I say those patriots died to uphold the notion of freedom, including freedom of speech and freedom of expression.

In 1990, Congress considered and rejected H.J. Res 350—a similar Amendment to the U.S. Constitution. Again in 1995 Congress considered the same amendment, (H.J. Res. 79), but did not get the necessary two third majority vote of the Senate.

The First Amendment implication of this resolution is most damaging. If passed, this would be the very first time in the history of our nation that we altered the Bill of Rights to place a severe limitation on the prized freedom of expression. This would be a dangerous precedent to set, because it would open the door to the erosion of our protected fundamental freedoms.

The Amendment as written is vague. It states that, ''Congress shall have power to prohibit the physical desecration of the flag of the United States.'' What does the term desecration actually mean?

Is it the burning of the flag? Flag burning is the preferred means of disposing of the flag when it is old. The Court noted in Texas versus Johnson, that according to Congress it is proper to burn the flag, ''When it [the flag] is in such a condition that it is no longer a fitting emblem for display.'' What criteria would be used to determine when the flag is no longer fit for display and can thus be burned without penalty?

It is rare that a flag is ever burned in our country as a form of political speech or otherwise. From 1777 through 1989, only 45 incidents of flag burning were reported; since the 1989 flag decision, fewer than ten (10) flag burning incidents have been reported per year.

After all, the importance of our flag is not in its cloth, it is in what it symbolizes. The important thing about symbols is that they don't burn. No matter how much cloth goes up in flame, no matter how much hatred is hurled at it, our flag is still there.

American patriotism cannot be legislated, because the right to criticize the government is at the very heart of what it means to be an American. It was dissent that brought this country into being, and dissent has helped make us what we are today.

Madam Speaker, for these reasons, I urge my colleagues to vote ''no'' on H.J. Res. 33.

Mr. CANADY of Florida. Madam Speaker, I yield 1½ minutes to the gentleman from North Carolina (Mr. HAYES).

(Mr. HAYES asked and was given permission to revise and extend his remarks.)

Mr. HAYES. Madam Speaker, I thank my colleague for yielding me this time. I thank the gentleman from California (Mr. CUNNINGHAM) for bringing this to the floor of the House.

To put this issue in context, I was at Fort Bragg this Monday morning for the retirement ceremony for Sergeant Major David Henderson. To see over 500 of our finest young men and women of the 82nd Airborne assembled behind our colors, just put this whole issue in the proper perspective for me.

I support the resolution of the gentleman from California (Mr. CUNNINGHAM). Our Nation's history is replete with tales of courageous Americans who have ventured to foreign lands to defend the principles represented by the Stars and Stripes. These young patriots fought for our freedom and democracy, not because they were forced, but because they knew in their hearts that their cause was righteous, that making the ultimate sacrifice for freedom, liberty, and justice was worth the risk. We today, as a Congress, also have the opportunity to do in our hearts what we know is right.

The American flag is a symbol of more than nationhood. It is a symbol of the land we love, the home of the free and the brave. It is known around the world as a symbol for democracy and the noble ideals that characterize our democratic republic: Rights, responsibility, equal opportunity, and freedom. I, along with the vast majority of Americans, believe that Congress can afford our flag protections consistent with the first amendment. It is my duty, it is our duty to defend our flag from desecration and to protect

the honor of generations of courageous Americans who have fought and died for the freedoms that all Americans enjoy today.

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

Mr. STEARNS. Madam Speaker, I thank my colleague for yielding me this time. Let us remind our colleagues what we are voting on a joint resolution 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 .

Madam Speaker, last night I was at a documentary over at the National Air and Space Museum; perhaps many other Members also went. The gentleman from Texas (Mr. SAM JOHNSON) was there, and I believe Pete Peterson, a former member, was there. The documentary was a film that took oral history from the prisoners of war who were in Vietnam, particularly Hanoi Hilton, and they took these oral histories that were given to the Air Force Academy and made them into the film, and it traced the background of the cadets, their training, these young cadets in the academies to their capture by the North Vietnamese where they were finally put into prison and they were tortured.

The whole depiction in this film would bring home the point that they had a sense of honor, and all of them together decided they would not go home unless the person who was most hurt went home first, and they would not go home unless ultimately, all of them went home at the same time, and they decided that when they returned to America, they would return with honor, and nothing less, nothing more.

So they were there under very difficult situations, being tortured, and at this point in their lives they had no hope perhaps of even coming home, and many of them died.

□ 1730

But the most poignant part of the whole film is when they were told they were going to be released. They put on their uniforms that the North Vietnamese gave them and they went out to the tarmac. Down came this large plane, a C–130, and it had a big American flag. As soon as they saw that American flag, the tears were in their eyes.

Once they got on board the aircraft they were all given a uniform, the uniform of their rank. And they looked at the buttons and they saw the symbol of the United States. Again, they broke down and that forced all of them to cry.

What I am saying to my colleagues today, would Members want to allow these prisoners of war to come home and to see our citizens desecrating the flag in front of these very noble individuals who spent their entire lives behind a door with no knob? In fact, near the end one of the prisoners said that to him, he feels so much gratefulness and thanksgiving now that he is back in the United States, and every morning when he gets up and he realizes the doorknob is on his side, that is another day of freedom.

I urge support for this House Joint Resolution 33.

Mr. CANADY of Florida. Madam Speaker, I yield 2½ minutes to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Madam Speaker, I thank my colleague, the gentleman from Florida, for yielding time to me and allowing me to speak on behalf of House Joint Resolution 33.

I am a strong supporter of everyone's First Amendment rights to the freedom of speech and expression, and I feel a hallowed symbol like our flag deserves to be respected and protected as a national treasure.

We do have limits. Court-made law restricts our freedom of speech, as limited by the example in lots of law school classes of not screaming fire in a crowded theater. That is court-made law that restricts my freedom of speech. What we are trying to do today with this amendment is by legislation to say there is something on the same level of yelling fire in a crowded theater unjustly. One of them is desecrating or burning the symbol of our country.

Those who desecrate our flag undermine the powerful symbol that thousands of Americans have died trying to defend, as my colleague, the gentleman from Florida, just talked about.

Our flag represents the principles our Nation was founded upon. I feel it should be afforded the maximum protection we can under legislative-made law, just like court-made law has protected people from being unjustly stomped by leaving a crowded theater when someone says, but wait a minute, I have a right to yell in a crowded theater. That is my freedom of speech. They do not have that, just like we need to protect our flag using the same idea, but this is legislative-made protections.

For these reasons, I am proud to be a cosponsor of House Joint Resolution 33, and I urge my colleagues to join me in support of this important resolution.

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

Madam Speaker, I want to thank the gentleman from North Carolina (Mr. WATT) for his leadership in the subcommittee and in this debate, and the spirit in which he has approached this issue. This is an issue which stirs emotions on both sides, but I believe today we have conducted a debate which for the most part focuses on the substance of what is at stake here.

I also want to thank the gentleman from Virginia (Mr. SCOTT) for his leadership in the past on this issue. I believe that he conducted the debate with the same spirit when he was the ranking member during the last session of the Congress. I appreciate that as well.

I think it is important that we acknowledge someone who is not here today. That is the gentleman from New York, Mr. Solomon, who has provided leadership in bringing forward this amendment during the last two Congresses. He brought a real passion to this issue which I think resulted in the success that we saw in the last two Congresses.

Finally, I want to acknowledge the great leadership that the gentleman from California (Mr. CUNNINGHAM) has provided. He has picked up the banner from the, no pun intended, from the former chairman of the Committee on Rules, and has provided outstanding leadership for this issue.

Madam Speaker, I reserve the balance of my time.

Mr. WATT of North Carolina. Madam Speaker, I yield the balance of my time to the gentleman from Virginia (Mr. SCOTT).

The SPEAKER pro tempore (Mrs. EMERSON). The gentleman from Virginia (Mr. SCOTT) is recognized for 6 minutes.

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

Madam Speaker, this proposed amendment, if enacted by Congress and ratified, would reduce our rights of freedom of speech and expression embodied in the Bill of Rights for the first time in over 200 years. Those freedoms have made this country the envy of the world, and those freedoms have protected us from the kinds of upheavals over religious and political expressions that plague other countries even today.

But freedom is not a popularity contest. If that were the case, we would not need a Bill of Rights. Popular expression does not need protection. In fact, the First Amendment only comes into play when there is a need to protect unpopular religious or political expression.

I would ask my colleagues to consider the consequences before they start chipping away at the First Amendment. Some refer to this amendment as the anti-flag-burning amendment, but this amendment will not prohibit flag-burning. The truth is that even if this amendment is adopted, flag-burning will still be considered the proper way to honor the flag at ceremonies in order to properly dispose of a worn-out flag.

So this amendment has nothing to do with the act of burning the flag. It is the expression, the speech, which is the target of this amendment. Proponents of this amendment seek to prohibit activities and expressions with the flag when they disagree with those expressions. That is why the term ''desecration'' is used, not ''burning.'' ''Desecration'' has religious connotations.

In other words, this amendment would give government officials the power to decide that one can burn the flag if he is saying something reverent in a ceremony, but he is a criminal if he burns the flag while saying something disrespectful at a protest. This is

absurd, and in direct contravention with the whole purpose of the First Amendment.

The government has no business deciding which political expressions are sufficiently reverent and which expressions are criminal because someone important got offended. That is why the practical effect of this amendment will be jailing of political protestors and no one else, because those who steal flags and destroy them, or those who provoke riots by burning a flag, can already be prosecuted under current law.

We have already seen the dangers of going down the path of patriotic legislation when in World War II we had laws compelling schoolchildren to pledge allegiance to the flag. We got so wrapped up in our drive to compel patriotism that we lost sight of the high ideals for which our flag stands, and passed laws that forced schoolchildren to salute and say a pledge to the flag, even if such acts violated their religious beliefs.

Fortunately for the American people, the Supreme Court put an end to that coercion with the landmark case of West Virginia State Board of Education versus Barnett. Obviously the majority in Barnett, Justice Jackson wrote, ''If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what is orthodox in politics, nationalism, religion, or other matters of opinion, or force citizens to confess by word or act their faith therein.''

Madam Speaker, unfortunately today we are poised and anxious to prescribe what is orthodox in politics and nationalism, even when there is no disagreement on this subject matter, and even when there is no evidence that flags are being burned in protest in any number sufficient to provoke an amendment to our Bill of Rights.

In fact, history reflects that the only time flag-burning occurs with any frequency is when these constitutional amendments are being considered.

Furthermore, Madam Speaker, the proscription required under this amendment is undefined. The text of the resolution states that ''Congress shall have the power to prohibit the physical desecration of the flag of the United States.''

This is the same language presented in the last Congress, and even after several hearings on the subject in the House and Senate, we have no idea of what will constitute desecration or what will constitute a flag.

At a hearing during the last Congress, at least one witness supporting the amendment agreed that the use of the flag in advertising could be considered desecration. How many car dealers or political candidates using flags in advertisements will be considered criminals, or will it depend on their political views?

Even wearing a flag tie could be an offense punishable by jail under this amendment, because the Federal flag code now considers the flag worn as apparel as a violation. When is a flag a flag? Is a picture of a flag a flag? Is it a flag when the wrong numbers of Stars and Stripes are there before the flag is destroyed?

With so many unanswered questions and unintended consequences, I would hope that we would take a closer look at this amendment before we consider passing it. Otherwise, any criminal statute enacted under this amendment will be inherently vague and unworkable.

In conclusion, Madam Speaker, I would urge that this body be guided by the words of Justice Brennan when he wrote: ''We do not consecrate the flag by punishing its desecration, for in so doing we dilute the freedom that this cherished emblem represents.''

Madam Speaker, let us not betray the freedom our flag represents. I would urge everyone to stand up for the high ideals that the flag represents by opposing this attack on our Bill of Rights.

Mr. CANADY of Florida. Madam Speaker, I yield the balance of my time to the gentleman from California (Mr. CUNNINGHAM), the prime sponsor of this amendment, for the purpose of closing the general debate.

The SPEAKER pro tempore. The gentleman from California (Mr. CUNNINGHAM) is recognized for 3½ minutes.

Mr. CUNNINGHAM. Madam Speaker, I would like to thank not only the gentleman from Florida (Mr. CANADY) for his candor, but my colleagues on the other side as well for the way they have conducted themselves on this particular issue. I feel they are wrong, and that is why I am offering the amendment.

Mr. Pete Peterson was a good friend of mine. The gentleman from Kentucky (Mr. ROGERS) asked me to go to Vietnam and raise the American flag for the first time over Ho Chi Minh City. We used to call it Saigon. I refused the gentleman from Kentucky. It was too hard. Pete called me personally and said, DUKE, I was a prisoner for 6½ years. I need you to help me raise this flag over Vietnam.

Both of us cried because of what it means, not only to us but to the people that we buried, the people that we fought with, and to the people that believe from the deepest part of their heart that this symbol should be protected.

This is not a matter of freedom of speech. There is free speech. There is nothing in this amendment that prevents someone from speaking or writing or doing any of the other things, but just the radical burning of the symbol that we hold dear. It is despicable.

I had plane captains cry when their pilots did not come back overseas. My plane captain, Willy White, grabbed me by the arm one day and said, Lieutenant Cunningham, Lieutenant Cunningham, we got our MIG today, didn't we, because of his involvement in that team concept.

And we talk quite often about what we do, whether it is Kosovo, or what message we give to our men and women under arms. Can Members imagine what message we would send to our men and women if this goes down, the symbol that they fight for? It is more to them than just an inanimate object. It is very, very important.

The gentleman knows that there is not a political motive in my body on this particular issue. It is something I believe deeply, from the bottom of my heart, and feel emotionally about. We have over 282 cosponsors from both sides of the aisle on this. We expect to have well over 300 votes on this and pass it in the Senate. It is because the American people also feel this.

My colleagues talk about the Supreme Court and their decisions. Look at history. Over 200 years of Supreme Courts have held that 48 States could rule that desecration of a flag is wrong, and have penalties. Only one Supreme Court in the history of the United States in 1989, by a narrow vote of one vote, changed 200 years of history.

The American people are saying that is wrong; that we believe that this flag, this dimension, the support of unity for all the things that both sides of the aisle fight for, is very important.

□ 1745

I would ask, I would beg my colleagues to vote for this amendment.

Mr. DINGELL. Madam Speaker, I rise today to express my outrage at a deplorable and despicable act which disgraces the honor of our country—the burning of the United States flag. Behind the Speaker hangs our flag. It is the most beautiful of all flags, with colors of red, white, and blue, carrying on its face the great heraldic story of 50 states descended from the original 13 colonies. I love it. I revere it. And I have proudly served it in war and peace.

However, today I rise in opposition to H.J. Res. 33, the flag amendment, which for the first time in over 200 years would amend our Bill of Rights.

Madam Speaker, throughout our history, millions of Americans have served under this flag during wartime; some have sacrificed their lives for what this flag stands for: our unity, our freedom, our tradition, and the glory of our country. I have proudly served under our glorious flag in the Army of the United States during wartime, as a private citizen, and as an elected public official. And like many of my colleagues, I treasure this flag and fully understand the deep emotions it invokes.

But while our flag may symbolize all that is great about our country, I swore an oath to uphold the great document which defines our country. The Constitution of the United States is not as visible as is our wonderful flag, and oftentimes we forget the glory and majesty of this magnificent document—our most fundamental law and rule of order; the document which defines our rights, liberties; and the structure of our government. Written in a few short weeks and months in 1787, it created a more perfect framework for government and unity and defined the rights of the people in this great republic.

The principles spelled out in this document define how an American is different from a citizen of any other nation in the world. And it is

because of my firm belief in these principles—the same principles I swore an oath to uphold—that I must oppose this amendment. Because if this amendment is adopted, it will be the first time in the entire history of the United States that we have cut back on our liberties as Americans as defined in the Bill of Rights.

Prior to the time the Supreme Court spoke on this matter, and defined acts of physical desecration to the flag under certain conditions as acts of free speech protected by the Constitution, I would have happily supported legislation which would protect the flag. While I have reservations about the propriety of these decisions, the Supreme Court is, under our great Constitution, empowered to define Constitutional rights and to assure the protection of all the rights of free citizens in the United States.

Today, we are forced to make a difficult decision. There is regrettably enormous political pressure for us to constrain rights set forth in the Constitution to protect the symbol of this nation. This vote is not a litmus test of one's patriotism. What we are choosing today is between the symbol of our country and the soul of our country.

When I vote today, I will vote to support and defend the Constitution in all its majesty and glory, recognizing that to defile or dishonor the flag is a great wrong; but recognizing that the defense of the Constitution, and the rights guaranteed under it, is the ultimate responsibility of every American.

I urge my colleagues to honor our flag by honoring a greater treasure to Americans, our Constitution. Vote down this bill.

Mr. FRELINGHUYSEN. Madam Speaker, I rise today to support our American Flag and as an original cosponsor of House Joint Resolution 33 which will protect our most cherished national symbol.

The American Flag is probably the most recognizable symbol in the world. Wherever it stands, it represents freedom. Millions of Americans who served our nation in war have carried that flag into battle. They have been killed or injured just for wearing it on their uniform because it represents the most feared power known to tyranny and that is liberty. Where there is liberty there is hope. And hope extinguishes the darkness of hatred, fear and oppression.

America is not a perfect nation, but to the world our flag represents that which is right and to Americans it represents what Chief Justice Charles Evans Hughes referred to as our ''national unity, our national endeavor, our national aspiration.'' It is a remembrance of past struggles in which we have persevered to remain as one nation under God, indivisible, with liberty and justice for all. Those who would desecrate our flag and all it represents have no respect for the brave men and women for whom the ideals and honor of this nation were dearer than life.

Madam Speaker, this bill will not make individuals who desecrate our flag love our nation and those who sacrificed to secure the freedoms we have today. But it will give Americans a unified voice in decrying these reprehensible acts.

Mr. WELDON of Florida. Madam Speaker, today I rise in strong support of H.J. Res. 33, the Flag Desecration Constitutional Amendment.

Our nation's flag is a sacred symbol of our country's liberty that so many men and women in uniform have fought and died to defend. As the symbol of that liberty, the flag deserves, better yet, demands our greatest respect. Additionally, the flag of the United States of America is a symbol of the perseverance of American values. It is greatly disturbing that it is sometimes burned or otherwise desecrated as an act of protest. It is disgraceful that some individuals would desecrate the flag that our nation's veterans have fought so valiantly to defend. It is also disheartening that we would even have to debate this issue on the floor of the House of Representatives.

Madam Speaker, as we draw near to the new millennium, it is important that we finally enact protections for our flag. I believe that this Congress is committed to doing everything we can to ensure the flag that signifies the very liberties and responsibilities that we hold dear.

Mr. RILEY. Madam Speaker, I rise today in strong support of this amendment. Our flag represents the best qualities America has to offer—freedom, equal opportunity, and religious tolerance. Furthermore, it serves as a symbol of the blood, sweat, hard work and sacrifices many before us have made. We owe so much of what we have and who we are to those who have fought to protect our country.

It disturbs me every time I hear of attacks on our Nation's symbol of freedom. An attack on the flag is an attack on our heritage and everything our ancestors fought for. Thousands of people have lost their lives protecting our flag and the liberties we enjoy today.

Madam Speaker, we should not tolerate flag desecration and I urge your support of this very important amendment.

Mr. HASTINGS of Florida. Madam Speaker, I rise today in strong opposition to House Joint Resolution 33. I firmly believe that passing this bill would abandon the very values and principles upon which this country was founded.

Make no mistake, I deplore the desecration of the flag. The flag is a symbol of our country and a reminder of our great heritage; and I find it unfortunate that a few individuals choose to desecrate that which we hold so dear. However, it is because of my love for the flag and the country for which it stands that, unfortunately, I have no choice but to oppose this well-intentioned yet misguided legislation.

Our country was founded on certain principles. Chief among these principles are freedom of speech and expression. These freedoms were included in the Bill of Rights because the Founding Fathers took deliberate steps to avoid creating a country in which individuals' civil liberties could be abridged by the government. Yet that is exactly what this amendment would do. It begins a dangerous trend in which the government can decide which ideas are legal and which must be suppressed.

I believe that the true test of a nation's commitment to freedom of expression is shown through its willingness to protect ideas which are unpopular, such as flag desecration. As Supreme Court Justice Oliver Wendell Holmes wrote in 1929, it is an imperative principle of our Constitution that it protects not just freedom for thought and expression we agree with, but ''freedom for the thoughts we hate.''

Ultimately, we must remember that it is not the flag we honor, but rather, the principles it embodies. To restrict peoples' means of expression would do nothing but abandon those principles—and to destroy these principles would be a far greater travesty than to destroy its symbol. Indeed, it would render the symbol meaningless.

As I said, I admire the well-intentioned thoughts of those who support the flag desecration amendment, however, I believe their efforts are misdirected. It is essential that we maintain our country's ideals including those which allow for differences of opinion, at whatever the cost; and I ask my colleagues to join me in opposing this bill that violates the ideals and principles of our country.

Mr. BARRETT of Nebraska. Madam Speaker, I am proud to rise today in strong support for H.J. Res. 33, the Flag Desecration Constitutional Amendment.

Our flag was adopted as a sign of independence and as a national identity by the 13 original colonies. And though our country has changed significantly since that time, the flag still represents the same ideals.

It symbolizes freedom, equal opportunity, religious tolerance and goodwill for people of the world. It has represented our nation in peace, as well as in war; and it symbolizes our nation's presence around the world.

When I walk down the halls of our congressional office buildings, it strikes me that the flag hangs everywhere. No matter what our differences—and there are many—most members of Congress have a flag outside their office door. The flag unifies us in the way no other symbol does. It expresses our love for our country and tradition. It represents democracy, and it expresses our respect for those who died defending values that we, as Americans, hold dear.

Because of our deep reverence for the American flag, there are those who make extreme statements against the government and its policies by desecrating the flag. Unfortunately, the Supreme Court has ruled this disrespectful act is protected by the First Amendment of the Constitution.

Now, I have the utmost love and respect for our First Amendment rights—our freedom of speech is the most important right we have. But we can't allow the U.S. flag to be desecrated as a form of political expression. These acts are not protected speech, they are violent and destructive conduct that should insult every American.

The flag isn't just another piece of cloth. Allowing protesters to desecrate the flag is a slap in the face to brave men and women who laid down their lives in the name of U.S. flag and for all it stands.

Mr. PORTER. Madam Speaker, the first amendment to the Constitution, the supreme law of our land, proclaims that Congress shall make no law abridging the freedom of speech or of the press. The principle of free speech in our Constitution is an absolute, without proviso or exception.

The citizens of the newly freed Colonies had lived through the tyranny of a repressive government that censored the press and silenced those who would speak out to criticize it They wanted to make certain no such government would arise in their new land of freedom. The first amendment, as with all ten amendments of the Bill of Rights, was a specific limitation on the power of government.

Throughout the 210-year history of the Constitution, not one word of the Bill of Rights has ever been altered. However, the sponsors of

this amendment today, for the first time in our Nation's history, would cut back on the first amendment's guarantee of freedom of expression. I submit that only the most dangerous of acts of the existence of our Nation could possibly be of sufficient importance to require us to qualify the principle of free speech which lies at the bedrock of our free society.

The dangerous act that threatens America, they claim, is the desecration of the flag in protest or criticism of our Government. Now, Mr. Speaker, desecration of the flag is abhorrent to me, as to anyone else. It is offensive in the extreme to all Americans. But as I have said before, it is hardly an act the threatens our existence as a nation.

Such an act, Mr. Speaker, is in fact exactly the kind of expression our Founders intended to protect. They themselves had torn down the British flag in protest. Our founders' greatest fear was of a central government so powerful that such individual protests and criticisms could be silenced.

No, Mr. Speaker, we are not threatened as a nation by the desecration of our flag. Rather, our tolerance of this act reaffirms our commitment to free speech and to the supremacy of individual expression over governmental power, which is the essence of our history and the very essence of our values.

Mr. Speaker, this issue was addressed in a very eloquent and impassioned letter to the editor of the Chicago Sun-Times written by one of my constituents, David Haas of Grayslake, IL, a teacher at Waukegan High School. I believe that every member of this House should read Mr. Haas's words before casting their vote on this measure, and I include it for the RECORD.

[From the Chicago Sun-Times, June 23, 1999]

FREEDOM UP IN FLAMES WITH FLAG BURNING LAW

(By David Haas)

When I fought in the Vietnam War, I never dreamed that I would have to fight to defend the Bill of Rights when I got home. But that is what I must do now because Congress is just a few votes shy of amending the Constitution to outlaw the desecration of the American flag.

As a proud veteran, I strongly oppose this amendment, and it grieves me that I must caution our senators and representatives not to tamper with a basic freedom spelled out in the Bill of Rights.

To prohibit the symbolic act of flag burning would be an unnecessary abridgement of that freedom, an unwitting mockery of our most essential principles. We must not amend our Bill of Rights for the first time in our nation's history in an attempt to force patriotism on those who disagree with us.

I served my country for more than 21 years, both on active duty and as a naval reservist. I continue to serve my country as a teacher at Waukegan High School. My continual message to my students is that they must never give up on freedom; that their collective voices can make a difference, and will be heard and listened to, if only they will speak; and that even though they may be immigrants, minorities or poor, the Bill of Rights applies to them as much as to me.

My quiet patriotism comes from deep within, and always has taken the form of action, not displays, and I do not believe that displays of patriotism should be forced upon others. Such force never can lead to heartfelt, active patriotism, but only to weak and dishonest conformity. Is this what we want? It is where we are headed with this proposed amendment.

Like most Americans, I am deeply offended to see someone burn or trample the Stars and Stripes. I love my country, and proudly salute the flag. But I did not serve my country to protect a symbol of freedom. I served to protect our freedoms.

This constitutional amendment would do us all a grave and irreparable injustice by chipping away at the right of free speech. Those who support the amendment intend to protect the flag, but they would do so at too great a cost: the loss of our right to dissent, something the Supreme Court consistently has reaffirmed through the years.

This amendment is a clear case of good intentions gone awry. If the flag were to become sacred, who would monitor its use? A flag commission? The flag police? And what would the act of desecration entail—putting flag in paintings or clothes, or flying the flag upside down?

The flag is not a sacred object. To regard it as such would be an affront to all religious people. Ultimately, we must be able to realize that when a flag goes up in smoke, only cloth is burned. The freedom that flag symbolizes can only glow brighter from such an event. Our principles will continue to thrive in the heart.

Mr. STUMP. Madam Speaker, I rise in strong support of this resolution to protect the American flag.

This resolution does nothing to infringe upon the First Amendment's protection of free speech.

Speech is supposed to communicate something.

When a protester burns a flag in public, he knows he's doing it to insult and provoke, not to communicate.

Citizens of this great Nation enjoy more rights than any other on Earth.

But no right is absolute.

Every society has an obligation to set standards of conduct.

I support this resolution because it allows standards to be put in place while protecting our rights as individual Americans.

It merely grants Congress the ability to protect our Nation's most cherished symbol—the American flag.

The gentleman from Illinois is once again bringing legislation to the House floor based upon conviction and heartfelt sincerity.

Many American patriots have suffered and died to protect the flag.

As a fellow combat veteran of World War II, I commend his efforts and urge all my colleagues to support the resolution.

Every society, especially one changing as rapidly as ours, has to have some common bond, some symbol of unity. There's something about the human heart that demands such symbols for its affections.

For Americans, that symbol has always been ''Old Glory,'' perhaps the most recognizable national flag in the world. I don't think any other flag, or object of any kind, triggers such immediate associations as the Stars and Stripes. No other nation, to my knowledge honors its flag with a holiday as we do on Flag Day, June 14.

No mere abstraction like ''freedom'' or ''rights'' or ''pursuit of happiness'' can possibly have the same effect. People need something they can see or touch or feel. They need something real. The U.S. flag has been a heartfelt reality since it received its first salute when Captain John Paul Jones sailed into a French harbor.

The same emotion that inspired Francis Scott Key one war later to compose the national anthem has inspired generations of Americans. The sight of the U.S. flag has inspired tears of joy from Rome to Paris to Manila to Kuwait City, and every other city American troops have liberated.

From that day to this, our history and public life have been filled with sincere love for the flag. Many Americans are still moved when they see the old '40's film ''Yankee Doodle Dandy,'' and James Cagney's performance as George M. Cohan singing ''It's a Grand Old Flag.'' But one of the most valid images of that decade's central event—World War II—is the raising of the American flag on Mt. Suribachi by U.S. Marines.

Astronaut Neil Armstrong thrilled a nation when he planted the flag on the moon in 1969. Eleven years later in Lake Placid, New York, a proud goalie wrapped himself in the flag after the U.S. hockey team upset the once invincible Russians at the Winter Olympics.

A few years ago, the Phoenix Art Museum exhibited ''Old Glory: the American Flag in Contemporary Art,'' a display veterans and most Americans found offensive. One of these ''works of art'' was the American flag used as a doormat. This was to much for 11-year-old Fabian Montoya, who picked the doormat up and handed it too his father.

''I don't want anyone stepping on it,'' he said.

But my favorite is the story of Mike Christian, a naval aviator held captive in the ''Hanoi Hilton'' during the Vietnam War. It's a story told best by Leo K. Thorsness, a Congressional Medal of Honor winner whose condensed speech was published a year ago in John McCaslin's ''Inside the Beltway'' column in the Washington Times. It's worth quoting in full.

You've probably seen the bumper sticker somewhere along the road. It depicts an American flag, accompanied by the words ''These colors don't run.'' I'm always glad to see this because it reminds me of an incident from my confinement in North Vietnam at the Hoa Lo POW Camp, or the ''Hanoi Hilton,'' as it became known.

Then a major in the U.S. Air Force, I had been captured and imprisoned from 1967 to 1973. Our treatment was frequently brutal. After three years, however, the beatings and torture became less frequent. During the last year, we were allowed outside most days for a couple of minutes to bathe. We showered by drawing water from a concrete tank with a homemade bucket.

One day, as we all stood by the tank, stripped of our clothes, a young naval pilot named Mike Christian found the remnants of a handkerchief in a gutter that ran under the prison wall. Mike managed to sneak the grimy rag into our cell and began fashioning it into a flag. Over time, we all loaned him a little soap, and he spent days cleaning the material. We helped by scrounging and stealing bits and pieces of anything he could use.

At night, under his mosquito net, Mike worked on the flag. He made red and blue from ground-up roof tiles and tiny amounts of ink and painted the colors onto the cloth with watery rice glue. Using thread from his own blanket and a homemade bamboo needle, he sewed on the stars.

Early in the morning a few days later, when the guards were not alert, he whispered loudly from the back of our cell, ''Hey gang, look here!'' He proudly held up this tattered piece of cloth, waving it, as if in a breeze. If you used your imagination, you could tell it was supposed to be an American flag. When he raised that smudgy fabric, we automatically stood straight and saluted, our chests

puffing out, and more than a few eyes had tears.

About once a week the guards would strip us, run us outside and go through our clothing. During one of those shakedowns, they found Mike's flag. We all knew what would happen. That night they came for him. Night interrogations were always the worst. They opened the cell door and pulled Mike out. We could hear the beginning of the torture before they even had him in the torture cell. The beat him most of the night. About daylight they pushed what was left of him back through the cell door. He was badly broken. Even his voice was gone.

Within two weeks, despite the danger, Mike scrounged another piece of cloth and began making another flag. The Stars and Stripes, our national symbol, was worth the sacrifice for him. Now, whenever I see the flag, I think of Mike and the morning he first waved that tattered emblem of a nation. It was then, thousands of miles from home in a lonely prison cell, that he showed us what it is to be truly free.

Such contemporary stories convince me that Americans have not lost their love for the flag, and never will. They convince me that the overwhelming majority of patriotic Americans support our Constitutional amendment to protect the flag, the symbol of our national unity. They convince me that the same majority recognizes flag desecration to be a physical act of contempt, not a protected exercise in free speech. A nation with confidence in its own institutions and values will not hesitate to say, ''this you shall not do.''

Flag Day is dedicated to heroes and patriots like Fabian Montoya and Mike Christian. Like them, we should recall the things the flag represents. If we continue to do that on Flag Day and every other day, ''Long may she wave'' will never be a mere slogan. It will be a prayer etched in the hearts of every American and every lover of freedom.

And stitched into the very fabric of the United States Flag.

Mr. MURTHA. Madam Speaker, I'm proud to have joined with Congressman CUNNINGHAM in leading the effort in the 106th Congressman to pass a Constitutional amendment to protect the American Flag from desecration.

Our Flag is the symbol of our great nation—of who we are and how we got here. It is the symbol of hard-won freedom, democracy and individual rights. It is the symbol of our patriotism. It is the symbol that binds us together in our hearts and inspires us to strive to protect and preserve this land, this country and each other. It is an enduring symbol that unites generations. It is the embodiment of our struggles of the past, our strength in the present and our hopes for the future. It is the symbol of freedom.

Each of us associates a memory with our flag. We solemnly pledge allegiance to it as children with our hands on our hearts. It took our breath away to watch the astronauts place it on the moon. It flies proudly over the doors of our homes, the rooftops of our workplaces, and in our parades on Memorial Day and the Fourth of July. It has given many Veterans the will to persevere in conflicts against oppression around the world.

An American pilot was recently shot down in Yugoslavia and spent time hiding in hostile territory to avoid capture. After he was rescued, he was asked what he kept his thoughts focused on during hiding. His answer: the American Flag.

The debate over this amendment is a debate about the sanctity of America's ideals and of the sacrifices made by countless millions of fellow citizens for this country to become and remain free and strong and united under one Flag. It is not a debate about free speech. Burning and destruction of the flag is not speech. It is an act. However, it does inflict insult—insult that strikes at the very core of who we are as Americans and why so many of us fought—and many died—for this country. And many a lesser insult is not wholly protected under the First Amendment—we have laws against libel, slander, copyright infringement, and ''fighting words'' which pass muster under the First Amendment test.

We should hold our Flag sacred in our Constitution. It is the symbol of what we are, who we are, and all we have been through and fought against to get where we are together as a strong, free and united nation. I urge my Colleagues to support this Constitutional amendment today.

The SPEAKER pro tempore (Mrs. EMERSON). All time for debate has expired.

Pursuant to the order of the House, further consideration of the joint resolution will be postponed until the following legislative day.

APPOINTMENT AS MEMBERS TO INTERNATIONAL FINANCIAL INSTITUTION ADVISORY COMMISSION

The SPEAKER pro tempore. Without objection, and pursuant to 22 U.S.C. 262r, the Chair announces the Speaker's appointment of the following Members on the part of the House to the International Financial Institution Advisory Commission:

Mr. CAMPBELL of California,

Mr. Allan H. Meltzer of Pennsylvania.

ANNUAL REPORT OF THE NUCLEAR REGULATORY COMMISSION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

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 Commerce:

To the Congress of the United States:

As required by section 307(c) of the Energy Reorganization Act of 1974 (42 U.S.C. 5877(c)), I transmit herewith the Annual Report of the United States Nuclear Regulatory Commission, which covers activities that occurred in fiscal year 1997.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 23, 1999.*

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 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 gentlewoman from Indiana (Ms. CARSON) is recognized for 5 minutes.

(Ms. CARSON 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 North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES 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 Maine (Mr. ALLEN) is recognized for 5 minutes.

(Mr. ALLEN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

RESTORE PRAYER AND BIBLE READING TO THE SCHOOLS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Madam Speaker, one of my constituents, Ernest Chase, of Englewood, Tennessee, has just sent me a cartoon showing two students standing outside of Columbine High School.

The drawing shows a young girl saying, ''Why didn't God stop the shooting?'' A young boy then replies, ''How could he? He's not allowed in school anymore.''

I know that God is everywhere and omnipresent. So I realize the cartoon is not theologically correct. However, it does make a very important point.

I know that this Congress will not put prayer and Bible reading back in the schools, but I believe we should. The problems of our children and our schools have grown much worse since we took prayer and Bible reading out.

I know that when we had prayer and Bible reading in the schools, most kids did not pay attention and were probably thinking about other things. But one could never know which young people had come to school hurting that morning, due to a family squabble, a health problem, loss of a loved one, or something else.

One could never know when a student who was hurting inside might be comforted or helped, even if in a small way, by some prayer or some Bible verse.

I know that some people say that prayer and Bible reading are the responsibilities of the family and the home, and I agree with that. But I also think it is a responsibility of the schools and society to teach and encourage good morals and values and ethics. As a popular phrase today says, character counts, and this should be taught in the schools.

George Washington once said, ''You cannot have good government without morality. You cannot have morality without religion; and you cannot have religion without God.''

We open up every session of this House and the Senate with prayer, and this has never been a problem. We have Catholic Priests, Protestant Ministers, Jewish Rabbis, and others lead us in prayer, and I do not think there has ever been a complaint. But we do not allow our schools to have the same privilege.

Some people say or think we cannot have prayer in public schools because one cannot mix church and State. Well, these words and even this idea are not mentioned in the Constitution. Our Founding Fathers came here to get freedom of religion, not freedom from religion; and there is a big, big difference.

In 1952, our U.S. Supreme Court said there is ''no constitutional requirement which makes it necessary for government to be hostile to religion and throw its weight against efforts to widen the effective scope of religious influence.'' Let me repeat that. The U.S. Supreme Court, in 1952, in Zorach v. Clauson said there is ''no constitutional requirement which makes it necessary for government to be hostile to religion and throw its weight against efforts to widen the effective scope of religious influence.'' Yet, this is exactly what government has done over the last 35 or 40 years.

William Raspberry, the great columnist of the Washington Post, wrote a few years ago, ''Is it not just possible that anti-religious bias, masquerading as religious neutrality, has cost us far more than we have been willing to acknowledge?''

That is such a good question. Let me repeat it. William Raspberry said, ''Is it not just possible that anti-religious bias, masquerading as religious neutrality, has cost us far more than we have been willing to acknowledge?''

He then told of something that Dennis Prager, a Jewish talk show host, once said on one of his shows. He said, ''if you were walking down the street of one of our Nation's largest cities late one night, in a high crime area, and you heard footsteps approaching rapidly from behind, and you turned and saw four well-built young men coming toward you, would you not feel relieved to learn that these young men were coming home from a Bible study.''

Today, most public high schools believe they cannot even allow nondenominational prayers at high school graduations.

We have come too far down the wrong road, and we need to do better, much better for the sake of our children. Prayer and Bible reading helped many children and never hurt anyone. It sent a message, even to young people who may not have been helped at the time, that there was a higher power to turn to when times got tough, as they do for all of us.

To those who say we should not try to impose morality on others, listen to the words of Judge Robert Bork in his book ''Slouching Towards Gomorrah'': ''Modern liberals try to frighten Americans by saying that religious conservatives 'want to impose their morality on others.' That is palpable foolishness. All participants in politics want to 'impose' on others as much of their morality as possible, and no group is more insistent than liberals.''

If we do not instill good morals and values and ethics of the Bible, then we will, by default, be teaching the bad morals found in our modern day obscene and violent movies, video games, the Internet, and in Godless classrooms.

We need to restore prayer and Bible reading to the schools of this Nation. It certainly would not solve all of our problems, but it would help.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

(Mrs. MALONEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Washington. Madam Speaker, I rise today to talk about the subject that is I think most on the minds of my constituents and most of the constituents throughout our country, and that is the subject of education. It is definitely the building block for the future; and as we head towards a more and more complicated future with more and more rapid change, that education basically life-long education is going to be critical to the prosperity of our country and certainly of our people.

We seem to have an unfortunate choice that is laid out before us if we are watching public policy makers on education; and that choice is, either bash public education or blindly support it. I am here to say that I do not think that is the choice that is put before us, and I would urge public policy makers to find a middle ground.

Basically, support for public education makes a great deal of sense. It has educated somewhere around 90 percent of the population. I personally benefited from it, as have millions of others. It has done a wonderful job of educating our children. It is one of the better things we did in the 20th century. But just because we support it does not mean that we should do so blindly or that we should never ask for reforms or never ask for it to be held accountable or to improve or for standards to be set.

I worry that, given that false choice between supporting and bashing public education, that we will miss out on that opportunity to reform it and set the standards that we should set. That is why I as a member of the New Democratic Coalition, a group of moderate Democrats. We are searching for that middle ground to try to find an area where, yes, we can support public education, but we can also set the standards and make the changes we need to improve it.

It makes a great deal of sense to say that we should spend money on school construction and to reduce class sizes, and I think we should. I think it is wrong to run away from a Federal obligation to help public education.

But it is equally wrong to continue the current Federal role in public education in the manner that we have set it up. That manner is totally bureaucratic and process oriented and not results oriented and not oriented towards encouraging local control, which could make an incredible difference in our education system.

So, yes, the Federal Government should support public education, but we should stop driving dollars out the way we are driving them out now, which is basically in a blizzard of programs, some 300 or 400. I have actually tried to count them over the course of the last 6 months and still have not quite tracked them all down.

They are designed totally along the lines of process. If one meets certain standards, one gets a certain amount of money. Basically, we have turned our school district personnel in this country into people who are more interested and spend more of their time, I am sorry, they are not more interested, they are forced to spend more of their time justifying their existence to the federal bureaucracy than they are spending time educating our children.

Why do they do that? Because they have to get the money. They have to fill out a variety of grants and a variety of programs to prove that they deserve the money in the first place, and then prove that they are spending it exactly how we told them to in the second place.

All of this takes away time from the classroom. I believe that it would make a good deal more sense to drive those dollars out far more narrowly and to drive them out based on standards and based on actual accountability and accomplishments. Instead of just driving money out based on whether or not they filled out a grant form properly,

we should take a look at it and say, let us set a measurable standard for the school district. Let them set the standard. It does not have to be driven down from the national government. Then measure them against their own standard in the future and reward improvement. Reward people who are accountable and are moving forward in education instead of just those who fill out the proper grant form.

I think this would help in two regards. One, it would give the right incentives to school district to work towards improving achievement for their students as opposed to work toward meeting some requirement that has been set by the Federal Government.

I will give one example of that. In my home State, for a while, we drove the money out for special ed based on how many special ed students there were, period. There was no ceiling on it. So slowly but surely we saw the creeping increase in the number of special ed students in school districts, not because there were more coming in, but because the school districts knew, if they could qualify more as special ed, they would get more money.

Did this do anything to improve the quality of education? No, but that was the incentive that we gave the school district.

Let us give the right incentive. Let us tell them that we will drive more dollars out to the degree to which they are improving the academic achievement of their students.

Another good idea that I have seen is one that was introduced by the gentleman from Florida (Mr. DAVIS) and the gentleman from Indiana (Mr. ROEMER) on alternative certification of teachers. In addition to encouraging local control and higher standards and accountability, we also need to make sure that we have the level-best teachers out there and as many of them as we need.

The idea of setting up alternative certification procedures so that professionals who may have worked in a variety of different fields who now want to get into teaching can without necessarily having to go through the normal certification process.

If we have somebody who has been a professional physicist for a number of years, it does not make sense to say to them they somehow cannot teach physics. Let us take advantage of that brain power we have out there to help our students.

But the biggest point I want to make today is one does not have to simply blindly support education. Support it, but expect results.

EDUCATION

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 think the previous speaker, I think millions of Americans agree that, among the most important priorities for any family, particularly young family, is their child's education. Along those lines, I believe that the essence of this country is about freedom. However, it seems that too often when it comes to education, there is no such thing as freedom.

□ 1800

There are many, many families across America who have no choice when it comes to selecting a school for their child. In fact, the controls dictate that they send the child to the school that has been zoned for them.

Now, frankly, I think ultimately what we need to do is to ensure that every parent across this country, regardless of income, because regrettably it is the low- and middle-income families that suffer the most, that regardless of income those parents have the ability, the opportunity, and the freedom to choose the best school possible for their child. I do not think there is a more important decision that a parent can make, yet in making that decision too many are deprived.

Along those lines we can also take steps to get to that point. Recently, the Republican Party has introduced legislation that will take us down the path to true freedom when it comes to education. The notion that we can take billions of dollars out of Washington and send it back home, whether Staten Island or Brooklyn, where I am from, or anywhere else across America, I think is common sense to the ordinary American. Because the average, ordinary American says, I think that my community, with the teachers and the principals and the administrators and the local PTAs, if given that money, would be in a better position to determine what is best for their children. Perhaps it would be smaller classrooms, perhaps more money dedicated to math and science. It could be a range of issues. It could be more money dedicated to arts.

But, sadly, the model that has been created over the last number of years is let us send billions to Washington with strings attached, with endless reams of red tape and bureaucracies that make it almost unreasonable to deliver quality education to the folks back home.

So that is why I think when we provide flexibility and reduce the amount of red tape and send that money back home to the communities that need the money and to the classrooms where that money belongs we are doing the right thing for America and for the families and the children across America. And at the same time we should demand appropriate accountability from school districts that too often are unaccountable to anybody.

So I think we have to move down this path of getting funds away from Washington. Because this money does not just fall out of the trees. The reality is that people get up every morning and go to work and at the end of the week, or every 2 weeks, out of that paycheck goes money to Washington. And that money stays here. But we want to send that money back home to where Americans really are.

I hope everyone will listen to the debate in the next few months. It could even go on for a year, because there are a lot of defenders of the status quo here. There are a lot of defenders of the status quo who believe in their heart that taxpayer money is better spent here in Washington by people who will never set foot in the communities of those taxpayers. They believe they know what is best for all America's children and all America's families.

And I just throw that out there; that if we believe that wherever we are in America, that our local school districts and our local communities and schools are in the best position and the best able to determine what is best for their children, then we should support common sense legislation like Straight A's: demands accountability and sends the money back home. However, if we do not believe the status quo is serving our children correctly, if we believe that there should be as many strings attached to the decision-making at the local level, if we believe that folks in Washington know best what is going on in Staten Island or Kansas or Texas or Alaska, if we believe that, then we probably do not support this legislation and we do not support initiatives to move to the path of freedom when it comes to education.

Madam Speaker, the next several months will underscore, I believe, this Congress' desire to improve education and raise academic standards. I would only hope all Members would support this legislation.

COMMUNICATION FROM THE HONORABLE RICHARD A. GEPHARDT, DEMOCRATIC LEADER

The Speaker pro tempore laid before the House the following communication from the Honorable RICHARD A. GEPHARDT, Democratic Leader:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 18, 1999.

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

DEAR MR. SPEAKER: Pursuant to Section 591(a)(2) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999 (112 STAT. 2681–210), I hereby appoint to the National Commission on Terrorism: Honorable Jane Harman of Torrance, California and Mr. Salam Al-Marayati of Shadow Hills, California.

Yours Very Truly,
RICHARD A. GEPHARDT.

PATIENTS' BILL OF RIGHTS

The SPEAKER pro tempore (Mrs. EMERSON). 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, let me say that this evening my plan is to discuss the Democrats' Patients' Bill of Rights.

I think many of my colleagues know that within the Democratic party we have, for several years now, highlighted and prioritized HMO reform as one of the major issues that we would like to see addressed in the House of Representatives, and our answer to the need for managed care/HMO reform is a bill called the Patients' Bill of Rights. And we call it the Patients' Bill of Rights essentially because it is a comprehensive way to provide protections to patients against some of the abuses that we have seen within managed care and within HMOs.

The reason I am here tonight, Madam Speaker, is because I want to highlight the fact that once again in this session of Congress, and just like the last session of Congress, Democratic Members, including myself, have been forced to resort to a petition process, what we call a discharge petition, that many of us signed. Today we started the process, this morning, and I believe now there are 167 Members, Democratic Members, who have signed a discharge petition at this desk over here near the well, because we have not been able to get the Republican leadership, which is in charge of the House of Representatives, to have a hearing or have a committee markup or bring to the floor the Patients' Bill of Rights.

That is an extraordinary procedure, to move to the discharge petition. It is something that the minority usually is not required to do because the majority party allows debate, or should allow debate, on issues that are of importance to the average American. But in this case, once again, I would suggest that the reason is because the Republican leadership is so dependent on the insurance industry and so determined to carry out the will of the insurance industry that they have been unwilling to let the Patients' Bill of Rights be considered in committee or come to the floor.

In fact, what we saw last year in the House and what we are seeing again this year in the House is essentially a three-pronged strategy by the Republican leadership to deny a full debate and vote on the Patients' Bill of Rights.

First of all, they simply delay for 6 months, since January, by not allowing the bill to be heard in committee or marked up in the committee. And then, when that seems to fail because the pressure gets too strong that they have to do something, they come forward with what I call a piecemeal approach.

Just the other day, about a week ago, in the Committee on Education and the Workforce, one member of the Republican leadership brought eight individual bills that were purported to deal with the need for HMO or managed care reform. But those were individually bills or collectively bills that did not add up to much in terms of adequate protections for patients in HMOs. And I would say that, once again, this piecemeal approach is a way to avoid having the comprehensive bill, the Patients' Bill of Rights, heard.

In fact, when the ranking member, the senior Democrat on the Subcommittee on Postsecondary Education, Training and Life-Long Learning, that sought to bring up the Patients' Bill of Rights, he was essentially gaveled down and told that he was out of order in trying to raise the Patients' Bill of Rights in committee.

And what happened today, my understanding is, that even some of the Republicans on the committee, who are not in the leadership and basically did not support the Republican leadership, threatened if they were not allowed to bring more comprehensive patient reform or HMO reform to the full Committee on Education and the Workforce, that they would basically support the Democrats and ask that the Patients' Bill of Rights or a more comprehensive approach be brought up. They essentially defied the Republican leadership.

It is nice to know that there are some Republicans here that are willing to defy the leadership over this very important issue of HMO reform. But, unfortunately, the leadership is still in charge and they simply postponed the markup on those HMO reform bills.

Now, the next step is, because we are signing this discharge petition, because so many of us will eventually sign this discharge petition, the next step in the effort to stifle managed care reform was what we saw last year in the Republican Congress, which is they then bring up a bill which is so loaded down with nongermane issues, like medical malpractice, medical savings accounts, health marts, that it obscures the basic patient protection legislation and causes such mucking up of HMO reform that the bill ultimately dies of its own accord.

So I do not know what the Republicans are going to do this year, but from what I can see they are simply stalling, refusing to bring up the Patients' Bill of Rights, and we are all, Democrats and friendly Republicans, going to have to keep pushing and pushing with our discharge petition.

I would like to yield now to a member of the Committee on Education and the Workforce, the gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Madam Speaker, I thank the gentleman from New Jersey (Mr. PALLONE) for yielding, and I wanted to agree with him and reemphasize some of the points that he has made.

Just a very simple one, and a point that I think is very important with regard to HMO reform, and that is that only the Congress, only the National Government can make the types of changes that need to be made with regard to HMO reform in this instance because of the nature of our laws in terms of interstate businesses and HMO involvement and insurance.

Our State lawmakers cannot modify the conditions that are placed and the requirements imposed in terms of those HMO agreements. They must fundamentally be made by the United States Congress. The States alone cannot do this. So it is not a repeat or a reiteration of what States have done.

Now, I think that along the way, many HMOs have, in fact, extended some of the benefits and some of the reforms on a single and a voluntary basis, and I commend them for that. But I think all too often this becomes a patchwork quilt of policy which does not have any symmetry, and it is necessary for Congress to act. And Congress has, frankly, not been able to get its act together and to, in fact, present a rational health care policy.

I think as the changes have occurred very rapidly in the health care programs and in the insurance benefits that are extended to our working families, clearly it means that in many instances consumers really do not have a place at the table when the HMO or health care decisions are made that affect their families and their lives.

And of course, as we know, increasingly health care professionals, including medical doctors, do not have a place at that table. So I think the primary effort here is to try to build a policy in which there is a voice for consumers, that there is a voice for health care professionals, along with those that are trying to obviously make health care efficient in terms of saving dollars and providing a benefit to service.

That is the ultimate goal. But we must act here because of the nature of interstate laws. And Congress is reluctant to do that. Today I signed the discharge petition. I was number 65. I think the gentleman from New Jersey was probably before me in that number. I think we have maybe 100 signatures, and if we can accomplish the goal of getting 218 signatures, then notwithstanding the fact that the majority, the leadership in this House, has not saw fit to schedule this bill for the floor, not even permitted votes on it to date in the committees of our House, then we, in fact, could bring that important priority that the American people have and that American families need to the House floor and act on that policy.

I know our counterparts in the Senate, the Senate Democrats, are experiencing the same problems; that it is being frustrated in terms of deliberate consideration. I think this system that we have is somewhat cumbersome and somewhat difficult, but it is the only recourse that we have based on the policy that is being enunciated in terms of trying to prevent these matters from being voted upon on the floor.

So I hope we can get the type of bipartisan support that is necessary to bring this important matter to the floor, and I commend the gentleman for his efforts in terms of voicing these concerns tonight on the floor and to the public.

□ 1815

Mr. PALLONE. Mr. Speaker, I want to thank the gentleman. If I could just follow up on a couple of things that he said.

We had today in the Committee on Commerce a subcommittee hearing on the question of independent and external review, which again I was somewhat critical of the fact that the Committee on Commerce, which has the major jurisdiction over health care in the Congress, has not had a hearing on the Patients' Bill of Rights but now again is sort of taking this piecemeal approach and looking at little pieces of this. But I would say that the issue of holding managed care companies responsible for denial of care with a real, reliable, and enforceable appeal and remedy is an important issue.

One of the things that came up was we had testimony from someone who was involved in the Texas law, and Texas has a very good law on the books that incorporates a lot of the patient protections that we have in the Patients' Bill of Rights, but one of the points that she made was exactly what the gentleman from Minnesota (Mr. VENTO) made, which is that this is great for Texas but the majority of Texans do not take advantage or cannot because of the ERISA Federal preemption that we have as a matter of Federal law.

One of the things that was stressed was that when Texas imposed an independent external review process, if they had been denied a particular treatment, one of the Federal courts has recently actually ruled that Texas did not have the power to do that at all because of the ERISA Federal preemption. So it just, once again, brings home the fact of why we need action on the Federal level.

The other thing that I thought was interesting was that I thought it was sort of painfully obvious at this hearing that there were several Republican Members who really supported a comprehensive approach and essentially agreed with all the Democrats that this is what we should be doing, yet it was very obvious that the Republican leadership had no intention of doing that.

So again, there are some Members that will join us on the other side and, hopefully, will sign our petition so we get to the 218. But so far, the Republican leadership has slammed the door and said, there is no way we are going to consider this Patients' Bill of Rights, and that is very unfortunate and what we have to keep fighting for.

I want to just briefly, if I could, mention some of the key things that we are fighting for in the Patients' Bill of Rights. And then maybe I will yield to one of my colleagues that are here joining me this evening.

The two most important things that I would say, one is this whole issue of providing for real enforceability. What happens now with many HMOs is that if they deny them care or particular treatment, the only review or appeal they have is an internal one within the HMO. And of course, they, being very prejudiced in most cases, will simply deny the appeal.

What we are saying is that there has to be an independent external appeal outside the HMO; and, in addition to that, there has to be ultimately the right to sue the HMO, which does not exist today under the Federal preemption. That is one of the most important aspects of the Patients' Bill of Rights.

The other one that is linked to that is the definition of ''medical necessity.'' Right now the insurance company decides what is medically necessary; and if they define that and all that happens once they are denied care or treatment is that that is reviewed, their own definition of what is medically necessary, then, even if they have a good independent appeal or the right to sue, it will not necessarily help them because they are using their definition.

What we say in the Patients' Bill of Rights is that the decision about what is medically necessary, what kinds of care they should receive should be made by the physician and the patient based on standard norms within the medical community for that particular specialty or whatever it happens to be and not by the insurance company. Those are the two key aspects that are not included in any of these eight piecemeal bills that are being circulated by the Republicans in the House or the legislation that the Republicans are bringing up in the Senate. Neither of those key points are included.

Mr. Speaker, I yield to the gentlewoman from California (Mrs. CAPPS), who has a background as a nurse and who has been on the floor many times talking about this issue in very real terms because of her own experience.

Mrs. CAPPS. Mr. Speaker, I thank my colleague from New Jersey (Mr. PALLONE) for organizing this time for us to speak together.

It has been a day on behalf of patients, I believe, here in the Congress, and that feels good to me as a nurse that we are finally now speaking clearly. What we need to do now is move this discussion from a march onto the floor by many Members who seek to have it be placed on the agenda. We need to move it from the hearing room. We need to move it right to the deliberation stage.

It is fine for us to talk here, and I am glad we can have a chance to do that and maybe summarize some of the things that have been going on and some points that my colleague has been making. And it is wonderful to see a colleague from Illinois here, as well, ready to speak. Because this is not a situation particular to one part of the country. I am from California, and it involves me personally and directly with all of my constituents. It addresses all of us.

This is a national crisis now. This is an issue that needs to be addressed across this country and, for that reason, needs to be dealt with in this House. Yes, we have great examples of States, and I commend a State like Texas that has put into place within their State framework strong patient protection rights and has seen clearly that when they do this it does not make the cost of health care skyrocket. It really does not do that.

So it is wonderful to have the examples of communities and entities and States even where strong steps are taking place. But for us to speak on behalf of all of the citizens of this country, we need to do it here in this body, and I am pleased that we can do that.

Now a year has gone by. I was first running for office a year and a half ago as a nurse, as a school nurse, in my community for 20 years. The strongest stories that were told to me were told to me by patients who were so frustrated with their managed care, we have had managed care in California for a long time, and the flaws in it. That was good. That happened in the beginning when the cost of health care, which had skyrocketed, was brought down. But then the excesses began to show themselves and so many citizens, also patients, came up to me and talked to me about their stories, real horror stories, of what had happened to them, many of them quietly. They never really told anyone before. But we reached out to them.

I believe that the Patients' Bill of Rights gives voice to many of these concerns, the frustration about not being able to choose their own doctor, having any say in what choices they have for health care; the gag rules that prevent a health care provider from telling them all the options, whether or not their insurance covers it; access to specialties, to second opinions, to emergency room treatments.

These seem common sense to me, something that we should not really have to legislate about. But, unfortunately, we do because of these excesses that have come to bear.

The bottom line, as my colleague has pointed out, the bottom line has to do with who is making the important life-saving health and medical decisions, who do we trust our lives with, the lives of our loved ones with? Do we want it to be a bureaucrat who is an accountant, may be a whiz at being an accountant, or do we want to take advantage of someone's highly skilled training and dedication, someone we can look in the eye and can also look at our bodies and understand what health conditions we are talking about? So many of these decisions now are made without even access to the patient's records let alone meeting with the patient.

The second bottom line is who is going to be accountable when grave mistakes are made? And again, I hark the situation we heard about in our hearing today, when accountability is put into a protection clause in the health care law, it does not necessarily

skyrocket the prices. And when a life is at stake, I believe we need to really focus on that.

The hearing that my colleague and I attended today on the importance of a strong appeals process, that was a good hearing. But again, it is time to move it here to the floor where we can take some action on this.

Our country's health care system has changed from fee-for-service to managed care by and large. We have seen a revolution in health care, and we need to address the attendant issues which have gotten out of control. We do not want patients to have their medical needs denied because some third-party person is following a form here that has nothing to do with their own individual needs, and that is what we are talking about.

The patient that I am thinking of right now is a mother really with a very young child who came to me desperate with the situation that had happened to her, gave birth to twins, already had a child. So the household was full. One of the twins was born with many critical health problems. They discharged the little baby to this newly delivered mother and denied the request for skilled nursing care in the home.

It was an awful situation, just an awful situation. By the time they were able to seek redress and seek remedy for this, so much damage had been done to that young baby. And here was this household stressed to the limit with what was placed upon them, entirely inappropriate. The doctor recommended skilled nursing care in the home, and it was denied by the managed care company.

Now, this is exactly where we want this external appeal situation to be in place, but also the ability to seek redress when grievances are incurred.

This was during the campaign, and I made a pledge to this young family that I would work as diligently as I can. And I am. And I know that there is a commitment on the part of so many of us to do this, because we do have people's faces in our hearts as we are doing this. This is not some theory that we are trying to expound. We are talking about real-life situations, and we need to do it now. The longer we wait, the more hardships our country is faced with and the harder it is to really address some situations that have gotten so far out of control.

So I believe my message is to the leadership of this House that we need to pay attention to our constituents and come together. We can talk about Republican bills. We can talk about Democrat bills. This is really not a partisan issue. We should be able to demonstrate to the American people who send us here that we can enact common sense, patient first legislation that really speaks to the needs of our constituents and really addresses health care in our country. And it is about time that we do it.

Mr. Speaker, reclaiming my time, I want to thank the gentlewoman for her comments. I really appreciate when she uses those examples of her own constituent, because I keep stressing that this is really common sense. We are coming at this because our constituents have cried out and even from personal experiences.

I think I was actually gesturing to the gentlewoman today about the fact that at the hearing one of the, I do not know if he represented the HMOs, but he certainly seemed to be an apologist for the HMOs, who said that there was no reason to allow HMOs to be sued because they do not make medical decisions. And I was outraged by that. Because, in fact, that is the problem. They are making the medical decisions.

And I did not use the example today, but when my colleague was talking about the twins that were born, I was thinking about my own son, who is now four. When he was born, he was born C-section. And they had that rule then, it has been changed now in New Jersey because of the State law, that said that for a C-section they could only stay in the hospital 2 days. I guess the normal length of time that is recommended by physicians is 4 days. And after the second day, the doctor came to us and said, ''Well, you know, your wife has to go home because we have this policy that you can only stay 2 days. I do not agree with the policy,'' the doctor said outright to us, ''but I have no choice.''

Then I guess the law in D.C. requires that a pediatrician see the baby before it leaves the hospital. And he came and saw our son and said that he was jaundiced. And so they made an exception, said he could stay an extra day, the third day.

But to me that just brought home, of course they are making the medical decision. They are telling the doctor what to do. So how can they say they are not making the medical decision? They clearly are. And that is what we do not want. We do not want the insurance company to make the medical decisions that contrary to what physicians and nurses think should be the general practice. And that is what we have.

Mr. Speaker, I yield to the gentlewoman from Illinois (Ms. SCHAKOWSKY), who has also been out front on this issue on many occasions on the House floor.

Ms. SCHAKOWSKY. Mr. Speaker, I thank the gentleman from New Jersey (Mr. PALLONE) for his leadership on this issue and for organizing this discussion tonight.

I was happy to join that long line of people this morning who were signing a discharge petition to allow us to fully debate HMO reform on the floor of this House. I guess we are up to about 167 Members now who are saying simply, let us discuss HMO reform, let us bring up this important legislation so that we can represent what we are hearing from constituents.

But I did something else today. I put an appeal to my constituents on my website today so that they can join and be a force in helping to pass this legislation.

□ 1830

When you get to my web site, which by the way is www.house.gov/schakowsky, and if anyone wants to go there, I would welcome it. Whether or not you are in my district, I would appreciate hearing from you about this. It says, in flashing letters, ''Help me end HMO abuses.'' What I am asking them for, it is a constituent alert, send me your HMO horror stories. I think it will be helpful to us if we get them to tell us. All of us have heard and I have got lots of letters myself, but I am hoping to collect a lot more.

Let me read my colleagues this invitation. It says, ''The time is now for Congress to pass the Patients' Bill of Rights, H.R. 358. It is time for HMOs to be held accountable for their actions and for medical decisions to be made by doctors and nurses, not by HMO accountants.

There are proposals in Congress that claim to offer reform but instead would let HMOs go about their business of cutting care, limiting services, and raising costs while enjoying record profits. I need your help to pass real reform and defeat phony legislation. I know that many of you have fought battles with your HMOs and more often than not you lost. If you believe that it is time to stop HMO abuses, the time to act is now. E-mail me your HMO horror story, let me know if you have been denied care, forced to change your doctor in the middle of treatment, lost coverage, refused access to a specialist, or had to work for days to get what you deserved. Together, we can convince Congress to pass the Patients' Bill of Rights.''

The other thing that is on the web site is a petition that has been on many web sites around the country now calling on Congress to pass the Patients' Bill of Rights so that we can get our constituents involved in the process here, bring their voice here to Congress. That, I think, ultimately is going to be the thing that will pass this legislation. I want to urge people, and I think we are making a commitment today to do everything we can, but I am urging people who may be listening and I am certainly trying to urge my constituents to pick up the phone, call your Member of Congress, let the President know, let the Speaker of the House, DENNIS HASTERT, know that you want real HMO reform.

By that, we should be talking about H.R. 358. I think the gentleman has done a good job in describing the important pieces that are in that legislation that are not in others. I am a new Member of Congress. I have found that there are a whole lot of ways to either skirt an issue or to water it down. One of them is, first of all just do not bring it up. So that is why today so many of the Members of this body signed this discharge petition so that we could

have the debate. I think it is too bad that we have to go through these kinds of mechanisms in order to just discuss things.

One is, do not bring it up, delay it as long as you can. But the other is to offer a solution that sounds like a solution but is not really a solution. That is the other thing that is going on here. There are bills that people want to be able to stand up and say, ''Oh, this is the Patients' Bill of Rights. This will really solve the problem.''

We have looked carefully at all those proposals and seriously at all those proposals; and we know that the elements that need to be in there, really putting health care decisions in the hands of health care professionals, making sure that HMO plans are held accountable. I had a similar experience in Illinois where I was in the general assembly. The lobbyist for the HMO who came to testify before our health committee said, ''Oh, no, we don't make health care decisions. We only make coverage decisions. We're an insurance company.''

I said, ''Well, excuse me, sir, but in the real world, there is no difference between a health care decision and a coverage decision, because you are saying then to people, oh, you can have your heart transplant, but you have to go out and pay for it yourself. That bone marrow transplant might do you some good in your cancer treatment, but we aren't going to cover it, but you can go buy it yourself.''

Ordinary people cannot go out and buy expensive tests, expensive treatments, go off to a specialist that they feel that they need or that even their primary care doctor may feel that they need. So health care decisions are made every day by HMOs because they will only cover certain things. And so they should be held accountable.

That is what H.R. 358 does. It also gives patients the right to appeal those decisions and not just to appeal it to the HMO who just denied them the care, they will have the right to external appeal, someone outside, an objective observer to look in and say, ''Were you wrongfully denied the care that you asked for?''

So there is phony HMO reform and there is real HMO reform. That is what we are involved in with our discharge petition. I hope that is what we can engage the American people in, in a debate on this, real health care reform, HMO reform, and I hope that people will send their horror stories to me, will get the petition signed through the Internet and get this bill on the floor and get it passed.

Mr. PALLONE. I want to thank the gentlewoman. One of the things that I have noticed about newer Members like yourself is that you are always trying to get the public more involved through the Internet process. That is really great. I assure you that you are going to get all kinds of people contacting you, because the number one issue that I get contacted about in my district offices are problems with HMOs and managed care.

Again, I just stress what I said before, which is that we are not coming at this out of some cloud or pie in the sky notion. This is just what people are telling us on a regular basis. People are shocked when you tell them as the gentlewoman from California brought up and talked about the gag rule. I have told some of my constituents, the way the law is, the insurance company can tell the doctor that they cannot discuss with you a mode of treatment that is not covered by the insurance, even though they think you should have it. They cannot believe it. They think that that is a violation of the first amendment or un-American. Of course it is, all those things, but they are just shocked to find out that that is okay under the law.

Really we are just talking about common sense proposals that are coming to us. You will get a lot of them, I am sure, on the web site.

Mr. Speaker, I yield to the gentleman from New York (Mr. SERRANO) who again has joined me quite often in the past on this and other issues and I am pleased to see him here tonight.

Mr. SERRANO. I want to thank the gentleman once again. It has been said quite a few times on the floor, but you always manage to get us involved in discussing the issues that we should discuss. I am reminded of a conversation that I had with the spouse of a foreign dignitary from one of the Latin American countries that I will not mention, not to get into a discussion, a country that is not as advanced as we are, and I did with that spouse what I do with a lot of people. I said, what impresses you the most about our country and what do you find hard to understand?

She said, well, obviously your overabundance of food. You have so much food in this country, you hire people to keep food from falling out of the bins in the supermarket. That is how much food you have.

I said, ''What touched you or made an impression on you in a negative way?'' She said, ''Well, I got sick and it took me more time to discuss where I was going, who was going to treat me and what was available to me than the time it took me to realize that I was hurting and sick. I can't understand why your country would take such red tape and put it in front of people.''

Obviously that person, as you said, like many of our constituents, just do not understand until we try to explain it to them that there are things that are happening in this industry, this so-called health providers industry, that is just hard to believe, that a doctor, as you just mentioned, that a doctor would not be allowed to do what a doctor does best, which is to advise a patient on what he or she feels that patient should have because they are ordered basically or not allowed by an HMO or the coverage group to present that as an alternative.

This is the United States of America in 1999. We cannot seem to get people to understand that you just cannot do that. The whole idea, I mean, sometimes I have watched my wife during the times when we have to sign up here, we, Members of Congress, have to sign up for our health plans, and I have seen my wife sit there at the dinner table with the thought of three children at home ranging in ages from 17 to 10 and trying to figure out which one, is it three from this column and seven from that, if we are covered for this, we are not covered for this. We have to ask permission for this so that we can get that. I join her in that, I say, my God, if this is what we go through and we supposedly get told all the time that we have this fabulous plan, what is everybody else who has no clue as to what they are dealing with are going through?

Again it is picking from this column and from that column. I was very proud today, and I can say this with all honesty, when we marched into this Chamber and began to sign that petition to get this bill on the House floor. I have been here now 9 years and on many occasions I have to scratch my head and wonder why the other party in the last few years will not bring a bill to the floor. As I have said, I have stood here and scratched my head, but I have never scratched my head as much as on this bill.

I mean, this is something the American people want. This is something that you provide to everyone. This is not partisan in any way, shape or form. This is not something that one party can take and run with and say we did it, this is something we as a House, as a Congress, can say we did it because we did it for our families, we did it for the public, we did it for our friends, we did it for all of us.

And yet this resistance, this desire to either say no to bringing a bill to the floor or trying to present other measures which sound like they are addressing the issue when they are not addressing the issue. I think what has happened here tonight and for the next days and weeks is exactly what was mentioned here before by the prior speaker and, that is, to get the American public involved, to get the American public to let us know that their Members of Congress how they feel about this.

If there is a parent this evening who is going through the same kind of situations where you are trying to figure out what is the best way to get coverage and you have gone through these experiences where you cannot get the right information or the proper information or the right support from your doctor because his hands or her hands are tied, if you have to spend hours trying to figure out, do I ask for this medicine, do I allow this prescription, am I covered by it, am I not covered, if any of this has happened to you, it is time you wrote, it is time you e-mailed, it is time you visited a web

page, it is time you made a phone call, because I do not know of an issue that affects more Americans than this one at this moment.

I mean, we have stood on this floor and discussed an issue that we are making some gains on, which was the issue of the uninsured children. The gentleman was the first one to bring this to the House floor, the whole issue of uninsured people throughout this country. We have made some gains on that. But this continues still to be the one area in this country where we just do not want to budge.

I do not know who it is we are concerned that we are upsetting. Are HMOs more important than your family doctor? Is your family doctor someone that you are so proud of and then you turn around and you say, ''Well, don't prescribe this and don't prescribe that?'' What are we talking about here? Just a few minutes ago, and I want to close with this, we were debating and we will be debating tomorrow this whole issue of desecration of the flag. I remember my first time here on the House floor when I looked at that flag behind the podium and I said, I wonder if that flag could speak to us, what would it tell us.

It may not tell us to protect it from physical abuse. It may surprise us by telling us, ''Why don't you do that which makes me feel good and symbolizes everything I stand for.'' So on the same day that some people here are saying we have got to protect that flag, they reject a notion of protecting one of the things that the flag stands for, which is providing basic care to our children, to our women, to our elderly, to our working families in this country. And so what a better way to honor and respect the flag this week than for the Republicans to agree that they will bring this bill to the floor and discuss that issue here and give people the opportunity to get the coverage we deserve.

We are the greatest country on earth, we are the wealthiest country on earth, we are the greatest democracy on earth, but there are still a few pieces missing that we have to put together to fulfill our full potential. One of them right at the top is this inability we have to deal with this issue without worrying about who we upset, because we are not going to upset children, we are not going to upset the elderly, we are not going to upset the American people, and if we upset a few insurance companies, if we upset a few HMOs, we are not out to kill anybody.

□ 1845

We will work, and all we want is dialogue and the ability to give people their right. At the same time we protect the industry. Our job here is not to destroy one to save the other; it is to protect that which is right.

So I want to thank the gentleman once again. I know that he will be on the floor at other times with this issue again, and I will be glad to join him then as I have joined him today and in the past.

Mr. PALLONE. I want to thank the gentleman, and if I could just comment on what he said about why the Republicans will not bring it up. I sound so cynical in saying it, but I believe strongly that it is the power of the insurance industry and the power of the insurance lobby, and I, as my colleagues know, witnessed that myself. I mean they spend millions and millions of dollars on TV ads talking about why the Patients' Bill of Rights and HMO reform should not take place. In fact, in my last election about $4 million was spent in independent expenditure by, primarily by, the HMOs to try to defeat me because they see me as a spokesman on the issue. So they are willing to spend all this money.

Mr. SERRANO. Mr. Speaker, if the gentleman would yield because I want to get that right? He said that $4 million was spent by HMOs and insurance companies to try to get a Member of Congress out of here who supports children and elderly getting their fair share.

Mr. PALLONE. Absolutely, and it was not just done to me; it was done to others as well. And the irony of it is what you just said which is that, you know, if you look at what we are actually asking be done, it is not going to put them out of business.

In fact, today in the Committee on Commerce we had someone come in who was responsible and put together the Texas law which is very similar to our Patients' Bill of Rights, and as my colleagues know, one of the things she said was that all the debate in the State legislature in Texas about this, all the managed care and HMOs were saying we are going to be out of business, there will no longer be any managed care in Texas. In fact just the opposite is true. They have not suffered at all. There are more managed care options in Texas today in fact than in a lot of other States even though they have a very similar law on the books.

So we are not hurting them, but obviously they perceive that we are, and they are wrong, but we just have to keep making the point, so I want to thank you again for coming down.

And I would like to yield now to the gentleman from Maine who has not only been outspoken on this issue, but also on the issue of the cost of prescription drugs in a bill that he has sponsored to try to correct that problem, and he has been concentrating on these health care issues that impact all Americans.

I yield to the gentleman.

Mr. ALLEN. I want to thank the gentleman from New Jersey for organizing this special order on the Patients' Bill of Rights, and as you indicated, I have been spending a lot of time trying to lower the cost of prescription drugs for elderly. I think it is a very important issue and one we ought to be dealing with. In fact, that is one of the frustrations these days of being in this Congress. It seems hard to get good legislation up to the floor here for a vote.

As my colleagues know, last year the Patients' Bill of Rights legislation failed by just five votes, and in the past year the need for that legislation has not diminished. We ought to be able to get it up for a vote, but the Republican leadership is preventing that from happening.

So I am proud that we as Democrats today took the first step to filing a discharge petition, and lots of people around the country do not know what a discharge petition is, but it is a procedure by which we can bring legislation to the floor if we get 218 signatures on that petition without having it to go through the Republican leadership and the Committee on Rules.

As my colleagues know, we have already had to start a discharge petition in this House to try to get campaign finance reform legislation to the floor. Again, there was legislation that passed in the last Congress by 252 votes. With 252 Members supporting the legislation we still cannot bring that up. So we are going to try the same procedural tactic that we have used there.

As my colleagues know, my home State of Maine has been slow to move to managed care particularly under Medicare. We only have a few hundred people signed up for managed care under Medicare. But people are still anxious about HMOs and about managed care. In many respects what managed care companies are doing is good. The emphasis on prevention, when it is there is a real step forward in helping people take care of themselves in ways that perhaps they have not before.

But it is very important that managed care be more than managed cost. In the early days of managed care it has been clear that the companies have been successful in driving down costs. All we are saying with the Patients' Bill of Rights is we want to make sure that driving down costs does not come at the expense of quality care. That is really what this is all about. We want to make sure that certain provisions are really there for everyone.

Some States have enacted patient protections. My home State of Maine has, but there are still people because of Federal preemption who are not covered by those State laws. In Maine there are 250,000 people roughly who are not covered by the State patient protection provisions. My constituents recognize we need a national solution to a national problem, and that national solution is the Patients' Bill of Rights Act.

I know you have mentioned this before, but I want to go over what it would do. First of all, it would guarantee access to necessary care. The bill provides direct access to a specialist for patients with serious ongoing conditions. The bill requires access to and payment for emergency service. People who go to the emergency room when they are hurting need to know that as

long as a reasonably prudent lay person would do that, they are going to be paid, they are going to get coverage for that service. The bill also allows doctors to prescribe prescription drugs that are not on an HMO's predetermined list so that the doctor is making the decision, the doctor and the patient are making the decision, about the most appropriate care.

The Patients' Bill of Rights Act also provides a fair and timely appeal process when health plans deny care. The bill holds managed care plans accountable when their decisions to withhold or limit care injures patients, and it also guarantees protections for the provider patient relationship.

The bill bans gag clauses as well as bonuses and other financial incentives to doctors to deny care. The bill protects providers who advocate on behalf of their patients with the insurance company. And furthermore, the bill prevents drive-through mastectomies and other arbitrary medically inappropriate decisions by plans.

The American people are clear on this issue. They want real protection, they do not want a watered down bill, and we have a chance in this Congress to enact real reform, and that real reform would make health care plans accountable for their mistakes just as everyone else in this country except foreign diplomats are responsible for their mistakes.

I think this is a case where, as my colleagues know, we know the problem, we are just this far away from finding the right solution to the problem. We ought to pass the Patients' Bill of Rights Act. I regret that we have to go through this discharge petition process in order to try to bring this matter to the floor. It ought to come to the floor now.

We have had some Republicans in the past Congress who have been willing to sign on and support this legislation, and I hope we will have Republicans supporting this again, but for now we are simply going to do everything we can as Democrats just to say: Give us a vote, give the American people a chance to express their opinion, and let their representatives cast the vote on the Patients' Bill of Rights Act. We ask for support for that particular legislation.

And I just want to say to the gentleman from New Jersey (Mr. PALLONE), my friend and colleague, ''We really appreciate all the work you do on health care in general, and in particular, on the Patients' Bill of Rights Act.

Mr. PALLONE. I want to thank the gentleman, and I am glad you brought up the point about the drug formularies as well because there is that aspect of the bill as well, and the other thing I wanted that you brought up and I want to stress again is that, as my colleagues know, in some ways maybe we are fortunate in that we had to move this discharge process very late in the session last time. Even though 6 months have passed, if we are able to get not only all the Democrats to sign on to this discharge petition, but also able to get a few of our Republican colleagues, we still do have some time left to try to get this to the floor, and hopefully we will be successful, and we are certainly going to keep trying until we are successful and we do bring the bill to the floor.

So I want to thank the gentleman again, and I also want to yield now to the gentleman from Texas (Mr. GREEN), my colleague on the Committee on Commerce, and he has been really outstanding in particular in pointing out how in his home State of Texas where they have actually enacted significant patient protections and what a positive impact that has had on the State even though it does not apply, of course, to so many people that have been preempted by the federal law. I yield to the gentleman.

Mr. GREEN of Texas. Mr. Speaker, the biggest concern I have in comparing what we are trying to do here in Washington and what has been done in State of Texas and other States is that the States can pass laws that regulate insurance policies in their States.

Now I have employers that are multi State, employers who are self insured, and they come under federal law. So the State of Texas, the State of New Jersey, the State of Maine, State of California can do all they want and pass a Patients' Bill of Rights, but it only affects in fact less than 40 percent, in some cases maybe even less than 20 percent of the insurance policies that are issued in their State. In the State of Texas we have over 8 million people who have insurance policies that are covered by ERISA. When you think we have about 11 million, a little over 11 million people covered, that is a little less than 80 percent of the people are not covered by the State protections that were passed not only in 1997, but even earlier over the last 4 or 5 years, and that is why we need to have a federal legislation. And today is a special day, I guess, because we, a few of us, because of a frustration of not being able to have a managed care bill to debate here on the floor of the House and to compare our ideas or my ideas and yours or my colleagues' on the Republican side; we do not have that opportunity, and so we had to, all of us, a number of us, sign a discharge petition today to actually take a bill away from the committee you and I serve on. We serve on the Committee on Commerce. I am proud to be on that Committee on Commerce, but we are literally not doing the people's business by not addressing managed care reform and Patient Bill of Rights.

One of the concerns I had back during the Memorial Day recess, I spoke to some business owners in my district, and they said, well, we are concerned that this Patient Bill of Rights that you have will let our employees sue their employer, and I said that is the further these thing from the truth, and tonight I would like as much time as you have left to address some of those half truths and outright untruths that we have been hearing.

One, there is nothing in this bill that will allow for an employee to sue an employer. All this does is that that employer buys an insurance policy, it is covered under Federal law, that that employer, that employee will have some rights under that insurance policy. Never would there ever be a suit against the employer because again employers can afford a Cadillac insurance plan, or they can afford the Chevy insurance plan, but as my colleagues know, some will pay for everything, some pay for only certain things, maybe higher deductibles and things like that.

But that is not what is in this bill, so they are using scare tactics to say we are going to have employees suing employers. That is just not true.

The other thing that they used is, is it going to raise the cost of health care? In fact, one publication I saw said it could increase insurance rates 40 percent, which is outrageous. Today I heard testimony; I think you did, too; that the State of Texas that did the managed care reforms that we are trying to do, there were hardly any increases at all. In fact, the increases in managed care rates were comparable to States that had no reforms that were passed. In fact, even my argument, I think, that some of those increases were already built in because the managed care companies were increasing rates 3 or 6 percent depending on the market, and they were doing that in other States that have not done it.

So what we are trying to do and the other concern I have is that they say that it will increase rates. Well, it may increase rates, but maybe it will increase them because they are having to pay some of those claims because in the State of Texas one of the items that is important in a Patient Bill of Rights is an appeals process, a fair and accurate and fast appeals process. In the State of Texas, the number of appeals that have been appealed by the patient to an impartial body, 50 percent of those appeals have been found for the patient.

So granted, it may increase rates because for 50 percent they are going to have to start paying for actual health care instead of denying it unfairly, and that is what we found in the State of Texas. And so maybe that will increase their rates. I hope not because I think their actuaries already have premiums based on what those experiences ought to be.

So in the Texas experience, for less than the cost of a happy meal at McDonald's patients in managed care could really have some fairness and protection and accountability.

□ 1900

In my home State, we have passed a lot of these patient protections, including the external appeals and the accountability and the liability. Physicians are always frustrated, health

care providers saying wait a minute, if I do something wrong, my patient can sue me, but if I call an insurance company and they say no, you cannot do that, you have to do this and the patient is injured by that, that is not fair, because they cannot sue that insurance company because they are the one practicing medicine. So that is why accountability is so important.

I would hope we would have the same experience as the State of Texas has, who has had that accountability and liability in law now for 2 years. Again, I have heard testimony today literally that there was only one or two cases filed, simply because if we have a fair appeals process, people will get what they need, and that is adequate health care. People do not want to sue insurance companies, they just want to have them pay for what they should be paying for in their health care.

Again, one of the old truths that we have heard is that there will be a mass exodus in employers dropping insurance coverage. Again, in the State of Texas, we have had literally an increase in the number of people who are covered under managed care plans, even under the new rules we have. In fact, again today, under sworn testimony, we heard that Aetna Insurance said that the State of Texas, and I assume this was recently, said the State of Texas's insurance market is the filet mignon of insurance markets, and that is a quote from a hearing today that we both attended. I have to admit, if the State of Texas under our managed care reform is the filet mignon, all I am concerned about is the hamburger. Typically, most of our folks can afford decent hamburger. So there will be no mass exodus of employers dropping health care coverage just because we are giving insurance companies some rules to live by.

Emergency care so that a person does not have to drive by the closest emergency room to get to the one that may be on their list, because frankly, we want to make sure they have the quickest and fastest emergency room care as possible.

Anti-gag. A physician or health care provider should be able to talk to their patients. They ought to be able to say, this is what your insurance company will pay for, this is what they will not pay for. Again, we have employers who can pay for the Cadillac plan and the Cadillac plan may pay for everything, but the Chevrolet plan may not pay for everything, but that doctor ought to be able to talk to their patients.

Open access to specialists for women and children, particularly chronically ill patients, so that every time they do not have to go back to their family practice person or their gatekeeper before they go to their oncologist, for example, if they are diagnosed with cancer. That should not have to be the case. Women ought to be able to use their OB-GYN as their primary care. Children ought to be able to go to a pediatrician without having to go back to a primary care doctor.

Of course, I talked about the external and binding appeals process and how important it is, and how important it is to have the accountability linked to that, that the accountability is hardly ever used if one has a real effective appeals process.

Those are the important things that managed care reform bill offers. I do not know, I heard we had 161 signatures, 167 now, so I would hope that we get to the 218. Of course, we are going to have to have it bipartisanly, and last session it was. We had some Republican Members who were supportive of the Dingell bill, and hopefully we will see them come together over the next few weeks so we can really see some national managed care reform, similar to what the States have been doing and doing so successfully.

I hear all the time that we do not want to in Washington tell States what to do. Well, I do not want to do that. But we can use the States as a laboratory, as an example, and say, okay, it is working in Texas, has been for 2 years. There is not a lot of lawsuits, there is not an increase in premiums. Actually, people are winning half of those cases.

I like to use the example that if I was a baseball player and had a 300 batting average, which is a 30 percent batting average, I would be making $8 million a year. But for my managed care provider, if they are only right half the time when they decide my health care, I want a better percentage than the flip of a coin.

In Texas, that is our experience. We have seen that we have the flip of the coin. We want a better percentage. Managed care providers I hope will see that percentage where they are not overturned, because they are actually providing better care and they are providing for more adequate care to their customers, our doctors, patients, and our constituents.

So that is why I think it is important. This year we need to have a real Patients' Bill of Rights. Last session we had one that was worse than a fig leaf, because it actually overturned laws that were passed by our State legislatures. So it would have hurt the State of Texas, the bill that passed this House last session by 5 votes. Thank goodness the Senate killed it. This year, hopefully we will have a real managed care and Patients' Bill of Rights.

I thank the gentleman for his leadership as our health care task force person on the Democratic side. We are doing the Lord's work in trying to do this.

Mr. PALLONE. Mr. Speaker, I thank the gentleman. I know our time has run out, but I think the gentleman said it well about using the Texas example to show how what we are proposing here works and has worked in Texas over the last two years.

EQUAL ACCESS FOR CHEMICAL DEPENDENCY TREATMENT

The SPEAKER pro tempore (Mr. DEAL of Georgia). Under the Speaker's announced policy of January 6, 1999, the gentleman from Minnesota (Mr. RAMSTAD) is recognized for 60 minutes as the designee of the majority leader.

Mr. RAMSTAD. Mr. Speaker, every day politicians talk about the goal of a drug-free America. Mr. Speaker, let us get real. We will never even come close to a drug-free America until we knock down the barriers to chemical dependency treatment for the 26 million Americans presently addicted to drugs and/or alcohol. That is right, Mr. Speaker. Twenty-six million American alcoholics and addicts today.

Mr. Speaker, 150,000 people in America died last year from drug and alcohol addiction. In economic terms, alcohol and drug addiction cost the American people $246 billion last year alone. That is with a B, $246 billion. American taxpayers paid over $150 billion for drug-related criminal and medical costs alone. That is more than the American taxpayers spent on education, transportation, agriculture, energy, space, and foreign aid combined; more than in all of those areas combined the American taxpayers spent for drug-related criminal and medical costs.

According to the Health Insurance Association of America, each delivery of a new baby that is complicated by chemical addiction results in an expenditure of $48,000 to $150,000 in maternity care, physician's fees, and hospital charges. We also know, Mr. Speaker, that 65 percent of emergency room visits are alcohol or drug-related.

The National Center on Addiction and Substance Abuse found that 80 percent of the 1.7 million men and women in prisons today in this country are there because of alcohol and/or drug addiction.

Another recent study showed, Mr. Speaker, that 85 percent of child abuse cases involve a parent who abuses drugs and/or alcohol; 85 percent of child abuse cases are related to alcohol and drug abuse. Seventy percent of all people arrested in this country test positive for drugs; two-thirds of all homicides are drug-related.

Mr. Speaker, I ask the question: how much evidence does Congress need that we have a national epidemic of addiction, an epidemic crying out for a solution that works; not more cheap political rhetoric, not more simplistic quick fixes that obviously are not working. Mr. Speaker, we must get to the route cause of addiction and treat it like any other disease.

The American Medical Association in 1956 told Congress and the American people that alcoholism and drug addiction are a disease that requires treatment to recover. Yet, today in America, only 2 percent of the 16 million alcoholics and addicts covered by health plans are able to receive adequate treatment; only 2 percent of those with

insurance for chemical dependency treatment are able to get effective treatment.

That is because of discriminatory caps, artificially high deductibles and copayments, limited treatment stays, as well as other restrictions on chemical dependency treatment that are not there for other diseases. If we are really serious about reducing illegal drug use in America, we must address the disease of addiction by putting chemical dependency treatment on par with treatment for other diseases. Providing equal access to chemical dependency treatment is not only the prescribed medical approach, it is also the cost-effective thing to do; it is also the cost-effective approach.

We have all the empirical data, including actuarial studies, to prove that parity for chemical dependency treatment will save billions of dollars nationally, while not raising premiums more than one-half of 1 percent in the worst case scenario. It is well documented that every dollar spent for chemical dependency treatment saves $7 in health care costs, criminal justice costs, and lost productivity from job absenteeism, injuries, and subpar work performance. A number of studies have shown that health care costs alone are 100 percent higher for untreated alcoholics and addicts than for people who have gone through treatment; 100 percent higher for those who go untreated.

Mr. Speaker, as a recovering alcoholic myself, I know firsthand the value of treatment, and as a grateful recovering alcoholic for 18 years, I am absolutely alarmed by the dwindling access to treatment for people who need it. In fact, over the last decade in America, 50 percent of the treatment beds for adults are gone. Even more alarming, 60 percent of the treatment beds for adolescents are gone.

Mr. Speaker, we must act now to reverse this alarming trend. We must act now to provide greater access to chemical dependency treatment.

That is why I have introduced the Harold Hughes, Bill Emerson Substance Abuse Treatment Parity Act named for two departed colleagues, one Democrat, one Republican, who did so much in this field of addiction; so much to raise public awareness, so much to help people in need, people who are suffering the ravages of drug and alcohol abuse. This is the same bill, Mr. Speaker, by the way, that last year had the broad bipartisan support of 95 House cosponsors.

This legislation would provide access to treatment by prohibiting discrimination against the disease of addiction. The bill prohibits discriminatory caps, prohibits higher deductibles and copayments that exist for treatment of other diseases. It also prohibits limited treatment stays and other restrictions on chemical dependency treatment that are different from other diseases. All we are saying, Mr. Speaker, is treat chemical addiction like other diseases.

Mr. Speaker, this is not another mandate. It does not require any health plan which does not already cover chemical dependency treatment to provide such coverage. It merely says that those which offer chemical dependency coverage cannot discriminate, cannot treat chemical dependency different from coverage for medical or surgical services for other diseases. In addition, the legislation waives the parity for substance abuse treatment if premiums increase by more than 1 percent, and it also exempts small businesses with 50 or fewer employees.

Mr. Speaker, it is truly the time to knock down the barriers to chemical dependency treatment. It is time to end discrimination against people with addiction. It is time to provide access to treatment, to deal with America's number 1 public health and public safety problem.

We can deal with this epidemic now or be forced to deal with it later. But, this problem, this epidemic will only get worse if we continue to allow discrimination against the disease of addiction.

As last year's television documentary by Bill Moyers pointed out, medical experts and treatment professionals agree that providing access to chemical dependency treatment is the only way to combat addiction in America.

We can build all the fences on our borders, we can build all of the prison cells that money can buy, we can hire thousands of new border guards, thousands of new drug enforcement officers, but simply dealing with the supply side of this problem will never solve it.

That is because, Mr. Speaker, our Nation's supply-side emphasis does not adequately attack the underlying problem. The problem is more than illegal drugs coming into our Nation, coming across our borders. The problem is more than that. The problem is the addiction that causes people to crave and demand those drugs.

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That is the problem, the addiction that causes people to crave drugs and to demand those drugs. So we need more than simply tough enforcement and interdiction. We need extensive education, and we need access to treatment.

Drug czar Barry McCaffrey understands. He said recently, and I am quoting, ''Chemical dependency treatment is more effective than cancer treatment, and it is cheaper.'' General McCaffrey also said, ''We need to redouble our efforts to ensure that quality treatment is available.'' Mr. Speaker, the director of our National Office of Drug Policy is right. All the studies back him up. Treatment does work, and treatment is cost-effective.

Last September the first national study of chemical dependency treatment results confirmed that illegal drug and alcohol use are substantially reduced following treatment. This study by the Substance Abuse and Mental Health Services Administration shows that treatment rebuilds lives, puts families back together, and restores substance abusers to productivity.

According to Dr. Ronald Smith, United States Navy Captain in the Medical Corps, and also Dr. Smith was formerly vice chairman of psychiatry at the National Naval Medical Center at Bethesda, Dr. Smith says ''The U.S. Navy substance abuse program works. It has an overall recovery rate of 75 percent.''

The Journal of the American Medical Association on April 15 of last year reported that a major review of more than 600 research articles and original data conclusively showed that addiction conforms to the common expectations for chronic illness, and addiction treatment has outcomes comparable to other chronic conditions, outcomes comparable to other chronic conditions.

The same study by the American Medical Association said that ''Relapse rates for treatment for drug and alcohol addiction are 40 percent,'' relapse rates. That compares favorably with those for three other chronic disorders: adult onset diabetes, 50 percent; hypertension, 30 percent; and adult asthma, 30 percent.

A March 1998 GAO report also surveyed the various studies on the effectiveness of chemical dependency treatment and concluded that treatment is effective and beneficial in the majority of cases. A number of State studies have also been done that showed treatment is cost-effective and good preventative medicine.

A Minnesota study, a study in my home State, Mr. Speaker, extensively evaluated the effectiveness of its treatment programs and found that Minnesota saves $22 million in annual health care costs because of our treatment programs, $22 million in the State of Minnesota alone saved because of treatment programs. A California study reported a 17 percent improvement in other health conditions following treatment, and dramatic decreases in hospitalization.

A New Jersey study by Rutgers University found that untreated alcoholics incur general health care costs 100 percent higher than those like me who have received treatment. So the cost savings and the effectiveness of chemical dependency treatment are well documented.

But putting the huge cost savings aside for a minute, Mr. Speaker, what will treatment parity cost? That is a question that is asked by a number of people. First, there is no cost to the Federal budget. Parity does not apply to the Federal Employees Health Benefit Plan, does not apply to Medicare or Medicaid.

According to a national research study that based projected costs on data from States which already have chemical dependency treatment parity, the average premium increase due to

full parity it would be two-tenths of 1 percent, that is from a Mathematica Policy Research study in March of 1998, a two-tenths of 1 percent increase in premiums for policyholders.

A recently published Rand study by the Rand Corporation found that removing an annual limit of $10,000 a year on substance abuse care will increase insurance payments by 6 cents per member per year, 6 cents per member per year. Removing a limit of $1,000 increases payments by only $3.40 a year, or 29 cents a month.

The worst case scenario we could find, the study that showed the worst case scenario, estimated the cost would be five-tenths of 1 percent increase in premiums per month, which translates to 66 cents a month per insured.

So the bottom line, Mr. Speaker, for the cost of a cup of coffee per month we can treat 16 million Americans addicted to drugs and/or alcohol today, for the cost of a cup of coffee per month to the 113 million Americans covered by health plans. At the same time, Mr. Speaker, the American people would realize $5.4 billion in cost savings from treatment parity, according to a recent California study.

So we could treat these 16 million American alcoholics and addicts who are addicted today, who are hooked today on alcohol and/or drugs. For the price of a cup of coffee we can treat 16 million Americans, and we can save in the process $5.4 billion to the American taxpayers.

United States companies that provide treatment have already achieved substantial savings. Chevron, for example, reports saving $10 for every $1 it spends on treatment. GPU saves $6 for every $1 spent. United Airlines reports a $17 return, a $17 return for every dollar spent on treatment by United Airlines.

Mr. Speaker, no dollar value can quantify the impact that greater access to treatment will have on people who are addicted and their families. No dollar value can measure the impact on spouses, children, other family members who have been affected by the ravages of addiction. Broken families, shattered lives, broken dreams, ruined careers, messed up kids, children on Ritalin, divorces, I could go on and on with the human impact of the ravages of this epidemic that has swept our Nation. How can we put a dollar cost on those horrible factors, those horrible results of addiction?

Mr. Speaker, this is not just another public policy issue. This is a life or death issue for 16 million Americans and their families, 16 million Americans who are chemically dependent covered by health insurance but unable to access treatment.

We know one thing for sure, Mr. Speaker. Treatment taught me that addiction, if not treated, is fatal. This is a fatal disease if not treated. Last year 95 House Members from both sides came together in a bipartisan way to support and cosponsor this substance abuse treatment parity legislation. This year let us knock down the barriers to treatment for 16 million Americans. This year let us do the right thing and the cost-effective thing and provide access to treatment. This year let us pass substance abuse treatment parity legislation to deal with the epidemic of addiction in America.

Mr. Speaker, the American people cannot afford to wait any longer. I urge all Members to cosponsor H.R. 1977, the Substance Abuse Treatment Parity Act of 1999. I ask my fellow recovering alcoholics and addicts, all 2 million of them, to write their Members of Congress, their Member of the House, their United States Senators, and urge them to cosponsor this treatment parity bill, H.R. 1977, the Substance Abuse Treatment Parity Act. That is H.R. 1977.

We need to mobilize the recovering community, we need to mobilize concerned people throughout America to pass this life and death legislation.

Finally, Mr. Speaker, I ask the loved ones of those still suffering the ravages of addiction and chemically dependent people themselves who are unable to access treatment to contact their United States Senators tomorrow, contact their United States representatives tomorrow, and urge them to cosponsor H.R. 1977, 1977, the Substance Abuse Treatment Parity Act.

Working together, Mr. Speaker, as Americans, as Members of Congress, working together we will knock down those barriers to treatment. We will provide access to treatment for those people suffering the ravages of addiction. We will, Mr. Speaker, get this done, but only only if the American people demand it. I hope and pray that the responses are there and that Congress wakes up to the need to deal with addiction, and this year passes the Substance Abuse Treatment Parity Act.

THE COMMUNITY REINVESTMENT ACT

The SPEAKER pro tempore (Mr. DEAL of Georgia). Under the Speaker's announced policy of January 6, 1999, the gentleman from Minnesota (Mr. VENTO) is recognized for 60 minutes.

Mr. VENTO. Mr. Speaker, I have taken this hour special order this evening to highlight an important law and an important policy that has existed since 1977 with regard to financial institutions, with regard to banking. It is called the Community Reinvestment Act.

What this law and policy that has been in place for these 22 years accomplishes is it requires that banks go through an examination of the nature of loans, not the nature but the place that they actually make credit available in their community.

Most banks, whether they are chartered by our national government or by our State governments, receive a franchise. They receive an area in which they can do business. Of course, those geographic areas have changed greatly as the nature of our economy and population has moved across the landscape of our Nation. But the fact is that they receive certain benefits from that franchise of banking.

One is, for instance, that they receive support from the license from the State or the national government to do a banking business which fundamentally means they can take in deposits and they can in fact loan out on a money multiplier basis multiples of what they actually have taken as deposits. In the event that they need dollars, the Federal Reserve Board has an open window that they can of course, on a short-term basis, borrow at very low-interest rates from.

Furthermore, of course, the deposits now that are within that institution, that are placed there by individuals from across the country, their savings, are in fact, of course, insured by the Federal deposit insurance corporation under a number of different programs.

So these are substantial benefits in terms of actually a license to be in the business. It sets up a relationship between our national government and State governments and the free marketplace. It has been very successful.

Our model of banking grows out of the egalitarian roots of the times of Thomas Jefferson, and of course there are many efforts during the first century of our Nation's existence in which banking did not work out as successfully as we would like, so coming to this model was very difficult.

Of course, as in the course of most economic activities, banking has changed greatly over the years. In 1977 it was apparent that credit needs were not being met in some of the local communities, whether they be urban communities or rural communities. So then Senator Bill Proxmire from Wisconsin in 1977 was able to enact something called the Community Reinvestment Act, which provides, as it were, an examination of meeting local credit needs of the community in which these banks exist, the geographic area, and of course in a practical sense the areas that they serve and which they draw deposits from especially.

Lo and behold, through many years that examination process developed. There is one thing that banks probably do not like and probably do not really think that they need and that is more regulations. To be candid about it, I think that the early laws and rules that tried to implement CRA did in fact present more regulations. I do not think there is any banker or any citizen, for that matter, that would like to see more regulatory burden.

But the fact was that over the years that has not been a hindrance. As this law has developed and has been serving our country, the fact is that the regulators have accomplished and streamlined many aspects of the Community Reinvestment Act.

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One of the most important legislative changes occurred in 1989 when then

Congressman Joe Kennedy added an open disclosure provision to CRA; and since then, it has really, I think, taken off and come to significant attention in terms of the public.

As that has happened, there has been a new awareness and new impetus upon making this law even more effective than it was. There are a couple of factors that have influenced that. One is, increasingly, banks do not have as many deposits as other financial institutions that are nonbanks. It is estimated that in 1977, when this law was first passed, that about two-thirds of the savings and deposits existed in our financial institutions, our banks and in our savings and loans or thrifts.

Today, it is estimated that that amount may be something less than 30 percent, less than half of what one time existed. The necessity is, of course, to try to keep existing CRA law in place.

If we look at CRA, since its inception, it is estimated that nearly $1 trillion in loans and creditworthy instruments have been extended to these communities in which these financial institutions exist under the auspices of fulfilling the CRA requirements, which only requires banks to loan to creditworthy customers in these geographic and other service areas in which they exist.

It does not require financial institutions to make loans or take activities which, in essence, would cause them to lose money, to issue bad loans, or to issue services that would be inappropriate, that would be costly to them.

As a matter of fact, of course, I think, after the history of this is actually demonstrated, that some banks, which were perhaps reluctant to in fact make these types of loans initially, they have now discovered an entirely new book of business in terms of serving these communities.

The consequence has been dramatic in terms of expanding opportunities for some low and moderate-income people and, in some cases, people of color that before had been denied credit.

I think that most folks from the rural area well understand what the limitations are concerning credit in their own communities. After all, without the credit extension for loans in farms and ranches and, for that matter, in the urban areas, the small businesses in those cases would not be able to grow, would not be able to have the ability to in fact engage actively in the enterprise that they have chosen to participate in.

But CRA has meant that that type of credit, that that test, that type of examination falls upon these financial institutions to actually serve the community.

So, often, the demonstration where there had been problems with CRA was a case where the deposits came in from the local community, but the dollars and loans did not go out to that same local community, even though there were creditworthy applications and loans that could have been made in those cases.

What CRA has done has caused banks, in a partnership I would say, more than anything else, to reexamine what they are doing, not just to become a deposit collector and then a purchaser of bond or securities or, in fact, even investment in other investments that maybe were not even within the borders of the United States, but might have been in a territory or someplace else where the interest rates might have been a little higher, the fact was that it has caused them to reexamine what they are doing and to reorient their business.

Now, we hold our financial institutions in this country out as being international, as being aware, and being involved. But most importantly, as we go forward, we want to make certain that the basic needs are met at home as they are justified.

CRA is now of course under attack. It is ironic, as we move to pass legislation which would modernize our financial institutions, that some have sought to attach to this banking modernization legislation provisions which would renege and which would withdraw, or at least take away, the commitment and the examination that exists under CRA.

To date, in the House, we have been successful in fighting off most of those in this session but in past sessions, indeed amendments have passed on this floor which have, in fact, pulled the rug out from under this law, this CRA law that is working and serving our families and serving our Nation so very well these last 22 years.

But in the Senate of course, they have, in fact, pulled back the requirements of CRA and in essence pulling away at the same time, I might say, that we are providing for financial modernization.

Well, one, financial modernization must indeed serve, not just the needs of the financial entities, that is banks, the insurance companies, and security firms, we must keep in mind that and focus, and the major focus should be on the people of this country that are served and the small businesses that need the type of help that only these financial institutions can offer. That in fact is the reason that of course we have in the first instance developed and provided the type of franchise and license that they have within our States and within the boundaries of this Nation.

So now more than ever, as we move to provide for these banks to have more opportunities and more powers to work together, we also need to be certain that the basic needs, the basic finance needs, the basic credit needs of our local communities are available for the small businesses, are available for home purchases, are available to serve, that they merely do not take the deposits and investments out of a community, but, in fact, they extend to that community the type of credit needs that are essential for a viable economy in our urban areas, in our rural areas, and in many others.

In my state, we have 550 banks. Nationwide, we have only 9,700 banks. So Minnesota disproportionately has about 5 percent of the banks. But many jurisdictions, there are not as many banks.

So it is very important that in fact the banks that are there are in fact taking up the responsibility and that they have in fact accepted, when they accepted the franchise, to serve these needs.

I see some of my colleagues on the floor this that I know are interested, as I am, in maintaining this important community reinvestment act law.

Mr. Speaker, I yield to the gentleman from New York (Mr. LAFALCE), the ranking Democrat on the Committee on Banking and Financial Services.

Mr. LAFALCE. Mr. Speaker, I thank the gentleman from Minnesota very much for yielding to me.

Mr. Speaker, I am so pleased to join the gentleman from Minnesota (Mr. VENTO), who has been a real champion of financial services reform, of housing and community development, and most especially of the Community Reinvestment Act.

There have been great successes with respect to the Community Reinvestment Act. Possibly within the next week, surely if the House passes a financial services reform bill, surely in conference with the Senate, we are going to have to take up the issue of CRA. We ought not backtrack on our commitment to the Community Reinvestment Act one iota.

Now, some within the United States Congress may seek to portray the CRA as an impediment rather than as an incentive to sound banking practice. They are absolutely wrong. The Community Reinvestment Act has resulted in a tremendous amount of capital investments in our communities. It is the Community Reinvestment Act that has caused that investment in our community.

As the gentleman from Minnesota (Mr. VENTO) said, this law was passed by the Congress in 1977. There was a reason for it. To combat discrimination by encouraging federally insured financial institutions to help meet the credit needs of the communities they serve.

When we view the 2 decades plus that have passed since 1977, we can say that it has been a resounding success. Its success results from the effective partnerships of municipal leaders, local development advocacy organizations, and community minded financial institutions. Working together, the CRA has proven that local investment is not only good for business, but critical to improving the quality of life, especially for low and moderate-income residents in the communities financial institutions serve.

We can applaud the financial institutions for the work they have done in meeting the CRA requirements, the

CRA obligations. At present, it is estimated that almost 98 percent of all financial institutions have achieved at least a satisfactory or better CRA compliance rating. So obviously it is not that difficult of a requirement if 98 percent of the institutions are being rated at least satisfactory.

In my own district, for example, CRA loans have led to the development, one example, of 138 units of low-income senior housing as well as permanent financing for a group home for the developmentally disabled. Local banks participate in the Buffalo Neighborhood Housing Services Revolving Loan Fund, the Niagara Falls Housing Services Revolving Loan Fund, et cetera. These enable local neighborhood housing service agencies to acquire and rehabilitate numerous vacant properties and resell them to low and moderate-income constituents.

CRA lending by local banks in my district has also lead to job growth. For example, local banks have worked with the minority and women-owned loan program of western New York to create pro bono counseling and monitoring services to minority and women loan applicants during the pre-application and post-loan periods of a new business.

In addition, CRA lending has resulted in the construction and financing for manufacturing facilities, which resulted in the retention of hundreds of jobs, the creation of hundreds of jobs in Niagara, Erie, Orleans, and Monroe County.

Mr. Speaker, I strongly support the Community Reinvestment Act and the successes achieved in combatting discrimination. I applaud our financial institutions for their strong compliance record. I welcome their continued success. I repeat, we will pass no banking legislation in this Congress if there is even a scintilla of a retreat from the CRA commitment.

Mr. VENTO. Mr. Speaker, I thank the gentleman from New York (Mr. LAFALCE) for his strong statement, the ranking member of the Committee on Banking and Financial Services.

I also would point out that, as he read the recognition in Buffalo, New York, his hometown, of the accomplishments, that CRA accomplishes all this without any Federal grants of dollars, without any taxation passed. It accomplishes all of that simply by permitting banks to do what banks are supposed to do, to loan money to creditworthy individuals. That is the only test here, and to be certain that that is done in the jurisdictions or service areas in which they are doing business.

It is, I think, very important to understand that this is what banks are expected to do, why they are licensed. They have a franchise. This is a law and a policy that is working, that has reoriented, that has helped banks focus on the major impetus and the nature of the business that they are involved and so fundamental to the working of our economy.

Mr. Speaker, I am happy to yield to the gentleman from Pennsylvania (Mr. KANJORSKI), the ranking member on the Subcommittee on Capital Markets, Securities and Government Sponsored Enterprises, a good friend and a strong supporter of CRA.

Mr. KANJORSKI. Mr. Speaker, I rise today in support of what the gentleman from New York (Mr. LAFALCE), our ranking member, has stated and what the gentleman from Minnesota (Mr. VENTO) has stated.

But I want to give a different perspective. I am sure that the people that are observing this discussion tonight may be asking some very fundamental questions, like what is the responsibility of government to get involved in the banking business and tell them what they have to do with their money? I want to give just some concrete examples as to why we derive that authority and why it is important.

Banking institutions are licensed in the United States, and they derive two great measures of support from the American people. That is, one, that the deposits made in national and insured banks in America are insured by the full faith and credit of the United States, so that every individual who makes a deposit in an American bank up to $100,000 is absolutely certain that regardless of the economic circumstances that may occur in this country their money is secure and receivable by them on demand.

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So the insured deposit feature is unique. In no other instance that I am aware of does government insure the private sector's potential losses so that their customer, the bank, can be satisfied that their money is not at risk.

The second factor and special opportunity that is offered to banks that is not offered to other private businesses in America is the fact that they have the right to use the open window at the Federal Reserve for drawing down funds to maintain solvency. No other institution that I am aware of can draw funds at Federal Treasury rates in order to see that their liquidity remains constant and sufficient to carry on the success of their business, particularly at those times when the economy gets out of whack and there may be a run on a bank or there may be an unusual demand or a need for funds. The bank knows that it can go to the open window and derive those funds and that the open window issues those funds because the United States Treasury stands behind them.

Now, that is the reason why we have a unique set of circumstances that allows the Congress to work with the private sector, the banking institutions, as to how they can better serve the community.

Quite frankly, it was my opinion that Community Reinvestment Act provisions were not working very well in the beginning. And as I traveled around my district and traveled around the State of Pennsylvania and the Nation and I talked to bankers, there was a great deal of discomfort with CRA. And their discomfort was that there was a great deal of documentation required in order to satisfy the process and that performance or the process of documentation was extremely expensive to the banks.

I remember on one occasion being asked to come by a small bank run by a friend of mine, Paul Reichart, at Columbia County Farmers National Bank in Columbia County, Pennsylvania, and he led me in to meet with his counsel and some members of his board and himself, and a table much like the size of the table I am speaking from now was piled about a foot high with material. What he expressed to me was the little bank in Columbia County, Pennsylvania, had to go through all this documentation in order to comply with CRA.

I believe, if I recall correctly, it was 1991. And the cost of that compliance was about $55,000. They were disturbed. And the argument, made very simply, was that as a small community bank, why do we have to spend all this money that is directly off the bottom line to document compliance with an act of Congress when, in fact, we could not survive if we were not making loans, primarily to the community and to the participants that surround us within a very small radius, maybe 30 miles. I thought they had a strong logical argument.

As a matter of fact, based on their argument, I came back to Washington and prepared an amendment in 1991 that I offered to some of the banking acts that were going through at that time which would have exempted small institutions of less than $100 million in assets from CRA documentation requirements. At that time, the amendment did not go through, and no progress was made and frustration continued to exist for at least another year. But, luckily, the new administration of President Bill Clinton recognized that problem and, primarily as it applied to small banks, and it directed a reform of the situation.

The President directed the then-Comptroller of the Treasury, Gene Ludwig, who did a comprehensive interagency review and reform of CRA. And what he did basically reinvent and streamline the entire process of documentation and performance and, as a matter of fact, laid down the condition that it was no longer the documentation that was important it was, instead, the performance that was important. And on the basis of that, now banks with little documentation and little expense, regardless of their size, can comport with the standards in the Community Reinvestment Act to be assured that there is satisfaction and compliance.

And as my friend, the gentleman from New York (Mr. LAFALCE) just stated, 98 percent of the banks in the United States today are in satisfactory

compliance at much less cost because of the reforms made under Ludwig's administration as Comptroller of the Currency.

Today, as I travel around banks in Pennsylvania and the Nation, I do not hear the horrendous stories or complaints. As a matter of fact, I find now a new partnership has arisen between community banks and larger banks and the communities they serve. They are reaching out in ways they have never reached out before and are performing in ways they have never performed before.

Now, I have to be thorough in my disclosure, because before I came to Congress I had the opportunity to serve on a small community bank board of directors, and I know that it was extremely difficult at that time for small banks and small boards of that nature to answer to big government in Washington as to what could get done. But with the reforms that Mr. Ludwig put into place, that very bank today is operating, and when I talked to the President not more than a month ago, he is very satisfied and actually seeking out community reinvestment loans wherever they can happen.

So from the smallest community bank to the largest regional banks to the largest national banks the process has been changed, focusing away from documentation and focusing more on performance and ease and speed and less cost and less conflict in arriving at the standards to satisfy these requirements.

I think, now, in 1999, there is really not a sane, logical argument that can be made that in any way do Community Reinvestment Act requirements prohibit the private banking system or cause it any great cost or exposure, but in fact has made them address that return; that banks are private businesses but also the holders of great benefits from the licensing of their bank by the insurance they have in deposits and by access to the open window. They now know that they can perform even something better for their community by being a good citizen.

And quite frankly, I would like to take the time to congratulate these banks, the community banks, the regional banks and the large banks. Over the last 8 years, since I drafted that amendment, I think they have made major strides, proving that smart reinvented government, as instituted under President Clinton and Gene Ludwig, when he was Comptroller of the Currency, have really established a program, cleaned away the problem areas, and have led to real participation.

Let me mention some of that participation. In 1997, banks and thrifts subject to CRA reporting requirements made $2.6 million small business loans totaling $159 billion. And they also made $18.6 billion in community development loans and investments.

This is an incredible record of the private sector of America recognizing that in conjunction with a cooperative regulator and with a policy established and enunciated by this Congress that the public's interest can be well served to the benefit of not only the government and the regulators but to the communities across America. Thousands of new jobs have been created all over America and in distressed communities.

And I happen to look at CRA now from an entirely different viewpoint. This is one of the arrows in our quiver to meet the distressed areas of America in offering opportunities for community development and economic development in the place that really counts and with the private sector participation in market forces to make better judgments of economic development money than the government could ever make on its own.

This is not a panacea. This does not solve all our problems, but it certainly does show that a government program, properly administered, properly defined and judged on performance and not documentation alone, can in fact, change the opportunities, both economic and community opportunities, of many millions of American citizens.

So tonight, I come to the Congress to join my friend from Minnesota (Mr. VENTO).

Mr. VENTO. Mr. Speaker, reclaiming my time, and not to cut the gentleman off, but to have him as an ally, I must say that the anxiety that he created by challenging CRA has, I think, in that legislation that was proposed some decade or so ago, has actually been turned into a motivation. Because I think the gentleman from Pennsylvania, as always, was operating in very good faith and is of quite a significant ability. And I think the result has been that, as he pointed out, that Gene Ludwig and the other regulators were brought to the table, including the Federal Deposit Insurance Corporation and the office of Comptroller of the Currency, as well as the Federal Reserve Board, who are now all strong proponents of CRA.

In streamlining the process, we made it easier for smaller banks to comply and able to deliver the tremendous results in 1996 that the gentleman talked about. We are talking about hundreds of billions of dollars of investment. That means homes, that means jobs. Obviously, a good economy has helped, but, clearly, CRA is meeting those local needs. It is a great success, even if Congress did have something to do with crafting the policy and perhaps perfecting it and getting an administration that frankly has operated in good faith. Instead of fighting this, this administration decided to use it and to shape it and to craft it so it would serve working families across this Nation.

So I thank the gentleman from Pennsylvania (Mr. KANJORSKI), and I welcome my colleague, the gentleman from Vermont (Mr. SANDERS), who is an able member of our committee and a strong advocate of CRA and consumer law generally, and I yield to the gentleman.

Mr. SANDERS. Mr. Speaker, I thank the gentleman from Minnesota (Mr. VENTO) very much for organizing this special order, and I want to go on record in agreeing with the remarks that the gentleman has made, as well as the comments of the ranking member of the committee, the gentleman from New York (Mr. LAFALCE), and the gentleman from Pennsylvania (Mr. KANJORSKI). I think what they had to say is appropriate, and I am in agreement with it.

Mr. Speaker, we see on the television virtually every night and we read in the newspapers that the economy is booming, and some people say it has never been so good. But when I speak to working families in the middle class in the State of Vermont they have a slightly different interpretation of what is going on in the economy. Because for many of those people, they are working longer hours for lower wages than they were 20 years ago. And while we are all delighted that Bill Gates saw a $40 billion increase in his wealth last year, that is really not the case for most the people in the State of Vermont. They are struggling hard to keep their heads above water.

One of the major problems we face in the State of Vermont has to do with affordable housing. If anything, that crisis is becoming more acute not only in my State but in States throughout this country. So it is very clear to me that one of the important tools that we have to build affordable housing, and to have the banks throughout this country play a responsible role in their communities is what we have done through the Community Reinvestment Act, which, in fact, is working extremely well in this country today and which must not be weakened.

I would agree with the gentleman from New York (Mr. LAFALCE) in his remarks of a few moments ago that if CRA is weakened, we should not pass any banking legislation that does that, and I would strongly urge the President to veto any legislation which weakens CRA.

Mr. Speaker, I recently took part in a ribbon cutting celebration to commemorate the successful redevelopment of the Applegate Housing Development in Bennington, Vermont. The successful redevelopment project involved the efforts of many good people and organizations, including the residents, who in fact came together through a strong tenants' association. A nonprofit housing developer, civic leaders, the people in Bennington and their local government played a very positive role in this effort, as well as government officials and local banks. And the CRA was a vital part of that effort.

Until recently, Applegate was an apartment complex where the plumbing water backed up into the bathtubs, vacancy rates exceeded 50 percent, and crime was a serious problem. Today,

Applegate is a completely renovated community where families can live in peace and comfort and children have the kind of opportunities to which they are entitled.

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The truth of the matter is that the State of Vermont has a network of excellent community banks that is working with local nonprofit housing developers to build and rehabilitate housing for the benefit of low- and moderate-income families. CRA helps them make an important part the American dream, a decent and safe place to live accessible to all Vermont.

The CRA encourages federally insured financial institutions to provide deposit and credit services throughout the communities in which they do business, including low- and moderate-income areas, and it is working. I think that there should not be major disagreement in this body that we simply do not want to see banks lend to institutions and businesses that are running off to Mexico or China and investing in those countries. We want to see banks reinvest in our communities. And that is what the CRA process is about.

The CRA is helping to rebuild the economies of the stressed communities. It is making homeownership accessible to more Americans. It is helping to start small businesses and to create decent paying jobs. Since it was passed in 1977, CRA is credited with lending $1 trillion in loans to low- and moderate-income communities. And this is a significant achievement.

CRA is good for consumers, and it is good for communities. It is also good for the banking business because it encourages financial institutions to look for business opportunities they might otherwise miss.

Mr. Speaker, as I mentioned earlier, not everyone in our society is benefiting from the growth in our economy. An estimated 10 million Americans lack decent, affordable housing. It is not uncommon in the State of Vermont and, I dare say, in Minnesota to find families paying 40, 50 or more percent of their limited income for housing. That is not affordable housing.

In rural America, more than 9 million people are living in poverty. Rural communities across the country cannot get the development funds or the consumer credit they need, and in urban areas the lack of affordable housing leaves more and more working Americans without homes.

Instead of dismantling the CRA, as some in Congress would have us do, we must strengthen it. Congress is once again considering a bill to quote, unquote modernize the financial services system. But that bill fails to modernize the CRA to preserve its effectiveness in the changing financial system. The changes taking place in today's financial marketplace threaten to make it even more difficult for low- and moderate-income families to get the bank services they need and deserve. Without access to private capital that the CRA provides for low- and moderate-income consumers and communities, homes will not be renovated, small businesses will not be started, new jobs will not be created, and neighborhoods will not be rebuilt.

We need to save the CRA from those in Congress who would tear it down. I urge my colleagues to resist any effort to weaken the CRA.

Again, I want to thank the gentleman from Minnesota (Mr. VENTO) for his leadership role in this.

Mr. VENTO. Mr. Speaker, I thank the gentleman from Vermont (Mr. SANDERS) for his poignant comments with regards to this.

As we look at a successful economy today with low income rates, at least we hope for the near future, and with high employment and low inflation, and the gentleman reminds us all again that while these numbers look very good in some folks' view, the fact is that nobody lives on the average. I think we want to come forward together.

One of the things that CRA has done is to try to reach back and to pull up those in our society that have not had the opportunity. We hold forth the promise in this Nation that is we work hard that we can get ahead, that we are going to be treated fairly. And of course an essential part of that is to have employment, to have a fair wage, and to have a fair opportunity to participate in the economy to achieve the American dream.

I must say that this administration has, by virtue of its goals and by virtue of the economy, been successful in achieving that. For the first time in our history, 67 percent of the families in our nation have homeownership.

That still, of course, leaves out many of those that do not. And, of course, we are experiencing higher rents and all sorts of housing programs. But CRA specifically addresses housing. One of the statistics, for example, is that from 1993, I believe these statistics are through 1998, African-Americans homeownership mortgage loans increased by 58 percent and those to Hispanics by 62 percent and to low- and moderate-income borrowers by 38.

So the low and moderate market was getting a 38-percent increase. And we can see the African-American population and the Hispanic population greatly exceeded that, which I think indicates that in fact the CRA efforts tailored and targeted to meet and to try to serve those communities are very helpful.

Now, there are many aspects that have happened simply because CRA has acted as a catalyst. In other words, the necessity is that banks need to do this and they are looking for creditworthy, sound business decisions to make in their local communities and that precipitates other organizations to come forward, whether they are community development corporations, whether they are local governments, whether they are faith-based organizations, whether they are neighborhood housing services, some of the very laws that we put in place.

One, of course, is the Neighborhood Reinvestment Corporation, which has set up a goal over a period of years to in fact provide 25,000 new homeowners by 2002. And they are almost halfway there. And just to read the numbers, the median income for participating families is about $25,000. And that is 36 percent below the national median income. The Neighborhood Reinvestment Corporation, 67 percent have very low incomes and 26 percent have moderate. So here they are meeting these needs. But they condition do it without the seeds.

We have some folks who for a long time the national Government provided housing programs which they paid for building it, maintaining it, paid the subsidies, paid to keep it repaired. And it produced some pretty good housing. Much of it still exists, as a matter of fact, and it is not being threatened by the opt-out. But there are a lot of Members here on the floor and some other places that think all we have to do is provide the fertilizer. And I would suggest that we need these seeds. And the seeds that make these housing programs grow are the CRA provisions, are these small programs in local organizations.

That is why local communities such as our mayor organizations, the counties, the States all are strong proponents of the Community Reinvestment Act. It works. It is a great success. And it is an insurance that banks will be questioned as to whether they are meeting those local needs and serving those working families and their service areas need to be served. So it is a tremendous success.

It is a fact, of course, that many now I think belatedly based on perhaps past problems or impressions that they have seek to try and erode this important consumer law, this important focus that we have established for financial institutions.

Mr. Speaker, I yield further to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. I would concur with what my friend from Minnesota said. But the bottom line for me is that in this great and wealthy country, we should be outraged that so many millions of families are still not latching on to the American dream despite the fact that they are working long and hard hours. Clearly an essential part of what the American dream is about is to have a decent house in a decent community.

We should also understand that, if my memory is correct, the banking industry right now is enjoying record-breaking profits. And I think, as the gentleman from New York (Mr. LAFALCE) made very clear, because of acts of the United States Congress, banks have certain benefits, among other things, the FDIC, which guarantees the money that is in those banks.

And banks, therefore, have a responsibility to their communities and many banks understand that.

But essentially, if this institution, the Congress, is to mean anything, we have got to stand up for those people who are not earning huge sums of money, those people who are not living on the mansions on the Hill. We have got to address the needs of senior citizens and working families who are paying 40, 50, 60 percent of their limited incomes for housing.

As my colleague the gentleman from Minnesota (Mr. VENTO) indicated, the CRA in fact has been an extremely successful program. It has done what it is supposed to do. It has created affordable in Vermont and throughout this country. It has helped small business create decent paying jobs.

We must stand firm against anyone in this institution who wants to weaken a program that has worked so well for working families in this country.

Mr. VENTO. Mr. Speaker, I would point out that today many large financial institutions have in fact developed departments and units within their banks that are called CRA units. So they are actively engaged.

The phenomenal effect of this law has changed in a sense the corporate structure of banks. So where before they might have been more interested in loans in the Grand Cayman Islands or some other exotic place, which obviously they thought they could make money with, and there is nothing wrong with profits, nothing wrong with financial institutions making money, but the fact is that we also want them to serve these communities. And so they have developed within their corporate structure offices that specialize in meeting these needs.

So within our large financial institutions and some middle-size institutions, they actually have assigned this responsibilities with officers that exclusively work on community reinvestment activities and they have discovered, lo and behold, they can make money out of that part of the portfolio. And so with small banks I think they have a phenomenal record.

I am looking at one small bank from my community called the University National Bank, and the comptroller has given them great credit, but I just want to give the gentleman from Vermont (Mr. SANDERS) and my other colleagues an idea that the percentage of CRA loans in their portfolio in 1994 was only 14 percent. In 1995 it was 38 percent of the portfolio. In 1996 it was 60 percent. And in 1998, it is, get this, 75 percent. It is inner city bank that was not acting much like an inner city bank. It was not an active participant in the community. This is just one example.

I know that I have Western Bank in my area that is headed by a friend, Bill Sands, this is president, long-time name in Minnesota, and is doing an excellent job both in terms of economic development and in terms of mortgage lending.

So many of these small banks, even their organizations, for instance today the American Banking Association supports the CRA law. And of course their counterpart, which represents a significant number of bank and sometimes smaller banks, the Independent Bankers Association of America, also supports and recognizes the changes made in the law have been helpful.

Now, individually there are probably some banks that are still in a state of denial with regard to this law.

Mr. SANDERS. Mr. Speaker, if the gentleman would yield further, I would comment that those banks that he is referring to I presume are not losing money, they are making money and they are making money the right way, by reinvesting in their communities.

I think, not to wander away from the subject at hand, there is a real concern throughout this country about the loss of decent paying jobs and the fact that big money interests are much more interested in investing in China or Mexico to help companies make a quick buck exploiting cheap labor in those countries rather than reinvesting in the United States, rather than reinvesting in our community.

What CRA is about, which is so essential and so right, it says reinvest in our communities, create new jobs in our communities, start small businesses in our communities, give people affordable housing in our communities. And you know what, banks? You can make money doing that. You do not have to just help people invest in China.

So I think the gentleman and I are in agreement, the CRA is a success story. And I hope very much that no one in Congress wants to come forward to dismantle it or to weaken it. And if they do, I hope that the President will do the right thing and inform them that any legislation which weakens CRA will be vetoed.

Mr. VENTO. Mr. Speaker, we are going to be certain that the banks assume these new responsibilities, that there is an opportunity to examine whether or not there is in fact CRA activity that they are meeting, that they will have satisfactory rates, and that that rating is something that holds up, that CRA rates and exams go on at the same time as other exams go on. We want banks to have enough capital. We want them to be subject to what we call our CAMEL's rates in terms of capital assets management and other liquidity and other factors that are so important.

But also, I think we want them in a sense to say CRA says you cannot just be passive, you cannot just be reactive, you have to be proactive. And that is exactly what they are doing.

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There are many ways that they can do this. There are in fact new aspects where individual companies, entities have sprung up that permit banks to buy securities that will help them meet their CRA requirement.

Supporting home ownership efforts. As the gentleman from Vermont knows from our interest in terms of housing, that very often today we need to in fact school individuals on what it is to be a homeowner. For instance, in my community, I have a large population of Southeast Asians that has emigrated from Laos. The fact is that they did not have as much information about what it is to be homeowners. Today that is turning around. Now we have realtors that are Southeast Asians that are Hmong that are in fact selling the homes. We have others of course that are buying them. They are going to be a very important part of our community. Banks reaching out, working with these communities, trying to teach how you become a homeowner. What the procedures are, the requirements, how you take care of a home, how you manage the dollars and keep it in repair are very important in terms of home ownership.

We have programs, as an example, that deal with single parent families, very often women, and trying to give them the resources and the know-how so that they can become homeowners. These are all programs that are helped and assisted by CRA, that provide some of the seed money for creditworthy types of ventures. We know that if we educate and invest in people, that they then have the ability, they may not have as much income but they have the ability then to understand what is necessary and they may have a network of support very often through a neighborhood housing services program, through a church, through social activities so that they have the network support that permits them to become successful homeowners.

We are doing the same thing, as the gentleman knows, through the community development financial institutions, programs like the PRIME program and the Microenterprise programs, all of which depend upon banks to come forward after we have built capacity in the communities to in fact invite people to become owners of business, to be involved in our economy. This is very essential in fulfilling the promise of what this Nation is about in terms of earning your own way, the sort of rugged individualism. It is fine, but we need to build the types of capacity in terms of the people that we represent and the working families, which may not be like yesterday's working families, but build the capacity so that they can be successful. Our financial institutions, have always been an important part of that. Our banks have. CRA today is one way of ensuring that they can demonstrate and pointing the way, keeping in focus the service to the geographic area and the service areas in which these financial entities derive their deposits and provide their loans and play that essential role that is the magic of our great American economy.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered into, was granted to:

The following Members (at the request of Mr. SMITH of Washington) to revise and extend their remarks and include extraneous material:

Ms. Norton, for 5 minutes, today.

Ms. Carson, for 5 minutes, today.

Mr. Allen, for 5 minutes, today.

Mrs. Maloney of New York, for 5 minutes, today.

Mr. SMITH of Washington, for 5 minutes, today.

Mr. Hinchey, for 5 minutes, today.

Mr. Lipinski, for 5 minutes, today.

The following Members (at the request of Mr. SMITH of Washington) to revise and extend their remarks and include extraneous material:

Mr. Burton of Indiana, for 5 minutes each day, on June 29 and 30.

Mr. Duncan, for 5 minutes, today.

Mr. Fossella, for 5 minutes, today.

Mr. Wamp, for 5 minutes, on June 28.

ADJOURNMENT

Mr. VENTO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 18 minutes p.m.), the House adjourned until tomorrow, Thursday, June 24, 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:

2702. A letter from the Chairman, Board of Governors, Federal Reserve System, transmitting the Eighty-Fifth Annual Report of the Board of Governors of the Federal Reserve System covering operations during calendar year 1998, pursuant to 12 U.S.C. 247; to the Committee on Banking and Financial Services.

2703. A letter from the Comptroller General, transmitting a report of the Research Notification System; to the Committee on Government Reform.

2704. A letter from the Management Analyst, Office of the Inspector General, Department of Justice, transmitting the semiannual report on activities of the Inspector General for the period October 1, 1998, through March 31, 1999, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2705. A letter from the Writer/Editor, Office of the Inspector General, National Science Foundation, transmitting the semiannual report on the activities of the Office of Inspector General for the period ending March 1999, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2706. A letter from the Director, Financial Services, Library of Congress, transmitting activities of the United States Capitol Preservation Fund for the first six-months of fiscal year 1999 which ended on March 31, 1999, pursuant to 40 U.S.C. 188a–3; to the Committee on House Administration.

2707. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Other Nontrawl Fisheries in the Bering Sea and Aleutian Islands [Docket No. 990304063–9063–01; I.D. 051499A] received June 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2708. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Economic Exclusive Zone Off Alaska; Groundfish Fisheries by Vessels using Hook-and-Line Gear in the Gulf of Alaska [Docket No. 990304062–9062–01; I.D. 042399B] received June 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2709. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Lebanon, MO [Airspace Docket No. 99–ACE–10] received June 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2710. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Shenandoah, IA [Airspace Docket No. 99–ACE–16] received June 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2711. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Rolla/Vichy, MO [Airspace Docket No. 99–ACE–26] received June 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2712. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Ottawa, KS [Airspace Docket No. 99–ACE–21] received June 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2713. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Cresco, IA [Airspace Docket No. 99–ACE–13] received June 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2714. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29581; Amdt. No. 1934] received June 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2715. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Neosho, MO [Airspace Docket No. 99–ACE–11] received June 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2716. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Thedford, NE [Airspace Docket No. 99–ACE–23] received June 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2717. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Washington, IA [Airspace Docket No. 99–ACE–18] received June 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2718. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29579; Amdt. No. 1932] received June 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2719. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29580; Amdt. No. 1933] received June 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2720. A letter from the Director, Office of Regulations Management, National Cemetery Administration, Department of Veterans Affairs, transmitting the Department's final rule—National Cemetery Administration; Title Changes (RIN: 2900–AJ79) received June 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

2721. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Medical Expense Deduction for Smoking-Cessation Programs [Rev. Rul. 99–28] received June 11, 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:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1651. A bill to amend the Fishermen's Protective Act of 1967 to extend the period during which reimbursement may be provided to owners of United States fishing vessels for costs incurred when such a vessel is seized and detained by a foreign country (Rept. 106–197). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. EMERSON (for herself, Ms. MCKINNEY, Mrs. LOWEY, Mrs. KELLY, Mrs. MALONEY of New York, and Ms. ROS-LEHTINEN):

H.R. 2316. A bill to amend the Public Health Service Act to develop monitoring systems to promote safe motherhood; to the Committee on Commerce.

By Mr. GREENWOOD (for himself, Mrs. ROUKEMA, and Mr. HOLT):

H.R. 2317. A bill to designate a portion of the Delaware River and associated tributaries as a component of the National Wild and Scenic Rivers System; to the Committee on Resources.

By Mr. HAYWORTH (for himself, Mr. SAM JOHNSON of Texas, Mr. LEWIS of

Kentucky, Ms. DUNN, Mr. ENGLISH, Mr. CRANE, Mr. MCCRERY, Mr. WATKINS, and Mrs. JOHNSON of Connecticut):

H.R. 2318. A bill to amend the Internal Revenue Code of 1986 to provide corporate alternative minimum tax reform; to the Committee on Ways and Means.

By Mr. MCHUGH:

H.R. 2319. A bill to make the American Battle Monuments Commission and the World War II Memorial Advisory Board eligible to use nonprofit standard mail rates of postage; to the Committee on Government Reform.

By Mr. GARY MILLER of California (for himself and Mr. GREEN of Wisconsin):

H.R. 2320. A bill to allow States to use a portion of their welfare block grants for general education spending; to the Committee on Ways and Means.

By Mrs. MORELLA:

H.R. 2321. A bill to amend title 5, United States Code, to ensure that coverage under the health benefits program for Federal employees is provided for hearing aids and examinations therefor; to the Committee on Government Reform.

By Mr. OBEY:

H.R. 2322. A bill to amend the Agricultural Adjustment Act to terminate Federal milk marketing orders; to the Committee on Agriculture.

H.R. 2323. A bill to require the national pooling of receipts under Federal milk marketing orders; to the Committee on Agriculture.

H.R. 2324. A bill to amend the Agricultural Adjustment Act to terminate Federal milk marketing orders and to replace such orders with a program to verify receipts of milk; to the Committee on Agriculture.

By Mr. STARK (for himself and Mrs. THURMAN):

H.R. 2325. A bill to amend titles XVIII and XIX of the Social Security Act with respect to changing the requirements for surety bonds of home health agencies, durable medical equipment suppliers, and others under the Medicare and Medicaid Programs; referred to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STEARNS:

H.R. 2326. A bill to prohibit the expenditure of the Federal funds to conduct or support research on the cloning of humans, and to express the sense of the Congress that other countries should establish substantially equivalent restrictions; referred to the Committee on Commerce, and in addition to the Committee on Science, 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.

H.R. 2327. A bill to provide that pay for Members of Congress may not be increased by any adjustment scheduled to take effect in a year immediately following a fiscal year in which a deficit in the budget of the United States Government exists; referred to the Committee on Government Reform, and in addition to the Committee on House Administration, 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. SWEENEY:

H.R. 2328. A bill to amend the Federal Water Pollution Control Act to reauthorize the Clean Lakes Program; to the Committee on Transportation and Infrastructure.

By Mr. VISCLOSKY:

H.R. 2329. A bill to amend the Act entitled ''An Act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes'' to clarify the authority of the Secretary of the Interior to accept donations of lands that are contiguous to the Indiana Dunes National Lakeshore, and for other purposes; to the Committee on Resources.

By Mr. WELDON of Florida (for himself, Mr. BILIRAKIS, Mr. STEARNS, Ms. BROWN of Florida, Mr. GOSS, Mr. DIAZ-BALART, Mr. YOUNG of Florida, Mrs. FOWLER, Mr. SCARBOROUGH, Mr. MICA, Mr. SHAW, Mr. MCCOLLUM, Mr. BOYD, Mrs. THURMAN, Mr. DAVIS of Florida, Mr. CANADY of Florida, Mr. MILLER of Florida, Mr. FOLEY, Mrs. MEEK of Florida, Ms. ROS-LEHTINEN, Mr. HASTINGS of Florida, Mr. DEUTSCH, and Mr. WEXLER):

H.R. 2330. A bill to name the Department of Veterans Affairs outpatient clinic under construction at 2900 Veterans Way, Melbourne, Florida, as the ''Jerry O'Brien Department of Veterans Affairs Outpatient Clinic''; to the Committee on Veterans' Affairs.

By Ms. DUNN (for herself, Mr. MATSUI, Mr. DREIER, Ms. ESHOO, Mr. GOODLATTE, Mr. DOOLEY of California, Mr. DAVIS of Virginia, and Mr. WELLER):

H.R. 2331. A bill to amend the Internal Revenue Code of 1986 to increase and modify the exclusion relating to qualified small business stock and to provide that the exclusion relating to incentive stock options will no longer be a minimum tax preference; to the Committee on Ways and Means.

By Mr. OBERSTAR:

H.R. 2332. A bill to authorize the United States to enter into an executive agreement with Canada relating to the establishment and operation of a binational corporation to operate, maintain, and improve facilities on the Saint Lawrence Seaway, and for other purposes; referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on International Relations, 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. ROMERO-BARCELO (for himself, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. KENNEDY of Rhode Island, Mrs. CHRISTENSEN, Mr. FRANK of Massachusetts, Mr. WAXMAN, Mr. SERRANO, and Mr. RANGEL):

H.R. 2333. A bill to amend title XIX of the Social Security Act to remove special financial limitations that apply to Puerto Rico and certain other territories under the Medicaid Program with respect to medical assistance for Medicare cost-sharing and for veterans; referred 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 Ms. VELAZQUEZ (for herself, Mr. SKELTON, Ms. MILLENDER-MCDONALD, Mr. DAVIS of Illinois, Mrs. MCCARTHY of New York, Mr. PASCRELL, Mr. HINOJOSA, Mrs. CHRISTENSEN, Mr. BRADY of Pennsylvania, Mr. GONZALEZ, Ms. BERKLEY, Mrs. NAPOLITANO, Mr. SERRANO, Ms. BROWN of Florida, Mr. CLYBURN, Mr. FATTAH, Ms. JACKSON-LEE of Texas, Ms. KILPATRICK, Mr. RANGEL, Mr. CUMMINGS, Mr. WYNN, Mrs. CLAYTON, Ms. LEE, Mr. MENENDEZ, Mr. ORTIZ, Mrs. MEEK of Florida, Ms. WATERS, Mr. GUTIERREZ, and Ms. SANCHEZ):

H.R. 2334. A bill to amend title 10, United States Code, to extend and make improvements to the provisions relating to procurement contract goals for small disadvantaged businesses and certain institutions of higher education, and for other purposes; to the Committee on Armed Services.

By Mr. STEARNS:

H. Con. Res. 142. A concurrent resolution whereas from the Valley Forge to Yugoslavia, in every battlefield where ever American values have been attacked and American lives sacrificed, the flag of the United States has been the shining, indomitable, eternal spirit of American liberty in visual form; to the Committee on the Judiciary.

By Mr. LANTOS (for himself, Mr. PORTER, Mr. LEWIS of Georgia, Mr. ACKERMAN, Ms. BERKLEY, Mr. BERMAN, Mrs. CAPPS, Mr. DEUTSCH, Mr. GEJDENSON, Mrs. LOWEY, Mr. MARTINEZ, Mr. GEORGE MILLER of California, Mr. NADLER, Ms. PELOSI, Mr. ROTHman, Ms. SCHAKOWSKY, Mr. SHERMAN, Mr. WAXMAN, Mr. WEINER, and Mr. WEXLER):

H. Res. 219. A resolution expressing the sense of the House of Representatives condemning the arson attacks against three California synagogues on June 18, 1999; to the Committee on the Judiciary.

By Ms. MILLENDER-MCDONALD (for herself, Mr. BARRETT of Wisconsin, Mr. BONIOR, Mr. COYNE, Mr. CUMMINGS, Mr. FROST, Mr. GUTIERREZ, Ms. NORTON, Ms. JACKSON-LEE of Texas, Mrs. KELLY, Ms. KILPATRICK, Mr. MCNULTY, Mrs. MEEK of Florida, Mr. MEEHAN, Mrs. NAPOLITANO, Mr. SHOWS, Mr. THOMPSON of Mississippi, and Mrs. JONES of Ohio):

H. Res. 220. A resolution expressing the sense of the House of Representatives with regard to the heart disease in women; to the Committee on Commerce.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

21. The SPEAKER presented a memorial of the Senate of the Commonwealth of Puerto Rico, relative to Senate Concurrent Resolution No. 45 memorializing the President, the Congress, and the Navy of the United States of America, on behalf and in representation of the People of Puerto Rico, to immediately respond to the plea of our people to immediately and permanently cease air and naval firing and bombing military practices with live ammunition in the island municipality of Vieques and surrounding waters; to the Committee on Armed Services.

122. Also a memorial of the Senate of the State of Kansas, relative to Senate Concurrent Resolution No. 1608 memorializing the United States Congress to repeal Section 656(b) of P.L. 104–208; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 5: Mr. SAXTON.

H.R. 8: Mr. DOOLEY of California and Mr. ENGEL.

H.R. 25: Mr. GREENWOOD.

H.R. 90: Ms. PELOSI and Mr. PHELPS.

H.R. 123: Mr. BACHUS, Ms. CALVERT, Mrs. JOHNSON of Connecticut, and Mr. ROGERS.

H.R. 303: Mr. GILMAN, Mr. FROST, and Ms. RIVERS.

H.R. 306: Mr. UPTON.

H.R. 347: Mr. TAYLOR of North Carolina.
H.R. 413: Mr. UDALL of New Mexico and Mr. ABERCROMBIE.
H.R. 423: Mr. OSE.
H.R. 456: Mr. BARTLETT of Maryland.
H.R. 489: Mr. WEINER and Mr. THOMPSON of Mississippi.
H.R. 531: Mr. ADERHOLT.
H.R. 557: Mr. KUCINICH and Mr. BENTSEN.
H.R. 583: Mr. BORSKI and Mr. EHLERS.
H.R. 614: Mr. LUCAS of Kentucky.
H.R. 625: Mr. STUPAK.
H.R. 697: Mr. BURTON of Indiana, Mr. DEMINT, and Mr. JENKINS.
H.R. 721: Mr. LEWIS of Georgia.
H.R. 750: Mr. LARGENT.
H.R. 772: Mr. UDALL of New Mexico.
H.R. 784: Mr. BLILEY and Mr. MORAN of Virginia.
H.R. 798: Mr. CROWLEY, Ms. RIVERS, Mr. WU, and Mr. EVANS.
H.R. 826: Mr. LAMPSON.
H.R. 860: Mr. OBERSTAR, Mr. QUINN, and Mr. MENENDEZ.
H.R. 925: Mr. DELAHUNT and Mr. RAHALL.
H.R. 933: Mr. HALL of Ohio and Mrs. MINK of Hawaii.
H.R. 958: Mr. MATSUI.
H.R. 1020: Mr. BERMAN, Ms. PELOSI, Mr. BISHOP, Mr. MCGOVERN, Mr. OBERSTAR, Ms. SLAUGHTER, Ms. LEE, and Mr. LAMPSON.
H.R. 1039: Ms. PELOSI, Mr, DIXON, and Mr. LEACH.
H.R. 1057: Mr. WAXMAN and Ms. PELOSI.
H.R. 1083: Mr. GOODLATTE.
H.R. 1115: Ms. VALAZQUEZ, Ms. DELAURO, and Mr. ROEMER.
H.R. 1168: Ms. WOOLSEY and Mr. TAYLOR of North Carolina.
H.R. 1217: Mr. WELLER, Mr. STUMP, Mr. ACKERMAN, Mr. CLEMENT, and Mr. JENKINS.
H.R. 1221: Mrs. WILSON and Mr. TERRY.
H.R. 1224: Ms. BERKLEY, Mr. LARSON, and Mr. DAVIS of Illinois.
H.R. 1238: Mr. DAVIS of Illinois, Ms. KAPTUR, and Mr. DEFAZIO.
H.R. 1257: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 1265: Ms. DELAURO and Mr. ENGEL.
H.R. 1300: Mr. ALLEN and Mr. DREIER.
H.R. 1303: Mr. RANGEL, Mr. LEWIS of Georgia, and Mr. GUTIERREZ.
H.R. 1317: Mr. LEWIS of Kentucky and Mr. SHERWOOD.
H.R. 1325: Mr. LAFALCE, Mrs. MEEK of Florida, Mr. BORSKI, and Mr. BLUMENAUER.
H.R. 1358: Mr. WALDEN of Oregon.
H.R. 1396: Mrs. MALONEY of New York, Ms. SCHAKOWSKY, Mr. SHERMAN, Mr. NADLER, Mr. SERRANO, Mr. WATT of North Carolina, Mr. MEEHAN, Ms. JACKSON-LEE of Texas, Mrs. MCCARTHY of New York, Mr. ENGEL, Ms. PELOSI, Mr. NEAL of Massachusetts, Mr. PALLONE, and Mr. EVANS.
H.R. 1402: Mr. DICKS, Mr. MARTINEZ, Mr. ABERCROMBIE, Mr. CUNNINGHAM, Mr. DUNCAN, Mr. KENNEDY of Rhode Island, and Mr. GIBBONS.
H.R. 1427: Mr. BLILEY.
H.R. 1435: Mr. MANZULLO.
H.R. 1509: Mr. FOSSELLA, Mr. BALDACCI, Mr. SKELTON, Ms. DELAURO, Mr. HALL of Texas, Mr. KENNEDY of Rhode Island, Mr. FOLEY, and Mr. GEPHARDT.
H.R. 1531: Mr. RAHALL and Mr. THOMPSON of Mississippi.
H.R. 1549: Mr. PHELPS.
H.R. 1567: Mr. EDWARDS.
H.R. 1590: Mr. DAVIS of Illinois.
H.R. 1671: Mr. DAVIS of Florida and Mr. LUTHER.
H.R. 1684: Mr. MARTINEZ and Ms. SLAUGHTER.
H.R. 1714: Mr. SHADEGG.
H.R. 1796: Mr. KENNEDY of Rhode Island and Ms. HOOLEY of Oregon.
H.R. 1816: Mr. INSLEE.
H.R. 1832: Ms. MCKINNEY and Mr. MARTINEZ.
H.R. 1842: Mr. DICKS and Mr. JENKINS.
H.R. 1850: Mr. ANDREWS and Mr. CRANE.
H.R. 1858: Mr. BLUNT, Mr. STEARNS, and Mr. ETHERIDGE.
H.R. 1920: Mr. KIND.
H.R. 1932: Mr. DAVIS of Illinois, Mr. LUCAS of Kentucky, and Mr. GREEN of Wisconsin.
H.R. 1962: Mr. GANSKE.
H.R. 1990: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 1991: Mr. JEFFERSON.
H.R. 2028: Mr. HOSTETTLER, Mr. ENGLISH, and Mr. HYDE.
H.R. 2088: Mr. HALL of Texas.
H.R. 2125: Ms. ROYBAL-ALLARD.
H.R. 2172: Mr. MCNULTY, Mr. LATOURETTE, Mr. FRANKS of New Jersey, and Mr. PASCRELL.
H.R. 2241: Mr. WEXLER, Ms. ROS-LEHTINEN, Mr. LUCAS of Oklahoma, and Mr. MALONEY of Connecticut.
H.R. 2244: Mr. BAKER.
H.R. 2252: Mr. LARGENT.
H.R. 2260: Mr. POMBO, Mr. HOSTETTLER, Mr. ARMEY, and Mr. ENGLISH.
H.R. 2282: Mr. ADERHOLT.
H.R. 2283: Mr. CLAY and Mr. BISHOP.
H.R. 2300: Mrs. CHENOWETH, Mrs. EMERSON, Mr. REGULA, Mr. CUNNINGHAM, Mr. ADERHOLT, Mr. BARR of Georgia, Mr. COBURN, Mr. WELDON of Pennsylvania, Mr. FOSSELLA, Mr. ISAKSON, Mrs. ROUKEMA, Mr. SOUDER, Mr. SWEENEY, Mr. GREEN of Wisconsin, and Mrs. BONO.
H.R. 2306: Mrs. MEEK of Florida and Mr. MCNULTY.
H.J. Res. 41: Mrs. MINK of Hawaii, Mrs. LOWEY, and Ms. STABENOW.
H.J. Res. 55: Mr. BARTLETT of Maryland, Mr. DICKEY, Mr. HOSTETTLER, Mr. LARGENT, Mr. SOUDER, Mr. SHADEGG, Mr. PITTS, and Mr. HERGER.
H.J. Res. 57: Mr. HUNTER, Ms. WOOLSEY, Mr. COOK, Ms. KAPTUR, Mr. KUCINICH, Mr. TAYLOR of Mississippi, Mr. STEARNS, and Ms. MCKINNEY.
H.J. Res. 58: Mr. ROYCE.
H. Con. Res. 30: Mr. SUNUNU.
H. Con. Res. 38: Mr. ENGEL, Ms. MCKINNEY, Mr. BRADY of Pennsylvania, and Ms. SCHAKOWSKY.
H. Con. Res. 62: Mrs. MINK of Hawaii, Mr. ROHRABACHER, Mr. UDALL of New Mexico, Mr. CRANE, and Mr. MCHUGH.
H. Con. Res. 100: Mr. DAVIS of Illinois and Mrs. LOWEY.
H. Con. Res. 124: Mrs. NAPOLITANO, Ms. VELÁZQUEZ, Mr. GEJDENSON, and Mr. FROST.
H. Con. Res. 130: Mr. LATOURETTE.
H. Con. Res. 133: Ms. MILLENDER-MCDONALD, Mr. HINCHEY, and Mr. BERRY.
H. Res. 89: Mr. MCGOVERN.
H. Res. 115: Mr. INSLEE.
H. Res. 144: Mr. ENGEL.
H. Res. 146: Mr. FATTAH, Mr. GREENWOOD, Ms. DELAURO, Mr. PALLONE, Ms. SCHAKOWSKY, Mr. BLAGOJEVICH, Mr. ABERCROMBIE, Ms. KILPATRICK, Mr. HOUGHTON, Mr. HINCHEY, Mr. KLECZKA, Mr. HALL of Ohio, Mr. MCNULTY, Mr. DINGELL, Mr. LEWIS of Georgia, Mr. SHERMAN, Mr. UDALL of Colorado, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. RODRIGUEZ, Mr. BECERRA, Mrs. THURMAN, Mr. WATT of North Carolina, Mr. SERRANO, Mr. CROWLEY, Mr. FOLEY, Ms. SLAUGHTER, and Mr. YOUNG of Florida.
H. Res. 201: Mr. STARK.

PETITIONS, ETC.

Under clause 3 of rule XII,

20. The SPEAKER presented a petition of the Los Angeles County Federation of Republican Women, relative to Resolution No. 1–99 petitioning support for House Concurrent Resolution No. 30; to the Committee on the Judiciary.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 1658

OFFERED BY: MR. HUTCHINSON

AMENDMENT NO. 21: Page 5, strike line 22 and all that follows through line 5 on page 9 and insert the following:

''(6)(A) An innocent owner's interest in property shall not be forfeited in any judicial action under any civil forfeiture provision of this title, the Controlled Substances Act, or the Immigration and Naturalization Act of 1952.

''(B)(i) With respect to a property interest in existence at the time the illegal act giving rise to forfeiture took place, a person is an innocent owner if the person establishes, by a preponderance of the evidence—

''(I) that the person did not know that the property was being used or was likely to be used in the commission of such illegal act, or

''(II) that upon learning that the property was being used or was likely to be used in the commission of such illegal act, the person promptly did all that reasonably could be expected to terminate or to prevent such use of the property.

''(ii) With respect to a property interest acquired after the act giving rise to the forfeiture took place, a person is an innocent owner if the person establishes, by a preponderance of the evidence, that the person acquired the property as a bona fide purchaser for value who at the time of the purchase did not know and was reasonably without cause to believe that the property was subject to forfeiture. A purchaser is 'reasonably without cause to believe that the property was subject to forfeiture' if, in light of the circumstances, the purchaser did all that reasonably could be expected to ensure that he or she was not acquiring property that was subject to forfeiture.

''(iii) Notwithstanding any other provision of this paragraph, no person may assert an ownership interest under this paragraph in contraband or other property that is illegal to possess. In addition, except as set forth in clause (ii), no person may assert an ownership interest under this paragraph in the illegal proceeds of a criminal act, irrespective of State property law.

''(C) For the purposes of this paragraph:

''(i) An 'owner' is a person with an ownership interest in the specific property sought to be forfeited, including but not limited to a lien, mortgage, recorded security device or valid assignment of an ownership interest. An owner does not include—

''(I) a person with only a general unsecured interest in, or claim against, the property or estate of another person;

''(II) a bailee, unless the bailor is identified, and the bailor has authorized the bailee to claim in the forfeiture proceeding, pursuant to the Supplemental Rules for Admirality and Maritime Claims;

''(III) a nominee who exercises no dominion or control over the property; or

''(IV) a beneficiary of a constructive trust.

''(ii) A person shall be considered to have known that such person's property was being used or was likely to be used in the commission of an illegal act if the Government establishes the existence of facts and circumstances that should have created a reasonable suspicion that the property was being or would be used for an illegal purpose.

''(D) If the court determines, in accordance with this paragraph, that an innocent owner has a partial interest in property otherwise subject to forfeiture, or a joint tenancy or tenancy by the entirety in such property, the court shall enter an appropriate order—

''(i) serving the property;

''(ii) transferring the property to the Government with a provision that the Government compensate the innocent owner to the extent of the owner's ownership interest once a final order of forfeiture has been entered and the property has been reduced to liquid assets; or

''(iii) permitting the innocent owner to retain the property subject to a lien in favor of the Government to the extent of the forfeitable interest in the property. To effectuate the purposes of this paragraph, a joint tenancy or tenancy by the entireties shall be converted to a tenancy in common by order of the court, irrespective of State law.

H.R. 1658

OFFERED BY: MR. HUTCHINSON

AMENDMENT NO. 22: Page 9, strike line 6 and all that follows through line 25 on page 10 and insert the following:

''(k)(1) A person with standing to challenge the forfeiture of property seized under this section may file a motion for the return of the property in the manner described in Rule 41(e), Federal Rule of Criminal Procedure. If such motion is filed, the court shall conduct a hearing within 90 days and shall order the release of the property, pending trial on the forfeiture and the entry of judgment, unless—

''(A) the Government establishes probable cause to believe that the property is subject to forfeiture, based on all information available to the Government at the time of the hearing;

''(B) the Government has filed a civil forfeiture complaint against the property, and a magistrate judge has determined there is probable cause for the issuance of a warrant of arrest in rem pursuant to the Supplemental Rules for Admiralty and Maritime Claims;

''(C) a grand jury has returned an indictment that includes an allegation that the property is subject to criminal forfeiture;

''(D) the person filing the motion had notice of the Government's intent to forfeit the property administratively pursuant to 19 U.S.C. 1608, and failed to file a claim to the property within the specified time period;

''(E) the property is contraband or other property that the moving party may not legally possess; or

''(F) the property is needed as evidence in a criminal investigation or prosecution.

''(2) A party with standing to challenge a forfeiture under this section may move to dismiss the complaint for failure to comply with Rule E(2) of the Supplemental Rules, or on any other ground set forth in Rule 12(b) of the Federal Rules of Civil Procedure. Notwithstanding the provision of section 615 of the Tariff Act of 1930 (19 U.S.C. 1615), a party may not move to dismiss the complaint on the ground that the evidence in the possession of the Government at the time it filed its complaint was insufficient to establish the forfeitability of the property.''.

H.R. 1658

OFFERED BY: MR. HUTCHINSON

AMENDMENT NO. 23: Page 2, strike lines 12 through 20.

Page 3, strike lines 1 through 8 and insert the following:

''(j)(1)(A) Any motion to set aside a declaration of forfeiture entered pursuant to section 609 of the Tariff Act of 1930 (19 U.S.C. 1609), as incorporated by subsection (d), must be filed not later than 2 years after the entry of the declaration of forfeiture. Such motion shall be granted if—

''(i) the moving party had an ownership or possessory interest in the forfeited property, and the Government failed to take reasonable steps to provide such party with notice of the forfeiture; and

''(ii) the moving party did not have actual notice of the seizure within sufficient time to file a claim within the time period provided by law.

''(B) If the court grants a motion made under paragraph (1), it shall set aside the declaration of forfeiture as to the moving party's interest pending forfeiture proceedings in accordance with section 602 et seq. of the Tariff Act of 1930 (19 U.S.C. 1602 et seq.), which proceedings shall be instituted within 60 days of the entry of the order granting the motion.

''(C) If, at the time a motion made under this paragraph is granted, the forfeited property has been disposed of by the Government in accordance with law, the Government shall institute forfeiture proceedings under subparagraph (B) against a substitute sum of money equal to the value of the forfeited property at the time it was disposed of, plus interest.

''(D) The institution of forfeiture proceedings under subparagraph (B) shall not be barred by the expiration of the statute of limitations under section 621 of the Tariff Act of 1930 (19 U.S.C. 1621) if the original publication of notice was initiated before the expiration of such limitations period.

''(E) A motion made under this paragraph shall be the exclusive means of obtaining judicial review of a declaration of forfeiture entered by a seizing agency.

''(F) This paragraph shall apply to any administrative forfeiture under this section, and to any administrative forfeiture under the Controlled Substances Act, or under any other provision of law that incorporates the provisions of the customs laws.

Page 3, line 9, strike ''C'' and insert ''G''.

H.R. 1658

OFFERED BY: MR. HUTCHINSON

AMENDMENT NO. 24: Page 14, line 21, strike ''(a) IN GENERAL.—'' and strike line 25 and all that follows through line 8 on page 15.

H.R. 1658

OFFERED BY: MR. HUTCHINSON

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 25: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Civil Asset Forfeiture Reform Act''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. CREATION OF GENERAL RULES RELATING TO CIVIL FORFEITURE PROCEEDINGS.

(a) IN GENERAL.—Chapter 46 of title 18, United States Code, is amended by inserting the following new section after section 982:

''§ 983. Civil forfeiture procedures

''(a) ADMINISTRATIVE FORFEITURES.—(1)(A) In any nonjudicial civil forfeiture proceeding under a civil forfeiture statute, with respect to which the agency conducting a seizure of property must send written notice of the seizure under section 607(a) of the Tariff Act of 1930 (19 U.S.C. 1607(a)), such notice together with information on the applicable procedures shall be sent not later than 60 days after the seizure to each party known to the seizing agency at the time of the seizure to have an ownership or possessory interest, including a lienholder's interest, in the seized article. If a party's identity or interest is not determined until after the seizure but is determined before a declaration of forfeiture is entered, such written notice and information shall be sent to such interested party not later than 60 days after the seizing agency's determination of the identity of the party or the party's interest.

''(B) If the Government does not provide notice of a seizure of property in accordance with subparagraph (A), it shall return the property pending the giving of such notice.

''(2) The Government may apply to a Federal magistrate judge (as defined in the Federal Rules of Criminal Procedure) in any district where venue for a forfeiture action would lie under section 1355(b) of title 28 for an extension of time in which to comply with paragraph (1)(A). Such an extension shall be granted based on a showing of good cause.

''(3) A person with an ownership or possessory interest in the seized article who failed to file a claim within the time period prescribed in subsection (b) may, on motion made not later than 2 years after the date of final publication of notice of seizure of the property, move to set aside a declaration of forfeiture entered pursuant to section 609 of the Tariff Act of 1930 (19 U.S.C. 1609). Such motion shall be granted if—

''(A) the Government failed to take reasonable steps to provide the claimant with notice of the forfeiture; and

''(B) the person otherwise had no actual notice of the seizure within sufficient time to enable the person to file a timely claim under subsection (b).

''(4) If the court grants a motion made under paragraph (3), it shall set aside the declaration of forfeiture as to the moving party's interest pending forfeiture proceedings in accordance with section 602 et seq. of the Tariff Act of 1930 (19 U.S.C. 1602 et seq.), which proceedings shall be instituted within 60 days of the entry of the order granting the motion.

''(5) If, at the time a motion under this subsection is granted, the forfeited property has been disposed of by the Government in accordance with law, the Government shall institute forfeiture proceedings under paragraph (4). The property which will be the subject of the forfeiture proceedings instituted under paragraph (4) shall be a sum of money equal to the value of the forfeited property at the time it was disposed of plus interest.

''(6) The institution of forfeiture proceedings under paragraph (4) shall not be barred by the expiration of the statute of limitations under section 621 of the Tariff Act of 1930 (19 U.S.C. 1621) if the original publication of notice was completed before the expiration of such limitations period.

''(7) A motion made under this subsection shall be the exclusive means of obtaining judicial review of a declaration of forfeiture entered by a seizing agency.

''(b) FILING A CLAIM.—(1) Any person claiming such seized property may file a claim with the appropriate official after the seizure.

''(2) A claim under paragraph (1) may not be filed later than 30 days after—

''(A) the date of final publication of notice of seizure; or

''(B) in the case of a person receiving written notice, the date that such notice is received.

''(3) The claim shall set forth the nature and extent of the claimant's interest in the property.

''(4) Any person may bring a direct claim under subsection (b) without posting bond with respect to the property which is the subject of the claim.

''(c) FILING A COMPLAINT.—(1) In cases where property has been seized or restrained

by the Government and a claim has been filed, the Attorney General shall file a complaint for forfeiture in the appropriate court in the manner set forth in the Supplemental Rules for Certain Admiralty and Maritime Claims not later than 90 days after the claim was filed, or return the property pending the filing of a complaint. By mutual agreement between the Government and the claimants, the 90-day filing requirement may be waived.

''(2) The Government may apply to a Federal magistrate judge (as defined in the Federal Rules of Criminal Procedure) in any district where venue for a forfeiture action would lie under section 1355(b) of title 28 for an extension of time in which to comply with paragraph (1). Such an extension shall be granted based on a showing of good cause.

''(3) Upon the filing of a civil complaint, the claimant shall file a claim and answer in accordance with the Supplemental Rules for Certain Admiralty and Maritime Claims.

''(d) APPOINTMENT OF COUNSEL.—(1) If the person filing a claim is financially unable to obtain representation by counsel and requests that counsel be appointed, the court may appoint counsel to represent that person with respect to the claim. In determining whether to appoint counsel to represent the person filing the claim, the court shall take into account—

''(A) the nature and value of the property subject to forfeiture, including the hardship to the claimant from the loss of the property seized, compared to the expense of appointing counsel;

''(B) the claimant's standing to contest the forfeiture; and

''(C) whether the claim appears to be made in good faith or to be frivolous.

''(2) The court shall set the compensation for that representation, which shall be the equivalent to that provided for court-appointed representation under section 3006A of this title, and to pay such cost, there are authorized to be appropriated such sums as are necessary as an addition to the funds otherwise appropriated for the appointment of counsel under such section.

''(3) The determination of whether to appoint counsel under this subsection shall be made following a hearing at which the Government shall have an opportunity to present evidence and examine the claimant. The testimony of the claimant at such hearing shall not be admitted in any other proceeding except in accordance with the rules which govern the admissibility of testimony adduced in a hearing on a motion to suppress evidence. Nothing in this paragraph shall be construed to prohibit the admission of any evidence that may be obtained in the course of civil discovery in the forfeiture proceeding or through any other lawful investigative means.

''(e) BURDEN OF PROOF.—In all suits or actions brought for the civil forfeiture of any property, the burden of proof at trial is on the United States to establish, by a preponderance of the evidence, that the property is subject to forfeiture. If the Government proves that the property is subject to forfeiture, the claimant shall have the burden of establishing any affirmative defense by a preponderance of the evidence.

''(f) INNOCENT OWNERS.—(1) An innocent owner's interest in property shall not be forfeited in any civil forfeiture action.

''(2) With respect to a property interest in existence at the time the illegal conduct giving rise to the forfeiture took place, the term 'innocent owner' means an owner who—

''(A) did not know of the conduct giving rise to the forfeiture; or

''(B) upon learning of the conduct giving rise to the forfeiture, did all that reasonably could be expected under the circumstances to terminate such use of the property.

''(3)(A) With respect to a property interest acquired after the conduct giving rise to the forfeiture has taken place, the term 'innocent owner' means a person who, at the time that person acquired the interest in the property, was a bona fide purchaser for value and was at the time of the purchase reasonably without cause to believe that the property was subject to forfeiture.

''(B) Except as provided in paragraph (4), where the property subject to forfeiture is real property, and the claimant uses the property as his or her primary residence and is the spouse or minor child of the person who committed the offense giving rise to the forfeiture, an otherwise valid innocent owner claim shall not be denied on the ground that the claimant acquired the interest in the property—

''(i) in the case of a spouse, through dissolution of marriage or by operation of law, or

''(ii) in the case of a minor child, as an inheritance upon the death of a parent,

and not through a purchase. However, the claimant must establish, in accordance with subparagraph (A), that at the time of the acquisition of the property interest, the claimant was reasonably without cause to believe that the property was subject to forfeiture, and was an owner of the property, as defined in paragraph (6).

''(4) Notwithstanding any provision of this section, no person may assert an ownership interest under this section—

''(A) in contraband or other property that it is illegal to possess; or

''(B) in the illegal proceeds of a criminal act unless such person was a bona fide purchaser for value who was reasonably without cause to believe that the property was subject to forfeiture.

''(5) For the purposes of paragraph (2) of this subsection a person does all that reasonably can be expected if the person takes all steps that a reasonable person would take in the circumstances to prevent or terminate the illegal use of the person's property. There is a rebuttable presumption that a property owner took all the steps that a reasonable person would take if the property owner—

''(A) gave timely notice to an appropriate law enforcement agency of information that led to the claimant to know the conduct giving rise to a forfeiture would occur or has occurred; and

''(B) in a timely fashion, revoked permission for those engaging in such conduct to use the property or took reasonable steps in consultation with a law enforcement agency to discourage or prevent the illegal use of the property.

The person is not required to take extraordinary steps that the person reasonably believes would be likely to subject the person to physical danger.

''(6) As used in this subsection—

''(A) the term 'civil forfeiture statute' means any provision of Federal law (other than the Tariff Act of 1930 or the Internal Revenue Code of 1986) providing for the forfeiture of property other than as a sentence imposed upon conviction of a criminal offense.

''(B) the term 'owner' means a person with an ownership interest in the specific property sought to be forfeited, including a lien, mortgage, recorded security device, or valid assignment of an ownership interest. Such term does not include—

''(i) a person with only a general unsecured interest in, or claim against, the property or estate of another;

''(ii) a bailee unless the bailor is identified and the bailee shows a colorable legitimate interest in the property seized; or

''(iii) a nominee who exercises no dominion or control over the property;

''(C) a person shall be considered to have known that the person's property was being used or was likely to be used in the commission of an illegal act if the person was willfully blind.

''(7) If the court determines, in accordance with this subsection, that an innocent owner had a partial interest in property otherwise subject to forfeiture, or a joint tenancy or tenancy by the entirety in such property, the court shall enter an appropriate order—

''(A) severing the property;

''(B) transferring the property to the Government with a provision that the Government compensate the innocent owner to the extent of his or her ownership interest once a final order of forfeiture has been entered and the property has been reduced to liquid assets; or

''(C) permitting the innocent owner to retain the property subject to a lien in favor of the Government, to the extent of the forfeitable interest in the property, that will permit the Government to realize its forfeitable interest if the property is transferred to another person.

To effectuate the purposes of this subsection, a joint tenancy or tenancy by the entireties shall be converted to a tenancy in common by order of the court, irrespective of state law.

''(8) An innocent owner defense under this subsection is an affirmative defense.

''(g) MOTION TO SUPPRESS SEIZED EVIDENCE.—At any time after a claim and answer are filed in a judicial forfeiture proceeding, a claimant with standing to contest the seizure of the property may move to suppress the fruits of the seizure in accordance with the normal rules regarding the suppression of illegally seized evidence. If the claimant prevails on such motion, the fruits of the seizure shall not be admitted into evidence as to that claimant at the forfeiture trial. However, a finding that evidence should be suppressed shall not bar the forfeiture of the property based on evidence obtained independently before or after the seizure.

''(h) USE OF HEARSAY AT PRE-TRIAL HEARINGS.—At any pre-trial hearing under this section in which the governing standard is probable cause, the court may accept and consider hearsay otherwise inadmissible under the Federal Rules of Evidence.

''(i) STIPULATIONS.—Notwithstanding the claimant's offer to stipulate to the forfeitability of the property, the Government shall be entitled to present evidence to the finder of fact on that issue before the claimant presents any evidence in support of any affirmative defense.

''(j) PRESERVATION OF PROPERTY SUBJECT TO FORFEITURE.—The court, before or after the filing of a forfeiture complaint and on the application of the Government, may—

''(1) enter any restraining order or injunction in the manner set forth in section 413(e) of the Controlled Substances Act (21 U.S.C. 853(e));

''(2) require the execution of satisfactory performance bonds;

''(3) create receiverships;

''(4) appoint conservators, custodians, appraisers, accountants or trustees; or

''(5) take any other action to seize, secure, maintain, or preserve the availability of property subject to forfeiture under this section.

''(k) EXCESSIVE FINES.—(1) At the conclusion of the trial and following the entry of a verdict of forfeiture, or upon the entry of summary judgment for the Government as to the forfeitability of the property, the claimant may petition the court to determine whether the excessive fines clause of the Eighth Amendment applies, and if so, whether forfeiture is excessive. The claimant shall

have the burden of establishing that a forfeiture is excessive by a preponderance of the evidence at a hearing conducted in the manner provided in Rule 43(e), Federal Rules of Civil Procedure, by the Court without a jury. If the court determines that the forfeiture is excessive, it shall adjust the forfeiture to the extent necessary to avoid the Constitutional violation.

''(2) The claimant may not object to the forfeiture on Eighth Amendment grounds other than as set forth in paragraph (1), except that a claimant may, at any time, file a motion for summary judgment asserting that even if the property is subject to forfeiture, the forfeiture would be excessive. The court shall rule on such motion for summary judgment only after the Government has had an opportunity—

''(A) to conduct full discovery on the Eighth Amendment issue; and

''(B) to place such evidence as may be relevant to the excessive fines determination before the court in affidavits or at an evidentiary hearing.

''(l) PRE-DISCOVERY STANDARD.—In a judicial proceeding on the forfeiture of property, the Government shall not be required to establish the forfeitability of the property before the completion of discovery pursuant to the Federal Rules of Civil Procedure, particularly Rule 56(f) as may be ordered by the court or if no discovery is ordered before trial.

''(m) APPLICABILITY.—The procedures set forth in this section apply to any civil forfeiture action brought under any provision of this title, the Controlled Substances Act, or the Immigration and Naturalization Act.''.

(b) RELEASE OF PROPERTY.—Chapter 46 of title 18, United States Code, is amended to add the following section after section 984:

''§ 985. Release of property to avoid hardship

''(a) A person who has filed a claim under section 983 is entitled to release pursuant to subsection (b) of seized property pending trial if—

''(1) the claimant has a possessory interest in the property sufficient to establish standing to contest forfeiture and has filed a nonfrivolous claim on the merits of the forfeiture action;

''(2) the claimant has sufficient ties to the community to provide assurance that the property will be available at the time of the trial;

''(3) the continued possession by the United States Government pending the final disposition of forfeiture proceedings will cause substantial hardship to the claimant, such as preventing the claimant from working, leaving the claimant homeless, or preventing the functioning of a business;

''(4) the claimant's hardship outweighs the risk that the property will be destroyed, damaged, lost, concealed, diminished in value or transferred if it is returned to the claimant during the pendency of the proceeding; and

''(5) none of the conditions set forth in subsection (c) applies;

''(b)(1) The claimant may make a request for the release of property under this subsection at any time after the claim is filed. If, at the time the request is made, the seizing agency has not yet referred the claim to a United States Attorney pursuant to section 608 of the Tariff Act of 1930 (19 U.S.C. 1608), the request may be filed with the seizing agency; otherwise the request must be filed with the United States Attorney to whom the claim was referred. In either case, the request must set forth the basis on which the requirements of subsection (a)(1) are met.

''(2) If the seizing agency, or the United States Attorney, as the case may be, denies the request or fails to act on the request within 20 days, the claimant may file the request as a motion for the return of seized property in the district court for the district represented by the United States Attorney to whom the claim was referred, or if the claim has not yet been referred, in the district court that issued the seizure warrant for the property, or if no warrant was issued, in any district court that would have jurisdiction to consider a motion for the return of seized property under Rule 41(e), Federal Rules of Criminal Procedure. The motion must set forth the basis on which the requirements of subsection (a) have been met and the steps the claimant has taken to secure the release of the property from the appropriate official.

''(3) The district court must act on a motion made pursuant to this subsection within 30 days or as soon thereafter as practicable, and must grant the motion if the claimant establishes that the requirements of subsection (a) have been met. If the court grants the motion, the court must enter any order necessary to ensure that the value of the property is maintained while the forfeiture action is pending, including permitting the inspection, photographing and inventory of the property, and the court may take action in accordance with Rule E of the Supplemental Rules for Certain Admiralty and Maritime Cases. The Government is authorized to place a lien against the property or to file a lis pendens to ensure that it is not transferred to another person.

''(4) If property returned to the claimant under this section is lost, stolen, or diminished in value, any insurance proceeds shall be paid to the United States and such proceeds shall be subject to forfeiture in place of the property originally seized.

''(c) This section shall not apply if the seized property—

''(1) is contraband, currency or other monetary instrument, or electronic funds unless such currency or other monetary instrument or electronic funds constitutes the assets of a business which has been seized,

''(2) is evidence of a violation of the law,

''(3) by reason of design or other characteristic, is particularly suited for use in illegal activities; or

''(4) is likely to be used to commit additional criminal acts if returned to the claimant.''

''(d) Once a motion for the release of property under this section is filed, the person filing the motion may request that the motion be transferred to another district where venue for the forfeiture action would lie under section 1355(b) of title 28 pursuant to the change of venue provisions in section 1404 of title 28.''.

(c) CHAPTER ANALYSIS.—The chapter analysis for chapter 46 of title 18, United States Code, is amended—

(1) by inserting after the item relating to section 982 the following:

''983. Civil forfeiture procedures''; and

(2) by inserting after the item relating to section 984 the following:

''985. Release of property to avoid hardship''.

(f) CIVIL FORFEITURE OF PROCEEDS.—Section 981(a)(1) of title 18, United States Code, is amended—

(1) in subparagraph (C) by inserting before the period the following: ''or any offense constituting 'specified unlawful activity' as defined in section 1956(c)(7) of this title or a conspiracy to commit such offense''; and

(2) by striking subparagraph (E).

(d) UNIFORM DEFINITION OF PROCEEDS.—Section 981(a) of title 18, United States Code, as amended by subsection (c), is amended—

(A) in paragraph (1), by striking ''gross receipts'' and ''gross proceeds'' wherever those terms appear and inserting ''proceeds''; and

(B) by adding the following after paragraph (1):

''(2) For purposes of paragraph (1), the term 'proceeds' means property of any kind obtained, directly or indirectly, as the result of the commission of the offense giving rise to forfeiture, and any property traceable thereto, and is not limited to the net gain or profit realized from the commission of the offense. In a case involving the forfeiture of proceeds of a fraud or false claim under paragraph (1)(C) involving billing for goods or services part of which are legitimate and part of which are not legitimate, the court shall allow the claimant a deduction from the forfeiture for the amount obtained in exchange for the legitimate goods or services. In a case involving goods or services provided by a health care provider, such goods or services are not 'legitimate' if they were unnecessary.

''(3) For purposes of the provisions of subparagraphs (B) through (H) of paragraph (1) which provide for the forfeiture of proceeds of an offense or property traceable thereto, where the proceeds have been commingled with or invested in real or personal property, only the portion of such property derived from the proceeds shall be regarded as property traceable to the forfeitable proceeds. Where the proceeds of the offense have been invested in real or personal property that has appreciated in value, whether the relationship of the property to the proceeds is too attenuated to support the forfeiture of such property shall be determined in accordance with the excessive fines clause of the Eighth Amendment.''

SEC. 3. COMPENSATION FOR DAMAGE TO SEIZED PROPERTY.

(a) TORT CLAIMS ACT.—Section 2680(c) of title 28, United States Code, is amended—

(1) by striking ''law-enforcement'' and inserting ''law enforcement''; and

(2) by inserting before the period the following: '', except that the provisions of this chapter and section 1346(b) of this title do apply to any claim based on the destruction, injury, or loss of goods, merchandise, or other property, while in the possession of any officer of customs or excise or any other law enforcement officer, if the property was seized for the purpose of forfeiture under any provision of Federal law (other than the Tariff Act of 1930 or the Internal Revenue Code of 1986) providing for the forfeiture of property other than as a sentence imposed upon conviction of a criminal offense but the interest of the claimant is not forfeited.

(b) DEPARTMENT OF JUSTICE.—

(1) IN GENERAL.—With respect to a claim that cannot be settled under chapter 171 of title 28, United States Code, the Attorney General may settle, for not more than $50,000 in any case, a claim for damage to, or loss of, privately owned property caused by an investigative or law enforcement officer (as defined in section 2680(h) of title 28, United States Code) who is employed by the Department of Justice acting within the scope of his or her employment.

(2) LIMITATIONS.—The Attorney General may not pay a claim under paragraph (1) that—

(A) is presented to the Attorney General more than 1 year after it occurs; or

(B) is presented by an officer or employee of the United States Government and arose within the scope of employment.

SEC. 4. PREJUDGMENT AND POSTJUDGMENT INTEREST.

Section 2465 of title 28, United States Code, is amended—

(1) by inserting ''(a)'' before ''Upon''; and

(2) adding at the end the following:

''(b) INTEREST.—

''(1) POST-JUDGMENT.—Upon entry of judgment for the claimant in any proceeding to condemn or forfeit property seized or arrested under any provision of Federal law (other than the Tariff Act of 1930 or the Internal Revenue Code of 1986) providing for the forfeiture of property other than as a sentence imposed upon conviction of a criminal offense, the United States shall be liable for post-judgment interest as set forth in section 1961 of this title.

''(2) PRE-JUDGMENT.—The United States shall not be liable for prejudgment interest in a proceeding under any provision of Federal law (other than the Tariff Act of 1930 or the Internal Revenue Code of 1986) providing for the forfeiture of property other than as a sentence imposed upon conviction of a criminal offense, except that in cases involving currency, other negotiable instruments, or the proceeds of an interlocutory sale, the United States shall disgorge to the claimant any funds representing—

''(A) interest actually paid to the United States from the date of seizure or arrest of the property that resulted from the investment of the property in an interest-bearing account or instrument; and

''(B) for any period during which no interest is actually paid, an imputed amount of interest that such currency, instruments, or proceeds would have earned at the rate described in section 1961.

''(3) LIMITATION ON OTHER PAYMENTS.—The United States shall not be required to disgorge the value of any intangible benefits nor make any other payments to the claimant not specifically authorized by this subsection.''.

SEC. 5. APPLICABILITY.

Unless otherwise specified in this Act, the amendments made by this Act apply with respect to claims, suits, and actions filed on or after the date of the enactment of this Act.

H.R. 1658

OFFERED BY: MRS. MEEK OF FLORIDA

AMENDMENT NO. 26: At the end add the following:

SEC. 5. FORFEITURE FOR ALIEN SMUGGLING.

Section 981(a)(1) of title 18, United States Code, is amended by adding at the end the following:

''(l)(1) Any conveyance, including any vessel, vehicle, or aircraft which has been used or is being used in commission of a violation of section 274(a) of the Immigration and Nationality Act (8 U.S.C. 1324(a)); and

''(2) Any property, real or personal that—

''(A) constitutes, is derived from, or is traceable to the proceeds obtained, directly or indirectly, from the commission of a violation of section 274(a) of the Immigration and Nationality Act (8 U.S.C. 1324(a)); or

''(B) is used to facilitate, or is intended to be used to facilitate, the commission of a violation of such section.

H.R. 1658

OFFERED BY: MRS. ROUKEMA

AMENDMENT NO. 27: Page 15, insert after line 8 the following:

SEC. 7. BULK CASH SMUGGLING.

Section 981(a)(1) of title 18, United States Code, is amended by adding at the end the following:

''(G)(i) Any monetary instrument, or combination of monetary instruments, in excess of $10,000 for which a currency report required by any provision of subchapter II of chapter 53 of title 31, United States Code, has not been filed and which has been concealed in any conveyance, article of luggage, merchandise, or other container being transported or transferred in interstate or foreign commerce or on the person of any individual who transports, transfers, or attempts to transport or transfer such currency or monetary instruments from a place within the United States to a place outside the United States or from a place outside the United States to a place within the United States.

''(ii) Upon a showing by the property owner by a preponderance of the evidence that any currency or monetary instruments involved in the offense giving rise to forfeiture under clause (i) were derived from a legitimate source and were intended for a lawful purpose, the court shall determine what portion of the property, if any, may be forfeited without being grossly disproportional to the gravity of the offense. In determining the amount of the forfeiture, the court shall consider all aggravating and mitigating facts and circumstance that have a bearing on the gravity of the offense. Such circumstances include the following: the value of the currency or other monetary instruments involved in the offense, efforts by the person committing the offense to structure currency transactions, conceal property, or otherwise obstruct justice, and whether the offense is part of a pattern of repeated violations.''.

H.R. 2084

OFFERED BY: MR. SANFORD

AMENDMENT NO. 3: Page 42, line 15, after the dollar amount, insert the following: ''(plus an additional reduction of $1,000,000)''.

Page 42, line 18, after the dollar amount, insert the following: ''(reduced by $1,000,000)''.

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Senate

The Senate met at 9:30 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:

Gracious God, You are more willing to bless and guide us than we are to ask for Your help. Forgive that obstinance in us that resists Your intervention and inspiration with ''I'd rather do it myself!'' independence. Father, enable us to be open to receive Your wisdom, vision, and direction. We know in our hearts that we were never meant to make it on our own. When You step in to assist us, things just go better, problems are resolved, and relationships are more open, real, and mutually encouraging. Grant us the courage to admit our need for You and make this day one of consistent awareness of Your eternal presence in everything. You are Lord of all and come to aid us in our problems—big and small. Thank You, dear God. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT of Mississippi, is recognized.

SCHEDULE

Mr. LOTT. Mr. President, today the Senate will resume consideration of the agriculture appropriations bill. Amendments are expected to be offered, and it is my hope the Senate can consider agriculture-related amendments during today's session of the Senate. All Senators can therefore expect rollcall votes throughout the session.

As a reminder, there will be no votes on Friday, June 25. However, votes are expected very likely into the evening on Thursday in an effort to complete action on the important agriculture appropriations bill.

I might also say that Senator DASCHLE and I are in the process of exchanging some suggestions of how we might further consider the Patients' Bill of Rights issue.

Mr. President, I ask unanimous consent that Senator INHOFE be permitted to speak in morning business for up to 30 minutes.

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

Mr. LOTT. I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

ORDER OF PROCEDURE

The PRESIDING OFFICER. The Chair now recognizes the Senator from Oklahoma for 30 minutes.

Mr. INHOFE. I thank the Chair.

Mr. KENNEDY. Mr. President, will the Senator yield for just a brief question? The Senator, as he knows, is recognized for 30 minutes. I would like to ask that 30 minutes be reserved on this side as well.

Mr. INHOFE. Reserving the right to object.

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

Mr. INHOFE. I am reserving the right to object.

The PRESIDING OFFICER. Was there a reservation on the request?

Mr. INHOFE. Yes.

The PRESIDING OFFICER. Is there objection?

Mr. INHOFE. I am still reserving the right to object.

Mr. KENNEDY. I will withdraw the request for the moment.

The PRESIDING OFFICER. The request is withdrawn. The Senator from Oklahoma is now recognized.

Mr. INHOFE. I thank the Chair.

Mr. KENNEDY. I apologize to the Senator. If I could make that request——

Mr. INHOFE. I object.

Mr. KENNEDY. I think the matter has been cleared.

Mr. INHOFE. All right. No objection.

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

The Senator from Oklahoma is again recognized.

THE CLINTON NATIONAL SECURITY SCANDAL AND COVERUP

Mr. INHOFE. Mr. President, I ask that you listen again. I am going to pick up on the incredible but true story of the Clinton administration's betrayal of national security and the scandalous coverup that continues as we speak. In doing so, I fully realize that the majority of Americans will not believe me. They have continued to believe our President even after he has demonstrated over and over that he has no regard for the truth.

Though you would never realize it by listening to the national media or the Clinton spin doctors, the recently released Cox Report has revealed a wealth of information on how the Clinton administration has undermined national security to simultaneously pursue its misguided foreign policies and self-serving domestic political agendas.

On the one hand, there is the mind-boggling story of how the Clinton administration deliberately changed almost 50 years of bipartisan security policies—relaxing export restrictions, signing waivers to allow technology transfers, ignoring China's violation of arms control agreements, and its theft of our nuclear secrets, opening up even more nuclear and high technology floodgates to China and others—thus harming U.S. national security.

On the other hand, there is the continuing coverup—the effort to hide from Congress and the American people the true damage that has been done to national security and the Clinton administration's central role in allowing so much of it to happen on their watch.

Over three months ago—on March 15—I spoke on this floor about China's theft of the W–88 nuclear warhead. To remind you, this is the crown jewel of our nuclear arsenal. It is the warhead that has 10 times the explosive power of the bomb that was dropped on Hiroshima and yet just a fraction its size. I spoke about how serious this was to our national security—how it was a story with life and death implications for millions of Americans.

I told how President Clinton was directly responsible for downplaying the significance of and covering up this story. While the information on the W–88 design—the crown jewel of our nuclear arsenal—was stolen in the late 1980's, the theft was first discovered in 1995 by this administration. So people remember, it was the Chinese walk-in informant to the CIA that gave us all this information. I told how it was this administration and this President who deliberately covered up this vital information from Congress and the American people and, at the same time, lulled our people into a false sense of security by repeating the lie that there were no nuclear missiles targeted at America's children.

At that time, I spoke of six proven incontrovertible facts, and let me repeat them now:

1. President Clinton hosted over 100 campaign fundraisers in the White House, many with Chinese connections.

2. President Clinton used John Huang, Charlie Trie, Johnny Chung, James Riady, and others with strong Chinese ties to raise campaign money.

3. President Clinton signed waivers to allow his top campaign fundraiser's aerospace company to transfer U.S. missile guidance technology to China.

4. President Clinton covered up the theft of our most valuable nuclear weapons technology.

5. President Clinton lied to the American people over 130 times about our nation's security while he knew Chinese missiles were aimed at American children.

6. President Clinton single-handedly stopped the deployment of a national missile defense system, exposing every American life to a missile attack, leaving America with no defense whatsoever against an intercontinental ballistic missile.

On March 15, I began my speech by asking the American people to listen as I told them ''a story of espionage, conspiracy, deception, and cover-up—a story with life and death implications for millions of Americans—a story about national security and a President and an administration that deliberately chose to put national security at risk, while telling the people everything was fine.''

In the three months since I made these statements, none has been refuted.

Now, I come before you to tell some of the rest of the story that we have learned since March 15. And it is a truly astounding story. We thought the W–88 story was bad—and it is. But with the release of the Cox Report last month, the American people have been presented with documented evidence that the harm President Clinton has done to U.S. national security is enormously worse than we thought.

On March 15, I said that, as damaging as the W–88 breach was, I believed we had not yet scratched the surface of the national security scandal exposed by this one revelation. I must say that I was right—even beyond my own worst fears.

Let's not be distracted by the self-serving Clinton spin: that everybody does it; that it all happened during previous administrations; that this is only about security at the nuclear weapons lab; that there is equal blame to go around on all sides; that President Clinton acted quickly and properly when he found out; and that the only problem is now being fixed.

I am here today to tell you that all of this is wrong. The Clinton spin is nothing more than a dishonest smokescreen designed to divert attention from the real issues. It is also, I believe, an attempt to dissuade people from actually reading the Cox Report and discovering for themselves that the Clinton spin is a snare, a delusion, and a lie.

This is why I want to take some time to walk through some of the more important revelations in the Cox Report and to remind my colleagues that we have an obligation to tell the American people the truth—the truth that the media is inexplicably ignoring and that the President seems to hope the people will never find out on their own.

First, let us begin with a simple fact: Sixteen of the 17 most significant major technology breaches revealed in the Cox Report were first discovered after 1994. With the lone exception of the W–70 technology that was discovered back in the 1970's during the Clinton administration, all the rest of them were discovered since 1994. Again, that is when they had the individual who came into the CIA and exposed all of those.

Let me repeat—sixteen of the 17 most significant major technology breaches revealed in the Cox Report were first discovered during the Clinton administration. Those who tell you otherwise are willfully lying to you.

Second, of the remaining 16 technology breaches, one definitely occurred during the Reagan administration—the W–88 Trident D–5. Seven occurred sometime before 1995, though it is unclear exactly when. And eight occurred—without question—during the Clinton administration.

Let's take a closer look at these. The seven that occurred before 1995 included breaches of information on all of the currently deployed nuclear warheads in the U.S. intercontinental ballistic missile arsenal: the W–56 Minuteman II; the W–62 Minuteman III; the W–76 Trident C–4; the W–78 Minuteman Mark 12A; and the W–87 Peacekeeper. In addition, there was the breach of classified information on reentry vehicles, the heat shield that protects warheads as they reenter the Earth's atmosphere when delivered by long-range ballistic missiles.

Let me repeat that all of these technology breaches were first discovered in 1995. They were discovered when a Chinese ''walk-in'' agent actually approached the CIA at a location outside of China and handed them a secret Chinese government document containing state-of-the-art classified information about the W–88 and the other U.S. nuclear warheads. We still don't know why he did this, but he did.

The Cox Report also tells us that the Energy Department and FBI investigations of this matter have focused exclusively on the loss of the W–88, which we know happened around 1988. There have been no investigations undertaken about the loss of the other warheads, the timing of whose loss cannot be as clearly pinned down.

Next, we move to the other eight major technology breaches revealed in the Cox Report. All of these were not only first discovered during the Clinton administration, they also happened during the Clinton administration:

No. 1, the transfer of the so-called Legacy Codes containing data on 50 years of U.S. nuclear weapons development including over 1,000 nuclear tests;

No. 2, the sale and diversion to military purposes of hundreds of high performance computers enabling China to enhance its development of nuclear weapons, ballistic missiles, and advanced military aviation equipment;

No. 3, the theft of nuclear warhead simulation technology enhancing China's ability to perfect miniature nuclear warheads without actual testing;

No. 4, the theft of advanced electromagnetic weapons technology useful in the development of anti-satellite and anti-missile systems;

No. 5, the transfer of missile nose cone technology enabling China to substantially improve the reliability of its intercontinental ballistic missiles;

No. 6, the transfer of missile guidance technology (by President Clinton to China) enabling China to substantially improve the accuracy of its ballistic missiles—these same missiles that are targeting U.S. cities;

No. 7, the theft of space-based radar technology giving China the ability to detect our previously undetectable submerged submarines; and

No. 8, the theft of some other ''classified thermonuclear weapons information'' which ''the Clinton administration'' (not the Cox committee) ''has determined . . . cannot be made public.''

We used to think China was decades behind us in terms of building a modern advanced nuclear arsenal. Now we learn that, later this year, China is planning to test its new JL–2 long range ICBM, a submarine launched ballistic missile with MIRV capability—meaning multiple independently targeted warheads on each missile—almost a replica of our Trident ICBM.

This missile will have a range of over 13,000 kilometers and could reach anywhere in the United States from protected Chinese waters.

In addition, we know that China has been helping North Korea, among others, with weapons and technology. North Korea is also expected to test its long range Taepo Dong II missile later this year.

I am reminded of something that happened last August when I made a request to sort of see where we were and where North Korea was in terms of a threat to the United States.

In a letter that I received from General Shelton, who was depending on our intelligence system for his response, he said it would be at least three years before the North Koreans would have a multiple-stage rocket. That was August 24. Seven days later, on August 31, they fired a multiple-stage rocket.

I remind my colleagues we have no defense against either of these potential threats, because of the policy decisions of the Clinton administration. Someone very smart back in 1983 determined that we would need a national missile defense system in place by Fiscal Year 98. We were on track to meet the deadline until 1993 when President Clinton, through his veto power, stopped this missile defense system.

But as the Cox Report points out, nuclear espionage by China is only one part of the problem. China's efforts to acquire U.S. military related technology is pervasive. Operating through a maze of government and quasi-government entities and front companies, China has established a technology gathering network of immense proportions.

The Congressman from Pennsylvania, Congressman CURT WELDON, has done extensive research in putting this together, and other charts to show exactly what capacity China has to collect our nuclear secrets.

When there is time to look at it, it shows you operational entities of the Chinese military in red, the Chinese military entities and those in contact involving financial entities in green, and you have the Chinese military front companies in blue.

You can see that this is well thought out. It took many years to put it together to make it effective.

They are willing and able to trade, bribe, buy, or steal to get U.S. advanced technology—all for the purpose of enhancing their long-term military potential. Their success is often determined largely by our willingness to make it easier for them to get what they want.

The Cox Report has shed light on the fact that the Clinton administration has actually helped China in its technology acquisition efforts or made it easier for them to commit thefts and espionage. You know the truth is always difficult and controversy is difficult. It is easier to take polls and tell people what they want to hear. But I have to make a decision—who do I love more—this President or America.

I find that to be very easy in this case.

The following are just some of the things that the Clinton administration has done. And I want to applaud Congressman WELDON for helping to bring many of these things to light.

No. 1, in 1993, the Clinton administration removed the color-coded security badges that had been used for years at Energy weapons labs claiming they were ''discriminatory''—as if that makes any sense whatsoever. Now just a few weeks ago, in the wake of all these revelations, the Energy Department has reinstated the color-coded badges.

But during the time that these thefts took place, they were not able to wear these badges.

No. 2, in 1993, the Clinton administration put a hold on doing FBI background checks for lab workers and visitors, an action which helped to dramatically increase the number of people going to the labs who would previously have not been allowed to have access.

No. 3, in 1995, the Clinton administration took the extraordinary action of overturning its own agency's decision to revoke the security clearance of an employee found guilty of breaching classified information. When this happened, it sent a message to employees throughout the Department, that this administration was not serious about countering breaches of classified information.

No. 4, the Clinton administration deliberately, and many would say recklessly, declassified massive amounts of nuclear-related information in what the Clinton administration touted as a new spirit of openness.

No. 5., in the W–88 investigation, the Clinton administration turned down four requests for wiretaps on a suspect who was identified in 1996 and allowed to stay in his sensitive job until news reports surfaced in 1999.

No. 6, in 1995, someone at the Department of Energy gave a classified design diagram of the W–87 nuclear warhead to U.S. News & World Report magazine which printed it in its July 31 issue that year. Representative CURT WELDON is still trying to get answers about how this leak was investigated and what was determined. He has good reason to believe the investigation was quashed because it was going to lead straight to President Clinton's Energy Secretary.

No. 7, career whistle-blowers at the Department of Energy who tried to warn of serious security breaches—including Notra Trulock, the former Director of Intelligence for the Energy Department, and Ed McCallum, the former Security and Safeguards Chief—were thwarted for years by Clinton political appointees who refused to let them brief Congress and others about what they knew. Trulock was demoted but will now get to keep his job. McCallum appears to be on his way to being scapegoated and perhaps fired for trying to tell the truth.

Members will remember we had extensive hearings. Notra Trulock testified under oath that he thought that the theft of the W–88 was so significant, he wanted to give it to Congress. He was refused being allowed to do that by the then-Acting Secretary of the Energy Department.

No. 8, rejecting advice from his Secretaries of State and Defense, President Clinton approved switching the licensing authority for satellites and other technology from the State Department to the Commerce Department, making it easier for China to acquire U.S. missile technology.

No. 9, President Clinton granted waivers making it easier for U.S. companies to transfer missile and satellite technology to China during the launching of U.S. satellites on China's rockets.

No. 10, in 1994, President Clinton ended COCOM, the Coordinating Committee on Multinational Export Control, the multinational agreement among U.S. friends and allies that they would not sell certain high-technology items to countries like China. When this happened, it opened the commercial floodgates. Ever since, there has been a wild scramble for competition to sell more and more advanced technology to China. As a result, the proliferation has never been worse than it has been in the last 6 years.

No. 11, in a series of decisions throughout his Presidency—and many surrounding the 1996 election—Clinton has consistently relaxed export and trade restrictions on various forms of high technology of interest to China.

Again, I applaud Congressman WELDON who put this chart together. This timeline was not put together because President Clinton took office in 1993, but that is when all the compromises took place. This timeline shows categories including machine tools, telecommunications, propulsion. All were compromised, or as we normally say stolen.

No. 12, President Clinton has ignored or downplayed numerous Chinese arms control violations by not imposing sanctions required by law. While we are selling more and more high tech to China, China is sending prohibited military technology to countries such as Pakistan, Iran, North Korea, Syria, Libya and Egypt.

What does the Clinton administration do? They do nothing. What are the motives for all this? Why did the Clinton administration act the way it did, with almost total disregard for any traditional concern for U.S. national security?

The Cox Report did not answer these questions because it was only concerned with the facts of the security breaches themselves, not what was behind it.

But FBI Director Louis Freeh did assign one man to look into this. His name was Charles LaBella, who became head of the Justice Department's China Task Force. He and his investigators

spend months looking into the connections, trying to connect the dots with campaign contributions, foreign influences and administration actions. What he found is laid out in a 100-page memo he prepared for Janet Reno. We know this memo argues in favor of the appointment of an independent counsel to carry on the investigation.

But the memo itself has reminded secret, even through it has been subpoenaed by Congress. Janet Reno, who rejected its recommendation for an independent counsel, has refused to release the memo to the Congress or to the public. It is time for that memo to be released.

FBI Director Freeh has testified that the public knows only about one percent of what the FBI knows about the Chinagate scandal. It is time for the truth to come out. It is time for the public to get some sense of the other 99 percent which is contained in the LaBella memo.

Mr. President, over the last six years, President Clinton and his administration have shown a pervasive disregard for national security. In both actions and inactions, this President has broken ranks with the bipartisan consensus about national security that helped us win the cold war.

His policies and attitudes-towards export controls, nuclear weapons, militarily important high technology, and dealing with our adversaries in the world—have been strikingly different from those of all of his predecessors in the modern era.

His administration has acted as if the end of the cold war gave them carte blanche license to open the commercial and technology floodgates to countries like china simply because it was good for business, or good for getting campaign contributions, or good for other domestic political reasons.

The traditional concern about national security—about protecting our nuclear secrets, about maintaining our military and technological superiority, about sanctioning those in the world who engaged in flagrant and hostile espionage and proliferation—all that went out the window, replaced by other priorities this President somehow thought were more important.

President Clinton claims he has ''redefined'' national security. In fact—as the Cox Report conclusively documents—he has ''harmed'' national security. This is the message that every American must understand.

My hope is that we never again have a President who is so disrespectful of, and inattentive to, traditional national security concerns.

Yesterday at the joint hearing of the Armed Services, Energy and Intelligence Committees, I asked whether or not it would be possible to put in place some safeguards so that no future President could ever again so successfully undo the country's national security defenses as this President has. We are working on an answer.

Some of us will continue to speak, out—seeing it as our highest duty of public service. As I said on March 15—and repeat again here today—I only hope America is listening. We have a nation to save.

The truth will get out. Winston Churchill said:

> Truth is incontrovertible: Panic may resent it, ignorance may deride it, malice may destroy it, but there it is.

I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. ROBERTS). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I ask unanimous consent to speak in morning business.

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

PATIENTS' BILL OF RIGHTS

Mr. KENNEDY. Mr. President, last evening Senator DASCHLE was prepared to offer an amendment to the agricultural bill that was at the heart of the Patients' Bill of Rights. I believe that will be offered shortly on behalf of the Senator from California, Senator FEINSTEIN. We will have an opportunity to get into that discussion and debate.

I am hopeful, as are others, that we can work out a process and procedure by which we can have a full discussion and debate on this issue, and where we can have an orderly way of disposing of various amendments on the Patients' Bill of Rights. I am, however, somewhat distressed and disturbed by some of the comments I have read this morning on the AP relating to my friend from Oklahoma, Senator NICKLES, the Republican assistant majority leader.

He said he was willing to vote on the issue if the Democrats would agree to limit debate, but he said he was worried that Democrats will pressure some Republicans into supporting amendments that will increase the cost of health care, and therefore the number of Americans without any insurance. He also said he was worried the Democrats will force votes that can be misconstrued for political purposes. He would rather allow a yes or no on the entire package with only a handful of amendments.

I have more confidence than the assistant majority leader in our colleagues' ability to make discerning decisions about the merit of these various amendments, and that having been elected by the people, we are charged to make judgments on these measures. This is a new reason for not bringing legislation to the floor. Apparently, one of the leaders is concerned the members of their party would not be able to exercise a balanced and informed judgment in the best interests of the particular States the Senators represent. Of course, if that is going to continue to be the position of the leadership, it does not bode well for a full discussion and debate on this issue.

We have seen for the last 2 years a policy of delay and denial of the ability to debate the issues that we referred to yesterday and on other occasions, and which we will have an opportunity again to debate today. But it is out of frustration that Senator DASCHLE has used the unusual procedure of offering this legislation on an appropriations bill, in the hopes we can work out an orderly process or procedure. I certainly support that process, since we have effectively been closed out from any opportunity to debate this issue.

It is a simple, fundamental, basic issue: whether decisions relating to the health of patients in this country are going to be decided by the health care professionals who have the training and skill and competency to make those judgments and decisions, or whether the decisions will be made by accountants in the insurance companies or the HMOs. That is really the basis of this whole debate and discussion. That is why virtually every leading health care organization, virtually every major professional health organization—the spokesmen and spokeswomen for children, for women's health, for the disabled, and for the patients' coalitions—has universally supported our proposal.

It is not, certainly, because it says ''Democrat'' on it. These organizations support measures on the basis of the merits, whether they are proposed by Democrats or Republicans.

There is uniformity among the various groups and organizations that the basic, fundamental issue of who decides what is medically necessary is really at the heart of the whole debate. It is reflected in different ways, as we illustrated in the course of the discussion over the past few days and today, but that is basically what is at the core of this proposition.

The Democratic leader indicated that if we took up the Republican proposal that was passed out of committee on a party-line vote—even though we had more than 20 amendments at that time dealing with the substance of the issues—we would limit our side to 20 amendments. He indicated he would be willing to limit discussion of these various amendments to a reasonable time period, expecting the opposition would have similar amendments.

Frankly, though, if the Republicans have the opportunity to put their bill before the Senate, I do not understand why they would need a great many more amendments. They already have their bill. If we had our bill before the Senate, we would not have to have a great many amendments because it is our bill. I think we can all understand the logic of that. If we have a particular proposal before us, we ought to be able to debate the changes that may be offered from the other side.

The other side has the right, their right as the majority, to lay their bill down. So when we say we need 20 amendments and they say they will need 20 as well, I do not quite follow that. But so be it.

I think we will find from the discussions taking place at the leadership

level, and I heard the exchanges last evening, I heard from our leader he was prepared to move ahead. He urged there be cooperation by all Members. That certainly would be the case, I know, for those who are most involved in the Patients' Bill of Rights. They would be willing to expedite consideration of various appropriations bills with the understanding we will have an opportunity to debate this issue in a reasonable period of time with a chance to offer amendments.

We will hold the Senate accountable to answer the questions that parents have about their children and medical care: Will you will be able to get specialty care when a child has special needs, or just be given access to a general pediatrician? Will you get a pediatric oncologist if the child has cancer? What about access to new prescription drugs? Will children and others have access to the clinical trials?

The opposition fails to mention that gap in their program. The most they do about it is to include a study about clinical trials. I think most American families understand the importance of clinical trials in their family's life experience or their health care. They may not have been part of a clinical trial themselves—although my family has, my son has, and very successfully, I will add. But I doubt if there is a family that does not have a member of their extended family who has not been involved in those programs.

Patients need to have access to necessary prescription drugs. This is so important to many different groups in our society: those challenged with mental illness, those with disabilities or other chronic conditions. There are many in our communities who require those essential prescriptions drugs. We do not see those guarantees in the Republican plan. There was reference to those: They will get access to those—but at exorbitant prices. They didn't mention that. They said: We'll make sure they have access to those drugs—but the plan can charge exorbitant prices.

We will have an opportunity to come back to the issue on prescription drugs, though probably not on this piece of legislation. But there are important guarantees which we provide in our Patients' Bill of Rights. We will come back to those measures. They are important.

I will say a few words now about the subject matter that will be included in the amendment offered by the Senator from California. It will deal with medical necessity. This is an interesting concept, because it reaches the heart of this issue, this debate. When consumers sign up for health care coverage, they assume, I think—it is not presumptuous to assume this—they assume they will be able to get from their doctors and their health care facilities the best care that the medical profession has to offer. Right? Wrong. Our bill will ensure that the best care is given. Their bill does not.

You say: I do not understand that. Let me clarify it. The Republican legislation that was reported out of the Health committee permits the HMO to decide what is medically necessary. They let the HMOs decide what is medically necessary. Then, when you have a certain illness and your doctor believes you should receive X, Y, or Z treatment, but the HMO defines ''medical necessity'' in a particular way, your doctor is restricted in the kind of treatment they can give you to whatever it says in the particular contract.

I do not think most consumers, when they sign up for health insurance, look into or read the various definitions in those contracts. You have scores of different definitions, each allowing for abusive actions that can have devastating effects on the health of patients across the country.

We have one included in here from a HMO that happens to be in Missouri. This is what it says: X company, I will not mention the name here, will have the sole discretion to determine whether care is medically necessary. Here it is—a small provision in the contract that an individual may never see.

If they came in and said: The doctor says you may very well need to have this kind of treatment.

And then the HMO says: Oh, no, they do not need that treatment, it is too expensive.

And the patient says: Why? Is that in my best interests of my best health?

Maybe the doctor will say: Yes.

Then the person says to the HMO: My doctor says it is in the best interest of my health to have that treatment.

Then the HMO says: Let me tell you something. Our definition of what is medically necessary for you is in the sole discretion of our HMO. We say you don't need that treatment. You signed that contract, and that is what you are going to get.

Then the person says: I appeal. I appeal this. I appeal. I want the best.

Under the Republican proposal—listen to this—the HMOs will decide who will listen to that appeal. They will also decide that appeal on the basis of what the contract says. That person gets an appeal, and then it goes to their HMO. The appeal officer looks at this and says: Here it is, it is their sole discretion whether care is medically necessary. And that is it; you are out.

Then that person says: Maybe I will bring a case. Let's get this out into the courts. This is absolutely outrageous. It is violating the basic, common law of good medical treatment.

The patient does not get to the courts. It is nonappealable under the Republican proposal. You are stuck there, your child is stuck there, and your wife may be stuck there. A member of your family is stuck there.

What does our bill do? It says that plans must use the best evidence and practices to determine what is medically necessary. It uses the best up-to-date scientific information or, if that is not available, clinical practices.

At a hearing in our committee earlier this year, there was some question about the definition and the use of various words in our proposal. We said: You develop the words. We have tried to take those words, which have been recommended by the best practitioners and by the medical associations, and put those in the bill. If the opposition has better words, we welcome them, we will embrace them, we will include them. Work with us, and we will work with you. Do they understand what we are trying to get at? We want to ensure that any individual who signs up with a plan is going to get what professionals in a particular field believe is in their best interest.

I have in my hand 30 definitions of what is medically necessary, depending on the HMO. Why should American citizens play roulette, and allow their health care to depend on which HMO they are a member of? That is what is happening.

Is this such a revolutionary idea? It is not. This basic concept has been supported not only by the medical societies, the medical associations, nurses associations, but countless other patient groups and others. The only people who oppose it are those who seek to preserve the status quo. It is similar to what is used to treat our parents and our grandparents under Medicare, and we do not hear any complaints about it.

I ask any Member on the other side to bring in a single letter which demonstrates how that best standard of medically necessary is either being abused or not effective for those people under Medicare. Bring them in. Shouldn't that be the answer? Mr. President, 39 million Americans are being treated that way. Bring in the examples. I will give my colleagues examples on the other side. Let's debate that issue. Let the Senate decide. I will give my colleagues examples.

If my colleagues want to take a little time, I will go right through these and let the Senate hear this debate.

They may say on the other side: Is that some new idea, some crazy Democratic concept? We know it is being used today to treat our parents. They welcome it. It is good and sound.

We want to make sure people are protected. That is what we are concerned with. That is why this issue reaches the heart of the whole debate and why the whole question of medical necessity is of such importance.

If that is not a core factor, if we do not have the best judgments guiding what is medically necessary, and if we do not have the assurance this is going to protect the doctor to make that judgment, then this legislation is not worth the paper on which it is written.

We can name any bill a Patients' Bill of Rights. But if it has a medical necessity definition that is so construed as to deny people adequate protection or that and they are able to question the doctor giving the best information on the best medical process and procedure,

we are not giving those assurances that the consumers of this country need and deserve, and we will not avoid the human tragedies which we have heard mentioned day after day in the Senate. We hear instance after instance where timely treatment is being denied because doctors are not able to practice what is medically necessary.

This is the heart of this debate today. I can mention some other definitions. I see other colleagues in the Chamber who want to address the Senate. I am going to come back and review with the Senate some other definitions that have been included in the HMOs and how they have worked in ways which have been tragic to the medical profession.

I have a definition from another major HMO, one of the largest in the country. I am not interested in using names, but I will be glad to if Members are questioning this issue. This is their definition in use today:

Health care services that are appropriate and consistent with the diagnosis in accordance with accepted medical standards and which are likely to result in demonstrable medical benefit and which are—

Listen to this—

the least costly of alternatives.

There it is, ''least costly of alternatives.'' Not what is in the best interest of the patient, not what can save that person's life, not what can reduce pain and suffering and offer the best hope and opportunity for the future but which is least costly.

Here is another HMO. This is the definition of medical necessity in another very prominent HMO:

. . . the shortest, least expensive or least intensive level of treatment, care or services rendered or supplies provided.

How many Americans, when they go in to look at their HMOs and sign that contract, say: Look, I have a health insurance proposal. Look what it's going to do. It's going to cover me and going to cover my family and going to cover my children, and going to cover my wife. This is what it's going to cost. This is what the drug benefit is.

How many are going to look at the fine lines and look into ''medical necessities'' and are going to wonder whether they are using the most modern and comprehensive care for ''medical necessity.'' Virtually none of them are going to. That is why we have so many examples of the kinds of tragedies that have been mentioned. We will talk about those later in the day.

I see my friend and colleague from California. We all look forward to hearing from her on the amendment she will be proposing.

Mr. President, I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Nevada is recognized.

Mr. REID. How much time is remaining for Senator KENNEDY?

The PRESIDING OFFICER. The Senator from Massachusetts has 7 minutes 30 seconds.

Mr. REID. The Senator from Massachusetts has 7 minutes. There are three of us. Will the Senator yield his time to the three of us to divide equally?

Mr. KENNEDY. I yield it to the leadership here, Senator REID, to allocate in whatever way he desires.

Mr. REID. Would the Chair advise the Senator when he has used 2½ minutes?

The PRESIDING OFFICER. The Chair would be delighted.

Mr. REID. Mr. President, the question always arises as to whether we have sufficient time in this body to take care of all the business before us, especially the appropriations bills, and still have time to properly handle the Patients' Bill of Rights? The obvious answer is yes.

We have had a number of bills brought before this body this year. We have had, for example, the military bill of rights with 26 amendments, the Education Flexibility Act with 38 amendments, the supplemental appropriations bill with 66 amendments, the first budget resolution with 104 amendments, and the budget process reform bill with 11 amendments. We are asking for 20 amendments. Certainly we have the opportunity to do that.

I agree with my friend, the Senator from Massachusetts, that we are talking about real people's problems. He has spent a great deal of time emphasizing the importance of the access to specialists.

I have a letter from a girl from Minden, NV, by the name of Karrie Craig. She wrote:

. . . my mother found out she had cancer [in] November 1997. After about two years of going in circles with her primary care physician, she was [finally] admitted to a urologist.

I ask unanimous consent the letter be printed in the RECORD.

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

EXCERPT OF A LETTER TO SENATOR REID DATED 1/11/99 FROM KARRIE CRAIG OF MINDEN, NV

. . . my mother found out she had cancer November of 1997. After about two years of going in circles with her primary care physician, she was admitted to a urologist. Her primary care doctor had prevented this visit with a specialist until my mom was very sick. I believe that the HMO company looked down upon specialized doctor visits, as they are more expensive. What my mother found out was she needed an operation for a small growth, left in her bladder from birth. Actually, after surgery they realized she had advanced bladder cancer that only a sooner visit to urologist would have prevented. Within five months my mother died.

The only good thing about the HMO services was they provided us with Hospice services the last week and a half of my mom's life. I feel that HMO's policies of primary care physicians and the negative feelings they portray about specialists causes more problems that it solves. In the end, my mother cost the company more money than if she would have been permitted to see a specialist earlier.

Mr. REID. In short, this letter says that after the 2 years passed, it was too late. Had her mother received permission to see a specialist early on, she may still be alive today. By the time she was referred to the specialist, a tumor had developed. It was later determined that she had advanced bladder cancer that a sooner visit to the urologist could have prevented. Her mother died. This is a real-life case that illustrates the importance of access to specialty care.

I hope the majority will allow us to go to the Patients' Bill of Rights at the earliest possible date. This is something we need the do.

I yield to my friend from Illinois 2½ minutes.

Mr. DURBIN. I thank the Senator from Nevada for yielding to me.

This debate really gets down to some very fundamental and basic questions about whether, when you go into your doctor's office and present yourself with an illness, you can trust that your doctor is going to be honest with you, tell you what is best for you or your family, or whether you have to worry about the fact that there may be some insurance company bureaucrat involved in this decision.

When it comes down to these basic life or death situations for a member of a family, there is enough emotional strain on an individual in trying to keep their wits about them, trying to keep their family together; but to think that you not only have to battle those things in your own mind but then, on a daily basis, battle the insurance company bureaucrats, that, to me, is the worst part of what we are debating.

I want to show you a photograph of a great little boy. He is 11 months old. His name is Roberto Cortes. He is from Elk Grove Village, IL—a cute kid, but a kid who has a serious problem, spinal muscular atrophy. He is currently on a home ventilator, as you can see in this photograph.

That is enough of a strain on any family—to try to make sure this little fellow has a chance to live a good life. But the sad part of this debate is that the parents of this little boy are self-employed. They have a little business.

The Republican Patients' Bill of Rights provides no protection whatsoever to self-employed people. Roberto Cortes and his family would not be protected at all by the Republican version of the Patients' Bill of Rights.

The Democratic version, supported by over 200 groups, representing doctors and hospitals and consumers and labor and businesses across America, would provide protection to the Cortes family. That is how basic this is.

When the Republicans tell us: We don't have time to debate this issue; we don't have time to debate whether or not you have a fighting chance when it comes to your health insurance, they are just wrong.

You are going to hear a lot about this issue from Members on the Democratic side. We are not going to quit until we get a chance to have this debate.

Since I see my colleague from California is here, and I know she has an important contribution to make to this discussion, I yield the floor back to the Senator from Nevada.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I ask unanimous consent that this side be granted an additional 15 minutes in morning business.

The PRESIDING OFFICER. Is there objection?

Acting in my capacity as an individual Senator from the State of Kansas, I object.

Mr. REID. I ask unanimous consent that the minority be granted 15 minutes of additional time in morning business and the majority be granted 15 minutes additional time in morning business.

The PRESIDING OFFICER. Is there an objection?

Acting in my capacity as an individual Senator from the State of Kansas, I object.

Mr. REID. Mr. President, how much time is left for the Senator?

The PRESIDING OFFICER. Two minutes 30 seconds.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator is recognized.

Mrs. FEINSTEIN. I thank the Chair, and I thank the Senator from Nevada.

Mr. President, when we return to the bill, it will be my intention to offer an amendment to the agriculture appropriations bill. I think that my amendment will deal with one of the most fundamental concerns in health care today; that is, the restoration to the physician of the basic right of patient care, patient treatment, and to be the determinator of patient care and the length of hospital stay.

I think one of the things we have seen emerge in health care throughout the United States in the past 2 to 3 years is the development of the so-called green eyeshade of an HMO determining what is appropriate patient care, regardless of the physical condition of an individual patient.

The amendment I will offer essentially says that a group health plan or a health insurance issuer, in connection with health insurance coverage, may not arbitrarily interfere with or alter the decision of the treating physician regarding the manner or setting in which particular services are delivered, if the services are medically necessary or appropriate for treatment or diagnosis to the extent that such treatment or diagnosis is otherwise a covered benefit. In other words, if you have coverage for a treatment in your plan, the physician determines that treatment based on you, based on your needs, based on your illness—not based on the calculation of a green eyeshade in a health insurance plan.

My father was a surgeon. He was chief of surgery at the University of California. My husband, Bert Feinstein, was a neurosurgeon. I grew up and lived a good deal of my life in a medical family. In all of that time, the doctors determined the appropriateness of care, the doctors determined the length of hospitalization, the doctors determined whether a particular treatment was suitable for an individual—not an arbitrary HMO, not physicians out of context of an individual physician and patient.

Every person sitting in this gallery today is different, one from the other. They are different in how they react to drugs. They are different in how they react to radiation—

The PRESIDING OFFICER. The time allotted to the distinguished Senator from California has expired.

Mrs. FEINSTEIN. If I may finish my sentence.

Mr. NICKLES. If I might just interrupt. I apologize. I was not on the floor earlier.

EXTENSION OF MORNING BUSINESS

Mr. NICKLES. I ask unanimous consent that each side have 20 minutes of additional time for morning business.

The PRESIDING OFFICER. Is there an objection?

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The time has expired in regard to the Senator from California.

Hearing none, without objection, it is so ordered.

Mr. REID. Mr. President, I ask through the Chair to the Senator from California, how much additional time does the Senator need?

Mrs. FEINSTEIN. If I could have another 7 to 10 minutes at this time, I would appreciate it very much.

Mr. REID. How about 7 minutes?

Mrs. FEINSTEIN. I will do my best with 7 minutes.

Mr. REID. Okay.

The PRESIDING OFFICER. The distinguished Senator is recognized for 7 minutes.

Mrs. FEINSTEIN. I thank the Chair. I thank the Senator from Nevada.

At an appropriate time, I will submit that amendment.

Let me tell you some of the things we are increasingly told: That is, that doctors have to spend hours hassling with insurance company accountants and adjusters to justify medical necessity decisions—why a person needs another day in a hospital, why a patient needs an MRI, why a patient needs a blood test, why a patient should get a particular drug, this drug rather than that drug. Doctors increasingly say they have to exaggerate or lie so their patients can get proper medical care.

In USA Today, an article was run saying that 70 percent of doctors interviewed said they exaggerate patients' symptoms to make sure HMOs do not discharge patients from hospitals prematurely. Seventy percent of doctors indicate that they do not tell the truth about a patient's condition so they can be assured that that patient gets adequate hospital care.

Now, is this what we want? I don't think it is. I think the doctor's decision, based on an individual's condition, should be the overriding decision that determines medical necessity. The amendment I will introduce will ensure that that happens.

In the HHS inspector general's report of June 1998, the following finding was made: Most doctors think working in a Medicare HMO restricts their clinical independence and that HMOs' cost concerns influence their treatment decisions. Mr. President, every patient is different and brings to a situation his or her own unique history and biology. Only a physician who is trained to evaluate the unique needs and problems of a patient can properly diagnose and treat an individual.

A Los Angeles doctor by the name of Lloyd Krieger said:

> Many doctors are demoralized. They feel like they have taken a beating in recent years. Physicians train years to learn how to practice medicine. They work long hours practicing their field. Under this health care system, that training and hard work often seems irrelevant. A bureaucrat decides how doctors are allowed to treat patients.

Dr. Krieger says:

> When I tell someone he is fit to leave the hospital after an operation, I am often given an accusing stare. Sometimes my patient asks: Is that what you really think or are you caving in to HMO pressure to cut corners on care?

Here's another example: A California pediatrician treated a baby with infant botulism, a toxin that spread from the intestine to the nervous system so the child really couldn't breathe well. The doctor prescribed a 10- to 14-day hospital stay. That doctor thought that length of stay was medically necessary for that particular baby. The insurance plan cut it short, saying the maximum that baby could remain in the hospital was 1 week. That shouldn't happen.

The amendment I will introduce at the appropriate time, and that I so hope this body will agree to, will ensure that medically appropriate and necessary treatment is prescribed by the physician and not contradicted by a green eyeshade.

I very much hope this body will accept it. I have introduced this kind of amendment now with Senator D'AMATO as a cosponsor and with Senator OLYMPIA SNOWE as a cosponsor. Perhaps the time has come to have the opportunity to pass this amendment and to get it done once and for all.

I thank the Chair, I thank the Senator from Nevada, and I thank the Senator from Massachusetts as well.

I yield the floor.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, is there an order for the conduct of business at this point?

The PRESIDING OFFICER. The Senate is now in morning business, with

the majority having 25 minutes remaining and the minority having approximately 15 minutes remaining.

Mr. COCHRAN. I thank the Chair.

Mr. REID. Mr. President, I say to the Presiding Officer, we were given 20 minutes and we have approximately how much time remaining?

The PRESIDING OFFICER. The Senator has 14 minutes 59 seconds.

Mr. REID. Has the Senator from California completed her statement?

Mrs. FEINSTEIN. I have completed it. I could go on.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. The question is: Are we going to be able to go forward with a debate on the Patients' Bill of Rights?

It seems to me that would be the right thing to do. I am a member of the Appropriations Committee. I recognize that we are working under very difficult budget constraints because of the budget we have now in this body. I think it is important we move forward on the appropriation bills. We have done fairly well thus far.

We have already passed four appropriation bills. The agriculture appropriations bill is currently pending. Yesterday, we reported the interior appropriations bill out of the subcommittee. Tomorrow, we will take up three appropriation bills in full committee. I agree that we need to continue to move these bills forward.

I think we could complete all debate on the Patients' Bill of Rights in 3 legislative days. If we had 3 long, hard days, we could do that. If we use the majority's bill as a working model, they should not require any amendments, because it is their bill.

We have acknowledged that we need 20 amendments. As we have stated on a number of occasions, we have had other bills that have been brought before this body, in this Congress, that have had a lot more than 20 amendments. The military bill of rights had 26 amendments; the supplemental appropriations bill had 66 amendments; and the first budget resolution had 104 amendments. Twenty amendments is a reasonable request.

We could agree, as far as this Senator is concerned, on having time limits on these amendments. We could do that. We could have good debates on what should be done on the Patients' Bill of Rights. We should do that.

We are not going to allow this legislation to move forward until we have the opportunity to debate our amendments. As I indicated, in this Congress, the Y2K bill had 51 amendments; DOD authorization, 159; defense appropriations, 67; juvenile justice, 52; the first budget resolution, 104; Education Flexibility Act, 38; supplemental appropriations, 66. Relative to these bills, 20 amendments is nothing.

We should proceed to the Patients' Bill of Rights as quickly as possible. We are, in effect, wasting time by having to come here and talk about why we need the opportunity to consider this legislation. It is not a question of whether we are going to debate the Patients' Bill of Rights, but when we are going to do it. We are going to offer our Patients' Bill of Rights as an amendment to every vehicle moving through this body. Under Senate rules, we can't be stopped from doing that.

We believe it is important that Americans have access to specialty care. We are talking about the real life stories of real people who have been and will continue to be denied access to specialty care until we pass a meaningful Patients' Bill of Rights.

As I mentioned earlier, Karrie Craig from Minden, NV, wrote me a letter. In her letter, she explained to me that her mother is dead because she was not able to see a specialist, even when her primary care physician recommended that she see one. She was denied specialty care because her managed care organization, not her physician, did not think it was necessary.

We believe that patients should not be subjected to a one-size-fits-all brand of health care. We believe there are situations where the doctor and the patient—not some bureaucrat—should decide what care is necessary. The American people also believe that. We think there are some real problems with the majority's so-called ''Patients' Bill of Rights''. We are willing to debate this issue and to determine whether or not our legislation is better than that of the majority. Clearly, we are willing to set time limits on our debate.

We are allowing a limit on the number of amendments we offer, but the majority should allow this bill to go forward. The most striking loophole in the majority's plan—and it is hard to say what this is because there are so many of them—is that it doesn't cover most Americans. In fact, the Republican bill leaves out almost 120 million Americans. Their bill would only cover a small number of people. Only one-third of the 161 million people protected by our bill would be covered by the Republican proposal.

All Americans who have insurance should be protected. That is what our legislation is all about. The Republican bill uses our title, ''Patients' Bill of Rights,'' but that is all it uses. It does not extend coverage to the people who deserve to be covered.

All Americans deserve guaranteed access to specialty care, and we believe that we should at least be able to debate this issue. There are many different areas we need to talk about regarding the Patients' Bill of Rights.

NATIONAL RIFLE ASSOCIATION

Mr. President, while my friend from the State of Illinois is present, I would like to shift and talk about something else that is certainly important. As I have indicated, we are going to spend whatever time is necessary making sure that we have the right—I should not say the right, but that we have a debate on our Patients' Bill of Rights. We have the right, and that is why we are here today talking about this. So we are going forward until we have the debate on it.

I would like to discuss with my friend from Illinois another issue that seems to have been lost in the shuffle, which is the debate related to guns. I say to my friend from Illinois that I have here a letter from a man from Reno, NV, by the name of David Brody. I would like my friend to comment on this.

He writes:

> I am writing in regards to the enclosed National Rifle Association membership that was mailed to my 13-year-old daughter. I am not a gun advocate and have never voiced an opinion and I certainly believe in our Constitution and the right to bear arms, but I am rather astonished that the membership application is addressed to my 13-year-old daughter.

I say to my friend from Illinois, do you think the NRA should be sending applications to 13-year-old children to join the NRA? This isn't something that is made up. I have here the National Rifle Association 1999 membership identification. It gives her a number, and the letter is addressed to Brittany Brody. The NRA also sent this 13-year-old girl a survey wanting to know how she feels about opposing President Clinton on his gun issues. Does the Senator think this is appropriate to send to a 13-year-old girl?

Mr. DURBIN. I thank my colleague for raising this issue. This really gets to the heart of the debate we had a few weeks ago on the floor of the Senate. Remember how America reacted to Littleton, CO, and the Columbine High School shooting? I think it fixed the attention of this Nation unlike any other event I can remember. We felt we needed to come to the floor of the Senate to try to find a way to reduce the likelihood that guns would get into the hands of children and criminals. The debate went on for a full week, and it ended finally when we had six Republican Senators join the overwhelming majority of Democrats for a tie vote, 50–50, at which point Vice President GORE came to the floor and cast the tie-breaking vote and sent a good, sensible gun control bill over to the U.S. House of Representatives where, unfortunately, the same organization, the National Rifle Association, tore it to pieces, leaving nothing.

So we have our Senate bill, but the National Rifle Association prevailed over in the House. I say to the Senator from Nevada, I wish that I could tell you that I was shocked that the National Rifle Association would be so careless as to send a membership application to a 13-year-old. But when I look at what they did in the U.S. House of Representatives to a good bill, a bill that would have said we are going to have background checks at gun shows so we know that we are not selling to criminals and kids, and Senator Feinstein's amendment that would have prohibited importing these big magazine clips that are just used by gangbangers—they have no value in sport or hunting—and to make sure we

have trigger locks so when kids find a gun in the house, they won't pull the trigger and kill themselves, the NRA opposed that.

Mr. REID. I say to my friend from Illinois, that kind of reminds me of our debate on the Patients' Bill of Rights. They call their bill a ''Patients' Bill of Rights'', but it does not give patients any rights. On the gun issue, they say they had in the House bill protection against gun shows because they had a 24-hour time limit, but they know that most gun shows are on weekends and they can't research on the weekends, so basically nothing would happen; is that right?

Mr. DURBIN. They are very similar, and the Senator is correct. The National Rifle Association is trying to put up some figleaf and say they are really for gun control. America knows better. We have been listening to these folks for a long time. They were opposed to the prohibition against cop-killer bullets—special bullets that would penetrate the bulletproof vests worn by policemen—because it infringed on people's constitutional rights. Give me a break. There isn't a right in the Bill of Rights that isn't limited for the common good.

Mr. REID. I would like the Senator from Illinois to comment on the second and third paragraphs of this letter from Mr. Brody:

As we strive in our community to ensure that our schools are safe for our children, one of the biggest fears that parents have is a gun at school. We have been able to turn her particular school around from a very violent and non-academic oriented institution to one that we are all very proud of and where the students are doing extremely well.

I am absolutely amazed that the National Rifle Association would have the audacity to mail membership applications to children. At some point, I believe this must be part of our government regulations. Will my youngest 11-year-old daughter be contacted next with another outrageous suggestion that is only supporting violence?

Would the Senator say that Mr. Brody is out of line in writing this letter and crying out for help that his 11-year-old daughter and 13-year-old daughter aren't given a membership—I mean, they got it; she has a card here that looks like a credit card. It says 13-year-old Brittany Brody is a member of the NRA.

Mr. DURBIN. I say to my colleague, I know he is a father and he is proud of his family, and I am, too. Think about this. This father saw this come through the mail. Think of the world we live in, with the Internet and the webs. How many others are trying to lure kids into the purchase of weapons or a membership in a National Rifle Association and the like? I really think when we talk about responsibility and accountability, it applies to parents and it applies to organizations such as the NRA as well.

I say to my friend from Nevada that he raises an excellent point. If we are going to make sure our kids have a fighting chance, we have to keep guns out of their hands. When the Senator from Nevada and I were both growing up a few years ago, there were always troubled kids in the schools. We called them bullies in those days. You feared getting punched in the nose on the playground. I wish that is all our kids had to fear today. Now they have to fear that the bully will get a gun and show up in school, as it happened in Conyers, GA; at Columbine High School; Jonesboro; West Paducah; Springfield, Oregon; Pearl, Mississippi. Those unfortunate incidents are the reality of the dangers our kids can face.

Mr. REID. My time is about to expire, but I am here today to alert this body that we are going to make sure that when there is a call for conferees to be appointed on the juvenile justice bill, that we act appropriately, that we send a message to the conferees that we don't want business as usual, that we want the National Rifle Association to understand that the vast majority of Americans do not agree with them.

The Senator from Illinois would agree that when the conferees are called, we are going to ask for a resolution to send to the conferees that they should follow what is already taking place in the Senate that, in effect, says a majority of the people of this country are in agreement with the Senate; is that true?

Mr. DURBIN. I say to the Senator from Nevada that the Democrats may be in the minority in the Senate. I believe our position for sensible gun control to keep guns out of the hands of criminals and kids is a majority opinion in America. I think our position for the Patients' Bill of Rights, so doctors make decisions and not insurance companies, is a majority opinion in America. We are going to fight for that.

I thank the Senator for his leadership.

Mr. REID. Mr. President, how much time does the Senator have?

The PRESIDING OFFICER. The Senator from Nevada has 12 seconds.

Mr. REID. I yield that time.

Mr. President, 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. REID. 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. REID. Mr. President, the Senator from Maryland just arrived. I ask unanimous consent that she be allowed to speak as if in morning business for 15 minutes.

The PRESIDING OFFICER. Acting as an independent Senator from Kansas, I object.

Mr. REID. I ask unanimous consent that the Senator from Maryland be allowed to speak in morning business for 10 minutes.

The PRESIDING OFFICER. The acting Presiding Officer informs the Senator from Nevada that the majority has 25 minutes and that there is a Senator expected on the floor at any moment. Would the Senator like to repeat his request?

Mr. REID. I ask unanimous consent the Senator from Maryland be allowed to speak 10 minutes and that the morning hour be extended for 35 minutes.

The PRESIDING OFFICER. Acting as an independent Senator from Kansas, I object.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that I be allowed to speak in morning business for no more than 5 minutes.

Mr. NICKLES. Will the Senator repeat the request?

Ms. MIKULSKI. I ask unanimous consent that I be allowed to speak as if in morning business for no more than 5 minutes.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. If I might engage my colleague from Nevada, are there additional Senators requesting time on his side?

Mr. REID. No.

Mr. NICKLES. This Senator has no objection to the request. I was going to suggest that we give an additional 15 minutes on both sides.

EXTENSION OF MORNING BUSINESS

Mr. NICKLES. Mr. President, I ask unanimous consent that morning business be extended for an additional 15 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The distinguished Senator from Maryland is recognized.

Ms. MIKULSKI. I thank the whip from the Democratic side, and I also thank the Senator from Oklahoma for his graciousness.

PATIENTS' BILL OF RIGHTS

Ms. MIKULSKI. Mr. President, I come here today to talk about something that is very compelling to the women of this country; that is, the Patients' Bill of Rights.

The Patients' Bill of Rights is a women's issue, because it is the women of America's families who often make the decisions that are very important in terms of the health care of their family. They are the ones who often read the fine print of insurance documents. They fill out the paperwork in order to make sure their children have access to the health care they need. They are often the ones on the front line either trying to get health insurance for their families or also ensuring they have the best benefit package.

But, guess what. When it comes down to them getting the health care they need, they are often denied it. They are often denied having access to an OB/GYN who is the primary care provider for most American women, because they are called ''a specialist.''

Also, when they face a tremendous problem in their lives, such as a mastectomy, they are often denied the time they need to get the care they need because of the insurance gatekeepers. We call this the drive-by mastectomy situation. We call it a drive-by mastectomy, because a procedure is performed on a woman, she is driven to the hospital, and she is driven out of the hospital—sometimes within hours.

What is a mastectomy? Make no mistake, the term ''mastectomy'' is a technical term. But what it really means to a woman is that it is a breast amputation with all of the horror, terror, and trauma that an amputation brings out. When one faces such a horrific procedure, certainly you should have the kind of care you need. And that should be decided by the doctor and the patient—not by an insurance gatekeeper.

What does a mastectomy mean? For every woman in the United States of America, the one phrase that she is terrified to hear is: You have breast cancer. The next phrase that she is terrified to hear is: It has gone so far that we have to do a mastectomy.

It is traumatic for her, because it is not only body altering, but it is family altering, and it is relationship altering. When one looks at one woman facing a mastectomy, she needs to discuss this with her spouse. He is as scared as she is. He is terrified that she is going to die. He is terrified about how he can support her when she comes home from the hospital. And then they know they have to sort out a relationship under such difficult situations.

When a woman has a mastectomy, they need to recover where they recover best. That is decided by the doctor and the patient. Women are sent home still groggy from anesthesia and sometimes with drainage tubes still in place, with infection, and are not sure if that is the right place.

Make no mistake. We can't practice cookbook medicine. Insurance gatekeepers can't give cookbook answers. An 80-year-old who needs a mastectomy needs a different kind of care than a 38-year-old woman.

We go out there, and we race for the cure. I think it is wonderful. We do it on a bipartisan basis. But if we find the cures, we need access to the clinical trials. It is being denied in the Republican Patients' Bill of Rights. We need to be able to talk to our own OB/GYN. That is called ''a specialist''; we can't do that.

We need to have access to the care. This is the United States of America. We have discovered in this century more medical and scientific breakthroughs than any other century in American history. It is in America where we found how to handle infectious diseases. It is in America where we have come up with lifesaving pharmaceuticals. It is in America where we have had lifesaving new surgical techniques only to find that in America, though we invented something to save your life, we also invented insurance gatekeepers that prevent you from having access to those lifesaving mastectomies. This can't be so.

If we are going to really take America into the 21st century, we must continue our discovery. We must continue our research, and we have to have access to our discoveries.

The Republicans, through Senator D'Amato, offered legislation on drive-by mastectomies. When the Republicans offered their bill in the committee, it was strikingly absent. Senator MURRAY and other Members offered the D'Amato amendment. However, along party lines it was rejected, 10–8. Certainly what was good for D'Amato a year ago should be good now, at least to have the opportunity to debate this year.

The Democratic alternative Senator MURRAY and other Members want to offer simply says that decisions should be made by the doctor in consultation with the patient.

A few months ago I had gallbladder surgery. I could stay overnight for my gallbladder surgery because it was medically necessary and medically appropriate. Surely if I can stay overnight for gallbladder surgery, a woman should be able to stay overnight if she has had a mastectomy.

I yield the floor.

Mr. REID. Mr. President, how much time does the minority have remaining for morning business?

The PRESIDING OFFICER (Mr. HUTCHINSON). The minority has 8 minutes 30 seconds remaining.

Mr. REID. While the assistant leader for the majority is on the floor, I ask unanimous consent we be allowed to extend on an equal basis the time for morning business until 12 noon.

Mr. NICKLES. Reserving the right to object, and I probably will not, how much time remains on our side?

The PRESIDING OFFICER. Forty minutes.

Mr. NICKLES. My colleague would be asking for an additional 10 minutes on each side?

Mr. REID. I think that would be appropriate.

Mr. NICKLES. Mr. President, if my colleague would modify his request and ask for an additional 10 minutes on each side, there would be no objection.

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

Mr. REID. I extend my appreciation to my friend, the senior Senator from Oklahoma, my counterpart on the majority.

Mr. President, I think it is time we did a little comparison as to what we really mean when we talk about the Patients' Bill of Rights.

The majority has something called the Patients' Bill of Rights, but it is this only in name. For example, does the majority's bill protect all patients with private insurance? No. It covers about 40 million; ours covers about 170 million.

What about the majority's ability to hold plans accountable? Does their bill hold plans accountable? No. Does ours? Absolutely, yes.

What about arbitrary interference from the management, from the bureaucrats? In the minority's bill, our Patients' Bill of Rights, there is no arbitrary HMO interference; in the majority's bill, of course there is.

We have heard so much about guaranteed access to specialists. The Democrats' Patients' Bill of Rights guarantees access to specialists; the majority's does not.

That is important. We have heard so much today about the need for the ability to see a specialist when needed. I spoke earlier about the daughter from Minden, NV, who writes to me:

> If my mother had been able to get to the urologist earlier, she would be alive today, but she had to wait for 2 years. The tumor had grown, she died five months afterwards.

She also said in the letter it was such a waste of resources, because the HMO did spend money putting her mother in a hospice while she died. That was very expensive.

That is the whole point of our legislation. There is talk about it being so expensive. It is not expensive. In the long run, it saves the country money to have people taken care of when they need medical care.

Guaranteed access to specialists is what our legislation is all about. It is important we understand that.

What about access to out-of-network providers? They are needed on occasion. Ours gives that access; the Republicans', the majority's, does not.

How about specialists who need to work together to coordinate care? Ours guarantees that; the Republicans' does not.

What about prohibition of improper financial incentives? Some of the plans have incentives. The more you keep people out of hospitals, the more money you make. A doctor has an incentive to keep people out of the hospital. That is wrong. That is absolutely wrong. Our legislation prohibits improper financial incentives; the Republicans', or the majority's, does not.

Access to clinical trials. This really isn't anything fancy, or complicated. There are certain diseases—cancer is the one that comes to mind—where people have no standard therapy left. Should they be allowed to go to the most modern programs that are lifesaving in nature? We don't know for sure they work, but we think they will work. However, we need experiments, clinical trials, to determine if these new procedures work. Our legislation allows these clinical trials to go forward. Our legislation says we don't give up on someone and simply say we have used all standard procedures, we will not allow these great scientists, these medical researchers who have found new ways they believe can cure a disease—we will not allow your mother, father, brother, or sister to have cutting-edge treatments.

Under our program, we say patients should have access to clinical trials.

People's lives are saved every day because of these clinical trials.

Access to OB/GYN—obstetrician/gynecologist. This is absolutely critical for women. It is guaranteed under our legislation that women would have access to OB/GYN physicians. That is extremely important. Under the Republican version, there are certain instances, certain times—very minute, very limited—that women can see an OB/GYN physician. We believe this should be a matter of routine. A woman should be able to see a gynecologist or obstetrician when she believes it appropriate.

We know in America today, when women see a gynecologist, often these physicians become the primary care physician for women. We believe our legislation is what women deserve and what they need in America today.

What about access to doctor-prescribed drugs? We have had a problem develop around the country and in Las Vegas when one of our providers found a new way to dispense drugs. If someone needs one 50-milligram pill, the provider sends them a 100-milligram pill and tells them to cut it in half, giving them the instrument to cut it in half.

That is not the way medicine should be practiced. Just because the HMOs get a good deal on a bunch of medicine, on a bunch of drugs, does not mean that patients should be subjected to that kind of treatment. Shouldn't they be given the prescribed drugs the doctor says they need?

How would you feel if you went to a pharmacist and the prescription ordered a 50-milligram pill and the pharmacist said: I will give you half as many, but they are twice as powerful, so just cut them in half?

That is what is going on in America today with managed care. Our legislation would prohibit these practices.

There are significant numbers of people who are fired from managed care entities for telling the truth, for being advocates, for saying: This is not the way you should be treated. Go talk to your doctor. Go back to someone else. They get fired.

In our legislation, we have protections for patient advocates. If a nurse, for example, says, this is not the way I believe you should be treated, you should go talk to your doctor, or you should appeal a decision, under our legislation, this nurse would be protected for advocating on behalf of her patient. Under the proposal of the majority, there is no similar protection.

Another problem is that managed care facilities put their physicians on an index. They go out every year and hustle doctors in order to get good deals. They find a doctor who will do an appendectomy cheaper than a doctor did last year, so that doctor gets put on their list. All of a sudden, the patient no longer has the right to see the doctor who has been treating him or her for 10 years, because the doctor is not on the HMO's list.

What we say in our legislation is that you can keep your doctor throughout treatment, that you need not change even though the managed care entity, in effect, has fired that doctor. The doctor is fired not for doing anything wrong as far as rendering bad treatment, but simply because they no longer want them on their approved list. Maybe they had an argument with one of the administrators. Maybe they think they charged too much. Maybe they can get a better deal. That is usually what it is, a better deal from other physicians.

Under our Patients' Bill of Rights, we, as I have said, allow patient advocacy. But we also prohibit gag rules. Under the majority's Patients' Bill of Rights, and I use that term very loosely, you will find they have language prohibiting gag rules but it is relatively meaningless. It is not enforceable.

We also believe there should be external appeals. There was a speech made here yesterday that the majority's legislation does allow independent external appeals. That is simply not true. They have words that say that occurs, but it really has no merit. Under our legislation, there is a guarantee of an independent external appeal. And it is done quickly.

There are also very important considerations as to whether or not a person who is part of a plan has the right to go to an emergency room. We have heard numerous examples of people denied payments after going to an emergency room. One of my favorites was a young woman who was out hiking, fell off a cliff, broke her pelvis and leg, was taken to an emergency room, and the cost was over $10,000. It was denied by the managed care entity because she did not get prior approval to go to the emergency room.

If that were only one case where that happened, maybe we would not pay much attention to it. But this happens all the time. People are constantly denied the right to go to an emergency room. Under the majority's legislation, they have a little bit of language that gives a little bit of protection for emergency room access, but this is not enough.

One of the key provisions in our legislation is that we have an ombudsman. What is an ombudsman? An ombudsman is a person you can go to who works for the managed care entity, so if there is a complaint, ''I was denied care and I should not have been,'' it is that person's job to get to the bottom of it. An ombudsman can take a look at that and find out what went wrong. There is someone to go to if there is a problem with the managed care entity. Under our legislation, it is a requirement. It is not even mentioned in the majority plan.

Plan quality—isn't it just right that there be somewhere where a patient, a member of a plan, can go to find out what happens when certain procedures are done in this managed care entity? Are they successful? Are they not successful? Our legislation provides that people who are members of a plan can get information on the quality of their plan. That is critically important.

As I have asked before, why are we here today talking about the Patients' Bill of Rights? We are here because we believe there should be a debate taking place in the greatest debating society in the world, as the Senate is often referred to, on this issue. What should be done with these managed care entities around the country as far as providing information, protecting all patients? Do we want a debate on whether the Patients' Bill of Rights should cover 40 million Americans or whether it should cover 60 million? Do we want to debate on whether we can hold plans accountable? Do we want a debate on whether there can be arbitrary HMO interference in the practice of medicine? Do we want a debate on guaranteed access to specialists? Do we want a debate on access to out-of-network providers? Do we want a debate on specialists being able to coordinate care? Do we want a debate on standing referrals to specialists? Do we want a debate on improper financial incentives given to doctors who are part of these entities? Do we want a debate on access to clinical trials? Do we want a debate on having an obstetrician and gynecologist for women when they want one? Do we want a debate on access to doctor-prescribed drugs? Do we want a debate on patient protection advocacy? Do we want a debate on keeping a doctor throughout your entire treatment? Do we want a debate on prohibition of gag rules? Do we want a debate on how the guaranteed network meets the needs of a patient? Do we want a debate on access to nonphysician providers? Do we want a debate on choice of provider point-of-service? Do we want a debate on emergency room access? Do we want a debate on whether or not these plans should have an ombudsman?

The answer to every one of these questions is yes, we do. That is why we are here in this body. This great debating society says: Yes, let's debate these issues. If the majority is putting forth this bill that they call a Patients' Bill of Rights—and we submit it is only in name a Patients' Bill of Rights—we say we are willing to debate this because the American people are protected under our Patients' Bill of Rights. People need protection. They have been taken advantage of.

In America today there are only two groups of people who cannot be sued: foreign diplomats and HMOs. I was at dinner in Nevada Saturday with a friend who is one of the chief administrative officers for a big managed care entity in northern Nevada. She said to me: I kind of like your plan, except these lawyers.

I said to her: Every other business in America has to deal with lawyers. Why shouldn't people who take care of me, people who take care of my daughter, people who take care of my son, my

wife, if they do something wrong, why should they not also have to respond in the legal system? That is really invalid. People are saying this is going to make all this litigation. That is simply not true. Lawyers, especially when they deal with people's health, have to be very careful litigating. In the entire history of the State of Nevada, which is now not the smallest State in the Union, although certainly not one of the largest, it is about 35th in population, in the entire time we have been a State, there have only been a handful of cases, medical malpractice cases that have gone to a jury. So this is a bogeyman that does not exist.

What we are saying is we want a debate on the Patients' Bill of Rights. We think ours is certainly one in keeping with the standards the American people want. In the light of day, we are willing to debate what the Patients' Bill of Rights on the other side has, which is nothing. It is a Patients' Bill of Rights in name only. We want to come to this body and have a reasonable number of amendments. That is a concession on our part, a reasonable number of amendments. We should be able to offer all the amendments we want, but we believe so strongly about this issue that our leader has said to the majority leader we are willing to limit our amendments to 20 and to set a time for completing this bill.

That certainly seems fair and reasonable when one considers that in this Congress, we already have taken up bills which have not taken a lot of time but had far more amendments.

Y2K problem, 51 amendments; DOD authorization, 159 amendments. We spent 4 days on that bill. On the Y2K problem, we spent 13 days on it and many of those were very short days.

Defense appropriations, 67 amendments. We were able to finish that bill in 1 day. We debated the juvenile justice bill for 8 days, and we were able to dispose of 52 amendments.

We are saying, with something as important as people's health care and well-being, we are willing to take 20 amendments. We feel we can finish the bill in 3 days with 20 amendments. Certainly, we are entitled to that time. We had 8 days on juvenile justice. In that regard, we came up with some good legislation.

On the budget resolution, which is a guide for this body and which I believe was not a very good piece of legislation—I voted against it as did most everyone on this side of the aisle—there were 104 amendments, and we disposed of that bill in 2 days.

In short, we certainly should have this debate, and we should do it right away. We recognize we are only going to have one more legislative day this week and then we go back to our States to do other things. Let's do it next week. Let's begin this bill next week, and after the Fourth of July break, we can come back and work on the appropriations bills. We are not going to complete any of the appropriations bills until we have a meaningful debate on the Patients' Bill of Rights, one where we are not gagged and we are allowed to offer the amendments we want to offer as to the substantive merits of this legislation.

I hope the majority will allow this debate to take place. It will take place. It is only a question of when it will take place. We will save a great deal of time and anxiety if we just get to it. As Mills Lane, the famous fight referee, now the TV judge says: Let's get it on.

We are willing to get it on with this debate. We feel so strongly about the merits of our case, we are willing to debate it in the dead of night or early in the morning. We do not care when we do it, but let's do it.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KERREY. 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. KERREY. Mr. President, are we in morning business?

The PRESIDING OFFICER. The Senate is in morning business.

AMENDMENTS TO AGRICULTURE APPROPRIATIONS

Mr. KERREY. Mr. President, I had intended to come over and talk on the ag appropriations bill. I am not going to talk about the ag appropriations bill since we are not on it. I am going to talk about a couple of amendments I intend to offer, if we ever get to that point. I will put us back into a quorum call when I am through.

There are many important things in this ag appropriations bill that I strongly support. I have a great deal of respect and appreciation for the work that both Senator COCHRAN and Senator KOHL have done on this piece of legislation. Every appropriator, every Senator who has the responsibility of working on the Appropriations Committee, understands we are seeing a decline, a deterioration in our capacity to invest in our future as a result of a growing problem we have with our budget; that is, a larger and larger share that is going to mandatory programs and a smaller and smaller share available for these long-term investments, whether it is in soil, whether it is in research, all the other things that are in this particular piece of legislation. The problem is only going to get worse.

I didn't come to talk about that, but I did feel obliged to say I understand that all these men and women who serve on the Appropriations Committee are under an awful lot of pressure, and that pressure is going to grow.

We currently take from the American people about 20.5 percent of GDP to spend on Federal programs. That one-fifth of total GDP that we have been taking for the last 50 or 60 years has remained relatively constant, though at 20.5 it has not been at that high level since 1945. I say that only because there is an upper limit as to what we can take. I think we are there. Indeed, I support cutting taxes right now; I believe we can cut taxes. Indeed, part of the reason I am for it is that, at 20.5, in order to send a signal, we need to understand there is an upper limit. Otherwise, we are apt to spend it on a variety of things, and all the fiscal discipline we have had throughout most of this decade will be evaporated in a hurry.

But as to this bill itself, whenever it becomes appropriate, I intend to offer a couple amendments. As I said, while this piece of legislation does support a number of very important aspects of agriculture spending, from agriculture research to food stamps, in fact, it can't, given its mission, address the enormous amount of changes sweeping across rural Nebraska. I get calls all the time from farmers who ask me: Does anybody in Washington understand what is going on? I answer, genuinely, yes. I think both Republicans and Democrats are scratching their heads trying to figure out what we can do.

I was encouraged by the chairman's comments during the markup of the dire emergency supplemental bill for Kosovo; he does understand that both Republicans and Democrats understand there is a need to do an additional supplemental appropriations bill at some time for emergency purposes to help agriculture. But this merely underscores the problem we are experiencing in rural America today. Unfortunately, what is happening is that family farmer, who very often has a job outside of agriculture, is not certain there is any opportunity left.

I want to say to my colleagues, though, I am very much a free market person; I support free trade. I believe we ought to have rules and laws that support the free enterprise system.

In agriculture, we do a lot more on these family farms than just produce food. The food is important, a vital part of our export strategy, and it has economic value that one cannot deny. But these farms produce human beings. All of us who have had the pleasure of working with boys and girls who are working for the 4–H organization, or the Future Farmers of America, when you see these young men and women, you see kids with unusually good character and values that are acquired as a result of living in an environment where you understand that this biblical motto that says you can't reap what you don't sow is true; where you live constantly in an environment of understanding that, though you may have a good or a bad farm program, and like or not like what is going on in Congress, still the most important act you have is the act that occurs when you are on your knees in the morning, or in

evening, or you are bowing your head at lunch or supper and praying and being grateful for what you have but hoping that Mother Nature delivers enough and the right amount of rain, enough and the right amount of other conditions that are necessary in order to produce this product.

As the distinguished occupant of the Chair knows, being from Arkansas, food production is unusual because, unlike manufacturing businesses, it is produced out of doors. It may seem like an obvious fact, but in my businesses I regulate the environment. I have an air conditioner; I have a heater; I have a furnace that produces heat in the winter; and I have an air conditioner that produces cool air in the summertime. I can control that environment 365 days a year. I did get wiped out once by a tornado in 1975, but I don't, in the normal course of business, worry about hail or about not getting enough rain. I don't have a growing season where I can be wiped out with a single event, and I don't have all my annual sales gone just like that as a result of something way beyond my control.

So we understand that we have basics that we are dealing with. I hope we understand that agriculture produces people with values. There is a rural policy aspect of our farm program that is not really economic. We want people to live in rural America. We understand that our program has to provide them with some hope of economic prosperity, and we understand that these farms produce more than just some thing, some commodity that has economic value.

The question is how to do that. We had a great debate in 1995 over Freedom to Farm. Though I didn't vote for it, let me say that I was very sympathetic to the idea that the Government should not be out there regulating every single thing the farmer does. Under the old farm program, that happened. Farmers were saying to me: I am not making decisions anymore. All my decisions are made down at the Farm Service Agency. I have to go down and find out from USDA and Soil Conservation Service and other people what I can do before I make plans.

They wanted those handcuffs taken off. They were also very uncomfortable and not happy with the Government's performance in owning grain reserves. They watched the Government operate those reserves at times that caused the price to go low and subsidies to go up, and then their neighbors were saying to them: You are farming for your welfare check.

They didn't like being on welfare. I am not here this morning to attack Freedom to Farm, but I do think there are a number of things about our underlying law that deserve attention and deserve modification.

First of all, we are spending way more than we thought we were going to spend. Last year, we spent $20 billion. It is estimated we will spend more than that this year. We have an Uruguay Round commitment not to spend more than $19 billion on production or price-related support. We are already at $12 billion to $13 billion, and there is an anticipation that there will be additional spending, especially for loan deficiency payments under the soybean program.

The Commodity Credit Corporation is out of money for the first time since 1987. CCC borrowing has an authority of $30 billion, so this is not what we considered to be too low of a ceiling but with the combination of direct payments, loan deficiency payments, dairy price supports, and export programs, we have already exhausted what we thought was a generous amount of money to provide the Commodity Credit Corporation. These are all technicalities.

(Mr. BURNS assumed the Chair.)

Mr. KERREY. Now we have a new ''Mr. President'' in the Chair with slightly different agriculture interests but still substantial agriculture interests. So I feel that I am speaking to a kindred spirit. I notify anybody who happens to be watching this on television that the occupant of the Chair is the only person here listening to me other than the pages and the staff. I appreciate very much that he is now looking at me. I appreciate that.

Freedom to Farm was supposed to cost $43.5 billion over 7 years. It has cost more than that already. That is before we have an additional payment, which is likely to occur. We have 2 more years to go. I said earlier I am not attacking either Freedom to Farm or those who support it. I understand exactly why it was there. There are many aspects of it that I like a great deal. But I will offer, when it is an appropriate time, two amendments to this appropriations bill that I hope get due consideration by both supporters and opponents of Freedom to Farm.

First of all, I will offer an amendment that will reestablish the farmer-owned reserves. I will offer it, as I said, as an amendment to the bill at the appropriate time. The farmer-owned reserve is a proven tool; it works. I will not offer documentation this morning, but I will if the debate becomes a serious debate. It is a tool that will increase market prices; it will decrease expenditures by the Government. History has shown that for feed grains every 100 million bushels removed from the immediate market stream increases prices 3 to 5 cents. Wheat is double that, 8 to 10 cents a bushel. This sets very strict release trigger points based upon existing loan rates, and though critics have said this puts a ceiling on the market price, a market price of $2.78 for corn and $4.12 for wheat looks rather appealing, I argue, both today and in the foreseeable future for any family out there producing either one of those two commodities.

Increased market prices, not Government payments, are the most equitable way to provide income to farmers. The farmer-owned reserve is embraced in Nebraska as a commonsense way to help farmers without throwing out Freedom to Farm. The idea originally came to me in testimony that was offered by the Nebraska corn growers at a hearing that was conducted by Congressman BILL BARRETT in Nebraska.

The corn growers and the wheat growers have endorsed this idea. They understand that it has worked in the past. It is a way to decrease the payments that are being made by taxpayers and increase the margin of the price the farmers are receiving at the market. I hope when I have an opportunity to offer that amendment we can get by some of the normal ideological fears about the farm program itself and put this reasonable change into law.

I also intend to offer an amendment to put the antitrust authority for agriculture on a par with the antitrust authority over other industries; that is, to remove it from Packers and Stockyards and take it under the law over to the Antitrust Division of the Department of Justice. I would love for the jurisdiction to stay at USDA. By it staying at USDA, I retain authority as a result of being on the Agriculture Committee. I am not on the Judiciary Committee. I understand that I am surrendering some jurisdiction when I do that. But the fact is that the USDA will never have the resources to be as aggressive as Justice, and producers, in my view, who want competition, who want the marketplace to work now more than ever, need to know that somebody in Washington, DC, is going to be making certain that that marketplace is, indeed, competitive.

The appropriations bill provides no new funding for Packers and Stockyards. Indeed, the recommendation is to provide $2.5 million less than last year's appropriations. I understand that last year's appropriations provided for a one-time revolving GIPSA. I criticize the committee for cutting GIPSA's budget. However, the fact still remains that Packers and Stockyards will have no additional resources next year.

In the meantime, the Antitrust Division appropriations in Commerce-State-Justice is $14 million more than we had in 1999.

To his credit, the President asked for an additional $600,000 to investigate packer competition. But not to his credit, the President proposed to pay for it with additional user fees, which the committee quite appropriately refused to do. It leaves us with the status quo. What I am hearing from Nebraska producers is, that is not enough.

I pause to say that last year during debate in the Agriculture Appropriations Committee, I offered an amendment that would increase competition, that would provide for a change in the law so prices that were offered under contract or formula had to be reported. The distinguished occupant of the Chair, with his great courage, great wisdom, and great leadership, enabled that amendment to be agreed to in the

agriculture appropriations. Unfortunately, it was stuck in the murky process that led to $500 million or $600 million being spent. It was dropped, unfortunately. We will be back to revisit that issue again.

This is very much an issue that dovetails with mandatory price reporting. Earlier this year, Americans who went to motion pictures shows, who went to movie theaters to watch a movie, were concerned because in their communities they didn't have access to movies that were nominated for Academy Awards. They feared, quite correctly, that the theater owners were not allowing them to see movies that they wanted to see. There is a concentration of ownership in the theater business. So where did they go? They went to the Antitrust Division of Justice. Guess what. The Antitrust Division of Justice opens an investigation against concentration of ownership, trying to ask the question, Do we have competition in the marketplace, and is the lack of competition having a negative impact upon people who are consuming motion pictures, who go and spend 6 or 8 bucks—whatever it costs—in their local communities to see the movies that they wanted to see? They have the law on their side. People who go to motion picture shows have the law on their side.

Our packers are out there saying, my gosh, if the Federal Government is willing to forcefully intervene on behalf of those consumers, why are they not willing to forcefully intervene on our side?

We met with Joel Klein. We have met with other agencies of government. They say to us—especially Antitrust—that they simply lack authority.

The Federal Trade Commission said the same thing to us—that the only thing we have on our side is the Packers and Stockyards Administration. But Congress constantly underfunds this agency. As a consequence, they have been either unable or unwilling, since this law has been enacted, to file any antitrust action against individuals who are out there in the business.

I believe in the American way. I don't want anybody to be prevented from becoming as big and as prosperous as they want. These larger companies, in my view, are organizing for success. They contribute an enormous amount of tax revenue to the Federal Government. They contribute by building jobs. They are doing lots of really good things.

But if you are going to have the United States of America be the land of opportunity, you have to have the rules written so that a man or woman who wants to start a small business has a chance to compete and has a chance with an operation with a small amount of resources. They are not going to have anybody lobby the Government. They are not likely to have the money to hire an accountant, or lawyer, or all of the other sorts of people you can hire when you became a larger entity. They are not likely, as a consequence of commanding fewer resources, to be able to survive by pricing their product under their cost for very darned long. As a result, they are vulnerable.

That is why we have antitrust laws. The laws are there to protect not just the small businessperson but to protect the United States of America so that we are the land of opportunity. That is where the jobs are created. That is where the innovation occurs.

I will offer this amendment transferring authority from Packers and Stockyards, regrettably, because, as I have said, I have jurisdiction over that, being a member of the Agriculture Committee, and I don't like to surrender jurisdiction. But the evidence to me is overwhelming. Consumers have somebody on their side in the Antitrust Division at Justice. Consumers and producers, when it comes to Packers and Stockyards, do not.

In conclusion, as I said earlier, when it comes to the agriculture crisis, I intend to work in a bipartisan fashion.

I know the distinguished occupant of the Chair is very concerned about what is going on in rural America today. I hope we are able to do much more than just talk. I don't intend to try to command an issue. I prefer to produce results.

My hope is that either on this piece of legislation or at some later time we can take action and have the farmers in Nebraska and the farmers in Montana and the farmers in Oklahoma and throughout the country say they believe the Congress understands what is going on in rural America today and is making a concerted effort to finally do something about it.

I yield the floor.

Mr. NICKLES. Mr. President, I compliment my colleague, the Senator from Nebraska, for his statement.

EXTENSION OF MORNING BUSINESS

Mr. NICKLES. Mr. President, for the information of all of our colleagues, we have been negotiating with the minority leader. I say ''we.'' Senator LOTT, I, others, and Senator KENNEDY have been negotiating, trying to come up with some type of time agreement on the so-called Patients' Bill of Rights.

As I stated yesterday, it doesn't belong on the agriculture bill. We are working, and I think we are making good progress. Hopefully, we will have an agreement in the not too distant future as far as the timing to take up the bill.

With that in mind, I ask unanimous consent that the Senate continue in morning business until the hour of 1 o'clock with the time to be equally divided.

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

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

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

PATIENTS' BILL OF RIGHTS

Mr. DASCHLE. Mr. President, I will take just a few moments to share with my colleagues where we are with regard to our negotiations, and then talk a little bit about the bill itself, the Patients' Bill of Rights.

Senator LOTT and I have had a number of discussions this morning. We are trying to find a way to proceed. I think it is fair to say that we are continuing to lose precious time in an effort to try to resolve our procedural differences. I am hopeful we might be able to reach some agreement. I am not wedded to the latest proposal I have shared with the majority leader, but we do need a time certain for consideration of this bill in the very near future. We certainly need to have the assurance that the amendments we will offer will be considered and voted upon by the Senate.

Those are our two principles: No. 1, a time certain for consideration of this bill; No. 2, some assurance that we will have the opportunity to debate amendments and have votes.

We recognize that with 45 Democrats we may not have the necessary votes to win a contest with our Republican friends on a comprehensive bill. However, we do know there are a good number of Senators who have expressed their support for various issues in our bill. We hope we can work through those issues and have the assurance we can have a good debate and good votes.

We cannot agree to any time certain for final passage if we cannot agree that we will have at least an opportunity to debate these amendments and have votes.

Again, our two principles: A date certain, and an opportunity to have up-or-down votes, or even tabling votes, on the amendments we want to offer.

I am hopeful we can work through those two principles and find a way that is mutually acceptable. The majority leader, as always, is attempting to be as responsive as he can. I appreciate the cooperative spirit with which we have been undertaking these discussions over the last 24 hours.

One of the reasons we feel so strongly about amendments is that they cause the Senate to focus on what it is we are talking about when we say the words ''Patients' Bill of Rights.'' I don't know that a lot of people fully understand the magnitude of those words. What does ''Patients' Bill of Rights'' actually mean? We want to be able to spell out what it means.

I want to give one example, because it will be an amendment if we can't get an agreement. Our first amendment will deal with medical necessity. Medical necessity simply suggests that

medical decisions ought to be made by medical professionals, not bureaucrats. Our amendment would prevent arbitrary interference by insurers regarding treatment decisions such as hospital length of stay. It also would establish a fair definition of medical necessity. Medical necessity, in our judgment, should simply be an opportunity to use good, professional, medical judgment about the course of action involving a patient. That is what we mean by medical necessity.

I will read for our colleagues two other definitions of medical necessity that are currently in insurance policies for HMOs. I must add, I am not making this up. The first is from a Missouri insurance contract. I will read the definition of medical necessity taken right from the insurer's policy.

> The company will have the sole discretion to determine whether care is medically necessary. The fact that care has been recommended, provided, prescribed or approved by a physician or other provider will not establish that care is medically necessary.

Let me just make sure everybody understands what this says. It says we do not care whether a doctor or a nurse or any kind of provider has recommended, provided, prescribed, or approved a given treatment. We are going to be the ones to make the decision about medical necessity, not them. Could it be any more blatant than that?

Mrs. BOXER. Will the Senator yield for a question on that, just to make sure I understand it? And I am so happy to hear my leader on the floor on this issue.

Mr. DASCHLE. I am happy too.

Mrs. BOXER. For example, a doctor examined a child and determined that child had a rare form of cancer. I had a constituent with this circumstance. It was a rare form of cancer, say, of the kidney, which happened to be the case, and she needed immediate surgery by a specialist who had done this operation before, because, by the very nature of it, it is a very dangerous operation, and the doctor said this is the only way this child could live.

Is my friend saying in that particular situation the bureaucrats and the businessmen in the HMO could essentially say: That is very interesting, but the child will have to go see the cancer doctor who is in our plan, and she may not go and see this specialist who actually could, in fact, save her life because he or she has done this operation before? Is that the essence of it?

Mr. DASCHLE. That is the essence of it. The Senator from California has put her finger on it precisely. What it is saying is, we as an insurance company or we as a HMO will override whatever decisions are made by doctors, by nurses, by nurse practitioners, by any kind of provider, if we find it is in our financial interest to do so.

Mrs. BOXER. What my friend is saying, further, is that in the Democratic Patients' Bill of Rights, we were going to offer an amendment as soon as we could on this—and that would be our first amendment—to ensure that the definition of what is medically necessary is made by the physician and health care professionals, not by the business people with the green eyeshades who have no degree in medicine. Is that correct?

Mr. DASCHLE. The Senator is absolutely right. Let me just say, she asks exactly the right question because there is a followup requirement here which we will deal with in another amendment. What happens if there is a dispute? Right now, the insurance company holds all the cards.

The insurance company says: In the case of a dispute, we will make the decision about whether the patient is right or wrong. Our bill says: No, wait a minute; we are going to have a fresh review of the facts by an outside authority. They will make the decision as to whether the procedure was medically necessary or not. There has to be somebody outside the insurance company making that decision, or what good is it for us to guarantee these very important rights to all patients?

But I really appreciate the Senator from California making that point.

I yield to the Senator from Illinois.

Mr. DURBIN. I thank the minority leader for coming to the floor.

For those who have been following this debate for the 10 days or more now that we have tried to focus the attention of the Senate on this Patients' Bill of Rights, this is the health insurance issue which American families are focused on already. We have talked about a lot of things on Capitol Hill, but it is time to talk about the things that are important to them.

In the example the Senator from South Dakota and the Senator from California addressed, about a doctor being overruled, is it not also the case that in some of these same insurance policies the doctor cannot even tell the patient that he has been overruled by an insurance company, that, in fact, it is not his best medical judgment, but, in fact, the judgment of some bureaucrat in an insurance company that is going to dictate the treatment the patient receives?

Mr. DASCHLE. The Senator is absolutely right. In fact, in response to the good question posed by the Senator from Illinois, let me read the second statement of policy by another insurance company regarding this very question. Here is the statement of policy relating to medical necessity of a second insurance company.

Again, my colleagues, I am not making this up. We did not write this. This is written by the insurance company:

> Medical necessity means the shortest, least expensive or least intense level of treatment, care or service rendered, or supply provided, as determined by us, to the extent required to diagnose or treat an injury or sickness.

This is actually out of the policy:

> Medical necessity means the shortest, least expensive or least intense level of treatment, care or service rendered, or supply provided, as determined by us. . . .

Do we need a Patients' Bill of Rights, when you take this right out of a health insurance manual: Medical necessity is determined by the shortest or least expensive way with which to provide service to a patient?

It doesn't end there:

> The service or supply must be consistent with the insured person's medical condition at the time the service was rendered, and it is not provided primarily for the convenience of the injured person or doctor.

No wonder people go nuts when they talk about insurance policies today and what is going on out there, when they combat an insurance company that includes a provision like this. They may not have read all the fine print, but when a company says we are going to determine medical necessity by what is the shortest or least expensive—the Senator from Illinois is exactly right—this overrides everything.

Mr. DURBIN. I ask the Senator from South Dakota, the Democratic leader, to yield for this question. This is clearly an interesting and important debate on health insurance and protection for American families. What is stopping the Senate from engaging in this debate?

Mr. DASCHLE. I must say, some of our colleagues on the other side tell us they would rather not have to vote on this. They do not want to have to vote on amendments about medical necessity. That is what is stopping it right now. We are at an impasse because we believe this is such an important issue that votes and amendments on questions like medical necessity ought to be a part of any legitimate debate on a Patients' Bill of Rights. That is why we are not in agreement today. We feel those amendments are required if we are going to have a good debate. Our colleagues have at least today refused to allow them.

Mr. DORGAN. I wonder if the Senator from South Dakota will yield?

When he talks about medical necessity, I am reminded of two specific issues. One, the doctor who testified at a hearing before the Congress who worked for a managed care organization, who said: I caused the death of a man. She said it to a near-empty hearing room when the television cameras were gone. She was the last witness of a day.

I caused the death of a man, she said. I wasn't reproached for that. I wasn't issued any sanctions. In fact, my employer really felt quite good about it. I was rewarded for it. I withheld treatment that could have saved that person's life.

She was dealing at that point as an employee of an HMO, and a patient apparently needed some kind of heart procedure that was very expensive. The HMO said it was not a medical necessity. The patient died. This lady left her employment and later testified before the Congress and said it was a matter of dollars and cents. I caused the death of a man, but I was lauded for that by my employer because, to

them, it was a matter of dollars and cents. So that relates to medical necessity. What is necessary?

The second item I was thinking about, I know the Senator from South Dakota was at an event one day; the Senator from California, Mrs. BOXER, was at the same event. Dr. GANSKE, a Member of the House of Representatives, who is a Republican and has been a strong supporter of the Patients' Bill of Rights, held up a poster, a colored picture of a young boy. That young boy had no upper lip and no structure beneath his nose—a giant gaping hole. He was born with a very severe birth defect. It looked awful. One was hardly able to look at that young boy's face and not immediately say what incredible disfigurement this young boy has.

Dr. GANSKE, who was speaking that day, said: The HMO said there was not a medical necessity for this young boy to receive repairs. In dollars and cents, the repair of that horrible disfigurement did not make any sense to the HMO. But then he showed a picture of this young boy having gone through reconstructive surgery, and you saw a face, a wonderful face of a young boy which had been repaired and now that young boy had hope. One could sense the smile in that picture, and that is what medical necessity is.

It is not convenience. It is not just dollars and cents. It is investments in human beings, giving hope to a young boy.

I have one other person, if I may, whom I want to mention and whom I have mentioned before. He is a young boy born with horrible problems. The doctors said he would have a 50-percent chance of walking by age 5 if he had a certain kind of therapy.

The HMO said: A 50-percent chance of walking by age 5 is ''insignificant,'' which means that in dollars and cents they withhold the therapy and the young boy is not able to walk. He doesn't have the chance to learn to walk.

That is dollars and cents versus medical necessity. That is what is at issue. What is at issue is the ability to empower patients with the opportunity to get needed medical treatment, not necessarily the cheapest treatment, but the best treatment, not necessarily the treatment that someone in an insurance office a thousand miles away thinks might or might not be necessary, but what the doctor in the doctor's office thinks is necessary for that young boy's life, such as the reconstructive surgery of that boy's face.

That is what I think about when the Senator speaks about medical necessity. This is not theory. It is not some abstract term. It is an important part of lives, and that is why the Patients' Bill of Rights is so critically important and why the difference between what we are talking about and others are talking about is so stark.

We adopt the title, Patients' Bill of Rights, and then they say: We have one, too. Sure you have one. It is like picking up a turtle shell without a turtle in it. It is a shell. It does not mean anything. It does not provide the guarantees for people. That young boy would not have had his reconstructive surgery. The other young boy would not have had a chance to walk. And the list goes on. That is why these differences are so important.

Medical necessity, guaranteed emergency room treatment, the gag rule, understanding all your medical options for treatment, not just the cheapest—all of these things are critical differences, and it is why I believe they do not want to allow the Senator from South Dakota to bring the bill before the Senate. We need to vote on these things, if not in total, then one by one, to find out where do my colleagues stand on it. Do they stand for the right of emergency room treatment? Do they stand for the right of reconstructive surgery for that young boy? Where do they stand on these specific issues?

That is what is going to happen in the coming days. Like it or not, we are going to force them to face that, because the American people deserve the opportunity to have a Patients' Bill of Rights passed by this Congress empowering them.

Mrs. BOXER. Will the Senator yield for 30 seconds before he responds?

Mr. DASCHLE. I yield to the Senator from California.

Mrs. BOXER. In 30 seconds, I want to put a bigger picture on it. I had the pleasure of being at a press conference with the Senator from Maryland, Ms. MIKULSKI, and she made a point. She said this century has been the greatest century known to humankind for finding new options for care, new research, gene research. We know more now than we ever knew before, and how ironic it is that at a point in time, going into the next century, when we know more than any other nation in the world, in this country HMOs are denying our people access so they cannot benefit from this research.

As the Senator from South Dakota talks about medical necessity, if he can weave that into his comments, I will be very interested in his response.

Mr. DASCHLE. The Senator from California makes a very important point. It is our research and the extraordinary benefits that have come from it that have made a difference in people's lives all over the world. How ironic, after the American people spend valued tax dollars in support of research which is changing the quality of life for millions of people, that there are insurance companies denying patients the opportunity to benefit from research today.

What happens? The benefits of that research goes abroad. It goes to Europe. It goes to Asia. It goes to Latin America. Thank goodness it does. But why should it go there and not be allowed here?

We use the term ''clinical trials.'' It is a technical term. I like to get away from it, because I am not sure people understand what clinical trials are. Basically, when we talk about clinical trials, we talk about the right to ensure we benefit from innovative research. We should encourage experimental treatments when they are in the interest of the patient, and the doctor recommends them. That should be part of a Patients' Bill of Rights. But there is a chasm between Republicans and Democrats on that issue. Our Republican colleagues said: No, oh, no, that ought to be a decision the insurance company makes, not the doctor, not the patient.

I hope we keep talking about research and who benefits and how preposterous it is that in this country, even though we have these fundamental and extraordinary new possibilities to improved lives, there are insurance companies at this very moment that have just denied somebody access to that research.

The Senator from North Dakota is always so eloquent and so compelling in his comments. Again this morning he demonstrated why he enjoys the extraordinary respect of Senators on both sides of the aisle. One cannot talk in human terms, in personal terms very long, as he did, and not understand the importance of this issue. You can talk legalisms all you want. But if you put it in human life terms, as the Senator from North Dakota did—he put it in terms of life and death; he put it in terms of helping a young child—all of a sudden the light comes on and you understand why, when an insurance company actually has the audacity to write, ''Medical necessity means shortest, least expensive, or least intense level of treatment,'' why that young boy did not get his facial problems fixed. It certainly did not fit ''shortest, least expensive, or least intense level.''

That case probably is expensive. It is not a short recovery. It is intense. It is the absolute reverse of the definition this particular company uses for medical necessity. Of course, it was medically necessary if that young boy's life meant anything. Of course, it was required if our society is going to be responsive at all. But for any company to say, we don't care what the doctor says, we don't care how inappropriate it may be to override a decision made by a doctor and his or her patient, we are going to decide the medical necessity of a treatment based on how short it is, how inexpensive it is or how much it lacks intensity, that says in spades why this debate is important. It says why we will not give up our rights to offer amendments to ensure that issues like this are properly addressed. We will not walk away from this debate.

We must have an opportunity to have a good debate with good amendments on issues as important as this, and we can do it. There is a way to work through this procedure. This can be a win-win situation. I want to find a way with which to ensure we can get a lot done in the next 10 days, and yet accomplish what we believe so strongly

must be a part of the Senate's agenda in this session of Congress. I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

INVESTIGATING WAR CRIMES

Mr. SPECTER. Mr. President, I have sought recognition to compliment the prompt action of the Federal Bureau of Investigation in sending a forensic team to gather evidence in Kosovo for the prosecution of those indicted under the War Crimes Tribunal in the former Yugoslavia, which would include President Milosevic.

Earlier this morning, FBI Director Louis Freeh announced that some 59 agents of the Federal Bureau of Investigation, working with the Armed Forces Institute of Pathology, have been dispatched to Macedonia—will be in Kosovo—and will be, starting tomorrow, preserving evidence for the prosecution of those under indictment by the War Crimes Tribunal.

This is a very important step because we have already had a series of reports about tampering with evidence, about the removal of massive grave sites. The prompt action by the Federal Bureau of Investigation, moving to the scene of the crimes to gather evidence for use in court, is of the utmost importance.

For some 12 years, as an assistant district attorney and later as district attorney in Philadelphia, I had experience in the gathering of evidence for use in the criminal prosecution process. I can personally attest to the importance of prompt action.

If you do not get the evidence while it is fresh, it may disappear; its quality may change unless it is preserved. So the very prompt action of the FBI in moving on this is very important. It is especially important as the evidence is unfolding of the crimes against humanity by the Serbian Armed Forces under the direction of President Milosevic.

President Milosevic has already been indicted. The acquisition of this evidence will be key in preparing for the trial of the case. The long arm of the law extends very far. It is my prediction that one day President Milosevic will be in the dock at the Hague in the criminal court there, as will be Radovan Karadzic, the former head of Bosnia, General Mladic, and the others who are under indictment.

As I have noted before on the floor of the Senate, I believe that a condition of the cease-fire should have been having Milosevic turned over to the NATO forces. We learned from the bitter experience in Iraq—20/20 hindsight—we would have been wiser to have taken the steps necessary to take Saddam Hussein into custody. Our failure to do so has caused enormous problems. We have seen with Milosevic that he has started some three wars, and if he is at liberty, who knows what he may do in the future. That action has already been taken.

It is vitally important that the evidence be preserved so that when—and I do not say if—but when Milosevic and the other indictees are taken into custody, we will be in a position to have the prosecutors at the War Crimes Tribunal present that evidence.

I have had the honor to visit the War Crimes Tribunal in the Hague on a number of occasions. The prosecutors there are a very fine team. They have received support from a variety of Federal agencies. The CIA has been helpful with the overhead satellites. The Department of State has been of continuing assistance. The Department of Defense has been of assistance. Now the action by the FBI, with the approval of the Attorney General, is very important.

This is unprecedented for the FBI to undertake this kind of acquisition of evidence. There are precedents in the field where the FBI has worked overseas on the Khobar Tower bombing in Saudi Arabia and with the U.S. embassies in Kenya and Tanzania. The FBI was deployed to El Salvador for the investigations of murders that occurred in 1983. The FBI was involved in the investigation of war crimes in the former Yugoslavia in 1993, and involved in a polygraph examination in a murder case in Guatemala in 1995, and supported the investigation of a murder in Haiti in 1995.

The authority for the FBI to act on these premises is set forth in the Federal statute in 28 United States Code, section 533. The regulations which have been promulgated under that statute make a specific reference as follows:

> As provided for in procedures agreed upon between the Secretary of State and the Attorney General, the services of the Federal Bureau of Investigation laboratory may also be made available to foreign law enforcement agencies and courts.

The War Crimes Tribunal would fit within that qualification as an international court.

The FBI will be undertaking a variety of evidence-preserving matters in Kosovo. They intend to establish the exact location of the crime scenes. They will photograph the scenes, the deceased victims, the evidence, map the crime scenes, collect the physical evidence related to indictments, examine victims for indications of the cause of death, indications of restraint and physical abuse, and preliminary identifications. They will collect appropriate samples from victims for possible future identification using DNA techniques. They will work on forensic and scientific investigations with the Armed Forces Institute of Pathology. I think this is very good news, acting as promptly as they are, moving in with very substantial equipment and personnel to undertake this important work.

The gathering of this evidence is indispensable for the trials. We have an opportunity here at the War Crimes Tribunal to establish an international precedent of tremendous importance for the future. It is the establishment of the rule of law in international matters to let any future Milosevics, who might be inclined to commit crimes against humanity, know they will be brought to justice, that there is an international rule of law. I believe the apprehension and trial of Milosevic himself is very important, because it will be the first time that a head of state will have been subjected to the criminal process.

I applaud what the Department of Justice is doing here. I applaud what the FBI is doing. I had an opportunity to discuss this matter yesterday with Director Freeh; I have talked to him from time to time. I think this very prompt action will be enormously important and instrumental in securing justice for the convictions of the people who are now under indictment.

I thank the Chair.

In the absence of any other Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. SPECTER. Mr. President, on behalf of our distinguished majority leader, I ask unanimous consent that the period for morning business be extended until the hour of 2 p.m. under the same terms as previously submitted.

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

Mr. SPECTER. I thank the Chair. Again, in the absence of any Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

THE FARM CRISIS

Mr. DORGAN. This morning, as chairman of the Democratic Policy Committee, I convened a hearing on the farm crisis. About 10 to 12 of my colleagues came to the hearing. We had a number of family farmers from across the country testify.

We had Woody Barth, a farmer from Solen, ND, testify; Rob Lynch, a farmer from Zillah, WA; Glenn Brackman, a

farmer from Lafayette County, AR. We had some folks from Illinois, Iowa, and Kentucky. We talked about the farm crisis and about public policies that ought to be employed by this Congress to respond to the farm crisis.

I pointed out that a lot of people are not aware of the farm crisis. It is probably a circumstance that farmers working in quiet desperation, many of them threatened with losing their farms, are going through a period that most Americans do not understand and don't know about.

Every day we hear the stock market is up or down, mostly up—the stock market has gone to 11,000, now back down a bit. But the fact is, this country generally hears good economic news about where the stock market is going, about new information technology, about the progress of new companies, about the new day, about the global economy. Yet the folks who stay at home and produce America's food on our family farms are in desperate trouble.

Wendell Barry, a farmer from Port Royal, KY, testified today. He is also an author, a wonderful guy, kind of a philosopher-writer type. He wrote some things. In fact, he has written a book called ''Another Turn of the Crank.''

I will read a couple things he has written that I think really bear on this issue. I do it in the context of the bill that is to be on the floor. We did have the agriculture appropriations bill on the floor of the Senate. It will come back, hopefully, as soon as an agreement is reached with respect to the Patients' Bill of Rights.

When it comes back to the floor, Senator HARKIN and I intend to offer an amendment similar to the amendment we offered during the emergency supplemental appropriations bill. That amendment lost on a 14-to-14 tie vote in the conference.

We also offered a proposal in the agriculture appropriations subcommittee. But this is the time, when the agriculture appropriations bill is on the floor, for the Congress to decide what it will do with respect to emergency responses to the farm crisis.

There are some who might counsel we should do nothing, that it doesn't matter whether there are farmers in this country. They would say: Food will be produced anyway, and it doesn't matter much who produces it. We can farm America from California to Maine with corporate farms, and that is just fine.

I do not happen to share that view. I think that is a view that is devoid of all common sense. It suggests there is no worth and no value at all to the culture of family farming, that family farming doesn't contribute to our country, that the fact there are people living out on the land is irrelevant. The fact that those people combine to make small communities and build our main streets and build our churches and create good neighborhoods is irrelevant; that kind of investment and that kind of creation in our country doesn't count.

I guess those who think that way look through the lens of perhaps Wall Street or others who see only dollars and cents, only rows of columns. You add them up or you subtract them. You reach a balance, and that is the cost. It just eliminates, of course, the question of what is the value. Are family farmers contributing value to this country? Will the loss of family farmers matter to our country? The answer is yes on both counts.

Mr. Wendell Barry from Port Royal, KY, writes:

> As we all know, we have much to answer for in our use of this continent from the beginning, but in the last half century we have added to our desecrations of nature a deliberate destruction of our rural communities. The statistics I cited at the beginning are incontrovertible evidence of this.

He cited statistics about the loss of farms, the depopulation of our farm belt, and so on.

> But so is the condition of our farms and forests and rural towns. If you have eyes to see, you can see that there is a limit beyond which machines and chemicals cannot replace people; there is a limit beyond which mechanical or economic efficiency cannot replace care.
>
> I am talking here about the common experience, the common fate of rural communities in our country for a long time. It has been, and it will increasingly be, the common fate of rural communities in other countries. The message is plain enough, and we have ignored it too long: the great, centralized economic entities of our time do not come into rural places in order to improve them by ''creating jobs.'' They come to take as much value as they can take, as cheaply and as quickly as they can take it. They are interested in ''job creation'' only so long as the jobs can be done much more cheaply by humans than by machines.

Mr. Barry writes, about liberals and conservatives, an interesting admonition:

> Long experience has made it clear—as we might say to the liberals—that to be free we must limit the size of government and we must have some sort of home rule. But it is just as clear—as we might say to the conservatives—that it is foolish to complain about big government if we do not do everything we can to support strong local communities and strong community economies.

He is right about that.

We must decide as a Congress whether we are going to support America's family farms. I spoke at the hearing today, when I questioned the witnesses, about where I come from. I have told colleagues often about that. I come from a rural county in southwestern North Dakota that is the size of the State of Rhode Island. That county had 5,000 people when I left, and there are now 3,000 people living in that county. The county next to it is about the same size and there are 900 people living in that county.

We are fast depopulating rural America. Rural economies in small towns are shrinking like prunes. We now have prices for commodities, when the family farmer raises a crop and hauls it to the market, that are deplorable. The family farmer is told when he or she takes a truckload of wheat to the country elevator—the grain trade says: This doesn't have value. The food you produce is not of great interest to us. It is not worth very much.

At the same time, we have people who come and testify before the Congress that the Sudan, for instance, old women climb trees to try to find leaves to eat. We know much of the world is hungry, and we also know that while much of the world is hungry, the grain market tells our farmers their food isn't worth very much.

Something is not connected there, and this Congress must try to reconnect it.

We only have two choices, it seems to me. One is an opportunity, on an short-term emergency basis, to pass an emergency farm bill. It seems to me the question for this Congress is: Are we going to pass a short-term emergency bill to try to help family farmers? Second, are we going to repair the farm program, and the trade agreements, and other things that conspire to injure family farmers?

On the first issue, Senator HARKIN and I intend to offer an amendment for $5 billion to $6 billion to try to provide short-term emergency help for family farmers on this agriculture appropriations bill when it is brought back to the floor. We will have a fight about that. I don't know how that will turn out. I hope Congress will say that family farmers matter.

It was interesting to me that when the President sent a request down for military aid to restore and refresh the accounts in the Pentagon for conducting airstrikes in Kosovo, Congress said to the President: No, you are wrong about that, Mr. President, you didn't ask for enough money. We insist that you give $6 billion more. Mr. President, you shortchanged us in your request for defense, so we are going to give you what you ask for and we are going to add $6 billion more to your request for defense.

Well, gee, that came from conservatives. I hope those same conservatives will agree that the effort to save America's family farmers is as important. Don't tell me there is not money. There was money to say to the President we want to add $6 billion above what the Pentagon said it needed. If there is money to do that, there is surely money to invest in family farmers in rural America. So my hope will be that we are able, on a short-term basis, to pass an emergency bill; and, second, having done that, we will then revisit the question of the underlying farm program.

This farm program is not working. It ought to be apparent to everyone. The farm program that the Congress passed essentially said let us do whatever the marketplace says ought to be done. But there is not a free market in agriculture. There is not now, and has not been, a free market in agriculture. Our farmers look at trade, and what they

find is that markets are closed to them in many corners of the world. So we raise a product we want to sell overseas and the markets are closed. Or if you raise, for example, beef, you will discover not only are the markets closed in some areas, but in other areas, such as Japan, you will pay a 45-percent tariff to get American beef into Japan, only to find out that the Canadian beef —both live cattle and hogs, and slaughtered beef and hogs—coming down is increasing at a very rapid pace. So we have grain and livestock coming in undercutting our markets. We find foreign markets are not open to us, and we have all of these trade negotiators running around doing trade agreements that have undercut our agriculture producers.

We need a farm program that works and trades policies that make more sense than the current policies. I voted against NAFTA and the United States-Canada free trade agreement, and I voted against the GATT agreement. I did all of that because I think that, while we need expanded trade, we do not, and should not, embrace trade agreements that are fundamentally unfair to rural America.

I recall when I was on the House Ways and Means Committee and the United States-Canada free trade agreement came to the committee, and the Trade Ambassador, who I won't name—Clayton Yeutter—said to us that the trade agreement itself would not result in a massive flood of Canadian grain coming across our border. I said, well, I think it will, and you know it will. ''Put it in writing,'' I said. The Trade Ambassador wrote to us on the committee guaranteeing that it would not happen. It wasn't worth the paper it was written on.

It happened, and it happened quickly. Not only did it happen—massive quantities of durum and spring wheat came across our border flooding our market, undercutting the market for American farmers—but we were then neutered in our ability to respond to it because he also traded away the remedies. So we didn't have a remedy for it.

That was in the United States-Canada free trade agreement. That passed the House Ways and Means Committee 34–1. I was the one. I didn't feel lonely a bit because I knew exactly what was going to happen with the agreement. Farmers' interests were traded away. In my judgment, we ought not accept trade agreements like that, whether it is United States-Canada, NAFTA, or GATT.

Speaking of NAFTA, after the United States-Canada free trade agreement, they negotiated NAFTA. The economists were telling us what a great deal it was. After the trade agreement with Canada and Mexico, the trade surplus we had with Mexico turned into a big deficit in a short time. The trade deficit with Canada doubled in a short time. Instead of creating new jobs in this country, we lost massive numbers of jobs. All these economists who were predicting 300,000 jobs were just fundamentally wrong. We lost a lot of jobs as a result of that.

They said if we just pass these agreements, we will get from Mexico the product of low-skill wages. Do you know what we got? The three biggest products coming in from Mexico are automobiles, electronics, and automobile parts—all products of high-skilled labor. We now have more automobiles imported into this country from Mexico than the United States exports to all the rest of the world. That is what we got with NAFTA—again, undercutting our interests, hurting a lot of producers in this country, and especially injuring family farmers.

Well, the point I am making is this: We had testimony this morning from folks who came from across the country to say we have a very serious problem in rural America. We can't fix that problem on a partisan basis. We need Republicans and Democrats together to agree that, No. 1, there is a farm crisis, and, No. 2, they are willing to do something about it, to respond on an emergency basis, and then to repair a farm program that is fundamentally deficient, which doesn't value family farming, a farm program that says it doesn't matter who farms. That, in my judgment, misses a lot of what is important in American life.

My hope is that in the next couple of days, as we offer amendments—Senator HARKIN, myself, and others—on an emergency basis, we will be able to strike a bipartisan agreement to do the right thing on behalf of family farmers. I know that it is a message that some get tired of hearing, perhaps, but I come from farm country and I care a lot about what is happening out in our part of the country.

North Dakota is a wonderful State. It has a lot of rural counties, and the fact is that not just family farmers but machinery and equipment dealers, Main Street businesses, and so many other people are suffering so much through this economic distress, even at a time when the rest of the country seems to be doing so well.

I had a letter from a young boy who talked about the distress his folks were going through while trying to hang onto their family farm. He said: My dad can feed 180 people, and he can't feed his family. He was talking about the fact that the family farm is so productive in this country, and they are losing so much money. You hear this over and over again.

This Congress, it seems to me, must respond. We are going to try to force that response, first with respect to the underlying agriculture appropriations bill with an emergency package, and, second, hopefully, to revisit and readdress the entire structure embodied in the underlying farm bill.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. 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. SCHUMER. Mr. President, I ask unanimous consent to address the body for 10 minutes.

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

THE PATIENTS' BILL OF RIGHTS

Mr. SCHUMER. Mr. President, I am here, of course, to discuss what many of my colleagues have discussed in the past—the need for us to debate totally and openly the Patients' Bill of Rights. It is an issue of great concern to the people of my State. Everywhere I go—urban, rural, suburban—people are asking: What is happening to the Patients' Bill of Rights?

This is an issue many of us have discussed. I know this body debated it for a little while last year, but, unfortunately, things were left unresolved. It has not been left unresolved for the millions of Americans who are now having their medical policies dictated, not by their doctor, not by their nurse, not by their family, but rather by some unknown bureaucrat who has no medical education but is simply part of an HMO.

When you go to hospital after hospital throughout the State of New York and sit with doctors, you see the frustration in their eyes as they tell you story after story. They have been negotiating with these actuaries. They say to the actuary: Are you a medical doctor? How can you tell me the patient does not need this type of operation or this type of medication? They get no good medical answers. To them, it is similar to going to medical school and spending years of internship and residency and it makes very little difference.

For that reason, our health care system—by the way, I give good marks to our health care system. It has been overwhelmingly successful. The average age of Americans is higher than ever before. Not only do we live longer but we live healthier longer.

I look at my parents. Thank God. Praise God. Just last week each of them had a birthday. One is 76 and one is 71. My dad has had a few health mishaps, but he is in good health. It is in part because of our medical system. But we have been losing so many of these benefits in the last several years, because the pendulum has swung too far in the direction of the HMOs. We find more people who have had no training in medicine overruling doctors in medical procedures, because the book of standard operating procedures dictates the limited number of options. We don't want that. Most Americans don't want it.

That is why we need to debate this Patients' Bill of Rights. We need to debate its scope: Should it cover only 50 million Americans, or should it cover

closer to 150 million Americans? We need to debate its provisions: How long a review process should there be? Should it be internal or external? Should an HMO be allowed to have the last word on a life-or-death procedure that the physician believes is very much needed? Should there be a gag rule? Should physicians be ordered not to tell their patients about certain procedures or certain medications that are available? Should women have the right to choose their obstetrician and gynecologist who is often their primary care physician?

These are all important issues. I know there are Members on the other side who talk about freedom of choice. People talk about costs. I don't agree with those arguments, but I would certainly like to debate them in this distinguished Chamber.

I ran, as I know you did, Mr. President, and many others, for the Senate from the House because I thought that we would have the opportunity to debate the great issues. There was certainly no guarantee that we would win. There was certainly no guarantee that my beliefs would prevail. But I thought there was something of a guarantee—that the wide open debate the Senate has been known for for over 200 years would be guaranteed even to somebody who sits way over in this corner of the Chamber, which means you are a freshman at the bottom of the seniority pecking order. It hasn't happened.

The reason this floor is silent right now, and the reason we are not debating other bills, is that many of us believe strongly we should debate the Patients' Bill of Rights. But we also believe the ability to debate issues of importance to us—that has been a hallmark of this body—should not be extinguished, should not be snuffed out.

I would like to know answers to certain things. I would like to know answers to the kinds of examples I have heard about in my State and throughout the country.

I would like to know, for instance, what happened to a woman who had terrible back pain and required two surgeries to repair her spine. The HMO denied coverage for the $7,000 for the second surgery. The doctor then stated to the woman that he would be committing malpractice if he didn't perform the second operation, because the whole procedure entailed two of them; the HMO said one. The patient offered to pay out of pocket. Both surgeries were done. But in this case the surgeon—a very generous person—declined to take the money from the woman. Why did that happen? Why did this physician believe so strongly that the woman needed the second surgery that was denied by the HMO?

How about an incident where a New York man slipped and cracked his skull as he was getting out of the taxi? The taxi driver called 911. The victim was rushed to an emergency room for treatment. But this episode did not have prior authorization as an emergency, so the HMO refused to pay the bill.

Again, what has happened here? Have we become so bureaucratic and so narrow in the way we practice health care in America that common sense has been thrown out the window?

Another example: An HMO denied another New Yorker who suffered from multiple sclerosis physical therapy despite the opinion of the doctor and the neurologist that this was the only way this patient could recover.

Another example: A mother called her HMO at 3:30 a.m. to report that her 6-month-old boy had a fever of 104 degrees and was panting and was limp. The hotline nurse told the woman to take her child to the HMO's network hospital 42 miles away, passing several closer hospitals. By the time the baby reached the hospital, he was in cardiac arrest and had already suffered severe damage to his limbs. As a result, both his hands and legs had to be amputated. The court found the HMO at fault. The family received a large financial settlement. As sure as we are here, that family would give back every nickel and pay more for that not to have happened.

These are not isolated examples. There are so many that it is hard to go through our jobs as Senators of the 50 States without hearing when you go to a town hall meeting, or when you go to a veterans hall, or when you go to a chamber of commerce meeting that somebody makes their complaint about this issue.

These examples need answers. I believe the answers in this bill, the Patients' Bill of Rights, are the right answers. I may be dissuaded from all or parts of that answer by my colleagues. If we don't debate the issues, we are never going to be able to determine that. If we don't debate the issues, we are not going to be able to move forward on a Patients' Bill of Rights.

If we continue in a pro forma fashion—we vote our bill; the other side votes their bill; then the issue is forgotten because we know the bill on the other side will not become law—we are not helping our constituency.

The bottom line is simple: I believe strongly we need the Patients' Bill of Rights or something close to it. My colleagues and I want to debate. We want the opportunity to debate these issues. If the other side changes our mind, so be it; if we change their mind, great.

Without debate, we will have no progress, and we will continue to hear the stories we are hearing, much to the detriment of the health care of the American people.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. I thank my colleagues for their efforts on the floor to highlight the Patients' Bill of Rights, a bill to empower people around the country who rely on HMOs and other managed care programs for their health care needs. I join them today in enthusiastic support for badly needed legislation that will expand protections for patients who are at the mercy of managed care practices.

I strongly support the principles of improving access, quality, and accountability in the delivery of managed care. I believe we can achieve valuable patient protections by passing a bill that ensures some commonsense protections, access to emergency care, access to specialists, and a strong internal as well as external appeals process.

We need to keep medical decisions in the hands of doctors. We have to ensure that managed care entities are held legally accountable for administrative decisions that affect patient care and well-being. Protections are extremely important to restoring a sense of security and control to managed care enrollees and their doctors.

The protections in this bill are being debated on the Senate floor, but they are also being lobbied furiously in the halls of Congress. Some of the most powerful and influential interest groups in this country have a huge stake in seeing this bill fail, while others want it to succeed.

Last week, I announced on the floor that from time to time I will point out the role of special interest money in our legislative process. I call it the 800-pound gorilla sitting in this Chamber every day that nobody talks about, but that cannot be ignored. I said I will start calling attention to this gorilla more often through an effort that I have dubbed, ''The Calling of the Bankroll,'' where I discuss how much money different interests lobbying a particular bill have made in campaign contributions in order to influence our work in this Chamber.

I can't think of a better issue than managed care and the future of managed care to once again call the bankroll.

Let me give four quick examples. One, the managed care industry: What does it want? The managed care industry wants to prevent any further regulation of the industry, and it doesn't want to be held liable when administrative decisions and policies affect the health, or even the very lives, of patients.

What did managed care give? During the last election cycle, managed care companies and their groups made more than $3.4 million in soft money, PAC and individual contributions. This is roughly double what they spent during the last mid-term election cycle of 1993–1994. Their contributions keep increasing.

A second example is the pharmaceutical industry. What do they want? They have a big interest in the kind of drugs managed care patients have access to.

What did they give? Behind their point of view is the weight of at least $10.6 million in PAC and soft money contributions. That is how much the pharmaceutical and medical supplies industries gave during 1997 and 1998.

A third example: The doctors, the AMA, what do they want? Of course,

doctors have an interest in seeing managed care reform. They want to eliminate restrictions on doctor-patient communication. More broadly, they want to prevent managed care companies from exerting further control over the way they practice medicine.

What did they give? The AMA made significant PAC and soft money donations during the last election cycle, more than $2.4 million worth.

A fourth example: Organized labor, what does it want? It is a strong supporter of the Patients' Bill of Rights. Unions are also major campaign contributors.

What did they give? The AFL-CIO alone gave parties and candidates close to $2 million in 1997 and 1998.

I am sure there are other interests that should be included on this list. I urge my colleagues to come to the floor and add to this list so there will be as full a picture as possible of the money behind and against this piece of legislation. I think it is relevant to what is happening on the Senate floor.

Why should Americans care? While many Americans rightly worry about the quality of their health care, I believe the quantity of campaign contributions that may affect that care should also be of serious concern. The huge quantity of campaign contributions influences the very terms of the health care debate itself, how health care is discussed, and whether some health care issues are even discussed at all.

Wouldn't it be better if the public could have confidence that we are deciding crucial issues such as the rights of Americans covered by managed care, without the shadow cast by campaign contributions, without the 800-pound gorilla sitting here on the floor?

I thank my colleagues for the opportunity to call the bankroll on this issue. Information about campaign contributions should be easily available to my colleagues and to the public to clearly demonstrate the connection between what the wealthy interests want in Washington and what the average American gets on Main Street.

It is time to debate, amend, and come to conclusion on a Patients' Bill of Rights. These are health care issues with real consequences for ordinary Americans at the doctor's office, the pharmacy, the emergency room, and the admitting desk.

We have to ask: When your critically ill child needs to see a specialist, do you want to think that laws affecting decisions on care are influenced by campaign contributions or have been made based on a thoughtful, reasoned debate.

I think the American people deserve better than this. Until we have campaign finance reform, our debate on crucial issues such as health care is going to be carried out under the shadow of these huge amounts of money and the influence that so many Americans are convinced they wield.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask unanimous consent to be recognized in morning business.

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

Mr. DURBIN. I thank the Senator from Wisconsin, the Senator from New York, and so many others who have come to the floor this morning and early this afternoon to talk about the Patients' Bill of Rights. For those who may not be familiar with the term, it is an effort to pass into law protections for individual Americans and their families when they have to deal with an insurance company.

The Rand Corporation tells us that 115 million Americans have had a bad experience with a health insurance company, or they know someone who has—perhaps someone in their family. Those bad experiences run the gamut of being denied access to the doctor you want to go to, being denied access to a specialist in a case where you think one is necessary, or medically necessary in the view of another doctor, being unable to go to the emergency room closest to your home because your policy said no, you have to go across town or perhaps to another location for the emergency room in another hospital, dealing with a doctor who may not be able, under the terms of his contract, to even tell you what is best for you medically, having doctors who are losing out in the debate with bureaucrats at health insurance companies.

One doctor in Joliet, IL, frustrated with the voice on the other end of the telephone at the insurance company who kept saying no, no, no, every time this doctor told the insurance company what the insured patient needed, finally said to this voice: Wait a minute, are you a doctor?

And the voice said: No.

Well, are you a nurse?

No.

Are you a college graduate?

Well, no.

Are you a high school graduate?

Yes.

What gives you the authority in this insurance company to overrule my medical decision?

She said: I go by the rules—the rules of the insurance company.

Rules, frankly, that are driven not so much by the need for quality care but by the bottom line.

The health care system in this country is in a state of crisis. The question is whether this body, the Senate, which is supposed to be the most deliberative body in American politics, will even consider the issue. We are now tied up in knots over whether we can debate this issue. Isn't it ironic. The argument made by the Republican side is, we do not have time to debate this issue. Time? It is 1:30 in the afternoon. We spent the entire morning talking about this issue. Why don't we spend this time actually debating the issue? Let the Republicans put their best plan forward, let us put our plan forward, and let's vote. That is what this body is supposed to be about—not ducking and weaving and avoiding the issue but facing it. That is what it is about.

I stand by the Democratic Patients' Bill of Rights. I think our approach is a better approach. It includes a lot of provisions that, frankly, just make sense to most people.

First, doctors should make medical decisions, not insurance company bureaucrats.

Second, if you need a specialist and your doctor says that is the best thing for you or your baby, you have access to that specialist.

Third, if you are a woman and believe your primary care physician should be your OB/GYN, whom you are confident in dealing with, you have that right.

Fourth, if the insurance company makes a bad decision—if the insurance company denies you care, overrules your doctor, sends you home—you have a right to hold that insurance company accountable.

Let me be honest about what that means. It means the possibility the insurance company might have to go to court. The Republican side of the aisle just says, oh, you are not for health care; you are for more litigation; you want more people in court.

No. But I can tell you, every American, every American company, is subject to that same rule except health insurance companies. They have an exception in the law. You cannot sue them for anything more than the cost of the procedure.

This Senator and everyone in the gallery and all listening will be held accountable for their actions. If I did something so foolish as to drink and drive and hurt someone, I would be hauled into court. I should be. That is something you expect in America. If you ask businessmen, they say: Yes, if we sell a product that is defective and we hurt someone, we are going to be held accountable. But health insurance companies are not held accountable. They make life-and-death decisions, and the Republicans in their so-called Patients' Bill of Rights do not want them to be held accountable. They think insurance companies should be above the law, the only businesses in America above the law. I don't think that is right.

The provisions in the Republican version, as opposed to the Democratic version, leave 115 million Americans behind. Who is involved in that? If you happen to be a farmer—and I come from an agricultural State, Illinois—you are not going to get a protection from the Republican version of the bill, only the Democratic version. If you happen to be a small businessperson, self-employed, you have no protection in the Republican bill. There is protection in the Democratic bill. State and local employee? Same story.

Why would we do that? Why would we write a law saying we respect the

rights of individual Americans in dealing with their health insurance company—unless they happen to be small businesses, unless they happen to be farmers, unless they happen to be the local policemen we rely on for safety in our community? This is worthy of a debate.

I think the Republicans would want to stand up and defend their point of view and let us defend our point of view. Then vote. But that is not what has happened. For 2 weeks we have talked about debating. For 2 weeks we have been here day after day asking for recognition on the floor to talk about this issue, because the Republican leadership does not want to face a debate and does not want to face tough votes, votes that may be hard to explain back home.

I have quoted him before and he is worthy of another quote, a former Congressman from Oklahoma named Mike Synar, who used to say to squeamish Congressmen when a tough vote was coming: If you don't want to fight fires, don't be a fireman. If you don't want to cast tough votes, don't run for Congress.

That is what we are here for, to do the best we can, debate this, and come up with a law that is good for America. Maybe we should bring in some of the better provisions from the Republican side, some of the better provisions from the Democrat side, and put forth a bill that will help the families in this country. But we have been stopped in our tracks. The leadership on the Republican side refused to give us that opportunity.

We tried yesterday, incidentally. We had an effort to amend the agriculture appropriations bill. You say, What does that have to do with health care? Well, people who live in rural areas are concerned about health care, but it was an available bill on which to try to bring up this issue. When we tried, we were stopped again. A vote to table that effort, to stop the debate, to stop the amendments prevailed.

I have here a story, which I am sorry I will not have time to tell you, about Michael Cahill who lives in my home State, in Chicago, IL. It is a long, sad story. Michael had dizzy spells and went to a doctor who thought it might have been an inner ear problem. He was sent back and forth. Finally, he was referred to a neurologist who performed a CAT scan, and 3 years after the symptoms began, they determined he had multiple sclerosis, and then the insurance company said: You have to go back to the original doctor who did not diagnose it properly.

He went through a period—this goes on for pages—of fighting his insurance company. This is a man who comes to realize in his adult life that he has a serious medical illness, one he worries about. He worries about its effect on him and his family and his future. Instead of just fighting the illness, he is fighting the insurance company at the same time.

I wish this were an isolated story. It, unfortunately, is a story that has been repeated time and again. It is a story which reflects the reality most Americans now face when it comes to health insurance.

We only have a limited time left this week and next before we break for the Fourth of July. I am sure there will be many important issues we will consider. But I will bet if I went back to Chicago or any part of Illinois, my hometown of Springfield, and started asking people: What really concerns you? What could we do on Capitol Hill that might have an impact on your life?—if I brought up the issue of health insurance, my guess is a lot of those people would say, Can you do something about this? Are your hands tied? Can the Senate really act on it?

The answer is, we can do a lot. There was a press conference this morning by the women Senators who came forward and talked about some of the terrible things that have occurred in the treatment of women receiving these so-called drive-by mastectomies, where women literally have mastectomies and, under the insurance policies, cannot stay in the hospital overnight. A lot of State legislatures are changing the law in their States, but federally this should be a standard we all agree to, that people can stay in the hospital long enough for a good recovery.

Clinical trials are another real concern. Clinical trials are opportunities for medical researchers to come up with new cures. But, of course, they are not the most cost-efficient things. It takes extra time to try to find the patients who are appropriate for the test, get their permission, go through the testing and procedure, and a lot of health insurance companies say: We cannot be bothered by that. It is the bottom line. The longer they stay in the hospital, the worse for us.

But think about it. How can we expect to develop the cures we need in this country, the important things that challenge us and our families, if we do not have that? So we want to make certain clinical trials can still go on as a result of health care in this country.

Let me return for a moment to one of the basic frustrations that seems to attack the medical profession. I spoke to the Illinois State Medical Society a few weeks ago. It was an amazing experience, because as they started to ask questions afterwards, a lot of the questions circled around the question whether or not, as doctors, they could form a union. You know, there was a time if you said the word ''union'' in the presence of doctors, they would say: Wait a minute, we have nothing to do with that; that's some other group of people.

Why are doctors talking about forming unions or associations now? Because they have to have the power to bargain with the health insurance companies. Otherwise, they are being treated as employees and denied their professional rights, rights which they have earned with their education and their licensure.

It is an indication, too, of a concern I have that unless we change the way health care is managed in this country, fewer and fewer women and men will go to medical school. They will opt out of the opportunity of being health insurance company employees or servants and try something else. That is something that is not good for America if it occurs.

I can tell you if I am on a gurney in a hospital needing medical care and I look up into the eyes of that doctor, I want to see the best and the brightest. I will be praying that doctor was top of the class, the No. 1 graduate. I do not want someone who thought about this as a second option in their life, if they ever could.

I am afraid if this debate does not take place, if health insurance does not change, we could jeopardize the possibility of having the kind of men and women we want going to medical school and certainly jeopardize our ability, as individuals and members of families, to have health insurance and health care that we really can count on.

When Americans are asked across the board about their concerns, what they would like to see us work on, they tell us over and over: Take the decisions out of the hands of the health insurance companies and give them back to the doctors and medical professionals.

That is what this debate should be about. This empty Chamber should be filled with 100 Senators, Democrats and Republicans, debating this most important issue. Instead it is empty. We give these speeches calling for the issue to come before the Senate, and we are told by the other side we cannot; it would take too much time. And the clock continues to tick.

We have the time. The question is whether or not we can summon the courage to address an issue which, frankly, is controversial. On one side, the Democratic Patients' Bill of Rights has some 200 different organizations endorsing it. Doctors and hospitals, consumer groups, children advocacy groups, labor, business—all endorsing the Democratic plan. On the Republican side, their plan is endorsed by only one group, but it is a big one—the insurance companies. They do not want to see this changed. They are making a lot of money.

It goes beyond money. It goes to a question of quality of life for America's families. We had a similar debate just a few weeks ago, a debate that really followed the tragedy in Littleton, CO, when families across America and individuals stopped to ponder whether or not it was safe to send their kids to school anymore. It wasn't just Littleton, CO. It was Conyers, GA; West Paducah, KY; Pearl, MS; Springfield, OR; Jonesboro, AR; and maybe your hometown is next.

Finally, after a week of pointless debate, we came down to a sensible gun

control bill that was enacted only when Vice President GORE cast the deciding vote. Six Republicans and 44 Democrats voted for this bipartisan plan. It was sent to the House of Representatives and, unfortunately, there the National Rifle Association prevailed. The bill was basically defeated, and the opportunity for sensible gun control was lost.

I hope we have another chance in this session. I hope we have a chance to address not only gun control but the Patients' Bill of Rights, an improvement in the minimum wage in this country, and doing something about the future of Medicare—these things I believe are the reason we are here. It is the agenda with which most American families can identify—doing something about our schools to improve education. Instead we seem to be caught up in a lot of other issues that are at best only secondary. It is time to move to the primary agenda and the primary agenda is the Patients' Bill of Rights and that is what this Senate should be considering.

I thank the Chair for the opportunity to speak in morning business. I hope that as I end my remarks and we go into a quorum call, which is really a time out in the Senate, that all those who watch this quorum call will ask the same question: Why then, during that moment in time, isn't the Senate even talking about or debating the Patients' Bill of Rights? Why isn't that bill on the floor? Why aren't the Senators of both parties offering their best suggestions on how to improve health insurance in America?

Sadly, that has not happened. I hope it happens soon, and the sooner the better. I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Massachusetts.

Mr. KENNEDY. I understand we are in morning business until the hour of 2 o'clock.

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. Is there a limitation of 5 minutes or 10 minutes?

The PRESIDING OFFICER. There is no limitation.

Mr. KENNEDY. Mr. President, I yield myself such time as I may use.

PATIENTS' BILL OF RIGHTS

Mr. KENNEDY. Mr. President, I join with my friend from Illinois and others who have spoken before the Senate on the issue of the Patients' Bill of Rights, which, translated into layman's terms, means legislation that will give assurance to all Americans who are fortunate enough to have health insurance policies that medical decisions are being made by trained professional medical personnel and not by insurance company agents.

That is the underlying concept of this legislation, as has been pointed out during the course of the morning with the examples that have been given, and there are scores more. If we get the chance during the debate on the provisions, hopefully later in the afternoon, we will be able to review the various protections that we are attempting to achieve and why they are important to the children and families of this country.

Under the Republican program, there is a guarantee of getting direct access to a pediatrician for a child, but if that child has cancer, there is no guarantee the child will see a pediatric oncologist. Or if one has a disability, there is no guarantee that person will have access to the needed specialists. The guarantee they will have the best care available is important to patients, and there is no country which has better quality health care.

We have a challenge nationwide regarding access to health care, and we have a challenge nationwide in terms of the cost of health care, particularly in a number of different areas. One that comes to mind now is the issue of prescription drugs. We are going to have an opportunity, hopefully in this Congress, to address that issue.

On the issue of what we call quality, meaning that patients are going to get the best health coverage in terms of recommendations made by the professionals who have been trained and who have a wealth of experience in this area, we are trying to make sure that every medical decision will be based upon sound and meaningful medical teaching and experience.

That is the heart of this legislation. It is very important we get this kind of protection. Otherwise, we will continue to have today, tomorrow, and the day after tomorrow the tragic circumstances we have experienced and are being experienced in communities and towns all over this country.

Earlier in the day, we had some important statements and speeches by our colleagues. Senator FEINSTEIN talked about a provision making sure every health insurance proposal has as its basis of treatment the best in terms of medical necessity. The best that is available will be the standard used in providing treatment for individuals.

I took some time earlier today and illustrated how different health insurance programs have different definitions. Sometimes a definition works to the advantage of the HMO and works to the advantage of the insurance company but to the disadvantage of the individual. Such a definition can even threaten the life of that individual.

It may be favorable to the HMO regarding its bottom line financially, but it certainly is not favorable to the patient. We ought to be about the business of doing what is important for the patient.

Senator FEINSTEIN has talked about this issue very eloquently and persuasively today. That certainly would be an area that we ought to be able to debate and discuss. I do not believe we have that kind of standard with the language which is included in the provision being advanced by our Republican friends.

It is not only my opinion that this is important, but it is the opinion of the health practitioners in this country—the doctors, the American Medical Association, the nurses, the various specialists. They are concerned that the Republican proposal does not provide a good standard to protect the health and safety of children, of women, of patients in our country.

We ought to be able to debate that issue. It is a very important issue. Senator FEINSTEIN has spoken eloquently about that particular problem. But we cannot. We are virtually prohibited from being able to do so. We cannot even get this measure up. We were told yesterday to either take the whole package or we were not going to get anything at all. That has been repeated time in and time out. There appears to be the continuation of that policy now by the Republican leadership—delay and deny, delay and deny.

Then later we had the excellent statement that was made by our colleague and friend, Senator MIKULSKI, who was talking about the importance of the kinds of protections that are guaranteed in our Patients' Bill of Rights, particularly with regard to women and children.

She very eloquently pointed out how these gatekeepers who are part of these HMOs—the gatekeeper being the person who ultimately dictates to the doctor what they can effectively prescribe in terms of treatment and in terms of medicines—makes those medical judgments and decisions. That is what is happening out there; and that is startling.

People can say, well, that really isn't happening in America. It is happening. We have given examples of the devastating results that occur as a result of that kind of interference. She illustrated the importance of having those kinds of specialists who are particularly trained and understand the particular needs of women and children.

She talked from her own personal experience in a very significant and important way about how she had a gallbladder operation and was able to stay in the hospital in order to recover. But if a woman had a mastectomy—and she used the word ''amputation'' because she said that is what a mastectomy is—she would still be required to leave the hospital that same day. She reminded us about the unsuccessful efforts we made in the committee to try to alter and close that gap in the Republican bill. It makes no sense how those efforts were defeated.

It seems to me we ought to be able to have some debate. I do not think that issue would take a long period of time. I thought that Senator MIKULSKI, in about an 8- or 10-minute presentation, made a presentation that was powerful and convincing and compelling.

Maybe there is a good argument on the other side. We certainly have not

heard it yet. We never heard it in the committee when we were marking this bill up. We did not hear one. So maybe there is an argument on the other side that we haven't heard yet. A woman who is going to have a mastectomy ought to be under the care of the doctor, and the doctor and the patient ought to decide whether that person can leave the hospital that day or ought to be there 1 or 2 or 3 more days. Leave it up to the doctors and their recommendations. That is not permitted under the majority's bill.

We heard a great deal of talk about that. That is not in the bill that is the Republican proposal. The specific amendment that the Senator talked about on the Senate floor would be an amendment that we ought to be able to debate. We ought to be able to debate why it is not in the Republican bill that will eventually, hopefully, be laid down before the Senate.

There is not that protection for women in this country. There is not that protection that will permit the doctor to make a judgment about how long it will be medically necessary to keep that woman in the hospital if she has a mastectomy. That protection is not there. It was defeated when it was offered.

Let's have a brief debate on that issue, and let's have the call of the roll. Why is it we are being denied that today? Why is it we are being foreclosed from that kind of an opportunity? Why is it we cannot have the kind of debate in relation to the excellent presentation that the Senator from California, Senator FEINSTEIN, made, the excellent presentation that the Senator from Maryland, Senator MIKULSKI, made on two different kinds of phases?

Yesterday we talked with our Democratic leader, Senator DASCHLE, about the importance of clinical trials and the necessary aspects of increasing the clinical trials. Historically, the insurance companies of this country have basically supported clinical trials. There is a very good reason why they should, because—besides the medical reason that it is important for the patient—if the person gets better they will not need as many services, and that means the insurance company will pay out less in the long run. That is something that should be a financial incentive for the insurance companies; and it is.

Let me repeat that. While clinical trials make sense in terms of the treatment for the patient, they make sense for the insurance companies, too. But what we are seeing, under the health maintenance organizations, is the gradual squeeze and decline in terms of the insurance companies' payments for routine health needs of the particular patients.

Under our proposal, they would only pay for routine costs, as they have historically. The research regime pays for the special kinds of attention, treatment, and tests that are necessary in order to review whether that particular pharmaceutical drug or other therapy is useful or not. That is not paid for by the insurance companies. So they only have to pay for the routine health needs—the costs that they would pay for even in the absence of a clinical trial. The regime, the testing group or organization or pharmaceutical company that is having that clinical trial, pays for the rest.

But what we are seeing is virtually the beginning of the collapse of clinical research taking place. I will just make a final point on this issue. The group that has had the greatest amount of clinical research done on them in this country has been children. The greatest progress that has been made in the battle for cancer has been—where?—with children.

Most of the clinical researchers who have reviewed this whole question of our efforts on cancer would make the case that one of the principal reasons that we have made the greatest progress in the war on cancer in children, in extending their lives and improving their human condition, is because of these clinical trials.

We want to continue to encourage participation in clinical trials. They offer hope for the future. If the doctor says this is what is necessary for the life and the health of a woman who has cancer, that this is the one way she may be able to save her life, and there is a clinical trial available, we want to be able to say she ought to be able to go there. The opposition says: Let's study it. I say: Let's vote on it.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

EXTENSION OF MORNING BUSINESS

Mr. NICKLES. Mr. President, I ask unanimous consent to extend morning business until 3 o'clock, with the time equally divided.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object. I have a question and I shall not object. Can our friend tell us if there is any progress being made on getting the Patients' Bill of Rights to the floor so the good Senator from California, Senator FEINSTEIN, can offer an amendment to assure that doctors make the decisions when people are sick and not a bureaucrat? Is there any chance we might have that on the floor this afternoon?

Mr. NICKLES. Mr. President, I am happy to respond. Our colleagues from California may want to join our bill; we have doctors make the decisions. To answer the Senator's question, we are negotiating in good faith. We are getting closer, I believe, to coming to an agreement that would have consideration of the Patients' Bill of Rights be the pending business when we return from the Fourth of July break. Hopefully, we will have that resolved in the not-too-distant future.

Mrs. BOXER. I thank the Senator.

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

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California, Mrs. FEINSTEIN, is recognized.

PATIENTS' BILL OF RIGHTS

Mrs. FEINSTEIN. Mr. President, I am on the floor because I anticipated that at 2 o'clock we would be returning to the agriculture appropriations bill. I indicated this morning that I would be proposing an amendment to that bill that has to do with giving the physician the right to provide medically necessary services in a setting which that physician believes is best for the patient. I now see that this has been postponed an hour, so I would like to speak to the amendment now and then introduce it at 3 o'clock. I hope there will be no objection to that.

Let me begin by saying, once again, what this amendment does. Essentially, the amendment says that a group health plan or a health insurance issuer, in connection with health insurance coverage, may not arbitrarily interfere with or alter the decision of the treating physician regarding the manner or the setting in which particular services are delivered if the services are medically necessary or appropriate for treatment or diagnosis, to the extent that such treatment or diagnosis is otherwise a covered benefit.

I read that specific language because it is important to understand that because most people buying a health insurance plan believe that their doctor is, in fact, going to be prescribing the treatment that is best for them, not the treatment that is the least cost effective, not the treatment that might run a risk to the patient but be good for somebody else, but the treatment or the procedure, in an appropriate setting, that is right for that patient. What is right for a patient who is 18 years old may not be right for a patient who is 75 years old, and so on. I will read from the legislation the definition of ''medical necessity'' or ''appropriateness'':

> The term ''medical necessity'' or ''appropriate'' means, ''with respect to a service or a benefit, a service or benefit which is consistent with generally accepted principles of professional medical practice.''

That is something that everyone expects, that everyone is accustomed to in this Nation, and I believe that is the way medicine should, in fact, be practiced. I am very pleased to say the language of this amendment, from the

larger Patients' Bill of Rights (S. 6) is supported by some 200 organizations all across the United States, including the American Academy of Emergency Medicine; the American Academy of Neurology; American Academy of Pediatrics; American Association of University Women; American Cancer Society; American College of Physicians; American Heart Association; American Lung Association, and the American Medical Association, which is the largest association of practicing physicians in the country.

Then there is the American Psychological Association; the American Public Health Association; the American Society of Clinical Oncology; virtually every breast cancer organization; the Consumer Federation of America; the Epilepsy Foundation; the Leukemia Society; the National Alliance of Breast Cancer Organizations; the National Association of Children's Hospitals; the National Association of People with AIDS; the National Council of Senior Citizens; the National Black Women's Health Project; the National Breast Cancer Coalition; the Older Women's League; the Paralyzed Veterans of America—on and on and on.

This is a widely accepted amendment that virtually has the support of every professional and patient organization that deals with health care anywhere in the United States.

Let me read a statement from the American College of Surgeons, certainly the most prestigious body for surgeons, and one to which my husband, Bert Feinstein, belonged:

> We believe very strongly that any health care system or plan that removes the surgeon and patient from the medical decision-making process only undermines the quality of that patient's care and his or her health and well-being.

Similarly, the American Medical Association has said, ''Medical decisions should be made by patients and their physicians, rather than by insurers or legislators.''

I have worked on this now for 3 years. In the last Congress, I introduced legislation to allow doctors to decide when to discharge a woman from the hospital after a mastectomy. I did this with Senator D'Amato in the last Congress and with Senator SNOWE in this Congress. And I introduced a bill that would allow doctors to decide when to discharge a person from the hospital after any procedure or treatment, with Senators D'Amato and SNOWE.

Why do we need these bills? Senator MIKULSKI from Maryland this morning made a very impassioned case about mastectomies. And we learned in 1997 that women were being pushed out of the hospital on the same day after a mastectomy.

I was amazed to hear from a woman named Nancy Couchot of Newark, CA, who wrote me in 1997 that she had a modified radical mastectomy at 11:30 in the morning and was released from the hospital by 4:30 that afternoon. She could not walk to the bathroom without help. She said in her letter:

> Any woman, under these circumstances, should be able to opt for overnight stay to receive professional help and strong pain relief.

Victoria Berck of Los Angeles wrote that she went in at 7:30 a.m. and was released at 2:30 p.m. with drains attached to her body. She said, ''No civilized country in the world has a mastectomy as an outpatient procedure.''

It was a very large health care network in California that was doing these ''drive-through'' mastectomies on the same day.

I believe ''drive-through'' mastectomies have been largely stopped, but patients had to rise up, and patients had to say you can't do this to me. You can't push me out a few hours after an anesthetic with drains in my body, having had a radical mastectomy and not being able to take care of myself.

What if the woman is 75 instead of 25? It makes no sense.

We also learned that insurance plans were insisting one-night hospital stays if you had a child.

We learned that babies—infants—were going home with jaundice, and they had to come back to the hospital for treatment once, twice, or three times. There was a lot of ''tsk-tsking.'' What a terrible procedure. How could they do this? Now it has changed because Congress acted, requiring a minimum of two days for childbirth, for a normal delivery. What if you need 5 days for care, or 6 days for care?

The point is that it should be a decision made by the physician. It should not be countermanded by someone unqualified to make that decision.

A California neurologist told us about a 7-year-old girl with an ear infection who went to the doctor with a high fever which developed into pneumonia, and she was hospitalized. The HMO insisted that she be sent home after 2 days. She ended up returning to the hospital three times, sicker each time to the point where she developed meningitis. The doctor said that if she had stayed in the hospital for 5 to 7 days the first time that she could have been given antibiotics, been monitored, and would not have gotten meningitis.

What is the problem?

Let me read the definition of medical necessity in an insurance contract provided to me by the American Medical Association. This is from the Aetna/U.S. Healthcare standard Texas contract. I quote: ''Health care services that are appropriate and consistent with the diagnosis in accordance with accepted medical standards and which are likely to result in demonstrable medical benefit,'' and here is the point, ''and which are the least costly of alternative supplies or levels of service.''

It is not ''and/or.'' It is ''and which are the least costly.''

So if you belong to that plan and there is a drug that is the least costly, perhaps not as effective or perhaps not good for you with your present condition, or because of your age, that is the drug you are forced to take because the insurance plan says so, despite what the doctor says. If there is a diagnostic process that may be less effective than an MRI, that MRI is very often prohibited for you.

What is happening out there? What is the problem?

The problem is that doctors are finding insurance plans overriding their decisions, dictating their decisions, second-guessing their decisions about what is medically necessary.

We aim in this amendment to give that basic right of medical practice back to the physician.

In fact, today doctors all across this Nation will tell you that they spend hours hassling with insurance company accountants and adjusters to justify medical necessity decisions —why a person needs another day in a hospital, why a person needs an MRI, why a patient needs a blood test, why a patient should get this drug instead of that drug.

Seventy percent of doctors across this great Nation say they are forced to exaggerate a patient's symptoms to make sure HMOs don't discharge patients from hospitals prematurely.

Is this the kind of medical care that we want to see HMOs press us toward where a doctor has to lie, fabricate, or exaggerate the condition of the patient to be sure that patient gets what is medically appropriate for that particular patient? I truly think not.

Every patient is different. Every patient brings to a situation his or her own unique history and biology. Doctors should be able to use their best professional judgment in each individual case based upon the needs or condition of the patient.

Pneumonia in a 30-year-old patient is different from pneumonia in a 70-year-old patient. Doctors know the difference, and most of us do, too.

A Maryland nurse said: I spend my days watching the care in my unit be directed by faceless people from insurance companies on the other end of the phone. My hospital employs a full-time nurse whose entire job is to talk to insurance reviewers.

I myself in 1989 had to have a hysterectomy. I was extraordinarily anemic. As I was in the hospital for a blood transfusion, the phone rang. I picked up the phone. It was my insurance company. What they said to me is: Why are you still in the hospital? You are supposed to be out of there by now.

My only response was: I am here because I am currently having a blood transfusion.

A patient shouldn't have to go through this. It happened to me. You can be sure it is happening all across this country.

Doctor Robert Weinman told the San Jose Mercury News that a doctor prescribed a brain wave test for a convulsing epileptic child. The HMO board—consisting of one accountant, the chief financial officer, and one doctor—refused coverage, depriving the

doctor of the necessary diagnostic information.

On June 14, just a couple of weeks ago, a California nurse practitioner told my staff that insurance plans will allow people with ulcers to take Prilosec for only 4 to 6 weeks, even though the gastroenterologists say that it is needed for a longer period. Plans say patients can take Tagamet, which is cheaper but not as effective for this particular condition.

This is what this amendment seeks to avoid.

The doctor should be able to prescribe based on medical necessity what is appropriate to each patient—a hallmark of good medical care.

A California doctor told us about a patient who needed a total hip replacement because her hip had failed. The doctor said that patient should remain in the hospital for 7 days. The plan would only authorize 5 days.

Let me quote once again from a Los Angeles physician.

Many doctors are demoralized. They feel like they have taken a beating in recent years. . .physicians train years to learn how to practice medicine. They work long hours practicing their field. Under this health care system, that training and hard work often seem irrelevant. A bureaucrat dictates how doctors are allowed to treat parties. . . When I tell someone he is fit to leave the hospital after an operation, I am often given an accusing stare. Sometimes my patients even say: ''Is that what you really think or are you caving in to HMO pressure to cut corners on care?''

Medicine shouldn't have to be practiced this way in the United States of America.

Over 80 percent of the people of my State are in some form of managed care. California has been a laboratory for managed care. Californians are speaking out on the issue. Over one half of Californians say that major changes are needed in our health care system. Californians say they have to wait for care longer, they are rushed through appointments, they have to navigate impersonal systems when they are trying to get care.

A survey of 900 doctors in California found that 7 out of 10 were dissatisfied with managed care organizations. Insurance companies have invaded the examining room, the emergency room, and the hospital room. The ''care'' is rapidly going out of health care. Getting good health care should not be a battle.

I think everyone in this body understands HMOs can be effective good, they can reduce costs in a medically acceptable way. And that is the key—in a medically acceptable way, without adversely impacting the patient. The way to do this is not to countermand the physician, not to tell the physician what drug he or she can or cannot give a patient based on the cost, not to tell a physician he has to conduct a radical mastectomy at 7:30 in the morning, removing sometimes both of a woman's breasts and lymph nodes, and push her out on the street with drains in her chest and pain coursing through her body. That isn't good health care for anyone.

This is a simple amendment. It is supported by virtually over 200 health organizations.

Some might say why not wait until we work out an agreement so a Patients' Bill of Rights—whether it be Democrat or Republican—can come to the floor. I have waited for 3 years for an opportunity to move this kind of legislation. We cannot wait any longer. Senator D'AMATO and I, 3 years ago, held a press conference urging this kind of legislation. Senator SNOWE and I, in this Congress, have introduced similar legislation.

The beauty of this amendment, that I want to bring before the Senate for a vote, is that it states very simply that health insurance coverage may not arbitrarily interfere or alter the decision of the treating physician regarding the manner or setting—hospital, emergency room, outpatient clinic, whatever it is—in which particular services are delivered, if the services are medically necessary or appropriate for treatment or diagnosis.

Every single patient in managed care anywhere in the United States of America will be better off the sooner this amendment becomes law.

I believe to wait is wrong. I believe to wait will cost lives. I believe to wait will increase morbidity. I believe to wait is unfair to the physicians who are trained, able, and ready to carry out their profession.

I am hopeful I will have an opportunity, in 25 minutes when the agricultural appropriations bill is on the floor, to offer this amendment which is broadly and widely supported all across the United States. Once and for all, the physician and the patient will together make the medical decisions—not a green eyeshade somewhere in a remote HMO office.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island. The Chair notes the Senator has 2 minutes 2 seconds.

Mr. REED. I ask unanimous consent to speak for 10 minutes as if in morning business.

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

Mr. REED. Mr. President, I take this opportunity to talk about the Patients' Bill of Rights in one particular area. That is the area of appeals, both internal appeals and external appeals.

Both versions of this legislation, both the Republican proposal and the Democratic proposal, purport to have provisions for appeals of denial of service to consumers of health care in HMOs. Looking closely at the proposals, we find that the Republican process is significantly deficient.

We will hear discussions about these various proposals, but I will highlight a couple of the areas which suggest the deficiencies that are inherent in the Republican proposal versus the Democratic proposal.

First, under the Republican plan, an internal review—one that is being conducted by the HMO itself—that reviewer is restricted from looking at all the evidence in a case.

For example, if a patient thought they were not receiving appropriate care, they might go to another physician outside of their network and ask for an opinion. That type of information cannot be used by the internal reviewer to make a judgment about the decision rendered by the HMO. This narrowly restricted access to information prejudices the review process against the patient. It also leads to something I think is evident today and would be even more pronounced in the future, a growing cynicism that the managed care companies simply want to protect the bottom line, not the health of the patient.

I strongly suggest the internal review process in the Republican legislation is deficient since it will not allow, essentially, a de novo review of the case by the reviewing authority.

The second weakness with respect to the Republican proposal is with regard to external reviews. External reviews are reviews which are conducted by an outside party. Under the Republican plan, a review could only be conducted if there is a claim that some type of medical necessity has been violated, or the proposed treatment is experimental—again, two very narrow grounds.

A patient cannot have an external review if the claim is about contractual rights. In the world of HMOs, it is so easy for the HMO to claim: This is not really an issue of medical necessity. It is not an issue even of innovative treatment. This treatment is just not covered under your plan.

These contracts are pages and pages of small print. When the average consumer or family tries to figure out what the contract says, they are no match for the reviewing authorities and spokespeople for the HMOs.

As a result, there is a very real possibility an aggrieved party will never get an external review. They will be buried in a barrage of verbiage indicating ''it is not covered in the contract'' or it ''doesn't meet our definition of medical necessity.'' I refer to the text provided by my colleague from California where part of the definition of ''medical necessity'' included the low-cost alternative in the provision of services.

All of this, in my view, is an invitation to endless argumentation about legalisms at a time when people need a prompt response to a health care crisis in their family.

There is another deficiency with respect to the external review provisions. Under the Republican proposal, the HMO actually picks the reviewing authority. Now that just does not sound fair. If it does not sound fair to us, it will certainly not sound fair to the families of America.

Mrs. BOXER. Will the Senator yield on that point?

Mr. REED. Certainly.

Mrs. BOXER. Because the Senator has made a point that is rather stunning to me. In other words, he is saying that in the Republican proposal which purports to be a Patients' Bill of Rights, if a patient believes he or she has not received the appropriate treatment and there is an internal review—and let's pass over that—and then there is an external review; in other words, people are coming in from the outside to take a look at whether or not you should have had a different treatment for your cancer, let's say, the Senator is saying to me that under the Republican proposal, the very organization that denied you a certain kind of treatment gets to pick the people who are going to decide if that HMO was wrong? So if they pick their friends, naturally, what chance does the patient have? I say to my friend, this seems like a kangaroo court if I have ever heard of one. Does he not agree?

Mr. REED. I agree completely. The Senator is absolutely right. Both the perception of an unfair, unbalanced procedure, and I would also argue the reality, ultimately, will be such that you are not going to get a fair evaluation of your claim.

I cannot conceive of a company—and the HMOs are famous now for their concern for the bottom line—that would go out of its way to retain people who are sensitive to the needs of patients versus the needs of the company and its bottom line. They will pick reviewing authorities who will invariably decide that this expensive procedure, or this inexpensive procedure, is not needed by a patient.

What you are doing also is creating a degree of cynicism about the whole process of appeals. As a result, rather than making a sound, objective, external evaluation of the merits of the case with all the evidence and telling the patient, no, this is not necessary for you, or, yes, it is, a huge legal, bureaucratic labyrinth is created, at the end of which you find yourself facing somebody who basically works for the HMO.

Mrs. BOXER. I wonder, in comparing these two bills, if my friend has made an analysis of the way the Democratic bill treats the appeals process? And can he tell us the difference here?

Mr. REED. The Democratic legislation tries to create, and I think succeeds in creating, a situation where there is an external review where a party who is not beholden to the HMO, an individual reviewing authority outside of the company will review external appeals. It would be truly independent and there would not be a conflict of interest, and that, I believe, is the appropriate way to proceed.

By creating an independent external review procedure, it will, No. 1, strengthen the confidence of consumers that they are getting a fair shake and, No. 2, it will lead to better judgments about the type of health care that should be necessary.

Mr. KENNEDY. Will the Senator yield?

Mr. REED. I am happy to yield to the Senator from Massachusetts.

Mr. KENNEDY. If I understand the Republican proposal, if you had a child, for example, with cancer, and you had a pediatrician, but what you needed was an oncologist for that child, one who is a specialist in pediatrics, and the HMO denied you that, and you believed this was enormously important for the treatment for the child, under the Republican proposal you have no right to appeal that particular decision. I understand that the right to an independent appeal applies only to certain decisions, and a denial of access to a specialist is not one of them. I believe I am correct.

We heard our wonderful friend, Dr. FRIST, yesterday talk about how any child who had cancer would be guaranteed a specialist and everybody said: Doesn't that do the trick? No.

We know you need not just a pediatrician, but as the Senator from Rhode Island knows—as one who has been a leader in the Senate on children's issues regarding access, and has introduced special legislation on this—that child needs a pediatric oncologist. That kind of specialist is absolutely crucial, if that child is to have a fighting chance; but denial of access to that particular specialist would not be eligible for appeal under the majority's program.

The PRESIDING OFFICER. The time of the Senator from Rhode Island has expired.

Mr. KENNEDY. Mr. President, I ask for 6 more minutes evenly divided.

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

Mr. KENNEDY. I was just asking whether the Senator's understanding is the same understanding as mine? If the Senator would just reflect on the significance of that, I would appreciate it. How important, really, is specialty care access, I ask the Senator, as an expert on this issue for the treatment of a child?

Mr. REED. The Senator is exactly correct. The way the appeals process is drafted in the Republican legislation, a child who has a serious cancer might be offered the services of an oncologist for adults. In the view of the plan, that would be adequate, sufficient for the purposes of the medical necessity. As a result, the parents of the child, who want access to a pediatric oncologist, may not even get the chance to even protest internally, externally, or in any way.

That is wrong. Frankly, I have been trying to learn as much as I can about pediatric specialties. I, like so many people, once thought an oncologist is an oncologist is an oncologist like a rose is a rose is a rose. It turns out pediatric oncology is a very specialized part of medicine.

I was talking to a specialist recently who pointed out the case of a young child who was discovered with a particular type of cancer and was treated by an adult's oncologist using what is standard procedure for an adult. In fact, using the adult procedure produced additional problems for the child and only further complicated the situation. As a result, the child has to have an additional regime of chemotherapy. All of this could have been avoided, of course, had that child seen a pediatric oncologist immediately.

The provisions in this legislation do not give a fair chance to appeal a denial of access to a specialist like the case I have just outlined. They do not give Americans, but particularly children, a fair chance to get good health care. That is what we want to do and should do.

Mr. KENNEDY. Will the Senator yield just for another moment? It is now approaching 3 o'clock. To the best of my recollection, the good Senator from California, Senator FEINSTEIN, has been here since 10 o'clock this morning, prepared to go ahead and introduce her amendment and has still not been able to do it. There has been an extension of the time limits, evidently because of some negotiations about which all of us are hopeful. But I think we probably could have disposed of the amendment of the Senator and probably the proposal of the Senator from Rhode Island also. I do not know whether the Senator would agree with me or not.

Mr. REED. I do agree. I have been listening to Senator FEINSTEIN's very eloquent and thoughtful comments about the need for access to specialists and the need to have a physician make a decision about your health care and not an accountant.

The PRESIDING OFFICER. The time of the Senator from Rhode Island has expired.

Mr. REED. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair, acting in his capacity as a Senator from New Hampshire, notes the absence of a quorum. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from the State of New Hampshire, objects. The clerk will continue to call the roll.

The legislative clerk continued with the call of the roll.

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

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

EXTENSION OF MORNING BUSINESS

Mr. NICKLES. Mr. President, for the information of all colleagues, we are still in the process of negotiating a

time agreement on proceeding. We are not quite there. We are getting closer.

Mr. President, I ask unanimous consent that morning business be extended for 30 minutes to be equally divided.

The PRESIDING OFFICER. Is there objection?

Mrs. FEINSTEIN. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I say to the distinguished whip, I have been here for a long time hoping to offer an amendment to the agriculture appropriations bill.

Can you give me any time when that bill might be coming to the floor?

Mr. NICKLES. I will be happy to respond.

It is our intention that the ag bill will not be the vehicle for the Patients' Bill of Rights or any amendments related to it. The unanimous consent request we are proposing or negotiating would bring up the Patients' Bill of Rights when we return from the Fourth of July break, with the bill to be brought up on, I believe, July 11, to be completed by July 15. So no amendments relating to the Patients' Bill of Rights will be offered on the ag appropriations bill.

Mrs. FEINSTEIN. In exchange for a definitive date of bringing up the Patients' Bill of Rights?

Mr. NICKLES. Correct. Absolutely.

Mrs. FEINSTEIN. We would have minority rights to amend that bill?

Mr. NICKLES. That is correct.

Mrs. FEINSTEIN. I thank the Senator.

The PRESIDING OFFICER. Is there objection the request of the Senator from Oklahoma?

Without objection, it is so ordered.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER (Mr. GRAMS). The Senator from Washington.

Mrs. MURRAY. It is my understanding that the Democrats now have 15 minutes?

The PRESIDING OFFICER. That is correct.

Mrs. MURRAY. Then I will proceed.

PATIENTS' BILL OF RIGHTS

Mrs. MURRAY. Mr. President, I hope we can work out an agreement, but I rise today really to express my frustration and outrage with the inability of the Republican leadership to allow a fair and open debate on the real Patients' Bill of Rights.

I do not like the idea of tying up must-do appropriations bills to try and force a fair and open debate on access to health care services. However, due to the inability to find a reasonable compromise on the number of amendments, we have been forced to bring this issue to every possible vehicle.

I hope we can work out an arrangement with the majority party to do this and to have our opportunity to offer amendments that we think are very important.

Sometimes we spend far too much time on issues of little significance to the American people. One of the majority's showcase pieces of legislation in 1999 was to change the name of National Airport to the Ronald Reagan Washington National Airport. We spent more time talking about the name change than we have on debating the Patients' Bill of Rights.

When it comes to access to emergency room treatment, or access to experimental lifesaving treatments, we cannot seem to find 3 days for its consideration on the Senate floor. This is the kind of legislation that really does impact American working families. I would argue that it deserves a full and open debate on the Senate floor, allowing us to offer our amendments.

The Republican reform legislation reported out of the HELP Committee is not—and let me repeat, is not—a patients' bill of rights. Oddly enough, it excludes most insured Americans and, in many cases, simply reiterates current insurance policy. It does not provide the kinds of protections and guarantees which will ensure that when you need your insurance, it is there for you and your family.

Let's face it. Most people do not even think about their health insurance until they become sick. Certainly, insurance companies do not notify them every week or month, when collecting their premiums, that there are many services and benefits they do not have access to. It is amazing how accurate insurance companies can be in collecting premiums, but when it comes time to access benefits, it becomes a huge bureaucracy with little or no accountability.

The Republican leadership bill is inadequate in many areas. Let me point out a couple of the major holes that I see in this legislation.

During markup of this legislation in the HELP Committee, I offered two important amendments. The first one was a very short and simple amendment to prohibit so-called drive-through mastectomies.

My amendment would have prohibited insurance companies from requiring doctors to perform major breast cancer surgery in an outpatient setting and discharging the woman within hours. We saw this happen before when insurance companies decided it was not medically necessary for a woman to stay more than 12 hours in a hospital following the birth of a child. They said there was no need for followup for the newborn infant beyond 12 hours. There was no understanding of the effects of childbirth on a woman and no role for the woman or physician to determine what is medically necessary for both the new mother and the new infant.

I offered the drive-through mastectomy prohibition amendment only because an amendment offered earlier in that markup would continue the practice of allowing insurance personnel to determine what was medically necessary—not doctors, not patients, but insurance companies. I offered my amendment to ensure that no insurance company would be allowed to engage in drive-through mastectomies.

My amendment did not require a mandatory hospital stay. It did not set the number of days or hours. It simply said that only the doctor and the patient would be able to determine if a hospital stay was medically necessary. The woman who had suffered the shock of the diagnosis of breast cancer, the woman who was told the mastectomy was the only choice, the woman who faced this life-altering surgery, decides, along with her doctor.

Unfortunately, my colleagues on the other side did not feel comfortable giving the decision to the woman and her doctor. They did not like legislating by body part; and neither do I. But I could not sit by and be silent on this issue. Defeating the medically necessary amendment, offered prior to my amendment, forced me to legislate by body part. And I will do it again to ensure that women facing a mastectomy are not sent home prematurely to deal with both the physical and emotional aftershocks.

For many years, I have listened to many of my colleagues talk about breast cancer and breast cancer research or breast cancer stamps. When it comes to really helping breast cancer survivors, some of my Republican colleagues voted no. I hope we are able to correct this and give all of my colleagues, not just those on the HELP Committee, the chance to vote yes.

The other amendment I offered in committee addressed the issue of emergency room coverage. The Republican legislation falls short of ensuring that when you have a sick child with a very high fever, and you rush them to the emergency room in the middle of the night, the child will receive emergency care as well as poststabilization care. The Republican bill simply adopts a prudent layperson standard on emergency care, not care beyond the emergency.

That means that a child with a fever of over 104 degrees may not receive the full scope of care necessary to determine what caused the fever to prevent the escalation of a fever once the child has been stabilized. As many parents know, simply controlling the fever is not enough; you have to control the virus or infection to prevent the fever from escalating again.

I tried in committee to address the inequities in the Republican bill regarding emergency room coverage. Unfortunately, my amendment was defeated. Let me point out to my colleagues, if they think their language will protect individuals seeking emergency care, they are sadly mistaken.

The insurance commissioner's office in my home State of Washington recently initiated a major investigation of insurance companies that had denied ER coverage based on a prudent layperson's standard. The commissioner's office discovered that despite a

State regulation requiring a prudent layperson standard, there were numerous examples of individuals being denied appropriate care in the emergency room.

In Washington State, a 15-year-old girl with a broken leg was taken by her parents to a hospital emergency room. The claim was denied by the family's insurer, which ruled that the circumstances did not constitute an emergency.

A 17-year-old victim of a beating suffered serious head injuries and was taken to an ER. A CAT scan ordered by the ER physician was rejected by the insurer because there was no prior authorization. This 17-year-old child was stabilized, but the physician knew that only through a CAT scan would they know the full extent of the child's injuries. Yet the insurance company denied payment because they had not approved the procedure. They obviously did not think that a CAT scan was part of ER care.

These are examples of gross misconduct by insurance companies in the State of Washington that are supposed to meet the same standard that is included in the Republican bill. As the insurance commissioner learned, a prudent layperson standard still allows for a loophole large enough to drive a truck through.

I also want to remind many of my colleagues who support doubling research at NIH that we are facing a situation where we have all of this great research we are funding, and yet we allow insurance companies to deny access. Yesterday we heard testimony at the Labor-HHS Subcommittee hearing about juvenile diabetes. It was an inspiring hearing. We had more than 100 children and several celebrities testify. Yet as I sat there listening to the testimony from NIH about the need to increase funding for research and how close we are to finding a cure, I was struck by the fact that the Republican leadership bill would allow the continued practice of denying access to clinical trials, access to new experimental drugs and treatments, access to specialties, and access to specialty care provided at NCI cancer centers.

It does little good to increase research or to find a cure for diabetes or Parkinson's disease if very few people in this country can afford the cure or are denied access to that cure. We need to continue our focus on research, but we cannot simply ignore the issue of access.

I urge my colleagues to join me in supporting a real Patients' Bill of Rights that puts the decision of health care back into the hands of the consumer and their physician, that doesn't dismantle managed care but ensures that insurance companies manage care, not profits.

I don't want to increase the cost of health care. I simply want to make sure people get what they pay for, that they have the same access to care that we, as Members of the Senate, enjoy as we participate in the Federal Employees Health Benefit Program. The President has made sure we have patient protections. Our constituents deserve no less.

I thank the Chair.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I have a couple comments. Again, we are trying to come up with an arrangement. I think all my colleagues are aware of the fact that we have been negotiating on this most of the day. Hopefully, we will come up with an arrangement that is mutually satisfactory to all participants in the debate.

I will respond to a couple of the comments, because maybe they haven't been responded to adequately. There has been a lot of discussion about the Republican package doesn't do this or the Democrat package does so many wonderful things. The Democrat package before the Senate increases health care costs dramatically.

I stated, maybe 2 years ago: When the Senate considers legislation, we should make sure we do no harm. By doing no harm, I stated two or three propositions. One, we should not increase health care costs; that makes health care unaffordable for a lot of Americans. Unfortunately, the package proposed by my colleagues on the Democrat side—the Kennedy bill—increases health care costs 4.8 percent, according to the CBO, over and above the inflation that is already estimated for this next year, estimated to be about 8 percent.

If you add 5 percent on top of 8 percent, that is a 13-percent increase in health care costs. The result is, probably a million and a half Americans will lose their health care if we pass the Democrat package.

I have heard a lot of my colleagues say: We need to pass the Kennedy bill; it is going to do all these wonderful things, because we are going to protect, we have a prudent layperson. It is just a great idea. We have emergency care. It is a wonderful idea. We are going to guarantee everybody all this assortment of benefits. We are going to mandate all kinds of little coverages that all sound very good.

But they do have a cost. If we make insurance unaffordable and move a million and a half people from the insured category to the uninsured category, I think we are making a mistake; I think we are making a serious mistake.

There are some costs involved, and there is a little difference in philosophy. Some of our colleagues said the Republican package doesn't cover this or doesn't do this, doesn't do that. What we don't try to do is rewrite health care insurance, which is basically a State-controlled initiative. We don't have the philosophy that Washington, DC, knows best. There is a difference in philosophy.

The Kennedy bill says: States, we don't care what you are doing. We know what is best. We have a package, an emergency care package, that you have to have ER services under the following scenarios. We don't care what you are doing, States.

I just looked at a note. Forty States have emergency care mandates. The Kennedy bill says: We don't care what you are doing, States. Here is what we say, because we know what is best.

I wonder if the State of Massachusetts has it. The State of Washington has it. I heard my colleague from Washington, Senator MURRAY, talk about emergency care. The State of Washington has emergency care mandates in their health care packages for State-regulated health care plans. I heard the Senator from Washington talk about ''prudent layperson.'' The State of Washington has a prudent layperson mandate. Maybe that is not adequate. Maybe somebody in the State legislature in the State of Washington said: We need to strengthen this; we need improvement.

There is a difference of philosophy. We, on our side, are saying we shouldn't try to rewrite health care plans all across America. We don't believe in national health insurance, that the Government in Washington, DC, is the source of all wisdom, has all knowledge, can do all things exactly right, and we should supersede the governments of every State.

We don't have that philosophy. There is a difference of philosophy. The Kennedy bill says: States, you have emergency room provisions. We do not think they are adequate. We know what is best.

Then the health care plans say: Wait a minute, we have been regulated since our inception by the States, as far as insurance regulation. Now we have the Federal regulation. Whom should we follow? They are different.

Who is right? Do we just take the more stringent proposal, or are we now going to have HCFA regulate not only Medicare and Medicaid, but are we now going to have HCFA regulating private insurance? I do not think we should.

I will tell my colleagues, HCFA has done a crummy job in regulating Medicare. HCFA has not complied with the mandates we gave them in 1997 for giving information to Medicare recipients on Medicare options. They haven't done that yet. They haven't notified most seniors of options that are available to them that this Congress passed and this President signed. They haven't notified people of their options. They have done a crummy job of complying with the regulations that they have now. They haven't even complied with—some of the States—the so-called Kennedy-Kassebaum legislation that passed a few years ago. There are some States, including the State of Massachusetts, which don't even comply with the Kennedy-Kassebaum kid care formulations. HCFA is supposed to take that over. They haven't done it.

My point is, people who have the philosophy, wait a minute, we need to

have this long list of mandates, we are going to say it, and we are going to regulate it and dictate it from Washington, DC, I just happen to disagree with.

It may be a very laudable effort. Some of the horror stories that were mentioned—this person didn't get care, and it is terrible—are tough stories. But we have to ask ourselves, is the right solution a Federal mandate? Is the Federal mandate listing here of what every health care plan in America has to comply with, dictated by Washington, DC, dictated by my friend and colleague from Massachusetts, is that the right solution? I don't think so.

Is there a cost associated with that? Yes, there is. I mention that to my colleagues and to others who are interested in the debate.

We will have this debate. I think there will be an agreement reached that we will take this up on July 11, and we will have open availability for individuals to offer amendments with second-degree amendments, and hopefully a conclusion to this process.

I did want to respond to say that this idea of somebody finding a horror story or finding an example of a problem and coming up with the solution, or the fix being ''Washington, DC, knows best,'' I don't necessarily agree with.

I do think we can make some improvements. I do hope, ultimately, we will have bipartisan support for what I believe is a very good package. I am not saying it is perfect. It may be amended. It may be improved. I hope we will come up with a bipartisan package.

We do have internal/external appeals which are very important and, I think, could make a positive contribution towards solving some of the problems many of the individuals have addressed earlier today.

I yield the floor.

Mr. EDWARDS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. EDWARDS. May I inquire how much time remains?

The PRESIDING OFFICER. The minority has 5 minutes 10 seconds. The majority still has 15 minutes 50 seconds.

Mr. EDWARDS. Mr. President, I come to the floor to address the important issue of the Patients' Bill of Rights. I will respond briefly to a couple of issues raised by my colleague, the distinguished Senator from Oklahoma, when the bulk of his argument and response to our Patients' Bill of Rights has to do with the issue of cost. I just want to point out that the most reliable studies done by the GAO indicate that the increased costs across America will be somewhere between $1 and $2 per patient per month, which I think is less than a cup of Starbuck's coffee. My suspicion is that most Americans would be willing to bear that cost to have real and meaningful health care reform.

There is a lot of rhetoric about national health insurance, and they are not for that. This bill has absolutely nothing to do with national health insurance. What it has to do with is creating rights for patients that provide them with protections against HMOs and health insurance companies that are taking advantage of them on a daily basis.

There is another huge difference between these two bills. I prefer not to talk about them as the Democratic or Republican bill because, for me at least, this is not a partisan issue; it is a substantive issue. If we have a bill that is a real, meaningful Patients' Bill of Rights, whether it is Democratic or Republican, or a compromise between the two, I would support it. It makes no difference to me who authors the bill. I came here to talk about an issue that is critical to the people of North Carolina, to the people of America.

The people of America are not interested in partisan bickering on the floor of the Senate. They are not interested in that; they don't care about it. What they do care about, and what I care about, is addressing the issue of health care and the issue of the Patients' Bill of Rights in a real substantive and meaningful way.

I want to talk briefly, if I can, about a real case I was involved in personally—at least my law firm was involved in—before I came to the Senate this past January. The case involved a young man named Ethan Bedrick. Ethan was born with cerebral palsy. As a result of his cerebral palsy, he needed a multitude of medical treatments, including therapists—physical and speech—to help him with mouth movement and his limbs. The physical therapy was prescribed specifically for the purpose of being able to pull his limbs out and back and out and back, so he didn't develop what is called muscle contractures, so that he didn't get in a condition where he could not move his arms and legs any longer.

Ethan is from Charlotte, NC. Ethan's doctors who were seeing him—a multitude of doctors, including physical therapists, a general practice physician, a pediatric neurologist who specialized in making determinations about what children in his condition needed—all of those physicians, every single one of them, everybody treating him came to the conclusion that Ethan needed physical therapy.

When the family went to their health insurance company to try to get reimbursed for the physical therapy, the health insurance company denied paying for the physical therapy. Basically, they decided it based upon an extraordinarily limited and arbitrary reading of the term ''medical necessity.'' They basically found the most limited definition and they looked around and found a doctor who was willing to support that position. So they denied the claims.

I want the American people to understand that every doctor who was treating Ethan said he needed this care. It was absolutely standard care for a young child with cerebral palsy. But there was some doctor working for an insurance company somewhere in America who was willing to say: No, I don't think he needs it. Therefore, they denied coverage, regardless of what all his treating physicians said.

We filed a lawsuit on behalf of Ethan against the insurance company. We had to jump through extraordinary hoops because it is so difficult to bring any kind of action against a health insurance company or an HMO. The case was decided, ultimately, by the U.S. Court of Appeals for the Fourth Circuit, which covers a number of States in the southeastern United States. That court, which is well known for its conservative nature, issued an opinion on Ethan's case. I will quote very briefly from that opinion. The court addressed in very stark terms what they saw as the problem. I am reading now from the opinion of the Fourth Circuit:

. . . The precipitous decision to give up on Ethan was made by Dr. Pollack, who could provide scant support for it. The insurance company boldly states that she [Dr. Pollack] has a ''wealth of experience in pediatrics and knowledge of cerebral palsy in children.'' We see nothing [in the Record] to support this. . . . In fact, she was asked whether, in her twenty years of practice, she ever prescribed either speech therapy, occupational therapy, or physical therapy for her cerebral palsy patients. Her answer: ''No, because in the area where I practiced, the routine was to send children with cerebral palsy to the Kennedy Center and the Albert Einstein College of Medicine. We took care only of routine physical care.

So much for Dr. Pollack's ''wealth of experience.''

This was a physician who had absolutely no experience with prescribing physical therapy for children with cerebral palsy. Yet this physician was the sole basis for the insurance company denying this very needed care for this young boy with cerebral palsy.

It gets worse. Dr. Pollack was then asked whether physical therapy could prevent contractures, which is what is caused when children with cerebral palsy don't get this. Their arms and legs become contracted and they can't be pulled out.

This was her answer: No.

She was asked: Why not?

Answer: Because it is my belief that it is not an effective way of treating contractures.

This is the insurance company doctor.

She was asked: Where did this belief come from?

She says: I cannot tell you exactly how I developed it because the truth is I haven't thought about it for a long time.

The nadir of this testimony was reached soon thereafter because the baselessness for this insurance company doctor's decision became very apparent. The Fourth Circuit quotes from the questions and answers to Dr. Pollack:

Question: . . . If Dr. Lesser and Dr. Swetenburg were of the opinion that physical therapy at the rate and occupational

therapy at that rate were medically necessary for Ethan Bedrick, would you have any reason to oppose their opinion?

Answer: I am not sure I understand the question. Using what definition of medical necessity?

Question: Well, using the evaluation of medical necessity as what is in the best interests of the child, the patient.

Answer: I think we are talking about two different things.

Question: All right. Expand, explain to me what two different things we are talking about?

Answer: I'm speaking about what is to be covered by our contract.

Question: Is what is covered by your contract something that's different than the best interests of the child as far as medical treatment is concerned?

Answer: I find that's a little like ''have you stopped beating your wife?''

Question: That's why I ask it. If Doctor Swetenburg and Dr. Lesser recommended physical therapy and occupational therapy at the rates prescribed, do you have any medical basis for why this is an inappropriate treatment that has been prescribed [for this boy]?

Remember, this is the insurance company doctor on the basis for which the insurance company had denied all coverage for this care.

Answer: I have no idea. I have not examined the patient. I have not determined whether it is appropriate or inappropriate. But that isn't a decision I was asked to make.

So what happened is, we have an insurance company doctor with no experience, never examined the child, who has decided this care is not medically necessary or medically appropriate, based on nothing and the insurance company denies coverage in the face of every single health care provider saying this child with cerebral palsy needs to be treated.

This is a perfect example of what is wrong with the system. It is why we need real external review. It is why we need an independent body that can look at a decision made by an insurance company and decide—it would be obvious in this case—that the decision was wrong and that a child is suffering as a result.

When I say an independent review, I mean a really independent review, not an independent review board made up of people chosen by the insurance company. That is an enormous difference between one of the bills being offered by our opponents and the bill being offered by us. We would set up a real and meaningful independent review board so that when something like this happens to Ethan Bedrick, a child with cerebral palsy, there would be a way to go to an independent board immediately and get a review, the result of which the decision would be reversed and in a matter of weeks, at the most, this child would get the therapy he so desperately needs.

The long and the short of it is, even after we won this case in the court of appeals, it was over a year before Ethan Bedrick began to receive the care he deserved.

This case illustrates perfectly why this is such an acute problem and why we need to address it. We need desperately to address it in a nonpartisan way. We need to do what is in the best interests of the American people; that is, to pass a real and meaningful Patients' Bill of Rights.

Thank you, Mr. President.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CRAIG. 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. CRAIG. Mr. President, are we still in morning business?

The PRESIDING OFFICER. The Senate is in morning business. The Republican side has 8 minutes remaining.

Mr. CRAIG. I ask unanimous consent we stay in morning business under the current restriction and continue until 4 o'clock.

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

Mr. CRAIG. Mr. President, for the last several days this Senate has been engaged in a fascinating exercise. I say that because last Thursday evening before I left the Senate I was approached by an individual in the media, a press person on Capitol Hill, who said: I understand the Democrats are about to slow the process down.

I said: What do you mean?

They think the Republican Senate is on a roll, you have accomplished a good many things this week, and they are about to slow you down.

I said: What is the strategy here?

That person said: We think they are going to offer the Patients' Bill of Rights to the agriculture appropriations bill.

Of course, we now know that is exactly what happened. Their tactic is to slow the process down. I am not sure why. Obviously, they are going to get ample opportunity to make their statements and to have their votes on the issue of a Patients' Bill of Rights.

Whether Democrat or a Republican, we can mutually agree that there is a very real problem in the health care community of our country specific to Americans and health care coverage. I am not sure we get there by punching American farmers in the face, or by acting as if they are of little to no importance and placing other national issues ahead of them.

That is what has happened. I am amazed some of my colleagues on the other side of the aisle from dominant agricultural States and who have oftentimes led the agricultural debate on the floor would use these tactics to move their national agenda well beyond agriculture.

What is important is that we deal with the ag appropriations bill, that we deal with it in a timely fashion to address those concerns of the American agricultural community within the policies of our government but also recognize we have a problem in the agriculture community today. We have turned to the Secretary of Agriculture and to the President to work with us to identify and shape that issue; we will come back with the necessary vehicle to address it beyond the current appropriations bill.

We are waiting for their response.

Agriculture issues have never been partisan. They shouldn't be partisan. I am amazed my colleagues on the other side of the aisle have used this dilatory tactic that all but ''partisanizes'' an agriculture appropriations bill, almost saying it doesn't count; our political agenda is more important than the policies of the government handled in an appropriate and timely fashion.

Our leaders are negotiating at this moment to determine the shape of the debate over a Patients' Bill of Rights. I hope they are able to accomplish that. The clock ticks. American agriculture watches and says, there goes that Congress again, playing politics with a very important issue for our country.

I will be blunt and say, there goes the Democrat side of this body playing politics with a very important appropriations bill that I hope we can get to.

I see Senator FEINGOLD on the floor. Our staffs have been working together on a very critical area of this bill, as I have been working with the Presiding Officer, to make sure that we shape the agriculture appropriations bill and deal with dairy policy in a responsible fashion.

I come to the floor to associate patients' rights and health care with an agriculture policy. Is that possible to do? Well, it is. My colleagues on the other side of the aisle have attempted to do that. I hope my colleagues will listen as I shape this issue. There is a very important connection.

It will not be debated on the agriculture appropriations bill, but we all know that American agriculture—farmers and those who work for farmers—is within the sector of about 43 percent of all workers in America who are not working for an industry that insures them. As a result, they must provide for themselves. They must self-insure and provide for their individual workers within their farms or ranches.

The Patients' Bill of Rights that my colleagues on the other side of the aisle want to bring to the floor—and I trust their sincerity in wanting it to become law—will very much change the dynamics of the self-insured in this country. They do so in a very unique way. The average family premium in the individual self-insured market—I am talking about American farm families—is about $6,585 today. That is what it costs for them to insure themselves. Under the Democrat Kennedy bill, they are going to pay at least another $316.

Figure this one out: As my colleagues on the other side of the aisle talk about the worst depression in farm country in its history, with depression-era prices for commodities, in

the same breath they stop the agriculture appropriations bill and say: Hey, farm family, on our Patients' Bill of Rights, because we are about to increase your medical costs by an average of $316 a year, that is money you don't have, but we will force you to do it anyway. Your premiums will go up by the nature of the bill we want to fashion.

Some have stated this bill will cause over 2 million Americans to lose their health care insurance. This chart demonstrates a problem that all Members are sensitive to but a problem that we don't want to cause to be worse.

A phrase that has been used on this floor in a variety of debates in the last couple of months is ''unintended consequences.'' If we pass the Kennedy health care Patients' Bill of Rights, there is a known consequence. You can't call it ''unintended.''

By conservative estimates it would add one million uninsured Americans to the health rolls. That is the conservative estimate. I said 2 million a moment ago. That is the liberal estimate. It is somewhere in that arena. The other side knows that America's farmers and farm families will have to pay $300 to $400 more per year in health care premiums because they are self-insured.

That is the nexus with the farm bill and the agriculture appropriations bill in its strange and relatively obscure way. But it is real. I hope our leaders can be successful in shaping the debate around the Patients' Bill of Rights that says we will have that debate, here is the time line, and here are the amendments that can be offered.

It is going to be up or down. We will all have our chance to make our points, but let's not play the very dangerous game of tacking it onto any bill that comes along that stops us from moving the appropriation bills in a timely fashion. We will debate in a thorough nature why their legislation creates a potential pool of between 1 to 2 million Americans who will become uninsured because of an increase in premiums.

On the other side of the equation is the Patients' Bill of Rights crafted by the Republican majority in the Senate. We go right to farm families. We say to farm families, we are going to give you a positive option in your self-insurance, and that is, of course, to create a medical savings account.

In States made up of individual farms—Wisconsin, Indiana, Ohio, Illinois, and Iowa—already the meager efforts in creating medical savings accounts we have offered in past law have rapidly increased the coverage for health care at the farm level.

So if we want to create a true nexus between an agriculture bill and a Patient's Bill of Rights, it is the Republican version that says let's expand medical savings accounts, let's give small businesspeople, farmers, ranchers, the option of being able to self-insure in a way that will cost them less money and have insurance to deal with, of course, the catastrophic concerns in health care that we would want to talk about.

The reason I have always been a supporter of medical savings accounts is that it really fits the profile of my State. Farmers, ranchers, loggers, miners—small businesspeople make up a dominant proportion of the population of my State. Increasingly, many of them would become uninsured if the Democratic version, the Kennedy bill, were to pass this Congress and become law. The unintended, or maybe the intended, consequence would be to push these people out of private health care insurance and therefore have them come to their Government begging for some kind of health care insurance.

Why should we set up an environment in which we force people to come to the Government for their health care instead of creating an environment, a positive environment, that says we will reward you for insuring yourself by creating for you the tools of self-insurance and therefore create also a tax environment we want, where today health care premiums for the self-employed are fully deductible, as they are for big businesses which offer health care plans to their employees.

There is a strange, unique, and somewhat curious nexus between Democrats blocking an agriculture appropriations bill coming to the floor and the politics of the Kennedy bill on health care. It is that they would cause even greater problems in the farm community by raising the premiums, by forcing certain costs to go into health care coverage today. Our Patients' Bill of Rights would go in a totally opposite direction, creating an environment in which people could become more self-insured at less money, at a time in American agriculture when it is estimated the average income of the American farmer, having dropped 15 percent last year, could drop as much as 25 to 30 percent this year, with commodity prices at near Depression-era levels.

We need to pass the agriculture appropriations bill. We will then work with the Department of Agriculture and the Clinton administration to examine the needs, as harvest goes forward, to assure we do address the American farmers' plight, as we did effectively last year. But it should be done in the context of agriculture appropriations and a potential supplemental, if necessary, to deal with that. It does not fit, nor should it be associated with, a Patients' Bill of Rights.

I hope the end result today is to clear the track, provide a designated period of time for us to debate the Kennedy bill and a true Patients' Bill of Rights, as has been offered by the Republican majority here in the Senate, and then to allow us to move later today, this evening, and on tomorrow, to finish the agriculture appropriations bill and get on with the debate on that critical issue.

American agriculture is watching. I hope they write my colleagues on the other side of the aisle and say: Cut the politics. Get on with the business of good farm policy. Do not use us as your lever.

I hope that message is getting through to my colleagues on the other side. Let us deal with agriculture in the appropriate fashion.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

EXTENSION OF MORNING BUSINESS

Mr. CRAIG. Mr. President, our leaders are still in negotiation as to terms and conditions under which the Senate will deal with the Patients' Bill of Rights. With that understanding, I ask unanimous consent that morning business be extended until 4:30 p.m. under the conditions of the previous extension.

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

Mr. CRAIG. I thank the Chair. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

EXTENSION OF MORNING BUSINESS

Mr. WELLSTONE. Mr. President, I ask unanimous consent that morning business be extended until 5 o'clock and that the time be equally divided.

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

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Howard Kushlan, an intern in my office, be allowed to be on the floor for the duration of the day.

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

Mr. ROCKEFELLER addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

PATIENTS' BILL OF RIGHTS

Mr. ROCKEFELLER. Mr. President, I join what I suspect are one or two Democratic colleagues of mine who have come out to the floor to speak

about the Patients' Bill of Rights and the need to move forth with that. I think I am correct, but in listening to National Public Radio this morning, I heard that the American Medical Association was meeting and that one of the matters under discussion was the right of physicians to unionize. Since you cannot replay NPR, or ask for a repeat, I had to just hear what I heard; I think I heard it correctly. That is an amazing thing. I know physicians have been unionizing in Arizona and places where one would expect it. But to have the American Medical Association actually considering that, and the President, Dr. Dickie, a woman, discussing the frustration of physicians with their ability to give health care to their patients in a way that they believe and, in fact, were trained to do is extraordinary.

I could name any group in the world that would be looking for a place to find a union and I would put physicians among the very last. But, evidently, it is not that way. That in itself is an extraordinary call for this Congress to move forward with health care. The call comes from the American people also. They are calling for action on our part because of their sense of deep dissatisfaction.

Last year, we were told there wasn't enough time to take up a Patients' Bill of Rights. I don't think that could be the case this year, since time seems to be mostly what we have, and therefore one might conclude there might be a lack of willingness to take up a Patients' Bill of Rights this year. So we have to keep our priorities straight. I intend to, and I think a lot of my colleagues on both sides of the aisle feel that way.

Every single day that passes without enactment of patient protections is another day that millions of Americans, and thousands of the people I represent from West Virginia, are subject to the denial of needed treatments because of the instinct of insurance companies to go to their bottom line and stay there. Every single day that we, as a Congress, fail to act on the Patients' Bill of Rights is another day that Americans are left vulnerable to health care decisions that are made perhaps not by their doctors, as they wish, but by business executives, or by boards, or people at the end of 1–800 numbers. We used to talk about this years ago, and we agreed it was a terrible thing and it had to stop. We were all going to do that, except that we have not. We just haven't.

Every day we don't act, Americans are refused, No. 1, the specialty treatments they need and deserve; No. 2, the ability to use any emergency room.

Imagine that. The Senator from Illinois is here. This Senator remembers being in Chicago a number of years ago, for whatever purpose, and I was told that six emergency rooms in the city of Chicago were closed, and there were relatively few left. That is one of the largest cities in all of America. Emergency rooms are the most expensive form of health care, and they are always the things closed down when business decisions are dominating hospitals.

On the other hand, the only way, having 43 million, 44 million, 45 million uninsured Americans, they can get health insurance is by going to emergency rooms. They have to have that right. It has to be accessible to them, not just somewhere out in the next State, or on the other side of the Mississippi River but accessible so they can get to it.

Third, they have to have the right to appeal the decision of their health care plans. It is a basic right. I will talk more about it.

Fourth, they should have the ability to ensure that medical decisions are made by their doctors, not by a board of executives.

We all know that managed care has changed the way health care is done in this country. We started saying that in the Finance Committee 10 or 12 years ago. The question was, Does managed care save money for 1 year or 2 years? The general consensus was that managed care would save money for about 2 years, then it would come up against a hard wall and people would have to start cutting. That was the general consensus then. It is clearly showing itself to be even more the case now. That is for both delivery and the payment of health care in our country.

Obviously, a lot of problems have been created along the way. Americans are very dissatisfied with the quality of their health care. They make their feelings about that very clear. They don't like their lack of choice. They don't like the indiscriminate nature of insurance company decisionmaking.

Meanwhile, physicians often have, from their point of view —and from my point of view—much too little input into health care decisions, and hence the NPR story this morning. They believe so strongly that they are doing something, which is an anathema, it would seem to me, to any physician. But they are evidently doing this, or they are voting on that as a matter of ''doctor rights,'' or whatever, at the American Medical Association meeting.

I think doctors think they face too much interference from the insurance companies. Patients and doctors alike see health care decisions driven by the financial concerns of something called health plans. What do we have to do? We have to guarantee access to specialty care. I hear it all the time. We all hear it all the time in our homes and wherever we go.

Under managed care plans—most of them, not all of them—the patient's primary care physician may refer a patient to a specialist if they determine that specialty care is necessary. However, things may change, if the specialist is not on the list of the plan.

Then you come to this amazing situation of trying to ask a consumer of health care to understand that they are allowed to go to a specialist, but they cannot because that specialist is not on their plan. Even the much criticized Clinton health care plan allowed that. You could always go outside your HIPAA. You could always go to your specialist, no matter where your specialist was. You could always go to your specialist. Under the present system of health care, you can't do that.

Then somebody from the ''administrative office,'' or some other division, takes over this whole question of whether you can or whether you can't. Suddenly, the patient asks to see a specialist and finds out that the executives in charge are not doctors. They are not medical people. They refuse the right to go see a specialist. They refuse payment for the specialist who in fact was recommended by the patient's original primary care physician. That is wrong.

We must put an end to insurance company ''gag rules.'' That is another point.

Patients need to trust the providers—that they are acting in the best interests of the patients. There cannot be a situation where HMOs preclude doctors from prescribing necessary treatments or making referrals to a specialist in the name of preserving the company's bottom line.

There is a sacred trust between a patient and a doctor. I don't have to elaborate on that. It is Norman Rockwell stuff. In fact, there are many, many. He did many pictures of it. It is the classic American situation—the trust between, the bond between, the patient and the doctor.

For the doctor to be second-guessed by an insurance company bureaucrat just doesn't make sense.

I have listened to literally hundreds of patients and doctors complain that managed care plans are making decisions about care, about what types of procedures are allowed and are not allowed, and this decision just creates a division between the patient and the doctor. The patient is confused. The doctor is angry. It is not right.

Another point: Real access to emergency room care 24 hours a day has to be. It has to be 7 days a week. Wherever they are, it has to be. They cannot be concerned about their insurance company second-guessing their health concerns.

Americans must be able to go to the nearest emergency room without the fear that they will not be able to afford it, and they must be able to receive all necessary care in that facility to take care of their situation.

In the United States of America we have been through this before. We are the only country in the world that doesn't have universal health insurance. If we don't have that, at least let's allow a Patients' Bill of Rights so that people can have—including those who are not insured—certain rights.

Another point: We must let people challenge the decisions made by HMOs

and seek retribution when HMO decisions lead to harm.

Is that radical? No. That is a standard part of American life, except it is more important in a lot of American life because of the actual health and physical safety of a patient. When Americans go to a doctor, they should get the care they need. If they don't get it, they should have the means and the right to address disputes. They should not have to worry about insurance companies cutting that off.

A central element of the Democratic Patients' Bill of Rights is that point—the ability to hold health care plans accountable for the medical decisions that lead to harm.

The Republican plan fails to hold HMOs accountable. Under the Republican plan, the only remedy available when a patient is harmed by an HMO decision is recovery of the actual cost of a denied procedure, even if the patient is already dead or disabled for life.

Make no mistake. If we don't respond quickly and forcefully enough, more and more Americans are going to lose confidence in our system and in us. Already 90 percent of Americans are unhappy with their plan. Shocking, shocking. We can do something about it. I think we have a moral obligation to take up the Patients' Bill of Rights. We certainly have the time because we are not doing a whole lot of other things around here that I can put my hands on. I think it is time that Congress take up and pass these patient protections this year.

I yield the floor.

EXTENSION OF MORNING BUSINESS

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, in case others come to speak—I don't want to take that time—I ask unanimous consent to extend the time until 5:10, with the time equally divided.

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

PATIENTS' BILL OF RIGHTS

Mr. WELLSTONE. Mr. President, I thank my colleague from West Virginia.

Let me try to talk about this in a more blunt way, not in a bitter way, but let me be direct about it.

I think it is just outrageous. Mr. President, you are a friend. I hate to have such angry words. But we should be debating. Personally, I wish we were talking about universal health care coverage. The insurance industry took it off the table. They dominate too much of this political process.

I think Senator FEINGOLD and I, before this debate is over, will come out and just talk about the contributions from all the different parties that are affected by this health care legislation. We should be talking about universal health care coverage. But we certainly also should be talking about patient protection.

We have a system where the bottom line is becoming the only line. It is becoming the incorporated and industrialized system.

The Republicans say they have a plan—the Republican ''patient protection plan''—which I think really is an insurance company protection plan. It covers about 48 million people. The people who aren't covered, because of the risk—they can't be covered, because they are in self-insured plans because of what the States do.

Our plan covers 163 million people.

No wonder my colleagues on the other side of the aisle don't want to debate this.

Second point: Who defines ''medical necessity''?

Our plan makes it clear that the providers decide what the care should be for the consumer, for our children, for ourselves, for our loved ones. The Republican plan is not so clear on this question.

No wonder my colleagues don't want to have any debate.

Point of service option: I remember having an amendment in committee when we wrote this bill which at least would let people, if they are willing to pay a little more, be able to purchase care outside of the network, outside of the plan. If they need to go to see a specialist they hear about who would make such a difference and would give them the care they need, or for their loved one, we provide for that. The Republican plan—the insurance-company protection plan—doesn't.

No wonder they don't want to debate this.

Who does the review?

When you want to make an appeal and you say you have been denied the access to the physician you need to see, or your family can't get the care they need, do you have an external review process? Is there an ombudsman program back in our States? Make it grass roots. Do not talk about centralized public policy. Make it happen back in our States. An ombudsman program with external review, somewhere consumers can say: I have been denied the care I need.

The Republican insurance company protection plan doesn't provide for that. Our legislation does. We have a difference, America, between the two parties, that makes a difference in your lives.

With all due respect, I understand why my colleagues on the other side of the aisle don't want to debate. The Senate is supposed to be the world's greatest deliberative body. Our colleagues on the other side of the aisle don't get the right to tell us that we won't be able to bring amendments to the floor, we won't be able to have a full-scale discussion, and we won't be able to have a thorough debate.

I can't wait for this debate. I introduced the patient protection bill 5 years ago, half a decade ago. This will be a great debate. I think the country will love this debate. The people in Minnesota and the people in our different States will say they are talking about a set of issues that are important to their lives.

The pendulum has swung too far in the direction of the big insurance companies that own and control most of the managed care plans in our country. Consumers want to know where they fit in. Ordinary citizens want to know where they fit in. The caregivers, the doctors and the nurses, want to know where they fit in. When they went to nursing school and when they went to medical school, they thought they would be able to make the decisions and provide people with care. Now they find they can't even practice the kind of medicine that they imagined they would practice when they were in medical school.

Demoralized caregivers are not good caregivers. We have demoralized doctors and nurses; we have consumers who are denied access to care they need; we have corporatized, bureacratized bottom-line medicine, dominated by the insurance industry in this country.

We have a piece of legislation to at least provide patients with some protection and caregivers with some protection, and our Republican colleagues don't want to debate this. I am not surprised. I am not surprised.

On the other hand, you can't have it all ways. We wrote this bill in the Health, Education, Labor and Pension Committee. We had a pretty good markup where we sat down, wrote the bill, and had pretty good debate. I was disappointed that a lot of important amendments protecting consumers were defeated on a straight party vote.

Now it is time to bring this legislation to the floor. As a Senator from Minnesota, I say to Senator DASCHLE that I absolutely support what he is doing. I absolutely support what we are doing as Democrats. In fact, I am particularly proud right now to be a Democrat because I always feel a lot better when we are talking about issues that make a real difference to people's lives.

As far as I can tell, most of the people in our country are still focused on how to earn a decent living, how to give their children the care they need and deserve, how to do good by our kids, to do good by our State and country, how to not fall through the cracks on decent health care coverage, how to make sure we have affordable, dignified, germane, good health care for our citizens.

This doesn't even get us all the way there. It seems to me the Senate, by bringing this bill to the floor, by having the opportunity to offer amendments and having the debate, can do something very positive. We can do something to make an enormous difference in the lives of people we represent.

The Democrats aren't going to let up. We are going to keep bringing our

amendments to the floor. We are going to keep talking about health care policy. We are going to keep talking about consumer protection and patient protection. We are going to keep talking about how to make sure the people we represent get a fair shake in this health care system. We are going to keep saying that it is not our responsibility to be Senators representing the insurance companies; we are supposed to be representing the vast majority of people who live in our States. That is what we are going to do, as long as it takes.

I am ready for this debate. I am ready. Let's start it now.

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

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

Mr. WELLSTONE. Mr. President, just a footnote. Altogether, we had 16 Democrats come to the floor to speak about the importance of patient protection and we have had two Republicans.

In one way I am not surprised because I don't think my colleagues have a defensible case. They don't want to bring this motion to the floor. They don't want to have a debate. They don't want to vote on the amendments. But that is what it is all about.

We are not here to dodge; we are not here not to make difficult decisions. We are not here to not be willing to debate legislation that is important to people's lives.

I say to the majority leader and my colleagues on the other side, it is true; we will have amendments. I have some great amendments in my-not-so-humble opinion. Others may have a different view.

The point is, that is what it is about. Bring the amendments to the floor. As Democrats, we will discuss what we believe, we will talk about the legislation and the amendments we have that we think will lead to the best protection for people we represent in our States. And Republicans will come out and they can talk about why they think these amendments are a profound mistake and why their amendments will do better. They can talk about their legislation and we can talk about our legislation. Maybe we will have plenty of compromise and maybe we will come up with a great bipartisan bill. Who is to say?

Right now, all we have on the other side is silence, an unwillingness to debate this issue. If I didn't think I was taking advantage of the situation, part of me is tempted to keep talking and asking Members to come on out and debate. I won't. I think I made my point about 20 different times in 20 different ways.

Since the Senator from Alabama is presiding, I do want to say this for people who are watching: The Senator from Alabama can't debate because he is the Presiding Officer. He would. I know him well enough.

I say to Senator SESSIONS, we will get a chance, and all the rest of the Senate will have a chance, to come out and debate patient protection legislation. Let's have a good, substantive, serious debate. I know the Senator from Alabama loves a debate and he is good at it. So are many other Senators. It will not be debate for the sake of debate. It will not be fun and games. It will be a very serious issue.

Honest to gosh, I came here as a Senator from Minnesota to do good for people in my State. I can't do good for people in my State when I have a majority party that wants to block patient protection legislation. I didn't come here to represent the insurance industry. I didn't come here to represent the pharmaceutical industry. I came here to represent people in Minnesota.

I want us to debate this legislation. I certainly hope Republican colleagues will come out here and we will get going on this. Otherwise, for as long as it takes, I think we are committed to using every bit of leverage we have to force a debate on this question.

Mr. President, if there are other colleagues on the floor, and it looks as if maybe there are, I will yield the floor. I see my colleague from Tennessee. I say to my colleague from Tennessee, I am delighted he is out here. I hope this is the beginning of a discussion. Then we will have this legislation on the floor soon. Let's have the debate. Let's pass good legislation that will help people in our States.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

EXTENSION OF MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that morning business be extended to 5:30, as under the previous agreement.

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

Mr. FRIST. Mr. President, I rise in part to respond to much of the discussion that has gone on this afternoon. But really, I think more important, to put in perspective where we are today with this issue of the Patients' Bill of Rights and what we can do as a legislative body to address some very real problems, very real challenges that face the health care system, that face individuals, that face patients, and face potential patients as they travel through a health care structure that in some ways is very confusing, in some ways is conflicting but underneath provides the very best care of anyplace in the world.

Many of the challenges we face today are a product of an evolving health care system where we have Medicare, which treats about 39 million seniors and individuals with disabilities. We have real challenges in Medicare because it is a government-run program that is going bankrupt. It is a program that has a wonderful, over 30-year history of treating seniors, people over the age of 65, and individuals with disabilities. These are people who probably could not get care anywhere near the degree of quality they can get today. Yet we have huge problems and we have tried to address them through a Medicare Commission. Unfortunately, even though we had a majority of votes supporting a proposal there called Premium Support, the President of the United States felt he could not support that proposal and thus, right before the final vote, pulled back and said I will provide a solution to Medicare in the next several weeks.

To date we have not heard from the President of the United States. Yet we have a program with 39 million people in it going bankrupt. It is going bankrupt in—now the year is 2014. That is about 39 million people. About 30 million people are in Medicaid. That is another government-run program, the joint Federal-State program, funded principally, almost half and half, by Federal and State but run by the States. That is directed at the indigent population, principally. There are just over 30 million people in it. It is a program that I think also has been very effective.

As a physician in Tennessee, I had the opportunity, the blessed opportunity of taking care of hundreds and hundreds and hundreds of Medicaid patients. But also, as you talk about States in the Medicaid program, there is a lot of discussion of how we can improve it, how we can improve quality. That discussion needs to continue. It is going on in every courthouse in every State, every legislative body, every Governor's office, every community townhall right now.

Then we have the third area, the nongovernmental area, where this whole Patients' Bill of Rights issue is one we must address.

I should say, because we have heard so much to the contrary, we have a bill, the Republican bill. It is called the Patients' Bill of Rights Plus. That was introduced in the last Congress. That was talked about along with the Kennedy-Daschle bill from last year. Both of those bills were brought into Congress. It was the Republican bill which was what we call ''marked up.'' That means it was taken to the Committee on Health, Education, Labor and Pensions, the Health Committee, the appropriate committee. In that committee, it was debated; it was talked about. We probably had, I don't know—we started with about 40 amendments in that committee about 3 or 4 months ago on the Patients' Bill of Rights Plus. They were debated. We had some good debate. Some things we did not debate and they need to be taken forward and further discussed.

Mr. WELLSTONE. Will the Senator yield for a question?

Mr. FRIST. No, I will not. For the last 2 hours I really had not had an opportunity to talk. If I can just finish my remarks?

Mr. WELLSTONE. I thought the Senator would yield for a question.

Mr. FRIST. The issue is have we been able to debate or talk about or discuss this. Let's remember through the appropriate senatorial committee process we have debated this very bill. We have debated such things as consumer protection standards. We have debated specialty care, access to specialists, continuity of care, emergency care, choice of plans, access to medication, access to specialists, grievance and appeals. These were introduced and we talked about discrimination by insurance companies using genetic information, medical savings accounts. These are all issues that have been debated.

I, for one, as a physician, as a United States Senator, as a chairman of the Subcommittee on Public Health, and as a member of the Health, Education, Labor, and Pensions Committee, have been involved in those debates and in those discussions. So when we have people coming to the floor again and again with so much rhetoric and so much fire saying those bad Republicans out there really just do not care, do not want to talk about it, do not want a debate, do not want to study the issues—let me just say that is absolutely false. It is absolutely false. The American people need to know that. I think the sort of rhetoric we have heard this afternoon and over the last several days is clearly political points they want made.

I would like us to come back and continue the debate, the important debate on the issue of this nongovernmental sector, to make sure we consider that individual patient. Again, I have had the opportunity to treat thousands, probably tens of thousands, of these patients. Those issues need to be addressed, but I think they need to be addressed in a more mature, more sophisticated, more thoughtful way. And we have done just that. The Republican leadership bill is a bill that has been debated in committee. It has been discussed. It is called the Patients' Bill of Rights Plus Act. It basically has six components to address this whole issue of health care and Patients' Bill of Rights and a few other things.

One is strong consumer protection standards. No, it does not include everybody. Why does it not just include everybody? Because about half, a little over half of those people are already protected under State law. The States are doing a good job. I guess people can bash the States and say the States don't care, the Governors don't care, State legislatures don't care, but I think they do care. We do not have any great ownership of concern in this body, being the only ones who care. Our Governors do care and they have made great strides.

So when it comes to emergency care, prohibition of gag clauses, continuity of care, access to obstetricians and gynecologists and pediatricians, access to specialists—such as me, as a heart surgeon—access to medications, consumer protections, we say let's apply those to the unprotected, the people who are not protected now by State law. That is about 48 million people.

We address issue No. 2, of comparative information. It is very confusing today. It is confusing because we had this evolution of managed care, which is a new concept. Mr. President, 15 or 20 years ago there was no such thing as managed care. Yet right now, 80 percent of all care delivered is through managed care through networks and through coordinated care. But nobody has the answer yet. We are not smart enough to know exactly what is the best way to manage that care.

Some people think all managed care is a staff model health maintenance organization, and there is a lot of anger by the American people against health maintenance organizations. But let me at least introduce the concept that coordinated care, or organized delivery of care so there is an appropriate input of resources, has a very good outcome today. That is because of the great dynamism of our health care system. Because this is America, because we encourage innovative thought and creativity, we are still searching for the model, and we are probably not going to come up with a one-size-fits-all cookie-cutter model. We will probably come up with a range of ways in which that coordinated care can be delivered.

As we go through that process, it is very confusing to the consumer, to the patient, to the individual, what is the best plan. Is it a particular HMO? Is it a point-of-service plan? Is it a provider-sponsored organization?

In the Patients' Bill of Rights Plus Act, we address that. Basically, we say comparative information about health insurance coverage, not just for 48 million people but for all 124 million Americans covered by self-insured plans and fully insured group plans, must be made available. That comparative information is important, because that is the only way an individual can really know whether plan A or plan B or HMO A or managed care C or fee for service is best for them.

Internal and external appeal rights: This is the third component of the Patients' Bill of Rights Plus Act. Again, it is a very important aspect, because it says let's fix the system, instead of what some of the other proposals have introduced, which is let's put lawyers and trial lawyers in there and let's threaten to sue and that is going to change the system.

What we say is, let's fix the system. An example is, if as a member of a health care plan I have a question on coverage and I think a particular procedure should be covered, yet there is some question about it, I can go to a person in that plan and say: Is this covered or not? They will say yes or no. If I disagree, I can contest that, and there is an internal appeals process where that questioning can be taken care of in a timely fashion.

Our bill says, if that is the case in this internal appeals process and you still disagree, you do not have to stop there; there are options, and that is the so-called external appeals process.

The external appeals process is set up in our Patients' Bill of Rights Plus Act to be independent, to be outside the plan—that is why it is called external appeals—to be a physician or a medical specialist reviewing that coverage decision in the exact same field where the coverage decision is in question.

Internal appeals, external appeals. Let's say you have gone through the internal appeals process and the external appeals process, and a decision is made by that independent medical reviewer that the individual patient is right and the health care plan is wrong. That decision in our plan is binding, and therefore you have to receive coverage under that plan.

I walked through that because it is an important part of the Patients' Bill of Rights Plus Act and because that is the component which fixes the system. It fixes the system instead of having this threat of lawsuits trying to put a system back into place but with no guarantee.

A fourth component of the Patients' Bill of Rights Plus Act that has been talked about, that passed out of the Committee on Health, Education, Labor, and Pensions and has been sent to the floor, is a ban on the use of predictive genetic information. This particular aspect of the bill does apply to 140 million Americans who are covered by self-insured and fully insured group health plans, as well as the individual plans. I say 140 million people. I talked about the 39 million people in Medicare and over 30 million people in Medicaid, and for the nongovernmental aspect, the ban on the use of predictive genetic information applies to all 140 million people.

Why is that important? That is in the Republican bill. It is not in the Kennedy bill. I believe it is an important aspect, because what it recognizes is that technology is changing, new tests are being introduced almost daily with a genetic basis, in large part because of the Human Genome Project which has introduced about 2 billion bits of information that we simply did not know 4 or 5 years ago and because of the investments the Federal Government had made in medical science.

The real problem is, with all of this new testing coming on board, there is the potential for an insurance company to discriminate against a patient, either to raise premiums or to basically say, ''We are not going to cover you.'' Therefore, in this Patients' Bill of Rights Plus Act, we put a ban on the use of predictive genetic information, which is a very important part of this bill.

A fifth area that is in our bill, that has passed through the Committee on Health, Education, Labor, and Pensions under Senator JEFFORDS' leadership, is a real quality focus. The impression is, we know what good quality of care is and we know what bad quality of care is. All of us, after we see a doctor, like to think we have good quality of care. For the most part, the quality of care in our country is very high. In truth, how we measure quality of care in this country as a science is in its infancy. We are just learning about it. When I was in medical school, there was no such field as outcomes research, what is the outcome after a particular procedure.

Mr. President, the Patients' Bill of Rights Plus Act, as we have heard, has been debated in the Health, Education, Labor, and Pensions Committee and passed successfully by a majority of members and sent to the Senate. It is a bill that has really six different components.

It addresses, I believe, the fundamental challenge that we have; that is, to improve the quality of health care, real quality of health care for individuals; to improve access to health care, something that I believe is very important. The Kennedy bill does the opposite. Instead of improving access, diminishing the number of uninsured, his bill does just the opposite. It drives people to the ranks of the uninsured, increasing the number of uninsured people today by as many as a million. Nobody has refuted that.

The third very important part of the Patients' Bill of Rights Plus Act that passed through the Health, Education, Labor, and Pensions Committee successfully is that of consumer protections. Again, I keep hearing that the Patients' Bill of Rights Plus Act does not do this for specialists, does not do this for emergency care, does not offer true point of service, and does not offer true continuity of care. I have to take a few minutes and run through it.

Emergency care: Under our bill, plans will be required to use the so-called ''prudent layperson'' standard for providing in-network and out-of-network emergency screening exams and stabilization. This prudent layperson standard simply means, if you are in a restaurant and somebody begins choking, that makes sense as an emergency service. If you think you are having a heart attack and it may be indigestion, or it may be a heart attack and you go to the emergency room and you find it is indigestion, the initial screening exams and stabilization would be taken care of. That is a very important component of our bill.

No. 2, we have heard about pediatricians, obstetricians, gynecologists. Under our bill, health plans would be required to allow direct access to obstetricians, to gynecologists, and to pediatricians for routine care without gatekeepers, without referrals.

Why is that the case? The reasons are obvious. The pediatricians, obstetricians, and gynecologists are in the business of doing what we call in the medical field ''primary care.'' You don't need a gatekeeper. You shouldn't have a gatekeeper. No managed care company, I believe, should require a gatekeeper in terms of access for obstetricians, gynecologists, and pediatricians for routine care.

Thirdly, this issue of continuity of care: I have heard it again and again. In our bill, the Patients' Bill of Rights Plus Act, plans who terminate physicians or do not renew physicians from their networks would allow continued use of that physician, of that provider, at the exact same payment or cost-sharing arrangement as before in the plan for up to 90 days. If the enrollee is receiving any type of institutional care or is terminally ill, or if they happened to be pregnant and there is termination or nonrenewal of your physician with that plan, you would be covered through the pregnancy through that postpartum care. That gives security to the patients. That is why it is important to have this very important consumer protection standard.

Access to specialists: I have heard all day long and over the last several days that the Republican bill doesn't give you access to specialists. Let me tell you what it does. Health plans would be required, under our bill, to ensure that patients have access to covered specialty care to a heart surgeon, to a pulmonologist, to an arthritis specialist within the network or, if necessary, through contractual arrangements outside of the network with specialists. It is in the bill.

People say it is not in the bill. It is in the bill. What more can one say. That is why it is important to get rid of the rhetoric and go to the heart of the matter—how we improve quality of health care and access to health care, and put strong consumer protections in so that the patients can work with the health care plan to not sue somebody, not empower trial lawyers, not to have angry, rhetorical sort of comments but to improve health care, the quality of health care.

This access to specialists, again, the other side seems to ignore what is in the bill. I know they probably haven't had a chance yet to read the bill, even though it has gone through the Health, Education, Labor, and Pensions Committee. It has been debated. Scores of amendments were introduced there. Well over a dozen, I know, were debated and voted upon.

In this access to specialists component, if the plan, under our bill, requires authorization by a primary care provider, it must provide for an adequate number of referrals to that specialist—I think that is an important component—not just one referral where you have to go back to a gatekeeper, back and forth, but if you are going to have treatment by a specialist, that an adequate number of referrals are made.

Choice of plans: How many times have we heard: Our plan provides real choice and that Republican plan doesn't provide choice?

Let me tell you what our plan does. Plans that offer network-only plans would be—I use the word ''required'' again—required to offer enrollees the option to purchase real point-of-service coverage. And there can be an exemption for the small employer out there. Other health plans could potentially be exempt if they offered two or more options.

People may say, why would you exempt somebody from offering a point-of-service plan if they have two other health care plans? The reality is, if you offer health care plan A and plan B, and they are different providers, with different physicians and different nurses in plan A than there are in plan B, then you do have a choice among plans. Therefore, you don't have to require a very specific out-of-network, point-of-service option.

This whole consumer protection field is an important component, and this was actually improved in what we call markup in the Health, Education, Labor, and Pensions Committee—access to medications, to make sure if you are in a health care plan that offers certain coverage, you have access to the appropriate medicines.

What is in our plan is as follows:

Health plans that do provide prescription drugs through a formulary would be required to ensure the participation of people who understand clinical care—physicians and pharmacists—in developing and reviewing that formulary.

That is important. As a physician, you don't want bureaucrats putting formularies together, but people who understand clinical care. Therefore, that bill was improved to say that physicians and pharmacists must be involved.

In addition, in our bill, plans would also be required to provide for exceptions from the formulary limitation when a nonformulary alternative is medically necessary and appropriate. I think that is an important part of the bill because, as you can imagine, in a formulary you can't predict and put on every single medicine for every single disease. Therefore, there must be enough flexibility to give alternatives if what is in that formulary is not—I use these words because it is in the bill—medically necessary and appropriate.

These are just some of the consumer protections that are part of the bill. I think it is important to stress those. Others that are in the bill include issues surrounding behavioral health, issues surrounding gag clauses. Again, it is inexcusable that a managed care company would come forward to a physician and say: Physician, for you to be a member of our HMO or our managed care, you cannot and should not discuss the full range of alternatives of treatment and care with the patient. That has to be prohibited.

In our bill, in terms of gag rules, plans would be prohibited from including any type of gag rules in doctor contracts, physician contracts, provider contracts, or restricting providers from communicating with patients about treatment options. No more gag rules.

The Patients' Bill of Rights Plus Act is a piece of legislation that we have all worked very hard on over the last year, year and a half. It has gone through the process that has been set up in terms of debate and in terms of improving the bill in the Health, Education, Labor, and Pensions Committee. It is a bill that I look forward to having on the floor so we can debate it and improve it over time, and make sure that we have a real balance between the rights of a patient versus the rights of managed care.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator's time has expired.

The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I say to my colleague from Tennessee, if my colleague believes this legislation the Republicans introduced in committee—and I am on the same committee—is such a great piece of legislation protecting patients' rights, then what in the world is the delay in bringing it before this body?

Again, what I am saying is self-evident. If my colleagues on the Republican side think this is such good legislation, why the delay? Why the delay and the delay?

The only reason we are fighting it out on an ag appropriations bill is that we want to make it crystal clear we are here to represent the people in our States. This piece of legislation which my colleague from Tennessee has talked about—I was in the markup on that bill, which is when we write a bill in committee—has holes like Swiss cheese. No wonder they do not want to bring this bill to the floor.

They have about a third of the people covered. I will start out with the question of who is covered and who is not covered. Their bill covers 48 million people. The Democratic bill covers 163 million people.

My colleague says it is the States. Why should a child or a family in one State, i.e. like Mississippi, not have any protection because he or she lives in Mississippi but have protection in Minnesota or Wisconsin? Does that make any sense? Why should a small businessperson in Mississippi or a farmer in Mississippi not have any coverage whatsoever but have some kind of protection in Wisconsin or Minnesota?

I would love to have that debate. I would love to have my Republican colleagues talk about why they only want to cover about a third of the people in the country.

I would love for them to defend the proposition that many families will receive no protection whatsoever, vis-a-vis these large insurance companies that practice this bottom-line medicine which basically say, when people want access to specialists they need, specialists for their children, specialists for women, they are not going to have access and there is not going to be any protection for them, because they do not live in the right State. Let's debate that.

There are 200 consumer, patient, and provider organizations that support the Democratic Patients' Bill of Rights legislation; not any that I can identify, except for the insurance industry, that support the Republican plan.

Surely these consumer organizations and the providers, the caregivers, know something about this topic. Surely they have a position that is important. But I do not see any support for this Republican plan.

The Democratic plan protects all patients with private insurance; the Republican plan, no.

The Democratic plan holds these health insurance plans accountable; the Republican plan, no.

In the Democratic plan, we make sure that the physicians, the doctors, the nurses, define ''medical necessity.'' We do not have the insurance industry's managed care plans dominate—unlike the Republican plan.

In the Democratic plan, we do have a real point-of-service option where people are given a choice. It drives people crazy when their employer shifts plans and all of a sudden—they had been taking their child to a family doctor—they can no longer take that child to that doctor. Does the Republican plan assure they will be able to do so? No.

When are we going to make sure that consumers really do have some due process? I heard my colleague from Tennessee talk about an internal appeals process. That is within the managed care plans, most of which are dominated, owned, by these large insurance companies.

We are talking about a strong external appeals process. I say to my colleague from Wisconsin, we are talking about somewhere that a consumer can go and make an appeal. We are talking about an ombudsman program where you have an office, you have a telephone number, you have advocates to call. Do my Republican colleagues want to do this? No.

Specialists who can coordinate care. Your child needs to see a pediatrician who specializes in oncology because your child is struggling with cancer. Do we make sure you have access to that specialist? Yes. Does the Republican plan make sure that you—a family in Minnesota or Michigan—have access to that specialist you so desperately need for your child? No.

My colleagues come out on the floor—again, with the Senator from Tennessee that makes four Republicans who have been out here today—16 Democrats. They can come out, and they can give a speech and say: Well, we have a bill, and it's a very good bill. But you know what. If it is such a good bill, bring it out to the floor. If you have such a good proposal, bring it out to the floor. Let's debate this. We have had enough delay. That is all we have had—delay, delay, delay.

Emergency room access is really important. I heard my colleague talk about that. But I say to the American people, Minnesotans, when you get a chance to carefully examine the ''Republican Insurance Company Protection Act''—that is what I call it—you will find out there is a little bit of protection for emergency room access but it is not really strong. Our plan does not equivocate at all. We make sure you have that access. We make sure it is covered. You get to keep your doctor throughout treatment. The Republican plan gives you a little bit of protection. We think you should have complete protection.

I tell you, this has gone on long enough. My challenge to my Republican colleagues is, if you think your plan is so good—and I certainly believe you operate in good faith; you have to believe it is a good plan or why would you write it—then bring it out here. We have to have the debate. We have amendments. We are committed to making sure there is good patient protection legislation passed by this Senate. We are ready for the debate.

We would love to debate a plan that covers only one-third of the Americans in our country. We would love to debate a plan that does not assure a family with a child who is gravely ill that that child will have access to the best care available, to the best care that is there. We would love to debate that plan. We would love to debate a plan that does not provide consumers with a real choice to be able to go out and get the very best care they need for their loved ones. We would love to debate a plan that does not give consumers the right to really challenge some of these bean counters, some of these managed care plans owned by these large insurance industries. We would love to debate the ''Republican Insurance Company Protection Plan'' versus our patient protection plan.

But, again, I am on the floor, and now another speech has been given; but I have nobody to debate. I asked if anyone wanted to yield for questions. They do not want to yield for questions. Let's debate this. It will not be a bitter debate. It will not be a debate with hatred. But you know what. It is going to be serious. It is a pretty important question for families in our country. It is pretty important to people.

In case anybody has not noticed—I imagine every Senator has; all you have to do is spend 1 minute in your State—people are really getting fed up with this. They do not much like the way in which the insurance industry dominates health care. They do not much like the fact that they believe they have just been left out of the loop. You know what else. The caregivers—the doctors and nurses—feel the same way.

It is time that we pass legislation with teeth. The Republican plan, the

''Insurance Company Protection Plan,'' pretends that it is a patient protection act. It is full of loopholes. It is Swiss cheese legislation. It is hard to defend it.

I can understand why my colleagues do not want to defend it. I can understand why they do not want to debate. I can understand why they have blocked our efforts, so far, to bring patient protection legislation to the floor. But I am telling you something: People in the country are demanding that we pass this legislation.

We are on a mission. The Democrats are on a mission. We are going to bring these amendments to the floor. We are going to insist there be a good, strong, honest debate; and we are going to do well by the people we represent.

I would be pleased to debate anybody, but in the absence of anyone to debate, I yield the floor.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I want to speak for just a few minutes.

What is the status of business in the Senate?

The PRESIDING OFFICER. The Senator from New Mexico should be informed we are in morning business and there are 4 minutes remaining under the control of the Democratic side.

PRIVILEGE OF THE FLOOR

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Robert Mendoza, a fellow in my office, be granted floor privileges during my remarks.

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

Mr. BINGAMAN. I would like to use those 4 minutes to say a few things about the Patients' Bill of Rights and the importance of the issue to a great many people in my State and around the country.

I think it is clear, from surveys I have seen, the American people want reform of this system of managed care and health maintenance organizations. There are a great many instances that have been called to our attention in our home States. I have heard of them in New Mexico, where people think the quality of care and the adequacy of care they are being provided with is not what it should be.

Without passage of some type of meaningful managed care reform, critical health care services will continue to be denied to many of the people we represent. One of the issues I believe is very important is what is referred to as provider nondiscrimination. We need a managed care health system that does not permit health plans to leave out nonphysician providers. I am talking about groups of health care providers such as nurse practitioners, psychologists, nurse midwives, leaving those people out of the network so that patients of these health maintenance organizations, customers of these health maintenance organizations are denied the ability to obtain their health care from those types of individuals.

In New Mexico, this is a critical concern. We have a shortage of physicians in our State. It is, in many parts of our State, very difficult to get health care, if you are required by your HMO to obtain that health care through a physician.

What we would like to do as part of the bill, which we hope to get to vote on in the next week or so, is to ensure that health maintenance organizations, where these people are qualified and certified, permit nonphysician health care providers to participate in these networks.

This is a critical concern in my State. I am sure it is a critical concern in many States.

Another issue that clearly needs to be addressed here is access to specialists. That is an issue I know came up when we had the debate in the Health and Education Committee. An amendment was offered to correct that. I believe Senator HARKIN offered that amendment; it was not successful. I believe it is a very important issue that needs to be revisited on the Senate floor.

There are many people who need the care of a specialist. Whether it is a pediatrician, whether it is an oncologist, whatever the specialty is, those people should not have to go through a family practitioner prior to going to that specialist. We would try to correct that in the legislation as well.

There are many other concerns we have with the bill that came out of the Health and Education Committee. I hope very much we get a full debate in the Senate on the deficiencies of that bill. I hope we get a chance to amend that bill.

The American people have been anxious to see reform in this area now for two Congresses that I am aware of. I think for us to continue to delay and put off and evade this issue is not the responsible course for us to follow. Our constituents, the people we represent in our States, expect better of us.

The people I represent in New Mexico expect me to do something about these very real problems they believe exist. In New Mexico, under the Republican bill that was reported out of the Health and Education Committee, there are almost 700,000 people who will not have substantive protections. In my State, there are 350,000 people who will not be covered at all if we pass the bill that came out of committee.

Mr. President, I see my time is up. I appreciate the opportunity to make comments, and I yield the floor.

Mr. SMITH of New Hampshire addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

EXTENSION OF MORNING BUSINESS

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent to extend morning business for 15 minutes under the previous conditions.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

CHANGE OF VOTE

Mr. SMITH of New Hampshire. Mr. President, yesterday on vote No. 180, which was the State Department authorization bill, in that legislation was $819 million in U.N. back payments that the United States would pay to the U.N. In addition, there was $107 million the U.N. owed to the United States that was forgiven.

I was unaware that those provisions were in the legislation, and I voted yea. Had I been aware of this, I would have voted nay.

Therefore, I ask unanimous consent that I be permitted to change my vote. This will in no way change the outcome of the vote.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. SMITH of New Hampshire. I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. 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. GRASSLEY. Mr. President, I ask unanimous consent to speak as in morning business.

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

(The remarks of Mr. GRASSLEY pertaining to the introduction of S. 1271 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

MILITARY CHANGE OF COMMANDS

Mr. ALLARD. Mr. President, in the June edition of Leatherneck magazine, the Commandant of the Marine Corps, Gen. Charles Krulak, quotes his father as saying: ''The American people believe that Marines are downright good for the country.''

Mr. President, I agree with the Commandant's father. And I am pleased General Krulak also holds that well founded opinion. The U.S. Marine Corps is collectively good for this country, and the services of individual marines such as General Krulak are a big part of that positive contribution made by the corps.

Unfortunately, the title of the article in which General Krulak quoted his father was ''A farewell to the Corps.'' General Krulak will be retiring after 4 years from his position as Commandant at the end of this month.

I would like to thank him for his service and efforts on behalf of his corps and his nation.

Although I have been on the Armed Services Committee a short 6 months, I

have had several good experiences with the Commandant.

I think the most notable was in May of this year, when a large group of my constituents were taking a tour of the Pentagon, and the Commandant invited them into his office. He said then that he usually tries to do something similar—bring tourists into his personal office—everyday. I do not think Krulak was fully aware of what he was getting himself into, but all 50 or so crowded their way into his office, and listened while he spoke about the corps, the moving of his office down from the 'barbed wire surrounded hill of the Naval Annex' to the corridors of the Pentagon, and the corps' efforts and ability to turn young men and women into marines.

Let me tell you, they were impressed. They were impressed with his position, they were impressed with his efforts, they were impressed with his commitment, and they were impressed with the man.

I have also had correspondence with General Krulak relating to our work on S. 4, and for the process of preparing the defense authorization. He consistently strikes me as a man who is well aware of the challenges his position holds, and works to meet them.

He has been straightforward and dependable. Hearing testimony from him at committee hearings is always a pleasure. He does not rattle off bland platitudes. I felt that I could always rely on his opinion to be the truest possible interpretation of the situation, and one that held the best interests of the country at the foremost.

Mr. President, let me end by repeating: General Krulak has been fundamentally good for this country. I wish him well in whatever new course he sets for himself.

Also, I would like to welcome Gen. James Jones into his role as the 32d Commandant of the Marine Corps. I have met with him only very briefly, but I look forward to working with him. I am sure he will follow in the able footsteps of all the past U.S. Marine Corps Commandants, and serve the Marines and America admirably.

COOPERATIVE THREAT REDUCTION AGREEMENT EXTENSION

Mr. BINGAMAN. Mr. President. I take the opportunity today to call to the attention of Members of the Senate and to the American people a very important event that took place last week but was not widely publicized. On Wednesday, June 16, representatives from the Department of Defense and Russia's Ambassador to the United States, Mr. Yuri Ushakov, signed an agreement extending the Cooperative Threat Reduction (CTR) program sponsored in 1991 by our distinguished colleagues, Senator Sam Nunn and Senator RICHARD LUGAR. The agreement signed last week extends the Nunn-Lugar threat reduction programs for 7 years until 2006. That extension will build upon the critical work already accomplished that has reduced Russia's military threat to the United States and our allies more effectively than any other measures undertaken since the end of the Cold War. In the context of these uncertain times and Russia's uncertain future, the investments made through Cooperative Threat Reduction programs promise to yield dividends that are essential to long-term peace and stability throughout the world.

Indeed, the accomplishments of CTR are a more cost effective means to enhancing national security than any I know. Between 1992 and 1999, the Nunn-Lugar programs have eliminated the potential for nuclear threats from former members of the Soviet Union including Kazakhstan, Ukraine, Belarus, and Uzbekistan. For $2.7 billion that the United States has spent on CTR since 1992, a bit more than the cost of a single B–2 bomber, there are now 1,538 fewer nuclear warheads available for use against the U.S. or our allies. The Russians have eliminated 50 missile silos and 254 intercontinental ballistic missiles. In addition, we are in the process of dismantling some 30 strategic ballistic missile submarines that formerly threatened the United States from deep ocean sites. So far, U.S. and Russian teams have dismantled 148 missile launch tubes on those submarines and 30 sea-launched ballistic missiles. CTR programs have eliminated more than 40 Russian strategic bombers that used to be within hours of American military and civilian targets. Collectively, those actions under CTR have ensured that Russia has met and continues to meet its treaty obligations under the Strategic Arms Reduction Treaty, START. More important, they have significantly cut back on the potential threat posed by those weapons to the United States, our allies, and our worldwide security interests.

The Cooperative Threat Reduction program extends beyond the elimination of nuclear weapons and their means of delivery. Funds for this program are allocated to ensure the safe transportation, storage, security, accounting, and monitoring of strategic and tactical nuclear weapons scheduled for destruction and for weapons grade nuclear materials from weapons that have been dismantled. I have visited Russia and personally observed implementation of the Department of Energy's Materials Protection, Control, and Accounting program which enhances day-to-day security at dozens of nuclear sites across Russia. I remain deeply concerned that without that assistance, the possibility of smuggling nuclear materials into the wrong hands is a serious possibility that could threaten the entire world.

Looking toward the future, funds from CTR are helping to convert Russia's reactors that produce plutonium to eliminate that capability. Ultimately, the cutoff of production of fissile materials is the tool by which we can help prevent the proliferation of nuclear materials from becoming an even greater problem than it is today. Conversion of Russia's nuclear production capability is a key part of addressing that problem.

The Cooperative Threat Reduction program also assists the Russians in meeting obligations assumed under the Chemical Weapons Convention we ratified in the Senate two years ago. Under this program, the United States has assisted Russia in planning the construction of a chemical weapons destruction facility needed to destroy the large volume of aging chemical munitions in their inventory. Funds are essential to keep this program moving forward in order to ensure that we can reduce the threat of proliferation of chemical weapons and their use against our security interests. I am aware that some in the Congress believe that Russia has not shouldered its responsibilities under this and other CTR programs, but I prefer to consider such matters from our own selfish security point of view. To the extent that we are able to purchase or finance reductions to Russian military capabilities that directly threaten us, those are funds well spent. When Russians are able and agree to provide funding or support in kind for CTR programs, so much the better.

I would like to point out an additional benefit to the Nunn-Lugar programs that is not often recognized or understood. I am certain that the Members of this body can recall the perceptions shared by many Americans concerning the government and people of the Soviet Union during the Cold War. I need not remind us of the unbridgeable gap that existed between our governments, our political systems, and our cultures. In the wake of the Cold War, however, many of those gaps have been bridged and important bonds have been forged between our two countries and citizens. Thousands of American and Russian technical and support personnel have built a foundation of trust and understanding through their cooperative efforts under the CTR program. I firmly believe that those bonds will pay dividends and serve the long-term interests of peaceful relations between our two countries—particularly if we in the United States continue to hold the course in supporting CTR and other cooperative programs such as the Initiative for Proliferation Prevention, the Nuclear Cities Initiative, and the Russian American Cooperative Satellite program. Key Russian personnel in implementing those programs have come to know Americans with whom they frequently meet and vice versa. I have spoken personally with many Russians and Americans who are directly involved in these programs all of whom share the same conviction that cooperation is the key to a peaceful future.

These are very uncertain times. We are at a crucial juncture in our relations with Russia that could determine

the direction of the global political climate for many years to come. No one is certain what the future of Russia will bring once President Yeltsin leaves office. Everyone is aware that a deep reservoir of distrust and fear exists among Russian citizens, officials, and military personnel concerning the United States and NATO. We have done much in the past couple of years to feed those fears and anxieties, thereby generating hostility that could threaten to reawaken Cold War tensions. On the other hand, we have established critical relationships that could weigh against such a reprise through programs such as CTR. The impending post-Yeltsin debate within Russia regarding its future direction must include the voice of cooperation rather than confrontation as the way to peace and stability. The Cooperative Threat Reduction program has built a constituency in Russia to articulate that voice. I salute its sponsors, Senators Nunn and LUGAR for their visionary contribution, and celebrate its extension into the next millennium. I strongly encourage my colleagues to continue to support CTR and related programs through the ebbs and flows of U.S.-Russian relations. The prospects for long term global peace and stability will be the better for it.

SENATE INACTION ON THE COMPREHENSIVE NUCLEAR TEST BAN TREATY

Mr. DORGAN. Mr. President, it is the responsibility of the Senate Foreign Relations Committee to consider treaties submitted by the President as soon as possible after their submission. Normally, most treaties are considered within a year of being submitted. The President of the United States transmitted the Comprehensive Nuclear Test Ban Treaty to the Senate on September 23, 1997.

The Senate Foreign Relations Committee has not held a single hearing on this important Treaty in the 639 days since the President sent the CTBT to the Senate for its consideration. In comparison, the START I Treaty was ratified in 11 months, the SALT I Treaty in 3 months, the Conventional Armed Forces in Europe Treaty in 4 months, and the Limited Nuclear Test Ban Treaty in 3 weeks.

As of today, 152 countries have signed the CTBT, including Russia and China, and 37 countries have ratified the Treaty. The world is waiting for the United States to lead on this issue. I hope my colleagues will urge for this Treaty's rapid consideration.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, June 22, 1999, the Federal debt stood at $5,593,512,029,751.90 (Five trillion, five hundred ninety-three billion, five hundred twelve million, twenty-nine thousand, seven hundred fifty-one dollars and ninety cents).

One year ago, June 22, 1998, the Federal debt stood at $5,496,660,000,000 (Five trillion, four hundred ninety-six billion, six hundred sixty million).

Five years ago, June 22, 1994, the Federal debt stood at $4,597,075,000,000 (Four trillion, five hundred ninety-seven billion, seventy-five million).

Ten years ago, June 22, 1989, the Federal debt stood at $2,781,401,000,000 (Two trillion, seven hundred eighty-one billion, four hundred one million) which reflects a debt increase of more than $2 trillion—$2,812,111,029,751.90 (Two trillion, eight hundred twelve billion, one hundred eleven million, twenty-nine thousand, seven hundred fifty-one dollars and ninety cents) during the past 10 years.

1997 ANNUAL REPORT OF THE UNITED STATES NUCLEAR REGULATORY COMMISSION—MESSAGE FROM THE PRESIDENT—PM 39

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Environment and Public Works.

To the Congress of the United States:

As required by section 307(c) of the Energy Reorganization Act of 1974 (42 U.S.C. 5877(c)), I transmit herewith the Annual Report of the United States Nuclear Regulatory Commission, which covers activities that occurred in fiscal year 1997.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 23, 1999.*

MESSAGES FROM THE HOUSE

At 11:51 a.m., a message from the House of Representatives, delivered by one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 659. An act to authorize appropriations for the protection of Paoli and Brandywine Battlefields in Pennsylvania, to direct the National Park Service to conduct a special resource study of Paoli and Brandywine Battlefields, to authorize the Valley Forge Museum of the American Revolution at Valley Forge National Historic Park, and for other purposes.

H.R. 1175. An act to locate and secure the return of Zachary Baumel, a United States citizen, and other Israeli soldiers missing in action.

H.R. 1501. An act to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide grants to ensure increased accountability for juvenile offenders; to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide quality prevention programs and accountability relating to juvenile delinquency; and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 659. An act to authorize appropriations for the protection of Paoli and Brandywine Battlefields in Pennsylvania, to direct the National Park Service to conduct a special resource study of Paoli and Brandywine Battlefields, to authorize the Valley Forge Museum of the American Revolution at Valley Forge National Historic Park, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1175. An act to locate and secure the return of Zachary Baumel, a United States citizen, and other Israeli soldiers missing in action; to the Committee on Foreign Relations.

MEASURE PLACED ON THE CALENDAR

The following bill was read the first and second times and placed on the calendar:

H.R. 1501. An act to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide grants to ensure increased accountability for juvenile offenders; to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide quality prevention programs and accountability relating to juvenile delinquency; and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

In the RECORD of Tuesday June 22, 1999 the following Executive Communications were inadvertently omitted. The permanent RECORD will be corrected to reflect the following listing:

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated on Tuesday, June 22, 1999:

EC–3852. A communication from the Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Final Rule to Delist the Plant 'Echinocerus lloydii' (Lloyd's Hedgehog Cactus)'', received June 18, 1999; to the Committee on Environment and Public Works.

EC–3853. 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 a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Revised Format for Materials Being Incorporated by Reference for Missouri'' (FRL #6364–3), received June 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3854. 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 a rule entitled ''Technical and Procedural Amendments to TSCA Regulations-Disposal of Polychlorinated Biphenyls (PCBs)'' (FRL #6072–4), received June 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3855. A communication from the Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Contract Actions for Leased Equipment'' (DFARS Case 99–D012), received June 16, 1999; to the Committee on Armed Services.

EC–3856. A communication from the Assistant Attorney General, Office of Justice Programs, Department of Justice, transmitting, pursuant to law, the report of a rule entitled

''Timing of Police Corps Reimbursements of Educational Expenses'' (RIN1121–AA50) (OJP–1205), received June 18, 1999; to the Committee on the Judiciary.

EC–3857. A communication from the Acting Executive Director, Commodity Futures Trading Commission, transmitting pursuant to law, the report of a rule entitled ''Performance of Certain Functions by National Futures Association With Respect to Those Foreign Firms Acting in the Capacity of a Futures Commission Merchant,'' received June 16, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated on Wednesday, June 23, 1999:

EC–3899. A communication from the Under Secretary of Defense, transmitting pursuant to law, the report of a violation of the Antideficiency Act, case number 97–01; to the Committee on Appropriations.

EC–3900. A communication from the Secretary of Transportation, transmitting a report entitled ''Buckle Up America: The Presidential Initiative for Increasing Seat Belt Use Nationwide''; to the Committee on Appropriations.

EC–3901. A communication from the Administrator, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, a report entitled ''Status of NHTSA Plan for Side Impact Regulation Harmonization and Upgrade''; to the Committee on Appropriations.

EC–3902. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to the Office of Inspector General audit recommendations for the period ending March 31, 1999; to the Committee on Governmental Affairs.

EC–3903. A communication from the Treasurer, National Gallery of Art, transmitting, pursuant to law, the annual report for fiscal years 1997 and 1998; to the Committee on Governmental Affairs.

EC–3904. A communication from the Secretary of Education, transmitting, pursuant to law, a report relative to a vacancy in the Department of Education; to the Committee on Health, Education, Labor, and Pensions.

EC–3905. A communication from the Secretary of Education, transmitting, pursuant to law, a report relative to a vacancy in the Department of Education; to the Committee on Health, Education, Labor, and Pensions.

EC–3906. A communication from the Secretary of Labor, transmitting, pursuant to law, a report relative to a vacancy in the Department of Labor; to the Committee on Health, Education, Labor, and Pensions.

EC–3907. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Refugee Resettlement Program for fiscal year 1997; to the Committee on the Judiciary.

EC–3908. A communication from the Under Secretary of Defense for Acquisition and Technology, transmitting, pursuant to law, a report entitled ''Defense Environmental Quality Program Annual Report'' for fiscal year 1998; to the Committee on Armed Services.

EC–3909. A communication from the Comptroller of the Currency, transmitting, pursuant to law, the annual report for fiscal year 1998 and an opinion letter and corporate decisions relative to state law with respect to national banks; to the Committee on Banking, Housing, and Urban Affairs.

EC–3910. A communication from the Deputy General Counsel, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Business Loan Program'' (FR Doc. 99–12100, published in 64 FR 26273, May 14, 1999), received June 22, 1999; to the Committee on Small Business.

EC–3911. A communication from the Deputy General Counsel, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Small Business Size Standards; Engineering Services, Architectural Services, Surveying, and Mapping Services'' (FR Doc. 99–12267, published in 64 FR 26275, May 14, 1999), received June 22, 1999; to the Committee on Small Business.

EC–3912. A communication from the Deputy General Counsel, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Disaster Loan Program; Correction'' (FR Doc. 99–6856, 3/19/99, 64 FR 13667), received June 22, 1999; to the Committee on Small Business.

EC–3913. A communication from the Deputy General Counsel, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Surety Bond Guarantees'' (FR Doc. 99–9268, 4/13/99, 64 FR 18324), received June 22, 1999; to the Committee on Small Business.

EC–3914. A communication from the Deputy General Counsel, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Business Loan Program'' (FR Doc. 99–559, 1/13/99, 64 FR 2115. Also see correction: FR Doc. 99–12574, 5/20/99, 64 FR 27445), received June 22, 1999; to the Committee on Small Business.

EC–3915. A communication from the Federal Register Liaison Officer, Regulations and Legislation Division, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Branch Closings'', received June 21, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–3916. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the report of a rule entitled ''Loan Policies and Operations; Leasing; General Provisions; Accounting and Reporting Requirements'' (RIN3052–AB63), received June 21, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3917. A communication from the Deputy Executive Secretary, Health Care Financing Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Adjustment in Payment Amounts for New Technology; Intraocular Lenses Furnished by Ambulatory Surgical Centers'' (HCFA–3831–F), received June 22, 1999; to the Committee on Finance.

EC–3918. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Financial Assistance for Research and Development Projects to Strengthen and Develop the U.S. Fishing Industry—Notice of Solicitation for Applications'' (RIN0648–ZA09), received June 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3919. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Extension of Expiration Date of an Emergency Interim Rule (Established additional observer coverage requirements for the 20 catcher/processor vessels and established in-season authority to manage the non-pollock harvest limitations required under the American Fisheries Act)'' (RIN0648–AM06), received June 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3920. A communication from the Acting Director, Office of Sustainable Fisheries, Domestic Fisheries Division, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Commercial Quota Harvested for Summer Period for the Scup Fishery'' (RIN0648-AL74 for final specifications), received June 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3921. A communication from the Assistant General Counsel for Regulations, Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Assistance to States for the Education of Children with Disabilities Program'' (RIN1820-AB40), received June 21, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–3922. A communication from the Attorney, General and Administrative Law, Office of the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Update of the Federal Energy Regulatory Commission's Fees Schedule for Annual Charges for the Use of Government Lands'' (RM86-2-000), received June 22, 1999; to the Committee on Energy and Natural Resources.

EC–3923. A communication from the Attorney, General and Administrative Law, Office of the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Annual Update of Filings Fees'' (RM98-15-000), received June 22, 1999; to the Committee on Energy and Natural Resources.

EC–3924. A communication from the Attorney, General and Administrative Law, Office of the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Standards for Business Practices of Interstate Natural Gas Pipelines'' (RM96-1-009; Order No. 587-1), received June 22, 1999; to the Committee on Energy and Natural Resources.

EC–3925. A communication from the Attorney, General and Administrative Law, Office of the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Project Cost and Annual Limits'' (RM96-19-000), received June 22, 1999; to the Committee on Energy and Natural Resources.

EC–3926. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation amending the Housing Act of 1949; to the Committee on Banking, Housing, and Urban Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–210. A resolution adopted by the House of the General Assembly of the Commonwealth of Pennsylvania relative to abandoned mine reclamation; to the Committee on Appropriations.

HOUSE RESOLUTION NO. 123

Whereas, The biggest water pollution problem facing this Commonwealth today is polluted water draining from abandoned coal mines; and

Whereas, Over half the streams that do not meet water quality standards in this Commonwealth are affected by mine drainage; and

Whereas, This Commonwealth has over 250,000 acres of abandoned mine lands, refuse banks and old mine shafts in 45 of Pennsylvania's 67 counties, more than any other state in the nation; and

Whereas, The Department of Environmental Protection estimates it will cost more than $15 billion to reclaim and restore abandoned mine lands; and

Whereas, The Commonwealth now receives about $20 million a year from the Federal Government to do reclamation projects; and

Whereas, There is now a $1 billion balance in the Federal Abandoned Mine Reclamation Trust Fund that is set aside by law to take care of pollution and safety problems caused by old coal mines; and

Whereas, Pennsylvania is the fourth largest coal producing state in the nation, and coal operators contribute significantly to the fund by paying a special fee for each ton of coal they mine, and

Whereas, The Department of Environmental Protection and 39 county conservation districts through the Western and Eastern Pennsylvania Coalitions for Abandoned Mine Reclamation have worked as partners to improve the effectiveness of mine reclamation programs; and

Whereas, Pennsylvania is not seeking to rely on the Federal appropriation to solve the abandoned mine lands problem in Pennsylvania and is actively considering additional funding on its own; and

Whereas, Pennsylvania has been working with the Interstate Mining Compact Commission, the National Association of Abandoned Mine Land Programs and other states to free more of these funds to clean up abandoned mine lands; and

Whereas, Making more funds available to states for abandoned mine reclamation should preserve the interest revenues now being made available for the United Mine Workers Combined Benefit Fund; and

Whereas, The Federal Office of Surface Mining, the United States Environmental Protection Agency and Congress have not agreed to make more funds available to states for abandoned mine reclamation; therefore be it

Resolved, That the House of Representatives of Pennsylvania urge the President of the United States and Congress make the $1 billion of Federal moneys already earmarked for abandoned mine land reclamation available to states to clean up and make safe abandoned mine lands; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, to the presiding officers of each house of Congress and to each member of Congress.

POM–211. A resolution adopted by the House of the General Assembly of the Commonwealth of Pennsylvania relative to diabetic treatment; to the Committee on Governmental Affairs.

HOUSE RESOLUTION NO. 175

Whereas, There are 15.7 million diabetics in the United States, 40% of whom do not know they have the disease; and

Whereas, Almost 20% of people over 65 years old have diabetes; and

Whereas, Diabetes is the seventh leading cause of death in the United States and the third leading cause of death by disease in Pennsylvania; and

Whereas, Nationwide there are 187,000 diabetes-related deaths annually, including an estimated 12,000 diabetes-related deaths in Pennsylvania each year, three times the number of deaths from AIDS, Alzheimer's disease and homicide; and

Whereas, Diabetes is a controllable disease in which sharp reductions in rates of complications can be obtained with proper management of blood glucose levels, specifically, a 56% reduction in the incidence of kidney disease, a 60% reduction in blindness and a 61% reduction in nerve disease; and

Whereas, The Pennsylvania Health Care Cost Containment Council, in its report on the act of October 16, 1998 (P.L. 784, No. 98) (Act 98 of 1998), stated that it ''finds evidence to suggest that providing diabetics with supplies, medication, self-management education and medical nutrition therapy can be both medically and cost effective''; and

Whereas, In 1998, Pennsylvania became the 30th state to require private and group health insurance plans to provide comprehensive coverage for diabetic supplies and self-management training; and

Whereas, Act 98 of 1998 provides new benefit coverage to an estimated 4.5 million Pennsylvanians who have health insurance policies that can be regulated by the State; however, no State mandate applies to insurance programs run or regulated by the Federal Government; and

Whereas, The Federal Government has provided for general Medicare coverage of some supplies needed for persons with diabetes; however, insulin and syringes are excluded; and

Whereas, A large number of individuals who have insurance under self-funded health plans regulated by the Employee Retirement Income Security Act of 1974 have no guarantee of any sort of coverage; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania memorialize Congress to enact the same mandated benefits as contained in Act 98 of 1998 in all Federal insurance programs and all federally regulated, self-funded health insurance programs governed by the Employee Retirement Income Security Act of 1974; and be it further

Resolved, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM–212. A resolution adopted by the House of the General Assembly of the Commonwealth of Pennsylvania relative to the municipal waste; to the Committee on Environment and Public Works.

HOUSE RESOLUTION NO. 192

Whereas, The United States Supreme Court has issued a series of decisions holding that the Commerce Clause of the Constitution of the United States prohibits states from restricting the importation of solid waste from other states; and

Whereas, Over the past ten years, owners and operators of solid waste landfills located in the Commonwealth of Pennsylvania have significantly increased the amount of unwanted municipal waste they accept from other states; and

Whereas, New York City released a long-term waste management plan on December 2, 1998, that allows New York City to close the Fresh Kills Landfill as planned on December 31, 2001, and calls for the exportation of approximately 13,000 tons of solid waste a day now disposed of at the Fresh Kills Landfill to Pennsylvania and other states; and

Whereas, The states of Pennsylvania, West Virginia, Virginia, New Jersey and Maryland notified the Mayor of New York City that the recently released plan to manage waste displaced by the closure of the Fresh Kills Landfill did not adequately address limiting the exportation of waste or other viable waste management alternatives; and

Whereas, The present and projected future levels of unwanted municipal waste that owners and operators of landfills and incinerators located in this Commonwealth import from other states pose environmental, aesthetic and traffic problems and are unfair to citizens of this Commonwealth, particularly citizens living in areas where landfills and incinerators are located; and

Whereas, In 1988 the Commonwealth enacted a law designed to reduce the need for additional landfills and incinerators by requiring and encouraging recycling of certain materials; and

Whereas, Pennsylvania has met its recycling goal of 25% and has established a new goal of 35% by the year 2003; and

Whereas, It is within the power of the Congress of the United States to delegate authority to the states to restrict the amount of unwanted municipal waste they import from other states; and

Whereas, Legislation has been introduced in Congress which will regulate and restrict the amount of unwanted municipal waste imported from other states; and

Whereas, Governor Thomas J. Ridge and the governors of the Great Lakes States of Ohio, Michigan and Indiana wrote to Congress expressing their desire to reach an accord on authorizing states to place reasonable limits on the importation of solid waste; and

Whereas, The failure of Congress to act will harm this Commonwealth by allowing the continued unrestricted flow of solid waste generated in other states to landfills and incinerators located in this Commonwealth; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania memorialize the President and Congress of the United States and the states to support legislation authorizing states to restrict the amount of solid waste being imported from other states and creating a rational solid waste management strategy that is equitable among the states and environmentally sound; and be if further

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania memorialize the President and Congress of the United States to support legislation that gives communities hosting landfills and incinerators the right to decide by agreement whether to accept waste from other states and that creates a rational municipal waste management strategy that is equitable among the states and environmentally sound; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM–213. A resolution adopted by the County Commission, Knox County, Tennessee relative to the Department of Energy and Oak Ridge Facilities; to the Committee on Appropriations.

POM–214. A joint resolution adopted by the legislature of the State of Nevada relative to the Payments in Lieu of Taxes Act; to the Committee on Appropriations.

SENATE JOINT RESOLUTION NO. 1

Whereas, The Federal Government manages and controls approximately 87 percent of the land in the State of Nevada, and in several counties in the State of Nevada the Federal Government manages and controls between 97 and 99 percent of the land; and

Whereas, Because the land managed and controlled by the Federal Government in the State of Nevada is not taxable, counties that have an extensive amount of such land located within their boundaries experience tremendous fiscal burdens; and

Whereas, Congress enacted the Act of October 20, 1976, which, as amended, is commonly known as the Payments In Lieu of Taxes Act, and which requires the Federal Government to make annual payments to local governments to compensate the local governments for the loss of revenue they experience because of the presence of certain land within their boundaries that is managed and controlled by the Federal Government; and

Whereas, Pursuant to the Act, the Secretary of the Interior is required to make a payment for each fiscal year to each of the 17 counties in the State of Nevada because those counties have such land within their boundaries, including land that is administered by the Bureau of Land Management, the National Park Service, the United States Fish and Wildlife Service and the United States Forest Service; and

Whereas, The Bureau of Land Management was chosen by the Secretary of the Interior to administer the payments required to be made pursuant to the Act; and

Whereas, Congress appropriates money each year that the Bureau of Land Management distributes to the counties in the State of Nevada and other states pursuant to a statutory formula set forth in the Act; and

Whereas, From the inception of the payments in 1977 to the end of the 1997–98 fiscal year, the money appropriated by Congress has been insufficient to provide full payment to the counties in the State of Nevada pursuant to the statutory formula; now, therefore, be it

Resolved by the Senate and Assembly of the State of Nevada, Jointly, That the members of the 70th session of the Nevada Legislature hereby urge Congress to appropriate for distribution to the counties in the State of Nevada the amount of money necessary to correct the underpayments to those counties pursuant to the Act for the previous fiscal years; and be it further

Resolved, That in lieu of an appropriation by Congress to correct such underpayments, the members of the 70th session of the Nevada Legislature hereby urge Congress to authorize the transfer of land of equivalent value from the Federal Government to the affected counties in the State of Nevada; and be it further

Resolved, That the Secretary of the Senate of the Nevada Legislature prepare and transmit a copy of this resolution to the Vice President of the United States as presiding officer of the United States Senate, the Speaker of the House of Representatives, the Secretary of the Interior, the Director of the Bureau of Land Management and each member of the Nevada Congressional Delegation; and be it further

Resolved, That this resolution becomes effective upon passage and approval.

POM–215. A joint resolution adopted by the legislature of the State of Nevada relative to land management and livestock; to the Committee on Energy and Natural Resources.

SENATE JOINT RESOLUTION NO. 12

Whereas, The livestock industry comprises a significant portion of the rural economy of the State of Nevada; and

Whereas, Recent declines in the authorization of the grazing of livestock on public lands in this state and throughout the West have had measurable negative impacts on the economic viability of ranchers and rural communities; and

Whereas, Studies by federal agencies have revealed that public lands have improved or are improving through the use of controlled grazing of livestock on public lands; and

Whereas, Recent management policies and directives established by federal agencies including the Bureau of Land Management of the United States Department of the Interior and the Forest Service of the United states Department of Agriculture have resulted in significant and costly reductions in the number of livestock allowed to graze on public lands in this state; and

Whereas, These reductions are having a negative effect on the value of ranches and the economic viability of ranchers who depend on the use of public land for the successful production of livestock, resulting in an adverse effect on the economic condition of the State of Nevada; and

Whereas, Continuation of these federal policies will have adverse effects that are far reaching and costly, including an increase in wildfires, a diminished tax base, loss of wildlife habitat and a decrease in economic activity; now, therefore, be it

Resolved by the Senate and Assembly of the State of Nevada, Jointly, That the members of the Nevada Legislature do hereby encourage the United States Congress to support all efforts for the establishment of a working partnership between federal land management agencies, local governments and other interested parties on issues relating to the use of public lands; and be it further

Resolved, That this legislative body supports all efforts to review the methodologies and practices that have been employed by public land management agencies which have resulted in the unnecessary reduction in the use of public lands by ranchers for the grazing of livestock; and be it further

Resolved, That the Division of Agriculture of the Department of Business and Industry is hereby encouraged to develop a statewide database to further demonstrate the cumulative losses to this state and its counties because of the reduction in the use of public land for the grazing of livestock; and be it further

Resolved, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives, the Secretary of the Interior, the Secretary of Agriculture, each member of the Nevada Congressional Delegation and the Executive Director of the Nevada Association of Counties; and be it further

Resolved, That this resolution becomes effective upon passage and approval.

POM–216. A joint resolution adopted by the legislature of the State of Montana relative to the American Heritage Rivers initiative; to the Committee on Energy and Natural Resources.

RESOLUTION

Whereas, the President of the United States has, by Executive Order 13061, created the American Heritage Rivers initiative; and

Whereas, the initiative allows a local river community to nominate its river for designation by the President as an American Heritage River; and

Whereas, the initiative provides no meaningful protection of state or private property along designated rivers; and

Whereas, the initiative creates a new layer of federal bureaucracy and engages 12 federal agencies in its implementation; now, therefore, be it

Resolved by the Senate and the House of Representatives of the State of Montana, That the Montana Legislature oppose the nomination or designation of any river in Montana as an American Heritage River under the American Heritage Rivers initiative; be it further

Resolved, That the Secretary of State send copies of this resolution to the President of the United States, the Vice President of the United States, the President Pro Tempore of the Senate of the U.S. Congress, the Speaker of the House of Representatives of the U.S. Congress, the Chair of the Council on Environmental Quality, and the Montana Congressional Delegation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BOND, from the Committee on Small Business, with an amendment in the nature of a substitute:

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 (Rept. No. 106–84).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. SPECTER, for the Committee on Veterans Affairs:

John T. Hanson, of Virginia, to be an Assistant Secretary of Veterans Affairs (Public and Intergovernmental Affairs).

By Mr. MCCAIN, for the Committee on Commerce, Science, and Transportation:

Sylvia de Leon, of Texas, to be a Member of the Reform Board (Amtrack) for a term of five years.

Albert S. Jacquez, of California, to be Administrator of the Saint Lawrence Seaway Development Corporation for a term of seven years.

Cheryl Shavers, of California, to be Under Secretary of Commerce for Technology.

Kelly H. Carnes, of the District of Columbia, to be Assistant Secretary of Commerce for Technology Policy.

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.

Ann Brown, of Florida, to be a Commissioner of the Consumer Product Safety Commission for a term of seven years from October 27, 1999.

Ann Brown, of Florida, to be Chairman of the Consumer Product Safety Commission.

Johnnie E. Frazier, of Maryland, to be Inspector General, Department of Commerce.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. MCCAIN. Mr. President, for the Committee on Commerce, Science, and Transportation, I report favorably nomination list which was printed in the RECORD of May 12, 1999, at the end of the Senate proceedings, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that the nomination lie at the Secretary's desk for the information of Senators.

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

In the Cost Guard nomination of James W. Seeman, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of May 12, 1999.

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 Mr. SCHUMER:

S. 1267. A bill to require that health care providers inform their patients of certain referral fees upon the referral of the patients to clinical trials; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HARKIN (for himself, Mr. FRIST, Mr. KENNEDY, Mr. CHAFEE, Mr. REED, Mr. MACK, Ms. MIKULSKI, Mrs. MURRAY, Mr. CLELAND, Mr. HELMS, Mr. WARNER, Mr. SCHUMER, Mr. COCHRAN, Mr. DURBIN, Mr. MOYNIHAN, Mrs. BOXER, Mr. ROBERTS, and Mr. REID):

S. 1268. A bill to amend the Public Health Service Act to provide support for the modernization and construction of biomedical and behavioral research facilities and laboratory instrumentation; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MCCONNELL (for himself and Mr. HATCH):

S. 1269. A bill to provide that the Federal Government and States shall be subject to the same procedures and substantive laws that would apply to persons on whose behalf certain civil actions may be brought, and for other purposes; to the Committee on the Judiciary.

By Mr. FRIST (for himself and Mr. DOMENICI):

S. 1270. A bill to establish a partnership for education progress; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRASSLEY:

S. 1271. A bill to improve the drug certification procedures under section 490 of the Foreign Assistance Act of 1961, and for other purposes; to the Committee on Foreign Relations.

By Mr. NICKLES (for himself, Mr. LIEBERMAN, Mr. LOTT, Mr. ABRAHAM, Mr. ALLARD, Mr. BROWNBACK, Mr. COVERDELL, Mr. ENZI, Mr. HAGEL, Mr. INHOFE, Mr. CRAIG, and Mr. SESSIONS):

S. 1272. A bill to amend the Controlled Substances Act to promote pain management and palliative care without permitting assisted suicide and euthanasia, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BOND:

S. Res. 126. A resolution expressing the sense of the Senate that appreciation be shown for the extraordinary work of Mildred Winter as Missouri teacher and leader in creating the Parents as Teachers program on the occasion that Mildred Winter steps down as Executive Director of such program; considered and agreed to.

By Mr. LOTT:

S. Res. 127. A resolution to direct the Secretary of the Senate to request the return of certain pages; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SCHUMER:

S. 1267. A bill to require that health care providers inform their patients of certain referral fees upon the referral of the patients to clinical trials; to the Committee on Health, Education, Labor, and Pensions.

CLINICAL TRIALS DISCLOSURE ACT OF 1999

Mr. SCHUMER. Mr. President, I rise today to introduce the Clinical Trials Disclosure Act of 1999. As the Senate debates important health care issues such as Medicare, prescription drug access, and managed care reform, I want to call our attention to another important health care matter: doctors and other health care providers accepting payments from drug companies and their contractors to refer patients to clinical trials. Each of us understands that by providing a forum for medical research, clinical trials play a vital role in our health care system. Unfortunately, some providers are violating the patient-doctor relationship by not informing patients of the fees they receive for referrals to the clinical trials.

Recent media reports have highlighted this growing trend that threatens the important relationship between doctor and patient. In one case in California, a doctor received over $1,600 to refer a patient to a prostate cancer drug trial despite the fact that the patient's prostate was healthy. Other drug companies offer bonuses to physicians who refer numbers over and above a certain quota. Providers benefit in other ways, too. A cooperative doctor may get his or her name attached to an academic study authored by a ghost writer based on the drug company's data. No matter how the doctor benefits, however, he or she is not compelled to inform the patient of his or her relationship with the drug company. This is why today I introduce the Clinical Trials Disclosure Act of 1999.

This bill simply requires that if a health care provider receives payments or other compensation for referring a patient to a clinical trial, the provider must inform the patient both orally and in writing. The measure is not intended to discourage patient participation in important medical research. Instead, it will strengthen the relationship between doctor and patient and help ensure that clinical trials attract patients who will benefit from their important work.

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. 1267

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 ''Clinical Trials Disclosure Act of 1999''.

SEC. 2. REQUIRED DISCLOSURE OF REFERRAL FEES.

(a) THROUGH CONTRACTS WITH INSURERS.—

(1) AMENDMENT TO ERISA.—

(A) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following new section:

''SEC. 714. REQUIRED DISCLOSURE OF REFERRAL FEES.

''The provisions of any contract or agreement, or the operation of any contract or agreement, between a group health plan or health insurance issuer in relation to health insurance coverage (including any partnership, association, or other organization that enters into or administers such a contract or agreement) and a health care provider (or group of providers) shall require that, if the provider refers a patient to a clinical trial, the provider shall disclose (orally and in writing) to the patient (at the time of such referral) any payments or other compensation that the provider receives (or expects to receive) from any entity in connection with such referral.''.

(B) CLERICAL AMENDMENT.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 note) is amended by inserting after the item relating to section 713 the following new item:

''Sec. 714. Required disclosure of referral fees.''.

(2) AMENDMENTS TO PHSA.—

(A) GROUP MARKET.—Subpart 2 of part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-4 et seq.) is amended by adding at the end the following new section:

''SEC. 2707. REQUIRED DISCLOSURE OF REFERRAL FEES.

''The provisions of any contract or agreement, or the operation of any contract or agreement, between a group health plan or health insurance issuer in relation to health insurance coverage (including any partnership, association, or other organization that enters into or administers such a contract or agreement) and a health care provider (or group of providers) shall require that, if the provider refers a patient to a clinical trial, the provider shall disclose (orally and in writing) to the patient (at the time of such referral) any payments or other compensation that the provider receives (or expects to receive) from any entity in connection with such referral.''.

(B) INDIVIDUAL MARKET.—Part B of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-41 et seq.) is amended—

(1) by redesignating the first subpart 3 (relating to other requirements) as subpart 2; and

(2) by adding at the end of subpart 2 the following new section:

''SEC. 2753. REQUIRED DISCLOSURE OF REFERRAL FEES.

''The provisions of section 2707 shall apply to health insurance coverage offered by a health insurance issuer in the individual market in the same manner as they apply to health insurance coverage offered by a health insurance issuer in connection with a group health plan in the small or large group market.''.

(b) OTHER PROVIDERS.—A health care provider who provides services to beneficiaries under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) shall, with respect to any patient that such provider refers to a clinical trial, disclose (orally and in writing) to the patient (at the time of such referral) any payments or other compensation that the provider receives (or expects to receive) from any entity in connection with such referral.

By Mr. HARKIN (for himself, Mr. FRIST, Mr. KENNEDY, Mr. CHAFEE, Mr. REED, Mr. MACK, Ms. MIKULSKI, Mrs. MURRAY, Mr. CLELAND, Mr. HELMS, Mr. WARNER, Mr. SCHUMER, Mr. COCHRAN, Mr. DURBIN, Mr. MOYNIHAN, Mrs. BOXER, Mr. ROBERTS, and Mr. REID):

S. 1268. A bill to amend the Public Health Service Act to provide support for the modernization and construction of biomedical and behavioral research facilities and laboratory instrumentation; to the Committee on Health, Education, Labor, and Pensions.

21ST CENTURY RESEARCH LABORATORIES ACT OF 1999

Mr. HARKIN. Mr. President, today I am pleased to introduce the Twenty-First Century Research Laboratories Act of 1999. I am joined in this effort by Senators FRIST, KENNEDY, CHAFEE, REED of Rhode Island, MACK, MIKULSKI, MURRAY, CLELAND, HELMS, WARNER, SARBANES, SCHUMER, COCHRAN, DURBIN, MOYNIHAN, BOXER, ROBERTS, and REID of Nevada. I want to thank my colleagues for cosponsoring this legislation.

First though, let me say how pleased I was that we were able to provide the biggest increase ever for medical research last year. The Conference Agreement of the Fiscal 1999 Labor, Health and Human Services, Education and Related Agencies Appropriations Subcommittee, provided a $2 billion, or 15 percent, increase for the National Institutes of Health. And this year, I and Senator SPECTER will continue our work to make sure that Congress stays on course to double funding for the NIH over the next five years, a target that was agreed to by the Senate, 98 to 0, in 1997.

However, as Congress embarks on this important investment in improved health, we must strengthen the totality of the biomedical research enterprise. While it is critical to focus on high quality, cutting edge basic and clinical research, we must also consider the quality of the laboratories and buildings where that research is being conducted.

In fact, Mr. President, the infrastructure of research institutions, including the need for new physical facilities, is central to our nation's leadership in medical research. Despite the significant scientific advances produced by Federally-funded research, most of that research is currently being done in medical facilities built in the 1950's and 1960's, a time when the Federal Government obligated from $30 million to $100 million a year for facility and equipment modernization. Since then, however, annual appropriations for modernization of our biomedical research infrastructure have dramatically declined, ranging from zero to $20 million annually over the past decade. As a result, many of our research facilities and laboratories are outdated and inadequate to meet the challenge of the next millennium.

In order to realize major medical breakthroughs in Alzheimer's, diabetes, Parkinson's, cancer and other major illnesses, our Nation's top researchers must have top quality, state-of-the-art laboratories and equipment. Unfortunately, the status of our research infrastructure is woefully inadequate.

A recent study by the National Science Foundation finds that academic institutions have deferred, due to lack of funds, nearly $11.4 billion in repair, renovation, and construction projects. Almost one quarter of all research space requires either major renovation or replacement and 70% of medical schools report having inadequate space in which to perform biomedical research.

A separate study by the National Science Foundation documents the laboratory equipment needs of researchers and found that 67 percent of research institutions reported an increased need for laboratory instruments. At the same time, the report found that spending for such instruments at colleges and universities actually declined in the early 1990's.

Several other prominent organizations have documented the need for increased funding for research infrastructure. A March 1998 report by the Association of American Medical Colleges stated that ''The government should reestablish and fund a National Institutes of Health construction authority. . . .'' A June 1998 report by the Federation of American Societies of Experimental Biology stated that ''Laboratories must be built and equipped for the science of the 21st century . . . Infrastructure investments should include renovation of existing space as well as new construction, where appropriate.''

As we work to double funding for medical research over the next five years, the already serious shortfall in the modernization of our Nation's aging research facilities and labs will continue to worsen unless we take specific action. Future increases in NIH must be matched with increased funding for repair, renovation and construction of research facilities, as well as the purchase of modern laboratory equipment.

Mr. President, the bill we are introducing today expands Federal funding for facilities construction and state-of-the-art laboratory equipment through the NIH by increasing the authorization for this account within the National Center for Research Resources to $250 million in FY 2000 and $500 million in FY 2001. In addition, the bill authorizes a ''Shared Instrumentation Grant Program'' at NIH, to be administered by the Center. The program will provide grants for the purchase of shared-use, state-of-the-art laboratory equipment costing over $100,000. All grants awarded under these two programs will be peer-reviewed, as is the practice with all NIH grants and projects.

We are entering a time of great promise in the field of biomedical research. We are on the verge of major breakthroughs which could end the ravages of cancer, heart disease, Parkinson's and the scores of illnesses and conditions which take the lives and health of millions of Americans. But to realize these breakthroughs, we must devote the necessary resources to our Nation's research enterprise.

The Association of American Universities, the Association of American Medical Colleges and the Federation of American Societies of Experimental Biology have all expressed their support for this legislation.

I hope the rest of my colleagues will soon sign on as cosponsors to this important effort to improve the research capacity of this country.

By Mr. MCCONNELL (for himself and Mr. HATCH):

S. 1269. A bill to provide that the Federal Government and States shall be subject to the same procedures and substantive laws that would apply to persons on whose behalf certain civil actions may be brought, and for other purposes; to the Committee on the Judiciary.

LITIGATION FAIRNESS ACT

Mr. MCCONNELL. Mr. President, I rise today to introduce the Litigation Fairness Act of 1999. This common sense legislation says that whenever the government sues private-sector companies to recover costs, the government plaintiff gets no more rights than the ordinary plaintiff. If the law is good enough for the average citizen, then it's good enough for the government.

This legislation to codify rules of fair play for government-sponsored lawsuits is necessary for three reasons:

First, the Litigation Fairness Act is necessary to prevent an avalanche of lawsuits against law-abiding companies. Let me say at the outset: this legislation is not about tobacco. Tobacco was just the beginning—the Model Act for hungry and enterprising trial lawyers.

After tobacco, there was speculation that the government would sue the men and women who manufacture and sell guns in America. The speculation was right. And now that we've got government-sponsored lawsuits against gun companies, the speculation turns to other legal industries, such as automobile manufacturers, paint manufacturers, and—yes, even the fast food industry.

Before some of you begin to shake your head about this widespread speculation, let me share some recent theories I've heard that verify that the theater of the absurd continues to move ever closer to legal reality. As reported recently by the Associated Press, a Yale professor is espousing a theory that, ''There is no difference between Ronald McDonald and Joe Camel.'' Both market products that are—and I quote this Professor from a recent seminar—''luring our children into killer habits'' ultimately increasing healthcare costs for the public—so the theory goes. And I promise that I'm not making this up. This Ivy League professor was in Washington just yesterday discussing this emerging theory.

Second, this legislation ensures basic fairness for individual citizens. Under established principles of tort law, private plaintiffs are often barred from recovering damages based on a failure to prove direct causation. For example, if a person is injured in an automobile accident, but cannot prove that his or her injuries were caused by a defect of the

automobile then that person cannot recover from the manufacturer. This legislation simply says that if the injured party couldn't recover from the auto manufacturer, then the government should not be able to sue the manufacturer to recover the health care expenses incurred by the government on behalf of the injured person.

In short: Government plaintiffs should not have rights superior to those rights of private plaintiffs.

Third, the Litigation Fairness Act is necessary to prevent taxation through litigation. The power to tax is a legislative function and those who raise taxes should be directly accountable to the voters. Fortunately, it is getting more and more difficult to raise taxes in the Congress and the State legislatures—so money-hungry trial lawyers and big-government public officials are bypassing legislatures to engage in taxation and regulation through litigation. The Litigation Fairness Act will discourage lawyer-driven tax increases being dressed up and passed off as government lawsuits.

In closing, I want to point out some things that the Litigation Fairness Act does not do: it does not prohibit government lawsuits; it does not close the courthouse door to injured parties; it does not place caps on recoveries or limits on lawyer fees. Further, the Litigation Fairness Act cannot be construed to create or authorize any cause of action for any governmental entity.

In fact, the Litigation Fairness Act does not even prohibit the unholy marriage between plaintiffs' lawyers and government officials—although it admittedly makes such a marriage of money and convenience a bit less desirable. My legislation will simply ensure that the government plays by the same rules as its citizens.

This bill has broad support. I ask unanimous consent that the RECORD include statements in support of the bill from the United States Chamber of Commerce, the American Tort Reform Association, and Citizens for a Sound Economy.

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

[From the U.S. Chamber of Commerce News, June 23, 1999]

U.S. CHAMBER ENDORSES MCCONNELL BILL TO STOP GOVERNMENTS FROM UNDERMINING BUSINESS LEGAL DEFENSES

WASHINGTON, D.C.—The U.S. Chamber of Commerce today endorsed legislation that would stop the growing trend of governments stripping legitimate industries of their legal defenses and rights and then suing them to raise revenue outside the constraints of the political process.

The ''Litigation Fairness Act,'' sponsored by Senator Mitch McConnell (R–KY), would prevent governments at any level from changing laws to retroactively strip businesses of their traditional legal rights and defenses in order to sue them.

''The U.S. Chamber is greatly concerned this dangerous trend of governments changing the laws to facilitate their revenue-grabbing lawsuits,'' said Chamber Executive Vice President Bruce Josten. ''This practice began in the state lawsuits against the tobacco industry to recover Medicaid funds and, just as the Chamber predicted, has now spread to other industries. President Clinton's plan to use the Justice Department to sue the tobacco industry is a prime example of this problem.

''Unfortunately, these lawsuits are becoming all too common,'' Josten added. ''If this trend continues, economic and social decisions affecting all Americans will be made not by the democratically elected legislatures, but instead by trial lawyers.

''McConnell's legislation would help curtail this abusive situation,'' Josten said, noting that the legislation does not affect any individual's rights or ability to sue a company that has caused them harm.

The bill simply says that a government entity filing suite to directly recover funds expended by that government on behalf of a third-party (such as a Medicare or Medicaid patient) would only be entitled to the same rights as an individual suing that defendant. In addition, such a government plaintiff would be subject to the same substantive and procedural rules and defenses as any other individual plaintiff. The legislation recognizes that an indirectly injured party should not have any greater rights than a directly injured person.

''This legislation will stop the erosion of the two hundred years of tort law, while fairly protecting the rights of American industries from the litigious trial lawyers collaborating with federal, state and local governments,'' Josten concluded.

Josten's comments followed a day-long conference, ''The New Business of Government Sponsored Litigation: State Attorneys General and Big City Lawsuits,'' sponsored by the Institute for Legal Reform, the Chamber's legal policy arm, The Federalist Society and The Manhattan Institute. The conference featured Oklahoma Gov. Frank Keating, Alabama Gov. Don Siegelman, attorneys general from New York, Alabama, Delaware and Texas, and noted plaintiff's lawyers such as Richard Scruggs and John Coale. The event can still be viewed on the Chamber's website, at *www.uschamber.org*.

[From the Citizens for a Sound Economy News, June 23, 1999]

SENATOR MCCONNELL'S LITIGATION FAIRNESS ACT WOULD HELP END 'TAXATION THROUGH LITIGATION'

WASHINGTON.—J.V. Schwan, Deputy Director and Counsel for Civil Justice Reform at Citizens for a Sound Economy (CSE), made the following statement in support of Senator Mitch McConnell's bill, *The Litigation Fairness Act*.

''Taxation through litigation is the latest scheme in Washington. When the Administration can't accomplish their goals through legislation, they sue. This is not what our Founding Fathers intended. 'The Litigation Fairness Act' would help stop their 'taxation through litigation scheme.'

''Specifically, the bill would assure that when governments file lawsuits for economic losses allegedly incurred as a result of harm to citizens, the government's legal rights will not be greater than those injured citizens. The bill would preserve and in some instances restore that equitable rule of law.

''McConnell's bill does not bar suits by governments against private defendants, place a cap on the recoveries that may be obtained, or limit attorney fees. It simply codifies a traditional tort law rule that has existed for over 200 years.''

[From the American Tort Reform Association]

GOVERNMENT LITIGATION AGAINST INDUSTRIES

Robert Reich recently wrote in USA Today that ''The era of big government may be over, but the era of regulation through litigation has just begun.'' He advocated that courts should be the regulators of society, deciding whether certain products or services should be available and at what price.

Mr. Reich is referring to the new phenomenon of governments entering into partnerships with private contingency fee attorneys to bring lawsuits against entire industries. Manufacturers of tobacco products and firearms have already been targets of litigation at the State and local levels. At the federal level, President Clinton announced in his 1999 State of the Union address that he has directed the Department of Justice to prepare a litigation plan to sue tobacco companies to recover federal funds allegedly paid out under Medicare.

Future targets of federal and/or state or local cost recovery, or ''recoupment,'' litigations could include producers of beer and wine and other adult beverages, and manufacturers of pharmaceuticals, chemicals, and automobiles. Even Internet providers, the gaming industry, the entertainment industry, and fast food restaurants could be targeted.

THE CHANGES TO BLACK-LETTER TORT LAW

Under traditional tort law rules, third party payors (e.g., employers, insurers, and governments) have long enjoyed subrogation rights to recover costs for healthcare and other expenses that they are obligated to pay on behalf of individuals.

For example, if a worker is injured in the workplace as a result of a defective machine tool, tort law permits the worker's employer to recover the cost of worker compensation and other medical expenses paid on behalf of the employee. Through the process of subrogation, the employer can join in the employee's tort claim against the manufacturer of the machine tool or put a lien on the employee's recovery, but the employer cannot bring a direct action on its own.

Governmental cost recovery actions seek to radically change the traditional subrogation rule. In the State tobacco cases, the attorneys general argued that the States could bring an ''independent'' cause of action against the tobacco companies. Furthermore, the attorneys general argued, because the States' claims were ''independent'' of the claims of individual smokers, the States were not subject to the defenses that could be raised against individual plaintiffs, especially with respect to assumption of risk.

Despite the current unpopularity of the tobacco companies, most courts have followed basic principles of law and dismissed cost recovery claims against the tobacco companies. One federal district court, however, bent the rules and partially sustained a healthcare reimbursement suit in Texas based on a unique expansion of the ''quasi-sovereign'' doctrine. Before the Texas federal court's decision, the quasi-sovereign doctrine had been limited to suits for injunctive relief; it did not extend to suits seeking monetary damages. Even the ''pro-plaintiff'' Minnesota Supreme Court recognized this fact in a tobacco case. The Texas decision produced an avalanche of claims that were ultimately settled out of court.

THE ROLE OF OUTSIDE COUNSEL

Another characteristic of the new ''era of regulation through litigation'' is the partnering of governmental entities and private contingency fee attorneys. This new partnership raises a number of serious ethical and ''good government'' issues:

Contingent fee retainers were designed to give less-affluent persons (who could generally ill-afford hourly rates and up-front retainers) access to the courthouse. Governmental entities have their own in-house legal staff; taxpayers should not have to pay

excessive fees for legal work that could be done by the government itself.

In the State tobacco litigation, it seemed that many of the cases were awarded to private attorneys who had been former law partners or campaign supporters of the elected official. Furthermore, there appears to have been a lack of competitive bidding in the attorney selection process. As a result, experts estimate that some plaintiffs' attorneys were paid in excess of $100,000 per hour.[1]

Should the prosecutorial power of government be brought against lawful, though controversial, industries? ''As the Supreme Court cautioned more than 60 years ago in Berger v. United States, an attorney for the state, 'is the representative not of an ordinary party to a controversy, but of a sovereignty whose obligation to govern impartially is as compelling as its obligation to govern at all'.''[2]

ALL INDUSTRIES COULD BE TARGETS OF LITIGATION

To date, recoupment lawsuits have been filed against politically disfavored industries because plaintiff attorneys know that if courts bend the rules for controversial products, those precedents will apply equally to other industries.

In fact, some contingency fee lawyers have already publicly stated that tobacco and firearms are just the first of many industries likely to be sued in the new era of regulation by litigation. As stated, future targets of litigation could include producers of beer and wine and other adult beverages, manufacturers of pharmaceuticals, chemicals, and automobiles, Internet providers, the gaming industry, the entertainment industry, and fast food restaurants.

SEPARATION OF POWERS VIOLATED

Legislating public policy in the courtroom violates the ''separation of powers doctrine''—the fundamental rule upon which this country's entire system of government is based. The job of legislatures is to legislate; the job of courts is to interpret the law. This bedrock principle of government should not be eroded for the sake of political expediency and political theater.

STATEMENT BY VICTOR E. SCHWARTZ, COUNSEL, AMERICAN TORT REFORM ASSOCIATION, JUNE 23, 1999

THE PRINCIPLE OF EQUAL JUSTICE UNDER LAW IS PRESERVED BY THE LITIGATION FAIRNESS ACT

The Litigation Fairness Act helps assure equal justice under law; that is why the American Tort Reform Association supports it. Liability law should be neutral. Its principles should apply in the same way to all defendants. A basic principle of system of justice is equal justice under law.

Unfortunately, legal principles developed in a few tobacco cases did not apply neutral principles. They gave power to state governments under a fiction called the ''quasi-sovereign doctrine,'' greater power in the law than was possessed by an injured individual. New cases filed by cities against gun manufacturers also may create new principles of law that give those cities greater rights than injured persons. There is little doubt that an engine behind these new principles is the unpopularity of those defendants.

These principles may be limited to so-called ''outlaw defendants''—people who make guns, tobacco, liquor, or other products that significant segments of our society do not like. On the other hand, the principles may apply equally to others. If that is true, those principles can apply against people who make fast foods, automobiles that can go over 100 mph, motorcycles, hunting knives, and even the entertainment industry.

The Litigation Fairness Act preserves the principle that an injured person's right to sue is paramount over government rights, where the government has suffered some indirect economic loss because of that person's harm. It restores equal justice under law and neutrality within our tort system.

For those reasons, the Americans Tort Reform Association supports the Litigation Fairness Act.

By Mr. FRIST:

S. 1270. A bill to establish a partnership for education progress; to the Committee on Health, Education, Labor, and Pensions.

THE EDUCATION EXPRESS ACT

Mr. FRIST. Mr. President, I ask unanimous consent that a summary of the Education Express Act be printed in the RECORD.

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

THE EDUCATION EXPRESS ACT (ED-EXPRESS)

OBJECTIVE

Funds would reaffirm our national commitment to state and local control of education. The purpose of this Act is to infuse significant new dollars into the hands of parents, communities, and state and local governments to improve the education achievement of students. This legislation unties the burdensome and expensive federal strings on education dollars by sending more money straight back to the states and classrooms.

States may elect to receive elementary and secondary education funding by ''Direct Check.'' Most importantly, it requires that 98 percent of the funding be used directly at the local level. Incentives such as replacing existing burdensome federal categorical programs are provided to encourage states to choose the Direct Check. However, states may choose to remain in the categorical system.

The legislation creates three local/state programs to enhance educational excellence: Challenge Fund, Teacher Quality Fund, and Academic Opportunity Fund. These programs will result in a substantial increase in federal education assistance—$36.5 billion over five years.

HOW IT WORKS

Those states that opt for the ''Direct Check'' flexibility will receive their educational funding upon the adoption of a state plan written by the governor or the governor's designee that outlines the goals and objectives for the funds—how the state will improve student achievement and teacher quality, and the criteria used to determine and measure achievement.

Decisons on how funds will be used to meet state goals and objectives will be made at the local level.

PROGRAMS

Challenge Fund ($17 billion over five years) to improve education achievement. Direct Check states will receive an additional 10% of their allotment.

Teacher Quality Fund ($14 billion over five years) to improve education achievement. Direct Check states will receive an additional 10%.

Academic Opportunity Fund ($6 billion over 5 years) to reward student achievement, implement statewide reforms, and reward schools and school districts meeting state goals and objectives. Only Direct Check states will be eligible to receive these funds. States may receive an additional 10% of their allotment if they (1) devote 25% or more of their Challenge Fund allotment for Special Education; (2) demonstrate improved education performance among certain disadvantaged populations; or (3) adopt or show improved performance on state-level National Assessment of Education Progress tests (NAEP).

By Mr. GRASSLEY:

S. 1271. A bill improve the drug certification procedures under section 490 of the Foreign Assistance Act of 1961, and for other purposes; to the Committee on Foreign Relations.

MOST FAVORED ROGUE STATES ACT OF 1999

Mr. GRASSLEY. Mr. President, today I am introducing legislation to help clarify for the administration certain aspects of drug policy that seem to have caused confusion. The confusion seems to lie in how to think about our friends and enemies when it comes to drug policy. There seems to be a willingness to overlook the actions and activities of certain rogue states when it comes to their involvement in drug production and trafficking.

The purpose of our international drug policy is to establish a framework for achieving results that sustain the national interest. As part of that, the goal is to identify countries that are major producers or transit zones for drugs. It is also to determine whether those countries are committed to cooperate with the United States, with other countries, or are taking steps on their own to stop illegal drug production and transit. This goal is clearly in the national interest.

Most illegal drugs used in this country are produced overseas and smuggled to this country. In accomplishing this, international drug thugs violate our laws, international laws, and, in most cases, the laws in the source and transit countries. Those drugs kill and maim more Americans every year than have all international terrorists in the last 10 years. In addition, they have made many of our schools, workplaces, our streets and our homes unsafe and dangerous.

There are few threats more direct, more immediate, and more telling in our everyday lives than drug use and the activities of those who push them on our young people. We pay the costs in our hospitals, in our jails, and in our families. It is a devastation that we share with other countries. And the problem overseas is growing worse. Not only is drug production up but so is use. The source and transit countries are now facing growing drug use problems. Thus, in addition to attacks on the underpinnings of decent government from criminal gangs, many countries now face epidemic drug use among young people.

What other countries do or do not do to confront this threat is of interest to

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[1] Professor Lester Brickman, ''Want To Be a Billionaire? Sue a Tobacco Company,'' The Wall Street Journal, December 30, 1998.

[2] Robert A. Levy. ''The Great Tobacco Robbery. Hired Guns Corral Contingent Fee Bonanza'' Legal Times, Week of February 1, 1999, 27.

us. The nature of the drug trade, production as well as transit, is an interconnected enterprise with international reach. Many drug trafficking gangs have contacts with each other. They share markets, expertise, and facilities. In some cases, they can count on the complicity of foreign governments or of significant individuals in those governments. This means that a serious policy to get at the trade and its connections must be international, coherent, and integrated. It cannot be piecemeal, episodic, and disjointed. But that is what we have today.

Congress has over the years repeatedly pushed for an integrated, coherent approach, often over the reluctance of administrations. Dealing with the drug issue is often messy and uncomfortable. It disturbs the pleasantries of diplomatic exchanges. Progress is hard to achieve and difficult to document. And sometimes taking drug policy serious upsets other plans.

This seems to be the case in this administration's dealings with several major drug producing or transit countries. It seems the administration would rather not know what these countries are up to on drugs, lest knowing make it difficult to pursue other goals. In several of these cases, the countries involved are not friends of the United States. One, Iran, is a sworn enemy. It has used terrorism and other tactics to attack U.S. interests and to kill Americans. it is also a drug producing and transit country.

For many years, the lack of cooperation or reliable information of Iranian counter drug efforts placed them squarely on the list of countries decertified by the United States. Last year, however, the administration removed Iran from the list. it did so on feeble pretexts, with limited information, and in a less than forthright manner. The administration used lawyerly interpretation of statute to drop Iran from the so-called Majors' List. Doing this meant the administration could then duck the question of whether to certify Iran as cooperating on drugs or not.

To accomplish this little sleight of hand, the administration had to ignore the interconnectedness of drug trafficking, congressional intent, and the national interest. So far as I can determine, it did this in the vague hope that a unilateral gesture towards Iran on drugs would see a reciprocal gesture leading to detente. It is hard to account for the change otherwise. And even so it is hard to comprehend. Never mind Iran's continuing hostility, its past and current support of terrorism aimed at the U.S. and American citizens. Never mind the facts. Never mind drug production and transit. Never mind the national interest. This is another case of the triumph of hope over experience that seems to be the lodestar of this Administration's foreign policy.

What makes the case even more disturbing is the apparent subterfuge the administration resorted to in order to evade explaining this major shift in policy. I say major because Iran had been on every drug list since its inception and Iran has been decertified for that whole history. I say subterfuge because of the pettifoggery the administration resorted to.

Given the facts of Iran's past, what is reasonable to assume would be a responsible way of dealing with the issue? It is the clear intent of the law on these matters that the administration would consult with Congress before making a major change in policy. But what did it, in fact, do? Not only did the administration not consult, it nitpicked. The law requires the administration to submit the Majors List by November 1. Instead of complying with this known statutory requirement, the administration delayed by over a week the submission of the list, conveniently waiting until after Congress had adjourned. Mere coincidence? Well, the administration did precisely the same stalling routine the year before when Syria was similarly spirited off the list. Without any prior notice to Congress. Once is accidental, twice is beginning to look like a pattern.

Weeks after this move, the administration finally provided an explanation. It deserves a full retelling to appreciate. First, some basic facts. Iran has a long history of drug production, most opium. It is a major transit country for opium and heroin from Afghanistan and Pakistan. Major Iranian criminal gangs have been involved in the drug trade for years.

Since the Iranian revolution, it has been difficult for any outsiders to determine what, if anything, the Islamic Government is doing to stop this trade. It is also important to understand that Iran was on the Majors List as a producing country. The law requires that any country that grows more than 1,000 hectares of opium poppy be put on the list. Iran met this qualification. The standard for classifying a transit country is not so precise and it is this imprecision that the administration exploited.

Here, in brief, is the administration's explanation for dropping Iran from the list: Iran no longer grows more than 1,000 hectares, and the transited heroin does not come to the United States, so it does not qualify for the list.

This latter rationalization is based on the administration's own favored way of reading the law. In this reading, a major transit country does not qualify for the list if current intelligence information does not show a direct flow to the United States. Since the underground nature and fungibility of the international drug trade is hard to quantify precisely, this leaves a lot of room for interpreting the facts to reach a politically correct conclusion. This, of course, leaves aside the question of whether such an exception was ever part of congressional intent or is consistent with the law or the national interest. The reasoning is shaky on both policy and information. It also ignores the nature of international drug trade and criminal organizations and what must be done to get at them. And it relies on how little we know about what goes on inside Iran.

In reality, the administration's approach is a resort to technicalities and convenient interpretations to dodge the real issues. But as we have been instructed, it all depends upon what the meaning of ''is'' is. But let's remind ourselves that what is being done here is to base a weighty policy decision involving serious issues of national security and well being on lawyerly gamesmanship. And this on the unanchored hope that the gesture, and that's all it is, might get a friendly reaction in Iran. What did Iran actually do in response? What you would expect. It thumbed its nose in our direction. But let me illustrate a little further the way facts have been employed.

Recall that Iran used to be on the Majors List for producing over 1,000 hectares of opium. Drop below this number, in the administration's reasoning, and you automatically fall off the list. In this very careful parsing of meaning, I would suppose that if a country produced 999 hectares, no matter what other facts applied, it wouldn't qualify. But is this the case in Iran? The administration's explanation is that they could not find opium production in Iran in 1998, ergo, they do not qualify on this criteria. But this so-called objective assessment needs a little closer look.

In most cases, we base our estimates of illicit crop production on overhead imagery and photo interpretation. While we are pretty good at it, this is not a precise science, whether we're talking vegetables or missiles. And it is, by the way, even more difficult when it comes to counting vegetables. Good analysis is dependent of weather, adequate overhead coverage, information from corroborating sources, and a track record of surveying that builds up a reliable picture over time. What was the case in Iran? Before the so-called objective, imagery-based assessment in 1998, the last overhead coverage of Iran had been in the early 1990s.

The 1998 decision was therefore based on a one-time shot after years of no informaiton. Corroborating information is also scant. But the situation is even more dubious.

Based on the past estimates, Iran cultivated nearly 4,000 hectares of opium in various growing regions across the country. The 1998 survey concentrated in only one of those traditional growing areas. Although in the early 1990s it was the major one, it still only accounted for some 80 percent of total cultivation. The 1998 survey could find no significant growing areas in these areas. But if we are to believe Iranian authorities, they have specifically attacked this cultivation with vigorous eradication efforts. The imagery would seem to support this claim. But we also know that growers

adjust to enforcement. It is not unreasonable, therefore, to assume that drug producers might shift the locus of cultivation to less accessible areas and resort to measures to disguise production. The 1998 survey did not examine other areas.

We cannot, of course, prove a negative, but that should not lead us to jump to conclusions, especially when those conclusions are what we want. Let me illustrate the point. If 20 percent of Iranian opium production—a number based on earlier assessments—was in areas other than those checked, that figure alone gives us close to 800 hectares. Since those other areas—which cover an immense amount of countryside—were not checked, we cannot know if there was any production for sure. But, it would only require a little effort on the part of growers to shift a small amount of production to get us to our 1,000 hectare threshold. Also remember that opium is an annual plant. In some areas it has more than one growing season. Thus, a region that only had 500 hectares of opium at any one time but had two growing seasons, would have an actual total of 1,000 productive hectares per year. I do not know that this was the case in Iran, but neither does the administration. It doesn't know because it didn't look. It didn't look because it was not convenient.

I would suggest, even if you agree with the assumptions the administration is making about the intent of the law, that there are enough uncertainties in estimating Iranian opium production to counsel caution in reinterpreting the data. And even more caution in using this to revise policy. All the more so, given the nature of Iran's past actions and attitudes towards the United States. But even if you buy all the rationalizations leading to a decision to drop Iran from the Majors List, we are left with this: Is it responsible or creditable to make such a major shift in policy without even the pretense of consultation with Congress? Without an effort to explain the decision and shift to the public?

If there are grounds for reconsidering Iran's counter narcotics efforts, why was it necessary to resort to gimmicks? Is there something wrong with presenting the facts publicly and reaching a reasonable consensus consistent with the national interest? Not to mention that in this decision on Iran and the earlier one on Syria that we did not consult with Israel, our most consistent ally in the region? Was it necessary? Was it wise?

Is this the way we conduct serious counter drug policy as part of our international efforts? But this is not the only disturbing case.

I earlier alluded to a similar situation with regard to Syria. I will not review the details of that case. Suffice it to say, they are in keeping with what was done about Iran. The case I would like to look at more closely is that of North Korea. Here we have another rogue state and enemy of the United States that seems to get favored treatment when it comes to drugs.

There is credible and mounting evidence that North Korea is a major producing country of opium and processor of heroin. Stories of these activities have circulated for years, including details provided by defectors. Information that is further supported by the arrests of North Korean diplomats in numerous countries for drug smuggling using the diplomatic pouch. Defectors have indicated that illegal opium production and heroin sales have been used to fund North Korea's overseas activities and its nuclear program.

These reports also indicate that opium cultivation in North Korea far exceed the 1,000 hectare level, ranging from 3,000 to 7,000 hectares depending on the climate and growing conditions. In a country plagued by famine, precious arable land has been turned to illicit opium production by the government to fund terrorism and the development of nuclear weapons. Until this year, however, the administration did not report on these activities. It was not until Congress required such a report that we have even a hint of all of this in official reporting. When I asked the administration two years ago to supply data on opium cultivation in North Korea, it responded by saying they did not have any detailed information. Why? Because the administration was not looking for it. Under pressure, it is now beginning to look. While I welcome this, I am concerned that this search for information will be handled in the same manner as was used in the case of Iran. Information will be collected, but it will be carefully scripted and narrowly interpreted.

I find it puzzling that we should be willing to cut such corners. What is it about nations that are declared enemies of this country and many of our allies that we look the other way when it comes to drugs? What do we gain from empty gestures? And why do we make these gestures on an issue as basic to the national interest and well being of U.S. citizens as drug policy? I am at a loss to explain it. So, rather than trying to guess at motives, I am offering legislation to clarify the situation and to require more overt explanations. I therefore send to the desk the Most Favored Rogue States Act of 1999 and ask my colleagues to join me in supporting it. It addresses a serious issue that needs our immediate attention.

By Mr. NICKLES (for himself, Mr. LIEBERMAN, Mr. LOTT, Mr. ABRAHAM, Mr. ALLARD, Mr. BROWNBACK, Mr. COVERDELL, Mr. ENZI, Mr. HAGEL, Mr. INHOFE, Mr. CRAIG, AND Mr. SESSIONS):

S. 1272. A bill to amend the Controlled Substances Act to promote pain management and palliative care without permitting assisted suicide and euthanasia, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

PAIN RELIEF PROMOTION ACT OF 1999

Mr. NICKLES. Mr. President, end-of-life issues are some of the most complicated our society wrestles with today, as medical technology dramatically advances and life expectancies continue to increase. Many of us have relatives, or know someone, who has grappled with grave and terminal illnesses. Doctors, caregivers, and family members work together in such situations, not just in an effort to save a loved one's life, but to give them the comfort and palliative care they deserve. However, love and concern can often come up against a confusing and complicated set of Federal and state laws which govern and influence care and treatment decisions in such situations.

Today I, along with Senators LIEBERMAN, LOTT, ABRAHAM, ALLARD, BROWNBACK, COVERDELL, ENZI, HAGEL, HELMS, INHOFE, and CRAIG, introduce the Pain Relief Promotion Act of 1999. This comprehensive legislation will restore the uniform national standard of the Controlled Substances Act (CSA) to all 50 states. The Pain Relief Promotion Act will:

Affirm and support aggressive pain management as a ''legitimate medical purpose'' for the use of federally-controlled substances—even in cases where such use may unintentionally hasten death as a side-effect (''principle of double effect'').

Encourage practitioners to dispense and distribute federally-controlled substances as medically appropriate to relieve pain and other distressing symptoms, by clarifying that such conduct is consistent with the Controlled Substances Act.

Provide that a state law authorizing or permitting assisted suicide or euthanasia does not change the federal government's responsibility to prevent misuse of federally-controlled, potentially dangerous, drugs. The Federal government's responsibility to prevent such misuse in states which have not legalized assisted suicide is already conceded by the Attorney General and would not change.

Provide education and training to law enforcement officials and health professionals on medically accepted means for alleviating pain and other distressing symptoms for patients with advanced chronic disease or terminal illness, including the legitimate use of federally-controlled substances.

Establish a ''Program for Palliative Care Research and Quality'' within the Agency for Health Care Policy and Research (AHCPR) to develop and advance scientific understanding of palliative care, and collect, disseminate and make available information on pain management, especially for the terminally ill health professionals and the general public.

Authorize $5 million for a grant program within the Health Resources and Services Administration (HRSA) to

make grants and contracts for the development and implementation of programs to provide education and training in palliative care. It states that physicians entrusted by the federal government with the authority to prescribe and dispense federally-controlled substances may not abuse that authority by using them for assisted suicide; however, it strongly affirms that it is a ''legitimate medical purpose'' to use these federally-controlled substances to treat patient's pain and end-of-life symptoms, even in light of the unfortunate and unintended side effect of possibly hastening a patient's death.

Recognize that this policy promoting pain control does not authorize the use of federally-controlled substances for intentional assistance in suicide or euthanasia.

Restore the uniform national standard that federally-controlled substances can not be used for the purpose of assisted suicide by applying the current law in 49 states to all 50 states. This bill does not create any new regulatory authority for the DEA.

This is a straight-forward, very positive bill that would merely apply what is current law in 49 states to all 50 states, without increasing the federal regulatory authority of the Drug Enforcement Administration (DEA). The bill has been endorsed by organizations including the National Hospice Organization, American Society of Anesthesiologists, American Academy of Pain Management, and former Surgeon General Dr. C. Everett Koop. And, today I was informed that the House of Delegates of the American Medical Association voted to support the bill.

A variety of provisions in this legislation is in direct response to the June 5, 1998, letter by the Attorney General, allowing Oregon to use federally-controlled substances for assisted suicide, a decision that was in direct opposition to an earlier policy determination by her own Drug Enforcement Administration.

It is significant to remember that in 1984 Congress passed amendments to strengthen the Controlled Substances Act, due to specific concerns regarding the use of prescription drugs in lethal overdoses. Congress's view was that while the states are the first line of defense against misuse of prescription drugs, the federal government must enforce its own objective standard as to what constitutes such misuse—and it must have the authority to enforce that standard when a state cannot or will not do so.

Again, Congress clearly spoke on the issue of assisted suicide when it passed the Assisted Suicide Federal Funding Restriction Act of 1997 by a nearly unanimous vote. Signing the bill President Clinton said it ''will allow the Federal Government to speak with a clear voice in opposing these practices,'' and warned that ''to endorse assisted suicide would set us on a disturbing and perhaps dangerous path.''

It is time for Congress to speak again.

Federal law is clearly intended to prevent use of these drugs for lethal overdoses, and contains no exception for deliberate overdoses approved by a physician. The DEA currently pursues cases where a physician's negligent use of controlled substances has led to the death of a patient, it was inappropriate for the Attorney General to allow for the intentional use of controlled substances to cause the death of a patient. The Pain Relief Promotion Act will clarify federal law, to affirm use of controlled substances to control pain and reject their deliberate use to kill patients.

This legislation is overdue. Already physicians have used these federally controlled substances to cause the death of their patients. There is no role for the Federal government in providing assisted suicide.

I urge my colleagues to support and enact this urgently needed bipartisan legislation.

Mr. President, I ask unanimous consent that the text of the bill and letters, of support be printed in the RECORD.

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

S. 1272

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 ''Pain Relief Promotion Act of 1999''.

TITLE I—USE OF CONTROLLED SUBSTANCES CONSISTENT WITH THE CONTROLLED SUBSTANCES ACT

SEC. 101. REINFORCING EXISTING STANDARD FOR LEGITIMATE USE OF CONTROLLED SUBSTANCES.

Section 303 of the Controlled Substances Act (21 U.S.C. 823) is amended by adding at the end the following:

''(i)(1) For purposes of this Act and any regulations to implement this Act, alleviating pain or discomfort in the usual course of professional practice is a legitimate medical purpose for the dispensing, distributing, or administering of a controlled substance that is consistent with public health and safety, even if the use of such a substance may increase the risk of death. Nothing in this section authorizes intentionally dispensing, distributing, or administering a controlled substance for the purpose of causing death or assisting another person in causing death.

''(2) Notwithstanding any other provision of this Act, in determining whether a registration is consistent with the public interest under this Act, the Attorney General shall give no force and effect to State law authorizing or permitting assisted suicide or euthanasia.

''(3) Paragraph (2) applies only to conduct occurring after the date of enactment of this subsection.''.

SEC. 102. EDUCATION AND TRAINING PROGRAMS.

Section 502(a) of the Controlled Substances Act (21 U.S.C. 872(a)) is amended—

(1) by striking ''and'' at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting ''; and''; and

(3) by adding at the end the following:

''(7) educational and training programs for local, State, and Federal personnel, incorporating recommendations by the Secretary of Health and Human Services, on the necessary and legitimate use of controlled substances in pain management and palliative care, and means by which investigation and enforcement actions by law enforcement personnel may accommodate such use.''.

TITLE II—PROMOTING PALLIATIVE CARE

SEC. 201. ACTIVITIES OF AGENCY FOR HEALTH CARE POLICY AND RESEARCH.

Part A of title IX of the Public Health Service Act (42 U.S.C. 299 et seq.) is amended by adding at the end the following:

''SEC. 906. PROGRAM FOR PALLIATIVE CARE RESEARCH AND QUALITY.

''(a) IN GENERAL.—The Administrator shall carry out a program to accomplish the following:

''(1) Develop and advance scientific understanding of palliative care.

''(2) Collect and disseminate protocols and evidence-based practices regarding palliative care, with priority given to pain management for terminally ill patients, and make such information available to public and private health care programs and providers, health professions schools, and hospices, and to the general public.

''(b) DEFINITION.—For purposes of this section, the term 'palliative care' means the active total care of patients whose prognosis is limited due to progressive, far-advanced disease. The purpose of such care is to alleviate pain and other distressing symptoms and to enhance the quality of life, not to hasten or postpone death.''.

SEC. 202. ACTIVITIES OF HEALTH RESOURCES AND SERVICES ADMINISTRATION.

(a) IN GENERAL.—Part D of title VII of the Public Health Service Act (42 U.S.C. 294 et seq.), as amended by section 103 of Public Law 105–392 (112 Stat. 3541), is amended—

(1) by redesignating sections 754 through 757 as sections 755 through 758, respectively; and

(2) by inserting after section 753 the following section:

''SEC. 754. PROGRAM FOR EDUCATION AND TRAINING IN PALLIATIVE CARE.

''(a) IN GENERAL.—The Secretary, in consultation with the Administrator for Health Care Policy and Research, may make awards of grants, cooperative agreements, and contracts to health professions schools, hospices, and other public and private entities for the development and implementation of programs to provide education and training to health care professionals in palliative care.

''(b) PRIORITIES.—In making awards under subsection (a), the Secretary shall give priority to awards for the implementation of programs under such subsection.

''(c) CERTAIN TOPICS.—An award may be made under subsection (a) only if the applicant for the award agrees that the program carried out with the award will include information and education on—

''(1) means for alleviating pain and discomfort of patients, especially terminally ill patients, including the medically appropriate use of controlled substances;

''(2) applicable laws on controlled substances, including laws permitting health care professionals to dispense or administer controlled substances as needed to relieve pain even in cases where such efforts may unintentionally increase the risk of death; and

''(3) recent findings, developments, and improvements in the provision of palliative care.

''(d) PROGRAM SITES.—Education and training under subsection (a) may be provided at or through health professions schools, residency training programs and other graduate programs in the health professions, entities

that provide continuing medical education, hospices, and such other programs or sites as the Secretary determines to be appropriate.

''(e) EVALUATION OF PROGRAMS.—The Secretary shall (directly or through grants or contracts) provide for the evaluation of programs implemented under subsection (a) in order to determine the effect of such programs on knowledge and practice regarding palliative care.

''(f) PEER REVIEW GROUPS.—In carrying out section 799(f) with respect to this section, the Secretary shall ensure that the membership of each peer review group involved includes one or more individuals with expertise and experience in palliative care.

''(g) DEFINITION.—For purposes of this section, the term 'palliative care' means the active total care of patients whose prognosis is limited due to progressive, far-advanced disease. The purpose of such care is to alleviate pain and other distressing symptoms and to enhance the quality of life, not to hasten or postpone death.''.

(b) AUTHORIZATION OF APPROPRIATIONS; ALLOCATION.—

(1) IN GENERAL.—Section 758 of the Public Health Service Act (as redesignated by subsection (a)(1) of this section) is amended in subsection (b)(1)(C) by striking ''sections 753, 754, and 755'' and inserting ''section 753, 754, 755, and 756''.

(2) AMOUNT.—With respect to section 758 of the Public Health Service Act (as redesignated by subsection (a)(1) of this section), the dollar amount specified in subsection (b)(1)(C) of such section is deemed to be increased by $5,000,000.

SEC. 203. EFFECTIVE DATE.

The amendments made by this title take effect October 1, 1999, or on the date of the enactment of this Act, whichever occurs later.

NATIONAL HOSPICE ORGANIZATION,
Arlington, VA, June 11, 1999.

Hon. DON NICKLES,
U.S. Senate,
Washington, DC.

DEAR SENATOR NICKLES: The National Hospice Organization has recently endorsed your bill, ''The Pain Relief Promotion Act of 1999.''

Your legislation would provide a mechanism for health care professionals to collect, review and disseminate vital practice protocols and effective pain management techniques within the health care community and the public. In addition, increased educational efforts focused within the health professions community about the nature and practice of palliative care are important components of your initiative.

Our 2,000 member hospices provide what Americans say they want if they were confronted with a terminal illness—to die in their home, free of pain, and with emotional support for themselves and their loved ones. For over 20 years, hospices have been in the forefront of managing the complex medical and emotional needs of the terminally ill. It is unfortunate that we continue to see individuals living and dying in unnecessary pain when the clinical and medical resources exist but widespread education is lacking.

Your legislation is a step toward a better awareness of effective pain management techniques and should ultimately change behavior to better serve the needs of terminally ill patients and their families.

Sincerely,

KAREN A. DAVIE,
President.

AMERICAN ACADEMY
OF PAIN MANAGEMENT,
Sonora, CA, June 15, 1999.

Senator DONALD NICKLES,
Washington, DC.

DEAR SENATOR NICKLES: The American Academy of Pain Management, America's largest multidisciplinary pain organization, applauds your efforts to end the pain and suffering for Americans. The Board of Directors of the American Academy of Pain Management supports The Pain Relief Promotion Act of 1999. We share your belief that opioid analgesics should be available for those unfortunately suffering from the pain associated with terminal illnesses. The alternatives to assisted suicide and euthanasia are compassionate and appropriate methods for prescribers to relieve pain without fear of regulatory discipline.

The Pain Relief Promotion Act of 1999 provides for law enforcement education, the development and dissemination of practice guidelines, increased funding for palliative care research, and safeguards for unlawful prescribers of controlled substances. This bill appropriately reflects the changing philosophy about pain control as a significant priority in the care of those facing terminal illnesses.

The American Academy of Pain Management thanks you for your effort to improve the quality of life for Americans.

Sincerely,

RICHARD S. WEINER, Ph.D.,
Executive Director.

AMERICAN SOCIETY
OF ANESTHESIOLOGISTS,
Washington, DC, June 16, 1999.

Hon. DON NICKLES,
Assistant Majority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR NICKLES: In my capacity as President of the American Society of Anesthesiologists, a national medical association comprised of 34,000 physicians and other scientists engaged or especially interested in the practice of anesthesiology, I am pleased to offer our endorsement of the Pain Relief Promotion Act of 1999, which I understand you will introduce this week.

Many ASA members engage in a pain management practice, and such a practice regularly includes the treatment of intractable pain, experienced by terminally or severely ill patients, through the prescription of controlled substances. As you are aware, a major concern among these practitioners has involved the possible that aggressive treatment of intractable pain involving increased risk of death—however medically necessary to provide the patient with the best possible quality of life—could be the subject of criminal prosecution as involving alleged intent to cause death.

ASA's House of Delegates has formally expressed the Society's opposition to physician assisted suicide as incompatible with the role of the physician. At the same time, the Society believes anesthesiologists ''should always strive to relieve suffering, address the psychological and spiritual needs of patients at the end of life, add value to a patient's remaining life and allow patients to die with dignity''.

We find your bill to be fully consistent with these principles, in that (1) it denies support in federal law for intentional use of a controlled substance for the purpose of causing death or assisting another person in causing death, but (2) it includes in federal law recognition that alleviating pain in the usual course of professional practice is a legitimate medical purpose for dispensing a controlled substance that is consistent with public health and safety, even if the use of such a substance may increase the risk of death.

ASA believes that the bill articulates an appropriate standard for distinguishing between assisted suicide and medically-appropriate aggressive treatment of severe pain. Although we have some continuing concern whether law enforcement officers will regularly recognize and honor this critical distinction, we believe much can be accomplished through the education and training programs contemplated by section 102 of the bill. We look forward to the opportunity, during congressional consideration of the bill, to work with you and your staff to strengthen this provision to assure that the these programs include input from medical practitioners regularly engaged in a pain management practice.

If we can be of further assistance, please ask your staff to contact Michael Scott in our Washington office, at the address and telephone number listed above.

Sincerely,

JOHN B. NEELD, Jr., M.D.,
President.

ADDITIONAL COSPONSORS

S. 26

At the request of Mr. MCCAIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 26, a bill entitled the ''Bipartisan Campaign Reform Act of 1999.''

S. 42

At the request of Mr. HELMS, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 42, a bill to amend title X of the Public Health Service Act to permit family planning projects to offer adoption services.

S. 242

At the request of Mr. JOHNSON, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 242, a bill to amend the Federal Meat Inspection Act to require the labeling of imported meat and meat food products.

S. 285

At the request of Mr. MCCAIN, the name of the Senator from New Jersey (Mr. TORRICELLI) 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. 510

At the request of Mr. CAMPBELL, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 510, a bill 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.

S. 530

At the request of Mr. GORTON, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 530, a bill to amend the Act commonly

known as the ''Export Apple and Pear Act'' to limit the applicability of that act to apples.

S. 579

At the request of Mr. BROWNBACK, the names of the Senator from Alabama (Mr. SHELBY) and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of S. 579, a bill to amend the Foreign Assistance Act of 1961 to target assistance to support the economic and political independence of the countries of the South Caucasus and Central Asia.

S. 632

At the request of Mr. DEWINE, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 632, a bill to provide assistance for poison prevention and to stabilize the funding of regional poison control centers.

S. 664

At the request of Mr. CHAFEE, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 664, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

S. 820

At the request of Mr. CHAFEE, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 820, a bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent motor fuel excise taxes on railroads and inland waterway transportation which remain in the general fund of the Treasury.

S. 873

At the request of Mr. DURBIN, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. 873, a bill to close the United States Army School of the Americas.

S. 880

At the request of Mr. INHOFE, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor 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. 882

At the request of Mr. MURKOWSKI, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 882, a bill to strengthen provisions in the Energy Policy Act of 1992 and the Federal Nonnuclear Energy Research and Development Act of 1974 with respect to potential Climate Change.

S. 1172

At the request of Mr. TORRICELLI, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1172, a bill to provide a patent term restoration review procedure for certain drug products.

S. 1244

At the request of Mr. THOMPSON, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1244, a bill to establish a 3-year pilot project for the General Accounting Office to report to Congress on economically significant rules of Federal agencies, and for other purposes.

S. 1253

At the request of Mr. INOUYE, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1253, A bill to authorize the Secretary of Commerce, through the National Oceanic and Atmospheric Administration, to provide financial assistance for coral reef conservation projects, and for other purposes.

S. 1266

At the request of Mr. GORTON, the names of the Senator from Mississippi (Mr. LOTT), the Senator from Florida (Mr. MACK), and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 1266, a bill to allow a State to combine certain funds to improve the academic achievement of all its students.

SENATE RESOLUTION 59

At the request of Mr. LAUTENBERG, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of Senate Resolution 59, resolution designating both July 2, 1999, and July 2, 2000, as ''National Literacy Day.''

SENATE RESOLUTION 126—EXPRESSING THE SENSE OF THE SENATE THAT APPRECIATION BE SHOWN FOR THE EXTRAORDINARY WORK OF MILDRED WINTER AS MISSOURI TEACHER AND LEADER IN CREATING THE PARENTS AS TEACHERS PROGRAM ON THE OCCASION THAT MILDRED WINTER STEPS DOWN AS EXECUTIVE DIRECTOR OF SUCH PROGRAM

Mr. BOND submitted the following resolution; which was considered and agreed to:

S. RES. 126

Whereas Mildred Winter has, with determination, expertise, and unflagging energy, dedicated her professional life to early childhood and parent education;

Whereas Mildred Winter began her remarkable career as an educator and leader as a teacher in the Berkeley and Ferguson-Florissant School Districts in Missouri;

Whereas Mildred Winter served as Missouri's first Early Childhood Education Director from 1972 until 1984, during which time the early childhood education services to Missouri families and children improved and increased dramatically;

Whereas Mildred Winter was a leader in initiating the Parents as Teachers program in Missouri in 1981 to address the critical problem of children entering school in need of special help;

Whereas the Parents as Teachers program gives all parents, regardless of social or economic circumstances, the support and guidance necessary to be their children's best teachers in the critical early years;

Whereas Mildred Winter worked to secure passage in the Missouri General Assembly of the Early Childhood Education Act of 1984, landmark legislation which led to the creation of Parents as Teachers programs in Missouri;

Whereas Mildred Winter is recognized as a visionary leader by her peers throughout the country for her unwavering commitment to early childhood education;

Whereas Mildred Winter and the Parents as Teachers program have received numerous prestigious awards at the State and national levels;

Whereas today there are over 2,200 Parents as Teachers programs in 49 States, the District of Columbia, and 6 other countries;

Whereas while continually striving to move the Parents as Teachers program forward, in 1995 Mildred Winter recognized the importance of sharing with parents what is known about early brain development and the role parents play in promoting that development in their children, and used this foresight to develop the vanguard Born to Learn Curriculum; and

Whereas after nearly 2 decades of leadership of the Parents as Teachers program, Mildred Winter has chosen to step down as Executive Director of the organization: Now, therefore, be it

Resolved,

SECTION 1. RECOGNITION OF MILDRED WINTER.

That it is the sense of the Senate that—

(1) admiration and respect be shown for the visionary and innovative work of Mildred Winter in the field of childhood education; and

(2) appreciation be shown for the work that Mildred Winter has done through the Parents as Teachers program which has enriched the lives of hundreds of thousands of children and provided such children with a far better chance of success and happiness in school and in life.

SENATE RESOLUTION 127—TO DIRECT THE SECRETARY OF THE SENATE TO REQUEST THE RETURN OF CERTAIN PAPER

Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. RES. 127

Resolved, That the Secretary of the Senate is directed to request the House of Representatives to return the official papers on S. 331.

AMENDMENTS SUBMITTED

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

GRAHAM (AND HOLLINGS) AMENDMENT NO. 732

(Ordered to lie on the table.)

Mr. GRAHAM (for himself and Mr. HOLLINGS) submitted an amendment intended to be proposed by them to the bill (S. 1233) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2000, and for other purposes; as follows:

On page 76 between lines 6 and 7, insert the following:

SEC. 7 . INDICATION OF COUNTRY OF ORIGIN OF IMPORTED PERISHABLE AGRICULTURAL COMMODITIES.

(a) DEFINITIONS.—In this section:

(1) FOOD SERVICE ESTABLISHMENT.—The term 'food service establishment' means a restaurant, cafeteria, lunch room, food stand, saloon, tavern, bar, lounge, or other similar facility, operated as an enterprise engaged in the business of selling foods to the public.

(2) PERISHABLE AGRICULTURAL COMMODITY; RETAILER.—The terms 'perishable agricultural commodity' and 'retailer' have the meanings given the terms in section 1(b) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499a(b))

(b) NOTICE OF COUNTRY OF ORIGIN REQUIRED.—Except as provided in subsection (c), a retailer of a perishable agricultural commodity imported into the United States shall inform consumers, at the final point of sale of the perishable agricultural commodity to consumers, of the country of origin of the perishable agricultural commodity.

(c) EXEMPTION FOR FOOD SERVICE ESTABLISHMENTS.—Subsection (b) shall not apply to a perishable agricultural commodity imported into the United States to the extent that the perishable agricultural commodity is—

(1) prepared or served in a food service establishment; and

(2)(A) offered for sale or sold at the food service establishment in normal retail quantities; or

(B) served to consumers at the food service establishment.

(d) METHOD OF NOTIFICATION

(1) IN GENERAL.—The information required by subsection (b) may be provided to consumers by means of a label, stamp, mark, placard, or other clear and visible sign on the imported perishable agricultural commodity or on the package, display, holding unit, or bin containing the commodity at the final point of sale to consumers.

(2) LABELED COMMODITIES.—If the imported perishable agricultural commodity is already individually labeled regarding country of origin by the packer, importer, or another person, the retailer shall not be required to provide any additional information to comply with this section.

(e) VIOLATIONS.—If a retailer fails to indicate the country of origin of an imported perishable agricultural commodity as required by subsection (b), the Secretary of Agriculture may assess a civil penalty on the retailer in an amount not to exceed—

(1) $1,000 for the first day on which the violation occurs; and

(2) $250 for each day on which the same violation continues.

(f) DEPOSIT OF FUNDS.—Amounts collected under subsection (e) shall be deposited in the Treasury of the United States as miscellaneous receipts.

(g) APPLICATION OF SECTION.—This section shall apply with respect to a perishable 37 agricultural commodity imported into the United States after the end of the 6-month period beginning on the date of the enactment of this Act.

RELATING TO PLEDGE OF ALLEGIANCE IN THE SENATE CHAMBER

SMITH (AND McCONNELL) AMENDMENTS NO. 733

Mr. SMITH of New Hampshire (for himself and Mr. MCCONNELL) proposed an amendment to the resolution (S. Res. 113) to amend the Standing Rules of the Senate to require that the Pledge of Allegiance to the Flag of the United States be recited at the commencement of the daily session of the Senate; as follows:

On page 2, line 4, strike all after ''Presiding Officer'' and insert '', or a Senator designated by the Presiding Officer, leads the Senate from the dais in reciting the Pledge of Allegiance to the Flag of the United States.

CONCERNING RACIAL MINORITIES IN IRAN

SCHUMER AMENDMENT NO. 734

Mr. SCHUMER proposed an amendment to the concurrent resolution (S. Con. Res. 39) expressing the sense of the Congress regarding the treatment of religious minorities in the Islamic Republic of Iran, and particularly the recent arrests of members of that country's Jewish community; as follows:

On page 3, line 3, strike ''Clinton Administration'' and insert ''United States''.

On page 3, strike line 4 to line 5 before ''continue''.

On page 3, beginning with line 7, strike the word ''recommendation'' and insert ''the recommendation of resolution 1999/13.''

On page 3, line 9, insert after ''(2)'' ''continue to''.

FUELS REGULATORY RELIEF ACT

CHAFEE AMENDMENT NO. 735

Mr. GRASSLEY (for Mr. CHAFEE) proposed an amendment to the bill (S. 880) 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; as follows:

Strike section 4 and insert the following:

SEC. 4. PUBLIC ACCESS TO OFF-SITE CONSEQUENCE ANALYSIS INFORMATION.

(a) IN GENERAL.—Section 112(r)(7) of the Clean Air Act (42 U.S.C. 7412(r)(7)) is amended by adding at the end the following:

''(H) PUBLIC ACCESS TO OFF-SITE CONSEQUENCE ANALYSIS INFORMATION.—

''(i) DEFINITIONS.—In this subparagraph:

''(I) COVERED PERSON.—The term 'covered person' means—

''(aa) an officer or employee of the United States;

''(bb) an officer or employee of an agent or contractor of the Federal Government;

''(cc) an officer or employee of a State or local government;

''(dd) an officer or employee of an agent or contractor of a State or local government;

''(ee) an individual affiliated with an entity that has been given, by a State or local government, responsibility for preventing, planning for, or responding to accidental releases and criminal releases;

''(ff) an officer or employee or an agent or contractor of an entity described in item (ee); and

''(gg) a qualified researcher under clause (vii).

''(II) CRIMINAL RELEASE.—The term 'criminal release' means an emission of a regulated substance into the ambient air from a stationary source that is caused, in whole or in part, by a criminal act.

''(III) OFFICIAL USE.—The term 'official use' means an action of a Federal, State, or local government agency or an entity referred to in subclause (I)(ee) intended to carry out a function relevant to preventing, planning for, or responding to accidental releases or criminal releases.

''(IV) OFF-SITE CONSEQUENCE ANALYSIS INFORMATION.—The term 'off-site consequence analysis information' means those portions of a risk management plan, excluding the executive summary of the plan, consisting of an evaluation of 1 or more worst-case scenario or alternative scenario accidental releases, and any electronic data base created by the Administrator from those portions.

''(V) RISK MANAGEMENT PLAN.—The term 'risk management plan' means a risk management plan submitted to the Administrator by an owner or operator of a stationary source under subparagraph (B).

''(ii) REGULATIONS.—Not later than 1 year after the date of enactment of this subparagraph, the President shall—

''(I) assess—

''(aa) the increased risk of terrorist and other criminal activity associated with the posting of off-site consequence analysis information on the Internet; and

''(bb) the incentives created by public disclosure of off-site consequence analysis information for reduction in the risk of accidental releases and criminal releases; and

''(II) based on the assessment under subclause (I), promulgate regulations governing the distribution of off-site consequence analysis information in a manner that, in the opinion of the President, minimizes the likelihood of accidental releases and criminal releases and the likelihood of harm to public health and welfare, and—

''(aa) allows access by any member of the public to paper copies of off-site consequence analysis information for a limited number of stationary sources located anywhere in the United States;

''(bb) allows other public access to off-site consequence analysis information as appropriate;

''(cc) allows access for official use by a covered person described in any of items (cc) through (ff) of clause (i)(I) (referred to in this subclause as a 'State or local covered person') to off-site consequence analysis information relating to stationary sources located in the person's State;

''(dd) allows a State or local covered person to provide, for official use, off-site consequence analysis information relating to stationary sources located in the person's State to a State or local covered person in a contiguous State; and

''(ee) allows a State or local covered person to obtain for official use, by request to the Administrator, off-site consequence analysis information that is not available to the person under item (cc).

''(iii) AVAILABILITY UNDER FREEDOM OF INFORMATION ACT.—

''(I) FIRST YEAR.—Off-site consequence analysis information, and any ranking of stationary sources derived from the information, shall not be made available under section 552 of title 5, United States Code, during the 1-year period beginning on the date of enactment of this subparagraph.

''(II) AFTER FIRST YEAR.—If the regulations under clause (ii) are promulgated on or before the end of the period described in subclause (I), off-site consequence analysis information covered by the regulations, and any ranking of stationary sources derived from the information, shall not be made available under section 552 of title 5, United States Code, after the end of that period.

''(III) APPLICABILITY.—Subclauses (I) and (II) apply to off-site consequence analysis information submitted to the Administrator before, on, or after the date of enactment of this subparagraph.

''(iv) AVAILABILITY OF INFORMATION DURING TRANSITION PERIOD.—The Administrator shall make off-site consequence analysis information available to covered persons for official use in a manner that meets the requirements of items (cc) through (ee) of clause (ii)(II), and to the public in a form that does not make available any information concerning the identity or location of stationary sources, during the period—

''(I) beginning on the date of enactment of this subparagraph; and

''(II) ending on the earlier of the date of promulgation of the regulations under clause (ii) or the date that is 1 year after the date of enactment of this subparagraph.

''(v) PROHIBITION ON UNAUTHORIZED DISCLOSURE OF INFORMATION BY COVERED PERSONS.—

''(I) IN GENERAL.—Beginning on the date of enactment of this subparagraph, a covered person shall not disclose to the public off-site consequence analysis information in any form, or any statewide or national ranking of identified stationary sources derived from such information, except as authorized by this subparagraph (including the regulations promulgated under clause (ii)). After the end of the 1-year period beginning on the date of enactment of this subparagraph, if regulations have not been promulgated under clause (ii), the preceding sentence shall not apply.

''(II) CRIMINAL PENALTIES.—

''(aa) KNOWING VIOLATIONS.—A covered person that knowingly violates a restriction or prohibition established by this subparagraph (including the regulations promulgated under clause (ii)) shall be fined not more than $5,000 for each unauthorized disclosure of off-site consequence analysis information. The disclosure of off-site consequence analysis information for each specific stationary source shall be considered a separate offense. Section 3571 of title 18, United States Code, shall not apply to an offense under this item. The total of all penalties that may be imposed on a single person or organization under this item shall not exceed $100,000 for violations committed during any 1 calendar year.

''(bb) WILLFUL VIOLATIONS.—A covered person that willfully violates a restriction or prohibition established by this subparagraph (including the regulations promulgated under clause (ii)) shall be fined under section 3571 of title 18, United States Code, for each unauthorized disclosure of off-site consequence analysis information, but shall not be subject to imprisonment. The total of all penalties that may be imposed on a single person or organization under this item shall not exceed $1,000,000 for violations committed during any 1 calendar year.

''(III) APPLICABILITY.—If the owner or operator of a stationary source makes off-site consequence analysis information relating to that stationary source available to the public without restriction—

''(aa) subclauses (I) and (II) shall not apply with respect to the information; and

''(bb) the owner or operator shall notify the Administrator of the public availability of the information.

''(IV) LIST.—The Administrator shall maintain and make publicly available a list of all stationary sources that have provided notification under subclause (III)(bb).

''(vi) GUIDANCE.—

''(I) ISSUANCE.—Not later than 60 days after the date of enactment of this subparagraph, the Administrator, after consultation with the Attorney General and the States, shall issue guidance that describes official uses of off-site consequence analysis information in a manner consistent with the restrictions in items (cc) through (ee) of clause (ii)(II).

''(II) RELATIONSHIP TO REGULATIONS.—The guidance describing official uses shall be modified, as appropriate, consistent with the regulations promulgated under clause (ii).

''(III) DISTRIBUTION.—The Administrator shall transmit a copy of the guidance describing official uses to—

''(aa) each covered person to which off-site consequence analysis information is made available under clause (iv); and

''(bb) each covered person to which off-site consequence analysis information is made available for an official use under the regulations promulgated under clause (ii).

''(vii) QUALIFIED RESEARCHERS.—

''(I) IN GENERAL.—Not later than 180 days after the date of enactment of this subparagraph, the Administrator, in consultation with the Attorney General, shall develop and implement a system for providing off-site consequence analysis information, including facility identification, to any qualified researcher, including a qualified researcher from industry or any public interest group.

''(II) LIMITATION ON DISSEMINATION.—The system shall not allow the researcher to disseminate, or make available on the Internet, the off-site consequence analysis information, or any portion of the off-site consequence analysis information, received under this clause.

''(viii) READ-ONLY INFORMATION TECHNOLOGY SYSTEM.—In consultation with the Attorney General and the heads of other appropriate Federal agencies, the Administrator shall establish an information technology system that provides for the availability to the public of off-site consequence analysis information by means of a central data base under the control of the Federal Government that contains information that users may read, but that provides no means by which an electronic or mechanical copy of the information may be made.

''(ix) VOLUNTARY INDUSTRY ACCIDENT PREVENTION STANDARDS.—The Environmental Protection Agency, the Department of Justice, and other appropriate agencies may provide technical assistance to owners and operators of stationary sources and participate in the development of voluntary industry standards that will help achieve the objectives set forth in paragraph (1).

''(x) EFFECT ON STATE OR LOCAL LAW.—

''(I) IN GENERAL.—Subject to subclause (II), this subparagraph (including the regulations promulgated under this subparagraph) shall supersede any provision of State or local law that is inconsistent with this subparagraph (including the regulations).

''(II) AVAILABILITY OF INFORMATION UNDER STATE LAW.—Nothing in this subparagraph precludes a State from making available data on the off-site consequences of chemical releases collected in accordance with State law.

''(xi) REPORT ON ACHIEVEMENT OF OBJECTIVES.—

''(I) IN GENERAL.—Not later than 3 years after the date of enactment of this subparagraph, the Comptroller General shall submit to Congress a report that describes the extent to which the regulations promulgated under this paragraph have resulted in actions, including the design and maintenance of safe facilities, that are effective in detecting, preventing, and minimizing the consequences of releases of regulated substances that may be caused by criminal activity.

''(II) INTERIM REPORT.—Not later than 270 days after the date of enactment of this subparagraph, the Comptroller General shall submit to Congress an interim report that includes, at a minimum—

''(aa) the preliminary findings under subclause (I);

''(bb) the methods used to develop those findings; and

''(cc) an explanation of the activities expected to occur that could cause the findings of the report under subclause (I) to be different from the preliminary findings.

''(xii) SCOPE.—This subparagraph—

''(I) applies only to covered persons; and

''(II) does not restrict the dissemination of off-site consequence analysis information by any covered person in any manner or form except in the form of a risk management plan or an electronic data base created by the Administrator from off-site consequence analysis information.

''(xiii) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator and the Attorney General such sums as are necessary to carry out this subparagraph (including the regulations promulgated under clause (ii)), to remain available until expended.''.

(b) REPORTS.—

(1) DEFINITION OF ACCIDENTAL RELEASE.—In this subsection, the term ''accidental release'' has the meaning given the term in section 112(r)(2) of the Clean Air Act (42 U.S.C. 7412(r)(2)).

(2) REPORT ON STATUS OF CERTAIN AMENDMENTS.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the status of the development of amendments to the National Fire Protection Association Code for Liquefied Petroleum Gas that will result in the provision of information to local emergency response personnel concerning the off-site effects of accidental releases of substances exempted from listing under section 112(r)(4)(B) of the Clean Air Act (as added by section 3).

(3) REPORT ON COMPLIANCE WITH CERTAIN INFORMATION SUBMISSION REQUIREMENTS.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that—

(A) describes the level of compliance with Federal and State requirements relating to the submission to local emergency response personnel of information intended to help the local emergency response personnel respond to chemical accidents or related environmental or public health threats; and

(B) contains an analysis of the adequacy of the information required to be submitted and the efficacy of the methods for delivering the information to local emergency response personnel.

(c) TERMINATION OF AUTHORITY.—The authority provided by this section and the amendment made by this section terminates 6 years after the date of enactment of this Act.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. NICKLES. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Wednesday, June 23, 1999, at 9:30 a.m. in open session, to receive testimony on recommendations to reorganize Department of Energy national security programs in response to espionage threats.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. NICKLES. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, June 23, 1999, to conduct a hearing on ''Export Administration Act Reauthorization: Government Views.''

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, June 23, 1999, at 9:30 a.m. on pending committee business.

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

COMMITTEE ON FINANCE

Mr. NICKLES. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Wednesday, June 23, 1999, beginning at 10 a.m. in room 215 Dirksen.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. NICKLES. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 23, 1999, at 4 p.m. to hold a hearing.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. NICKLES. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be permitted to meet on Wednesday, June 23, 1999, at 10 a.m. for a hearing on the Interagency Inspectors General Report on the Export-Control Process for Dual-Use and Munitions List Commodities.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. NICKLES. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on ''ESEA: Title VI'' during the session of the Senate on Wedkesday, June 23, 1999, at 9:30 a.m.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. NICKLES. 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, June 23, 1999, at 9:30 a.m. to conduct a hearing on the Report of the National Gambling Impact Study Commission. The hearing will be held in room 485, Russell Senate Building.

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

COMMITTEE ON THE JUDICIARY

Mr. NICKLES. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet for a hearing re Religious Liberty, during the session of the Senate on Wednesday, June 23, 1999, at 11 a.m., in SD–226.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. NICKLES. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a markup on pending legislation.

The hearing will be held on Wednesday, June 23, 1999, at 2 p.m., in room 418 of the Russell Senate Office Building.

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

SUBCOMMITTEE ON FISHERIES, WILDLIFE, AND DRINKING WATER

Mr. NICKLES. Mr. President, I ask unanimous consent that the Subcommittee on Fisheries, Wildlife, and Drinking Water be granted permission to conduct a hearing on the recovery of salmon Wednesday, June 23, 1:30 p.m., hearing room (SD–406).

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

SUBCOMMITTEE ON FOREST AND PUBLIC LAND MANAGEMENT

Mr. NICKLES. 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, June 23, for purposes of conducting a Forests and Public Land Management Subcommittee hearing which is scheduled to begin at 2:15 p.m. The purpose of this hearing is to receive testimony on S. 503, the Spanish Peaks Wilderness Act of 1999; S. 953, the Terry Peaks Land Conveyance Act of 1999; S. 977, the Miwaleta Park Expansion Act; S. 1088, the Arizona National Forest Improvement Act of 1999; and H.R. 15 and S. 848, the Otay Mountain Wilderness Act of 1999.

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

SUBCOMMITTEE ON NEAR EASTERN AND SOUTH ASIAN AFFAIRS

Mr. NICKLES. Mr. President, I ask unanimous consent that the Subcommittee on Near Eastern and South Asian Affairs be authorized to meet during the session of the Senate on Wednesday, June 23, 1999, at 11 a.m. to hold a hearing.

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

ADDITIONAL STATEMENTS

CONGRATULATIONS OFFERED TO PAYNE STEWART

● Mr. ASHCROFT. Mr. President, I welcome the opportunity to congratulate Payne Stewart for his recent victory at this year's U.S. Open. Payne captured the championship with a dramatic 15-foot putt on the 72nd hole, the final hole of the tournament. Originally from Springfield, Missouri, Payne has continually brought an air of class and dignity to the game of golf that is a true inspiration to all Americans, myself included. In fact, his recent performance has inspired me to hit the greens again.

For his triumph in the tournament, Stewart drew strength from the memory of his late father, William Stewart, a two-time Missouri State Amateur Champion. On June 20, the final day of the U.S. Open and also Father's Day, NBC ran a special on the relationship between Payne and William Stewart. Taking the time to watch the special, Payne was moved to tears. This time of reflection may have provided the inspiration needed to make the difference in the tournament. I, too, had a father who was a major influence on my life. I, too, find strength and guidance in the moments I take to remember.

Payne Stewart is a credit to the game of golf and an example for all Missourians of what dedication and perseverance bring forth. With his second U.S. Open championship, he has shown the entire world that with enough determination and faith—coupled with a crucial putting tip from his wife—dreams really do come true. Again, I offer an enthusiastic congratulations.●

CONGRATULATIONS TO THE BUFFALO SABRES, NATIONAL HOCKEY LEAGUE EASTERN CONFERENCE CHAMPS

● Mr. MOYNIHAN. Mr. President, I rise today to add my voice to the growing chorus of people congratulating the Buffalo Sabres for their outstanding performance in the Stanley Cup Finals. Led by team captain Michael Peca, and their indefatigable goalie, Dominik Hasek, the entire team accomplished what was thought by many to be the impossible. Their heartfelt play brought a level of excitement to the Stanley Cup finals not seen in years. I am proud to stand with the City of Buffalo and Western New York to honor our team.

Considered underdogs in all of their playoff series, the Sabres played with pure heart and soul to sweep the Ottawa Senators in the first round, defeated the Boston Bruins and then the Toronto Maple Leafs to win the Eastern Conference and the Prince of Wales Trophy for the first time in 24 years. The triple overtime loss in Game 6 of the Stanley Cup finals showed the hockey community what a team with determination and true grit is. The controversial goal that ended the dreams of the Sabres will not dampen the spirits of the most devoted fans in the world—Buffalo Sabres fans.

As the Stanley Cup Finals end, I extend my deep appreciation to the Knox Family for bringing the Sabres to Buffalo 29 years ago, John J. Rigas, owner and Chairman of the Board, Darcy Regier, General Manager, Lindy Ruff, Head Coach, and the entire Buffalo Sabres team, their coaching staff, their families and their fans for their great

efforts and support. I know next season will bring even more to celebrate.

In this spirit, I ask that an article from The Buffalo News, be printed in the RECORD.

[From the Buffalo News, June 23, 1999]

RALLY FOR SABRES PROVES BUFFALO HAS SOMETHING SPECIAL

It was noon Tuesday and they streamed into Niagara Square from all directions. White-haired men and middle-aged ladies and mothers pushing strollers made the pilgrimage down Niagara Street, Franklin Street, Delaware Avenue.

They came, in all colors and sizes. Shirt-and-tie businessmen, smooth-skinned teens wearing black-and-red jerseys with Hasek or Peca stitched across the back, little kids holding their mother's hand. They came in cares, on bikes, on Rollerblades. They all came downtown, washed in the summer sun, because this is Buffalo and sometimes you win even when you lose.

They crowded in front of City Hall, more than 20,000 of them. Men in business suits climbed atop the marble railings of the McKinley Monument. Dozens stood on the roofs of the Federal Court Building and the Buffalo Athletic Center and the Turner Parking Ramp.

They do not have rallies for teams that lose in most cities.

Most cities are not Buffalo.

A lot of people around the country would read that and say ''Thank God.''

I ran into one of them on a plane to Dallas a couple of weeks ago. She said she was going home and asked where I was from. When I told her, she said, ''Why would anybody want to live there?''

Lady, this is why.

Yes, there are things wrong with this place and I don't just mean high taxes. A streak of negativity runs through some folks. Our so-called leaders habitually put self-interest ahead of our interest. We get told we're the pits so often we sometimes forget this is a truly nice place to live.

But there's a sense of community here, a shared bond, you don't find in most other places, at least not most other places I've been. It's a hard thing to prove, but then a day like Tuesday comes and there it is, 20,000 people for all the world to see.

They didn't come to this rally for a hockey team that lost in the Stanley Cup finals because Buffalo loves a loser or likes to cry in its Genesee Cream Ale.

They came because this team carried the city's name on its jerseys the way we want it to be carried.

They came not to lament what might have been, but to celebrate what was.

The hockey team was a lot like the town, overlooked and underappreciated. Yet they left team after supposedly better team dazed and bleeding by the side of the road. They finally got beat—with the help of officials too gutless to enforce the rules—by a tough, character-laden Dallas team many expected would swat them aside like a bothersome fly. Instead, the Sabres took them to their limit, made them sweat and ache and pay for every pass and shot and goal they got—and even one they didn't.

At the end, after absorbing a mind-boggling 82 hits in the final game, the Dallas trainer compare their locker room to a M.A.S.H. unit. Some Dallas players took intravenous fluids between the overtime periods of the 5½-hour game; a half-dozen ended the series with torn ligaments or other damage.

You lay a team out like that and end up losing—losing on a tainted goal—and it doesn't mean you're losers. It means time ran out, fate didn't smile, the story is To Be Continued next season. If these guys had any doubt about that, 20,000 people Tuesday told them otherwise.

They didn't abandon a team that tried mightily and never backed down and came up an illegally placed skate short. Just like you don't stop loving your kid or your brother or best friend. That's not the way it works around here.

Diana and Nicole Jarosz, 21 and 18, came down 90 minutes early so they could be close to the stage. They have lived in Buffalo all their lives and they could not imagine not coming to this.

''We're here to say we still love you and we're still proud of you,'' said Diana. ''As hard as (Saturday night) was for us, I can't imagine how hard it must have been sitting on the (players') bench.''

We don't want to pick on Dallas, but it's a town of shameless front-runners. Some folks were interviewed in downtown Dallas a couple of weeks ago, before this series started. One of them said, ''If this team starts losing, people will drop them like a hot poker.''

Well, this Buffalo team lost early Sunday morning, and most folks just held them closer.

The Stars won the Cup, and all of 150 people showed up to meet their plane at the airport. Buffalo lost it, and 20,000 came out to say, ''Thanks for the ride.''

The players seemed genuinely touched by it all, at times nudging each other and grinning when the crowd went nuts, or waving to the kids in Sabres jerseys sitting on their dads' shoulders.

''We really didn't expect that kind of excitement,'' said team captain Michael Peca afterwards. ''This is not a city that forgets (about) you, absolutely not.''

Dallas has a pewter Cup. We have something they'll never have. Something not about towering glass skyscrapers and money and jobs. It's a spirit, a feeling, a connection you don't get in big cities.

It's something so many of those who move away from here, usually in search of greener job pastures, never find again. They go somewhere else, start a new life, but a piece of them stays.

You can leave Buffalo, but you can never leave it behind.

Tuesday, we showed the world why.●

TRIBUTE TO REVEREND HUBERT DONALD COCKERHAM

● Mr. MCCONNELL. Mr. President, I rise today to pay tribute to the Rev. H. Donald Cockerham for 30 years of dedicated service to the members of Zion Missionary Baptist Church in Louisville. His devoted congregation recently honored him by writing and performing a play about his life, and I am proud to join in their celebration of this milestone anniversary for both Rev. Cockerham and the church body.

Rev. Cockerham, born in McComb, Mississippi, first came to Louisville in 1969, to preach at a foreign missions rally. At that time, he was the minister at Calvary Baptist Church in Chicago, but after filling-in as speaker at Zion one Sunday, Zion began to pursue Cockerham as a candidate for pastor. Although he was serving another church, he said he felt called to accept the invitation to lead Zion's congregation.

By all accounts, Zion flourished under Rev. Cockerham's leadership. During his 30 years as pastor, the church building changed significantly, with the construction of a new wing. Also, the addition of a new organ and piano have surely been a blessing to the church choir when they perform their well-known presentation of the ''Messiah'' each Christmas. During Rev. Cockerham's time as pastor, Zion has also significantly increased opportunities for youth through additional ministry programs.

Rev. Cockerham was not only deeply involved in his church, but was also an integral part of the community. Over the years, he has been involved in the WHAS Crusade for Children, a project which raises funds to help with the care and treatment of handicapped children in Kentucky and southern Indiana. Reverend Cockerham has won numerous awards and distinctions during the past 30 years, and was recognized most recently by the Louisville YMCA as a 1999 Adult Black Achiever.

I am certain that the legacy of commitment to faith that Rev. Cockerham has left will continue on, and will encourage and inspire those who follow. Reverend, best wishes for many more years of service, and know that your efforts to better Zion Missionary Baptist Church and the Louisville community will be felt for years to come. On behalf of myself and my colleagues in the United States Senate, thank you for giving so much of yourself for so many others.

Mr. President, I also ask that an article which ran in Louisville's Courier-Journal on June 12, 1999, be printed in the RECORD following my remarks.

The article follows:

[From The Courier-Journal, June 12, 1999]

FAITH IN ACTION—CHURCH HONORS PASTOR'S 30 YEARS WITH PLAY

At Zion Missionary Baptist Church, members are busy showing their pastor how much they appreciate his hard work and dedication.

The Rev. H. Donald Cockerham will celebrate 30 years as pastor of the church tomorrow, and the congregation wants this to be a celebration Cockerham will never forget.

''It is rare for a pastor to have remained at a church for 30 years, so I wanted to know how I could make this anniversary more special,'' said Beverly Jones, anniversary chairwoman.

When Troy Bell, co-chairman of the anniversary committee, suggested that they write a play as a tribute to Cockerham, she couldn't resist.

Bell, who has a background in musical theater, wrote, directed and starred in the play, which is based on the Broadway musical ''Purlie Victorious.''

''I changed the title to 'Hubert Victorious' because it is our pastor's first name, and I rewrote this play to correlate with the pastor's life,'' Bell said. ''This adaptation was a combination of fiction and non-fiction.''

For a month, Bell and others worked to make the play a success.

''I contacted actors and actresses . . . and we went to the DAV to find clothes and wigs reminiscent of the 1960s,'' Bell said.

They performed the play Monday night at Derby Dinner Playhouse.

Cockerham cried and then he laughed and then he cried again, Bell said.

''It was a hilarious play,'' Cockerham said. ''Although I had known about the play for

weeks, I did not know that it would be about me. I was surprised.''

Sheivel Johnson, publicity and program director for the church, said faith explains why Cockerham is still pastor after 30 years.

Cockerham said the congregation's love and compassion for the community makes his job more pleasurable.

''A love affair between the people and myself began, almost,'' when he came to Zion, he said.

The 68-year-old pastor, a native of McComb, Miss., was pastor of Calvary Baptist Church in Chicago when he was asked to join Zion in 1969.

''I came to Louisville to preach at a foreign-mission rally. At the time, Zion did not have a pastor,'' he said. ''Their candidate could not speak at their service because he became ill. When the pulpit committee discovered that I was in town, they asked me to speak and I accepted.''

Impressed by his sermon, the church body asked him to become their pastor, but he declined initially.

''I did not want to change churches because I was their (Calvary's) first full-time pastor. I had dedicated myself to building that congregation.''

But shortly afterward, Cockerham changed his mind, believing that coming to Zion was his fate. ''It occurred to me that Zion did not have to ask me to be their pastor simply because they needed one. I believed that the Lord was moving me in a different direction.''

In 1969, Cockerham received a unanimous vote by Zion's governing body.

Under Cockerham's leadership, the church has greatly expanded youth activities and made improvements to the building including a new annex and a new organ and piano.

Over the years, he has received many awards, including being named an Adult Black Achiever this year by the YMCA.

For Bell, Cockerham's many accomplishments and recognition come as no surprise.

''If there was ever a pastor that was loved unconditionally by his church family, it is him,'' he said. ''He is the father to the fatherless.''

Zion Missionary Baptist has been celebrating Cockerham's anniversary with services all week. The grand finale will begin at 11 a.m. tomorrow, with dinner served after morning worship.●

SANTA CLARA COUNTY HOUSING TRUST FUND

● Mrs. BOXER. Mr. President, I rise today to recognize the accomplishments of a remarkable public/private partnership in California's Silicon Valley that is moving aggressively to address a problem which plagues many communities: the shortage of available and affordable housing.

In Silicon Valley, the fast-growing home to some of the Nation's most dynamic and innovative high technology firms, housing costs have risen as dramatically as the supply of available housing has diminished. Since 1992, Santa Clara County has created some 250,000 new jobs; however, only 50,000 new homes and apartments have been constructed. This combination of rapid growth and scarce housing has created a volatile situation in which renters and potential home buyers alike must compete mercilessly for the few units that are to be found. To address this challenge, a coalition of concerned businesses, nonprofit groups and local governments formed the Santa Clara County Housing Trust Fund.

The Santa Clara County Housing Trust Fund is a broad-based working group consisting of the Community Foundation of Silicon Valley, the Silicon Valley Manufacturing Group, the Santa Clara County Collaborative on Housing and Homelessness, the Santa Clara County Board of Supervisors, the Housing Action Coalition and the Housing Leadership Council. Through donations from nonprofit organizations, commitments from local governments and financial backing from the business community, the trust fund hopes to raise $20 million. With this money, the trust fund plans to house more than 1,000 homeless individuals and families, assist in building up to 3,000 new apartments and help nearly 800 first-time home buyers.

I pay special tribute to five companies that recently pledged a remarkable $1 million to the trust fund, hopefully paving the way for other Silicon Valley businesses to follow suit. On June 10, Adobe Systems, Applied Materials, Cisco Systems, Kaufman & Broad, and the Solectron Corporation each stepped up to the plate with contributions sure to improve the quality of life in their communities. This is responsible corporate citizenship at its best. I hope that these five companies represent only the first wave of firms that will rise to the challenge of tackling the housing problems in Silicon Valley.●

TRIBUTE TO CELEBRATE NEW HAMPSHIRE CULTURE

● Mr. SMITH of New Hampshire. Mr. President, I rise today to honor Celebrate New Hampshire Culture, a nonprofit organization formed by the New Hampshire Commission on the Smithsonian Folklife Festival that works in partnership with the New Hampshire State Council on the Arts and the Department of Cultural Resources.

I commend the many dedicated volunteers and participants from my State for their hard work in planning, organizing, and demonstrating our New Hampshire culture through the exhibits for this year's Smithsonian Folklife Festival.

Since being elected to Congress 15 years ago, I have had the pleasure of sharing with my fellow Members of Congress why I believe New Hampshire is such a special place in which to live. I am extremely proud that they, and countless others, will now have the opportunity to experience firsthand all the wonderful things New Hampshire has to offer.

In 1994, Mervin Stevens of Walpole began working towards New Hampshire's participation after attending the festival over the years. Curators Lynn Martin and Betty Beland have made Mervin's dream a reality. These two women, along with many volunteers, have worked tirelessly for months to make sure that the more than 1 million visitors to the Folklife Festival on the Mall this week will have a meaningful and memorable experience.

New Hampshire's diversity, vibrancy, and entrepreneurship will be portrayed through several themes: Music of New Hampshire; Town and Community; Ingenuity and Enterprise; Seasons of Work and Recreation; and Farm, Forests, Mountains, and Sea. The themes and displays will be enhanced through several hands-on examples of living traditions. These exhibits include a 35-foot-long by 15-foot-high covered bridge, a timber-framed barn, a wrought-iron archway, and granite walls.

There will also be two music stages set up. One will be a replica of a town hall and the other of a New England front porch with rocking chairs and benches. These fascinating displays of New Hampshire culture will be celebrated in three ways: First, at this summer's Smithsonian festival. Next, a reenactment will take place next summer during Festival New Hampshire at the Hopkinton State Fairgrounds in Contoocook. Finally, an educational program for schools and communities will be based on the extensive research of culture needed to launch the festival.

Mr. President, I wish to offer my most sincere congratulations to Celebrate New Hampshire Culture and the countless volunteers. Their hard work and dedication will now help show the world what makes New Hampshire the greatest State in America. It is an honor to represent Celebrate New Hampshire Culture and all the people of New Hampshire in the Senate.●

HONORING DOUG AURAND

● Mr. DURBIN. Mr. President, I rise today to pay tribute to my longtime friend, Douglas R. Aurand of Rockford, IL. Doug has served as Winnebago County Treasurer for 28 years and Rockford Township Trustee for 2 years. He retired earlier this month as treasurer.

Doug has been an Illinois resident his entire life, born in Dixon and raised in Pecatonica. He married the former Julie Moore and they have two children, David and Christine. Retirement will give Doug more time to spend with his grandchildren, Billy and Tommy Schwengels.

After graduating from Pecatonica High School, Doug served in the U.S. Air Force for four years. He was first elected to public office as Winnebago County Treasurer in 1970, at the age of 29. He held his office for six consecutive terms, becoming the longest serving elected official in the same office in northern Illinois.

Doug has worked tirelessly for more than 28 years as a public servant and for the taxpayers of Winnebago County. During this time, he has reduced his staff by 60 percent.

Responsible for funds exceeding $387 million year, he has earned over $44 million in interest for taxpayers in Winnebago County through his wise investments. He is responsible for the administration and collection of 110,000 tax bills which bring in approximately $285 million for the 72 taxing districts in his county.

In short, Doug Aurand has given remarkable service as Winnebago County Treasurer, and I commend him for his achievements. His leadership and fiscal management skills have made a difference in Winnebago County and he will most certainly be missed.

I congratulate Doug Aurand and, once again, commend him for the last impact he will leave on Rockford, Winnebago County, and the State of Illinois. My best wishes to Doug and Julie Aurand as Doug begins his well deserved retirement.●

EXPRESSION OF SYMPATHY FOR RON SANTO FOLLOWING A HEART ATTACK

● Mr. FITZGERALD. Mr. President, I rise today to express my hope for the speedy recovery of someone who gave so many Illinoisans, including me, joy throughout his great career. Ron Santo, former third baseman for the Chicago Cubs and the Chicago White Sox, suffered a heart attack Monday in Denver, and I wanted to take a moment to recognize him and express my hopes for a speedy recovery.

Ron Santo played fourteen seasons for the Chicago Cubs from 1960 to 1973 and one for the Chicago White Sox in 1974, during which time he appeared in nine All-Star Games and won five Gold Glove Awards at the ''hot corner.'' He was also a member of the 1969 Chicago Cubs team which lost its chance at the playoffs because of the famous, or to Illinoisans, infamous, run of the ''Miracle'' Mets. When I was a boy, I was lucky enough to have Santo autograph a Cubs' game program for me, which I still have.

His career statistics measure up well against those of anyone to ever play the game. He finished his illustrious career with 2254 hits, 342 of which were home runs, 1331 Runs Batted In, and a .277 career batting average. In 1964, Santo even led the league in triples with 13. He ranks in the top 10 among players for the Chicago Cubs in games played, at bats, runs scored, hits, doubles, runs batted in, and extra-base hits.

Now that his playing days are over, Santo continues to make a contribution to the Cubs and to Chicago as a broadcaster, and one of the best and most energetic in the game at that. Mr. President, I would like to call on the Senate to join me in wishing Mr. Santo, his wife Vicki, and his four children the very best and expressing the sincere hope that he gets well soon.●

TRIBUTE TO SISTER MARY REILLY

● Mr. REED. Mr. President, I rise today to honor Sister Mary Reilly, an important figure in social progress and education in Rhode Island for the past fifty years.

Since joining the Sisters of Mercy in 1948, Sister Mary Reilly's mission has always focused on helping individuals of modest means meet their basic needs and improve themselves through education. Whether in the heart of Providence, or in the classrooms of Honduras and Belize, or in her forthcoming work in New York City, these are the constants of Sister Mary Reilly's career ministry.

To be sure there have been many changes for Sister Mary Reilly. Indeed, she recently told the Providence Journal that her life has been filled with beginnings.

Born in Providence, she began her career with the Sisters of Mercy as a teacher there, first at St. Mary School and then at St. Mary Academy at Bay View. Later, she was able to fulfill one of her goals by becoming a missionary and teaching in Central America.

Returning to Rhode Island in 1970, Sister Mary Reilly began establishing the groundwork for institutions that have become a significant part of Rhode Island's landscape for social improvement. She was among the founders of McAuley House, a soup kitchen serving the homeless in Providence; the Good Friday Walk for Hunger and Homelessness; the COZ (Child Opportunity Zone), an innovative community effort to link schools with critical social service agencies and non-profit organizations; and the Annual Walk for Literacy. Sister Mary Reilly was also among those who began the Washington lobby, NETWORK.

However, the endeavor to which Sister Mary Reilly is most closely linked is Dorcas Place, which she helped found nearly 20 years ago with her colleague Deborah Thompson. Dorcas Place began as a literacy center for low-income young women. As Sister Mary Reilly and other leaders at Dorcas Place saw the need to address a greater array of issues in the community, the center grew to include women and men and took on a host of issues including literacy, employment and training, parenting, and advocacy. It has reached out to other organizations from Salve Regina University, with which Dorcas recently joined to create a certificate program for low-income and welfare dependent individuals, to Fleet Bank, to Rhode Island Legal Services, to the Rhode Island Department of Health, and many others. From a small corps of volunteers at first, Dorcas Place has grown to include 65 volunteer tutors and nearly 50 mentors. While all of this is the result of a team effort, Sister Mary Reilly certainly deserves the lion's share of the credit. She has indeed been the inspiration behind this wonderful organization.

Given Sister Mary Reilly's role in influencing the climate of social progress in Rhode Island, it was with great sadness that many Rhode Islanders learned of her decision to resign her post as Executive Director of Dorcas Place. She leaves to embark on a year's sabbatical in New York to work with other Sisters of Mercy who are following-up on the historic 1995 United Nations' Beijing Women's Conference.

For Sister Mary Reilly, it is another beginning, and we know that she will not be far from Rhode Island or from Dorcas Place. Her legacy of good will and service to others will foster the continuation the work important work at Dorcas Place, and I join all of her colleagues in wishing her well in her newest adventure. We all hope to see her in Rhode Island again before long.●

PLEDGE OF ALLEGIANCE

Mr. SMITH of New Hampshire. Mr. President, several weeks ago a young woman named Rebecca Stewart of Enfield, NH, notified me by telephone there was no flag salute before the opening ceremonies when we opened the Senate in the morning. Due to the cooperation of both the minority and the majority side, I think we have a 100-to-0 agreement that we do that.

So at this point, I ask unanimous consent that S. Res. 113, which is the resolution to salute the flag at the beginning of the opening of the Senate each morning, be discharged from the Rules Committee, and further, the Senate now proceed to its immediate consideration.

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

The legislative clerk read as follows:

A resolution (S. Res. 113) to amend the Standing Rules of the Senate to require that the Pledge of Allegiance to the Flag of the United States be recited at the commencement of the daily session of the Senate.

There being no objection, the Senate proceeded to consider the resolution.

AMENDMENT NO. 733

Mr. SMITH of New Hampshire. Mr. President, there is an amendment at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH], for himself and Mr. MCCONNELL, proposes an amendment numbered 733.

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:

On page 2, line 4, strike all after ''Presiding Officer'' and insert '', or a Senator designated by the Presiding Officer, leads the Senate from the dais in reciting the Pledge of Allegiance to the Flag of the United States''.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 733) was agreed to.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent the resolution, as amended, be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to S. Res. 113 be printed in the RECORD.

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

The resolution (S. Res. 113), as amended, was agreed to.

The preamble was agreed to.

[The resolution was not available for printing. It will appear in a future issue of the RECORD.]

Mr. SMITH of New Hampshire. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

TREATMENT OF RELIGIOUS MINORITIES IN THE ISLAMIC REPUBLIC OF IRAN

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of S. Con. Res. 39, and that the Senate then proceed to its consideration.

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

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 39) expressing the sense of the Congress regarding the treatment of religious minorities in the Islamic Republic of Iran, and particularly the recent arrests of members of that country's Jewish community.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. SCHUMER. Mr. President, I offer this resolution on behalf of Mr. BROWNBACK of Kansas, Mr. LIEBERMAN of Connecticut, and many other cosponsors.

Last March, 13 Iranian Jews from the southern cities of Shiraz and Esfahan were arrested on preposterous charges of spying for Israel and the United States. These men have not been allowed visits by family or legal counsel, nor has any evidence been produced to warrant their arrest and imprisonment. For more than 2 months, leaders of the American Jewish community and the U.S. Government officials have worked behind the scenes for the release of these men.

Iran has done this sort of thing many times before, and they are usually just seeking some ransom money. Unfortunately, this situation is different. Iran went public with this issue first, meaning something far more nefarious is at work.

It is clear that these 13 people are being used as unfortunate pawns between two warring political factions in Iran: moderate followers of President Mohammad Khatami and hardline ayatollahs who remain entrenched in high positions of power and seek to undermine Khatami's domestic reforms and overtures to the West. These men may very well be hanged without a trial under preposterous and trumped-up charges. We must not let that happen. Indeed, we must do all we can to secure their release.

We have a resolution before the Senate condemning in the strongest possible terms the arrest of these men and calling for their immediate release. I thank all my colleagues for supporting this resolution which denounces the worst form of religious intolerance.

The notion that Iranian Jews, particularly those living hundreds of miles from Teheran, even have the capacity to spy for Israel or the United States is laughable. What access would these individuals have to any valuable information whatsoever?

The truth is that since 1979, Iran has habitually utilized the term ''spy'' for anyone it arrests for political reason. Schoolgirls and blind old men have been hanged as ''spies'' simply because they were religious minorities.

Some say we should not come down too hard on Iran on this issue, lest we play into the hands of the hardline ayatollahs and set back Khatami's reform movement. I say that is out of the question. We are not going to sacrifice innocent lives to help one side in a political battle of wills.

Khatami has the power to stand up to the hardliners on behalf of these 13 pawns and for all of Iran's 30,000-member Jewish community, as well as other religious minorities. He won the Presidency with a 70-percent landslide vote, and moderate candidates continue to score big victories in local elections. He can choose the political battles he wishes to fight, and this resolution before us today makes it perfectly clear that this needs to be one of those battles.

In fact, any talk of a kinder, gentler Iran under the supposedly moderate President Khatami is simply empty rhetoric as long as Jews and other religious minorities are victims of the most vicious forms of religious intolerance.

The Koran in Islam treats justice like all the great religions, as something at the highest pinnacle of human values. If Khatami cannot deliver on this issue, then what is his reform movement about in the first place? And if Iran seeks to do this in the name of Islamic fundamentalism, what about the teachings of the Koran in terms of justice and fairness?

The administration has spoken out strongly on this issue, but they have to make this a top priority. President Clinton and Secretary of State Albright should immediately press influential regional states—Syria, Saudi Arabia, Russia—to help secure the release of the 13.

Iran must know from the United States, and the world, that should these men be executed, as 17 other Jews have been since 1979, Iran will slip back into pariah status for decades. That means no loans, no trade, no international respect.

With this resolution, the Congress, the Senate, has spoken today, and the world is watching.

AMENDMENT NO. 734

Mr. SCHUMER. Mr. President, I ask unanimous consent that my amendment, which is at the desk, be considered and agreed to.

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

The amendment (No. 734) was agreed to, as follows:

On page 3, line 3, strike ''Clinton administration'' and insert ''United States''.

On page 3, Strike line 4 to line 5 before ''continue''.

On page 3, begin with line 7, strike the word ''recommendation'' and insert ''the recommendation of resolution 1999/13''.

On page 3, line 9, insert after ''(2)'' ''continue to''.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the concurrent resolution, as amended, be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table, without intervening action.

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

The resolution (S. Con. Res. 39), as amended, was agreed to.

The preamble was agreed to.

[The resolution (S. Con. Res. 39) will be printed in a future edition of the RECORD.]

Mr. SCHUMER. I thank the Chair.

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

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

EXPRESSING APPRECIATION FOR THE WORK OF MILDRED WINTER

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 126, submitted earlier today by Senator BOND.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 126) expressing the sense of the Senate that appreciation be shown for the extraordinary work of Mildred Winter as a Missouri teacher and leader in

creating the Parents as Teachers program on the occasion that Mildred Winter steps down as Executive Director of such program.

There being no objection, the Senate proceeded to consider the resolution.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 126) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 126

Whereas Mildred Winter has, with determination, expertise, and unflagging energy, dedicated her professional life to early childhood and parent education;

Whereas Mildred Winter began her remarkable career as an educator and leader as a teacher in the Berkeley and Ferguson-Florissant School Districts in Missouri;

Whereas Mildred Winter served as Missouri's first Early Childhood Education Director from 1972 until 1984, during which time the early childhood education services to Missouri families and children improved and increased dramatically;

Whereas Mildred Winter was a leader in initiating the Parents as Teachers program in Missouri in 1981 to address the critical problem of children entering school in need of special help;

Whereas the Parents as Teachers program gives all parents, regardless of social or economic circumstances, the support and guidance necessary to be their children's best teachers in the critical early years;

Whereas Mildred Winter worked to secure passage in the Missouri General Assembly of the Early Childhood Education Act of 1984, landmark legislation which led to the creation of Parents as Teachers programs in Missouri;

Whereas Mildred Winter is recognized as a visionary leader by her peers throughout the country for her unwavering commitment to early childhood education;

Whereas Mildred Winter and the Parents as Teachers program have received numerous prestigious awards at the State and national level;

Whereas today there are over 2,200 Parents as Teachers programs in 49 States, the District of Columbia, and 6 other countries;

Whereas while continually striving to move the Parents as Teachers program forward, in 1995 Mildred Winter recognized the importance of sharing with parents what is known about early brain development and the role parents play in promoting that development in their children, and used this foresight to develop the vanguard Born to Learn Curriculum; and

Whereas after nearly 2 decades of leadership of the Parents as Teachers program, Mildred Winter has chosen to step down as Executive Director of the organization: Now, therefore, be it

Resolved,

SECTION 1. RECOGNITION OF MILDRED WINTER.

That it is the sense of the Senate that—

(1) admiration and respect be shown for the visionary and innovative work of Mildred Winter in the field of childhood education; and

(2) appreciation be shown for the work that Mildred Winter has done through the Parents as Teachers program which has enriched the lives of hundreds of thousands of children and provided such children with a far better chance of success and happiness in school and in life.

RETURN OF OFFICIAL PAPERS—S. 331

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 127, submitted earlier by Senator LOTT, and I further ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 127) was agreed to, as follows:

S. RES. 127

Resolved, That the Secretary of the Senate is directed to request the House of Representatives to return the official papers on S. 331.

FUELS REGULATORY RELIEF ACT

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 141, S. 880.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 880) 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.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Environment and Public Works, with an amendment, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

S. 880

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 ''Fuels Regulatory Relief Act''.

SEC. 2. FINDINGS.

Congress finds that, because of their low toxicity and because they are regulated sufficiently under other programs, flammable fuels, such as propane, should not be included on the list of substances subject to the risk management plan program under section 112(r) of the Clean Air Act (42 U.S.C. 7412(r)).

SEC. 3. REMOVAL OF FLAMMABLE FUELS FROM RISK MANAGEMENT LIST.

Section 112(r)(4) of the Clean Air Act (42 U.S.C. 7412(r)(4)) is amended—

(1) by redesignating subparagraphs (A) through (C) as clauses (i) through (iii), respectively, and indenting appropriately;

(2) by striking ''Administrator shall consider each of the following criteria—'' and inserting the following: ''Administrator—

''(A) shall consider—'';

(3) in subparagraph (A)(iii) (as designated by paragraphs (1) and (2)), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

[''(B) shall not regulate non-acute toxic flammable fuels when used or stored for fuel purposes or retail sale unless the fuels are hazardous waste.''.]

''(B) shall not list a flammable substance when used as a fuel or held for sale as a fuel under this subsection solely because of the explosive or flammable properties of the substance, unless a fire or explosion caused by the substance will result in acute adverse heath effects from human exposure to the substance, including the unburned fuel or its combustion byproducts, other than those caused by the heat of the fire or impact of the explosion.''.

SEC. 4. PUBLIC AVAILABILITY OF OFF-SITE CONSEQUENCE ANALYSIS INFORMATION IN RISK MANAGEMENT PLANS.

(a) DEFINITIONS.—In this section:

(1) ACCIDENTAL RELEASE.—The term ''accidental release'' has the meaning given the term in section 112(r)(2) of the Clean Air Act (42 U.S.C. 7412(r)(2)).

(2) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(3) OFF-SITE CONSEQUENCE ANALYSIS INFORMATION.—The term ''off-site consequence analysis information'' means those portions of a risk management plan, excluding the executive summary of the plan, consisting of an evaluation of 1 or more worst-case scenario or alternative scenario accidental releases.

(4) RISK MANAGEMENT PLAN.—The term ''risk management plan'' means a risk management plan submitted by an owner or operator of a stationary source under section 112(r)(7)(B) of the Clean Air Act (42 U.S.C. 7412(r)(7)(B)).

(5) STATE.—The term ''State'' means any of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and Indian tribes (as defined in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a)).

(6) STATIONARY SOURCE.—The term ''stationary source'' has the meaning given the term in section 112(r)(2) of the Clean Air Act (42 U.S.C. 7412(r)(2)).

(b) EXEMPTION FROM AVAILABILITY UNDER FREEDOM OF INFORMATION ACT.—

(1) IN GENERAL.—Off-site consequence analysis information, or information derived from off-site consequence analysis information, shall not be made available under section 552 of title 5, United States Code.

(2) EFFECT ON CERTAIN AVAILABILITY.—Except as provided in subsection (c), nothing in this section affects the obligation of the Administrator under section 112(r)(7)(B)(iii) of the Clean Air Act (42 U.S.C. 7412(r)(7)(B)(iii)) to make available off-site consequence analysis information or information derived from that information.

(c) AVAILABILITY OF OFF-SITE CONSEQUENCE ANALYSIS INFORMATION.—

(1) GENERAL AVAILABILITY.—

(A) ELECTRONIC FORM.—An officer or employee of the United States may make available in electronic form off-site consequence analysis information only in the manner provided in paragraphs (2), (5), and (6) and subsection (d).

(B) PAPER FORM.—An officer or employee of the United States may make available in paper form off-site consequence analysis information only in the manner provided in paragraphs (3), (4), and (5), and subsection (d).

(2) AVAILABILITY IN ELECTRONIC FORM FOR OFFICIAL USE BY STATE OR LOCAL GOVERNMENTS.—The Administrator may make available in electronic form off-site consequence analysis information to a State or local government officer or employee for official use.

(3) AVAILABILITY TO PUBLIC IN PAPER FORM.—

(A) IN GENERAL.—In response to a request for off-site consequence analysis information or for a risk management plan, the Administrator shall make available a copy of off-site consequence analysis information, but only in paper form.

(B) CONDITIONS.—The conditions under which off-site consequence analysis information shall be made available, including the maximum number of requests that any single requester may make, and the maximum number of stationary sources for which off-site consequence analysis information may be made available in response to any single request, shall be determined by the Administrator in guidance issued under subsection (e)(1).

(C) PROMPT RESPONSE.—Consistent with this paragraph, the Administrator shall promptly respond to off-site consequence analysis information requests.

(D) FEE.—The Administrator may levy a fee applicable to the processing of off-site consequence analysis information requests that covers the cost to the Administrator of processing the requests and reproducing the information in paper form.

(4) AVAILABILITY TO STATES AND LOCAL GOVERNMENTS IN PAPER FORM.—At the request of a State or local government officer acting in the officer's official capacity, the Administrator may provide to the officer in paper form, for official use only, the off-site consequence analysis information submitted for the stationary sources located in the State in which the State or local government officer serves.

(5) AVAILABILITY FOR LIMITED PUBLIC INSPECTION.—

(A) IN GENERAL.—The Administrator shall ensure that every risk management plan submitted to the Environmental Protection Agency is available in paper or electronic form for public inspection, but not copying, during normal business hours, including in depository libraries designated under chapter 19 of title 44, United States Code.

(B) LIMITATION ON AVAILABILITY OF RISK MANAGEMENT PLANS IN ELECTRONIC FORM.—For the purposes of this paragraph, the Administrator may make risk management plans available in electronic form only if the electronic form does not provide an electronic means of ranking stationary sources based on off-site consequence analysis information.

(C) FEDERAL ASSISTANCE.—The Public Printer and the Attorney General shall assist the Administrator in carrying out this paragraph in order to ensure that the information provided to the depository libraries is adequately protected.

(D) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator and to the Public Printer such sums as are necessary to carry out this paragraph, to remain available until expended.

(6) AVAILABILITY TO PUBLIC OF GENERAL INFORMATION IN ELECTRONIC FORM.—

(A) FROM THE ADMINISTRATOR.—After consultation with the Attorney General and the heads of other appropriate Federal agencies, the Administrator may make off-site consequence analysis information available to the public in an electronic form that does not include information concerning the identity or the location of the stationary sources for which the information was submitted.

(B) FROM OTHER GOVERNMENT OFFICERS AND EMPLOYEES.—Except as provided in subparagraph (A), an officer or employee of the United States, or an officer or employee of a State or local government, shall not make off-site consequence analysis information available to the public in any form except as authorized by the Administrator.

(7) AUTHORITY OF STATES AND LOCAL GOVERNMENTS TO MAKE INFORMATION AVAILABLE.—Notwithstanding any provision of State or local law, and except as provided in subsection (d)(2), an officer or employee of a State or local government may make off-site consequence analysis information available only to the extent that an officer or employee of the United States would be permitted to make the information available, consistent with the guidance and any regulations promulgated under subsection (e), except that a State or local government officer or employee may make available only the information that concerns stationary sources located in the State in which the officer or employee serves.

(8) COLLECTION AND MAINTENANCE OF RECORDS OF PERSONS SEEKING ACCESS TO INFORMATION.—

(A) LIMITATION ON AUTHORITY OF THE ADMINISTRATOR.—

(i) IN GENERAL.—The Administrator may collect and maintain records that reflect the identity of individuals and other persons seeking access to information under this section only to the extent that the collection and maintenance is relevant to, and necessary to accomplish, a purpose of the Environmental Protection Agency that is required to be accomplished by statute or by executive order of the President.

(ii) APPLICABILITY OF FREEDOM OF INFORMATION ACT.—Records collected under clause (i) shall be subject to section 552a of title 5, United States Code.

(B) LIMITATION ON AUTHORITY OF STATE OR LOCAL GOVERNMENTS.—An officer or employee of a State or local government may collect and maintain records that reflect the identity of individuals and other persons seeking access to information under this section only to the extent that the collection and maintenance is relevant to, and necessary to accomplish, a purpose of the employing agency that is required to be accomplished by State statute.

(9) CRIMINAL PENALTIES.—An officer or employee of the United States, or an officer or employee of a State or local government, who knowingly violates a restriction or prohibition established by this subsection shall be fined under section 3571 of title 18, United States Code, imprisoned not more than 1 year, or both.

(d) AVAILABILITY OF INFORMATION TO AND FROM AGENTS AND CONTRACTORS.—

(1) AVAILABILITY FROM UNITED STATES.—

(A) IN GENERAL.—An officer or employee of the United States may make off-site consequence analysis information available in any form to officers and employees of agents and contractors of the Federal Government for official use only.

(B) RESTRICTIONS AND PENALTIES.—For the purposes of this section, with respect to information made available under subparagraph (A), officers and employees of agents and contractors shall be considered to be officers and employees of the United States and shall be subject to the same restrictions and penalties as apply to officers and employees of the United States under this section.

(2) AVAILABILITY FROM STATE AND LOCAL GOVERNMENTS.—

(A) IN GENERAL.—An officer or employee of a State or local government may make off-site consequence analysis information available in any form to officers and employees of agents and contractors of the State or local government for official use only.

(B) RESTRICTIONS AND PENALTIES.—For the purposes of this section, with respect to information made available under subparagraph (A), officers and employees of agents and contractors shall be considered to be officers and employees of the State or local government and shall be subject to the same restrictions and penalties as apply to officers and employees of the State or local government under this section.

(e) GUIDANCE AND REGULATIONS.—

(1) ISSUANCE OF GUIDANCE.—

(A) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Administrator shall issue guidance setting forth procedures and methods for making off-site consequence analysis information available to the public in a manner consistent with this section.

(B) CONSULTATION.—The Administrator shall consult with the heads of other appropriate Federal agencies in developing the guidance.

(C) REVISION OF GUIDANCE.—The Administrator may revise the guidance, as appropriate, in consultation with the heads of appropriate Federal agencies.

(D) JUDICIAL REVIEW.—Guidance issued under this paragraph, and any revision of the guidance, shall not be subject to judicial review.

(E) REGULATIONS IN LIEU OF GUIDANCE.—To the extent that the Administrator determines to be appropriate, the Administrator may promulgate regulations instead of issue guidance under this subsection.

(2) REGULATIONS.—

(A) IN GENERAL.—The Administrator may promulgate such regulations as are necessary to carry out the duties of the Administrator under this section.

(B) JUDICIAL REVIEW.—Regulations promulgated under this paragraph shall be subject to judicial review to the same extent and in the same manner as regulations promulgated under section 112(r)(7) of the Clean Air Act (42 U.S.C. 7412(r)(7)).

(f) AUTHORITY TO ISSUE ORDERS.—The Administrator may exercise the authority provided under section 112(r)(9) of the Clean Air Act (42 U.S.C. 7412(r)(9)) to withhold, or prevent the release of, off-site consequence analysis information if the Administrator determines that release of the information may present an imminent and substantial endangerment to human health or welfare or the environment.

(g) DELEGATION.—To the extent that the Administrator determines to be appropriate, the Administrator may delegate the powers or duties of the Administrator under this section to any officer or employee of the Environmental Protection Agency.

(h) SITE SECURITY REVIEW AND PERIODIC RECOMMENDATIONS.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Attorney General may review industry practices regarding site security and the effectiveness of this section.

(2) CONDITIONS OF REVIEW.—A review under paragraph (1)—

(A) shall use, to the maximum extent practicable, data available as of the date of the review; and

(B) shall be conducted in consultation with appropriate governmental agencies, affected industries, and the public.

(3) RECOMMENDATIONS.—The Attorney General may periodically submit to Congress recommendations relating to the enhancement of site security practices and the need for continued implementation or modification of this section.

AMENDMENT NO. 735

(Purpose: To provide for controlled public access to off-site consequence analysis information)

Mr. GRASSLEY. Mr. President, I understand that Senator CHAFEE has an amendment at the desk, and I ask for the consideration of that amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY], for Mr. CHAFEE, proposes an amendment numbered 735 to the reported committee amendment.

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

Mr. CHAFEE. Mr. President, I rise in support of the managers' amendment to S. 880, the Fuels Regulatory Relief Act. S. 880 was voted out of the Senate Environmental and Public Works Committee on May 11. The risk management program, RMP, created by Section 112(r) of the Clean Air Act, was designed to focus companies and emergency response personnel on reducing the change of an accidental chemical release and on improving the response to releases when they happen. The RMP was partly a reaction to the Bhopal, India chemical disaster and is part

of a larger set of programs designed to reduce the likelihood of future accidental releases. In its regulation, EPA included propane and some other fuels in the program. This was seen as a problem because the RMP was not intended to address traditional fuel use. Senator INHOFE introduced S. 880 to relieve propane users from participation in the RMP.

During markup of S. 880, the Environment and Public Works Committee adopted an administration proposal to address public access to a part of a facility's risk management plan, known as off-site consequence analysis. The EPA had intended to release this information on its website, until the FBI raised concerns that posting this information on the Internet would provide an attractive targeting tool for terrorists and criminals. The administration's proposal, which the managers' amendment would modify, attempted to balance the benefits of public access to this information with the legitimate safety concerns raised by its public availability.

At the May 11 business meeting, members of the Environment and Public Works Committee raised some concerns about the administration's proposal. We had received the proposal little more than a day before the markup. Since then, committee staff from both sides of the aisle have worked diligently to resolve the difference and crafted a compromise that I believe improves upon the administration proposal. This amendment ensures that state and local emergency response officials have immediate and full access to this information. A greater measure of public access will be established within one year through a public notice and comment rulemaking.

There are two important differences between this amendment and the administration's proposal that the Environment and Public Works Committee adopted. First, this amendment requires a rulemaking process, with public notice and comment, in the final determination of the extent of public access. Second, the exemption from FOIA is only temporary, rather than the permanent exemption proposed by the administration. In this amendment, the FOIA exemption is waived unless the rule is finalized within one year. The entire provision, including the FOIA exemption, expires after six years. If it is appropriate at that time, Congress could reauthorize the FOIA exemption.

Both the managers' amendment and the administration language attempt to address the safety concerns raised by the availability of a national database of worst-case chemical accident information. To that end, the language in this bill will preempt State and local law regarding public access to government information. It makes little sense for us to limit public access at the federal level but not at the State level. As a former Governor, I believe the federal government must use the greatest restraint in exercising a preemption of State law. With that in mind, the managers' amendment makes clear that the preemption only applies to that information collected by the federal government. In other words, if a State were to require the submission of similar—or even identical—information about chemical releases, no federal restrictions would apply to its distribution.

I believe most companies will want to work with community leaders and emergency response personnel to reduce the risks associated with their facility. This amendment includes several tools to assist in the process of reducing risks. First, this amendment ensures that emergency response personnel get full and immediate access to this information. Second, the regulation will allow access to a limited number of copies for any member of the public so each of us can have the information about facilities in our community. Third, this amendment will allow access to a national database of this information that does not identify the facilities. This will allow people to compare their local facility with others around the country.

Finally, this amendment directs the administrator to create an information technology system that allows public access to off-site consequence analysis information on a read-only basis. This database would be centrally controlled by the federal government, much like the system the FBI uses to do background checks. Terminals to access the database could be placed in libraries and government offices around the nation where users could assess the information for research purposes, but not make copies of the information.

This product is not perfect, everyone had to make concessions in order to reach agreement, but what we have is a product that strikes an appropriate balance between public access to this information and the safety concerns raised by posting it on the Internet. I want to thank Senator INHOFE and Senator BAUCUS for their efforts to achieve a reasonable and speedy solution acceptable to all parties.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the amendment be agreed to.

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

The amendment (No. 735) was agreed to.

Mr. GRASSLEY. I ask unanimous consent that the committee amendment, as amended, be agreed to.

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

The committee amendment, as amended, was agreed to.

Mr. BAUCUS. Mr. President, the Fuels Regulatory Relief Act is a good measure. It has two major pieces. The first exempts flammable substances used as fuels, including propane, from the regulatory requirements of the Clean Air Act's risk management program. The second is the matter of public access to worst case scenario data.

The committee and all of Congress has heard the concerns of propane users and distributors. I have met with propane distributors from Montana on this subject. They feel that the burden imposed by the EPA's risk management program is costly and provides little public health protection. They have achieved some relief in court, but prefer, and this bill provides, a clearer statement of Congress' intent.

In the Clean Air Act Amendments of 1990, Congress directed EPA to compile a list of at least 100 substances that ''pose the greatest risk of causing death, injury, or serious adverse effects to human health or the environment from accidental releases.'' EPA was to consider the severity of acute health effects, the likelihood of releases, and the potential magnitude of exposure associated with accidental releases of a substance before putting it on the list.

I was a member of the conference committee on that bill. And, I believe that Congress did not intend that propane or flammables used as fuels would pass those tests and be listed. Congress was focused on preventing major toxic catastrophes, such as occurred in Bhopal, India, not the type of accidents that are covered by existing Federal or State fire safety or transportation laws. Because it was not Congress' intent that they be added, I am supporting removing them from the list.

As I mentioned during the committee's markup of S. 880, I wanted to be responsive to concerns of the firefighters and fire chiefs. They had hoped to get information on flammables used as fuels as part of the risk management program. But, as we discussed the matter further, it became clearer that their interests would be best served by the comprehensive GAO study we have placed in the bill on their information needs and the ability of Federal and State laws and programs to help them do their jobs.

The bill also directs the GAO to do an additional study on the status of changes to the National Fire Protection Association Code for propane (NFPA 58). This voluntary industry standard was often cited by members of the propane industry as sufficiently protective of the public so that no additional regulations were necessary. The GAO will report back on changes to NFPA 58 that will hopefully provide at least the same level of public benefit as would have been provided by the listing of propane under the RMP requirements. I look forward to seeing progress on NFPA 58 that is responsive to the fire fighting community.

I am pleased to note that we have been able to come to an agreement on a managers' amendment which is a substitute for section 4 of the reported version of S. 880. That was largely the Administration's proposal for providing appropriate public access to the sensitive parts of the risk management plans. Our amendment will help the administration continue implementing the accident prevention provisions of

the Clean Air Act in a sensible way. The amendment balances the public's right to know information about extremely hazardous substances with the need to place some limits on access to that information to prevent terrorists and other criminals from misusing it.

Section 4 is a response to a potential threat identified by the administration and industry. The Federal Bureau of Investigation (FBI) has testified before the Committee about its concerns that Internet posting of parts of the risk management plans (RMPs) required under section 112(r) of the Clean Air Act could increase the threat of criminal or terrorist actions. The FBI is particularly concerned about the possible use of off-site consequence or worst case scenario information in the RMPs by terrorists to rank targets and maximize harm to the public. That section of the Act was created to help prevent incidents like the one in Bhopal, India, where 3,000 people died and 200,000 were injured due to a chemical plant disaster.

I thank Senators LAUTENBERG, CHAFEE, INHOFE and representatives of the Administration for their work in developing the managers' amendment and moving this process along. It represents a real bipartisan team effort. Senator LAUTENBERG and his staff were particularly helpful in achieving a balanced agreement on the risk management plan portions of the amendment.

In early May, the administration sent up a legislative proposal to create a more secure system for handling sensitive RMP information. The administration's hope was that Congress would act before June 21, 1999, because that is the statutory deadline under the Clean Air Act for significant users of extremely hazardous substances to submit their RMP information to EPA. The act directs EPA to make that information available to local emergency responders, the States and the public. Unless this bill or similar legislation is passed soon, with a retroactivity clause included, the Administration cannot limit public access to this sensitive information and would not be able to prevent it from getting on the Internet. The Freedom of Information Act, FOIA, requires this kind of information be made available to the public, since it is not classified or considered confidential business information. The RMP information is a truly new category of government information.

The committee approved the administration's proposal on May 11, 1999, with the understanding that changes would have to be made before it would be ready for the full Senate's consideration. Fundamentally, this managers' amendment is similar to the Administration proposal. They both establish a system for accessing RMP information which is separate and distinct from the usual FOIA process. However, the approach in the managers' amendment provides a one-year exemption from FOIA while regulations are developed to govern the handling of and access to worst-case scenario information. This rulemaking period is a recognition of the need to air the many issues rising from the creation of this new information access system. Concerns about it have been raised by the public, the States' Attorneys General, first responders, librarians and environmental groups, since the Administration proposal was approved.

To encourage an expedited rulemaking process, the FOIA exemption would be lifted if the rule is not completed within one year. In any event, the FOIA exemption would be lifted six years after enactment. This deadline ensures that Congress revisits and oversees the matter and is in keeping with the probable obsolescence of any information technology developed to satisfy the security concerns of the FBI and the public access concerns of the EPA.

State and local government personnel and affiliated individuals who need the worst case information for the official use of detecting, preventing, and responding to chemical facility accidents and their off-site consequences would be assured of getting it during the rulemaking period and after the rule is issued. However, to limit the chances that this information could get on the Internet, these people would be required to exercise great care in their use and distribution of it. The same restrictions would be placed on qualified researchers. Guidance will be issued by EPA, as part of the rulemaking, describing the official uses of the sensitive RMP information.

The amendment establishes penalties for those who knowingly or willfully violate the restrictions on the dissemination of the sensitive parts of the RMP. There would be a two-tiered approach. People who knowingly misuse the information could be fined up to $5,000 for each infraction. People who violate willfully, meaning that they know what the law or regulations prohibit and proceed anyway regardless of potential consequences, could face fines up to $1 million per calendar year.

The Clean Air Act's risk management program was created by Congress to help prevent chemical accidents that can harm our communities. People living near chemical plants do not care whether an accident occurs because of operator negligence or criminal activity. They want to feel and be secure from such threats. That is why we are taking this step today. We want to reduce the opportunity that Internet dissemination of worst case scenario information could be used by criminals to cause terror or destruction. We have even included an emphasis on preventing criminal releases of extremely hazardous substances, to make it clear that these should be an important focus of the accidental release prevention program.

But, we also want to preserve the important incentive created by public knowledge about chemical accidents and their consequences. That knowledge encourages manufacturers to improve the efficiency of their processes and plant safety. That is why we have provided the maximum possible public access to RMP information in this amendment and the Clean Air Act.

The right-to-know effect has been very successful in reducing overall toxic emissions to air, water and land. Knowing more about the off-site consequences of these substances should encourage companies to build safer facilities and look for alternative manufacturing methods. After all, it is part of the general duty under section 112(r) for owners and operators of chemical plants ''to design and maintain a safe facility taking such steps as are necessary to prevent [accidental] releases.'' Clearly, measures which entirely eliminate the presence of potential hazards, through substitution of less harmful substances or by minimizing the quantity of an extremely hazardous substance, as opposed to those which merely provide additional containment, are the most preferred and would be most effective in reducing the risk of accidental releases. The amendment specifically authorizes EPA and the Department of Justice to help owners and operators develop voluntary industry standards to carry out the various objectives of the general duty clause.

Mr. President, we are prepared for final passage. I urge my colleagues to support the measure, and I hope the House will take up this matter and send it quickly to the President.

Mr. INHOFE. Mr. President, after many weeks of intensive negotiations, I am pleased the members of the Environment and Public Works Committee and the administration were able to come to an agreement on S. 880, the Fuels Regulatory Relief Act. I take this opportunity to clarify certain points of this important legislation.

One item that is of particular concern is the possibility for circumvention by covered persons. New subparagraph (H)(xii)(II) states that it ''does not restrict the dissemination of off-site consequence analysis information by any covered person in any manner or form except in the form of a risk management plan.'' My concern is that this provision would seem to allow a government official in possession of this information to alter it in some minor, trivial way—like white out the words ''Risk Management Plan'' at the top of the page—and then distribute it with complete impunity. That possibility would obviously undermine the entire purpose of the legislation.

The purpose of this part of the bill is simply to clarify that covered persons can talk generally to the public about off-site consequence information—so that they can prepare documents that discuss the overall effect of OCAs in a particular state or locality, or so that they can prepare summaries like the executive summaries of risk management plans. But this provision would not allow them to release OCA information about a particular facility, or

in a way that would tend to identify a particular facility, except to the extent allowed by the regulations envisioned in the bill, or in the event that the one-year moratorium expired without any regulations having been promulgated. The only exception would be where the covered person came into possession of information that could be described as ''off-site consequence information,'' but which was generated by some totally different process than the Risk Management Program.

I am also troubled about the provision entitled ''Effect on State or Local Law.'' On the one hand, subparagraph (H)(x)(I) states that the bill, and the regulations under it, shall supersede any inconsistent provision of state or local law. But on the other hand, that preemption is ''subject to'' subparagraph (H)(x)(II), which says ''nothing in [the bill] precludes a State from making available off-site consequence analysis information collected in accordance with State law.''

The issue of preemption of State laws is always a concern of mine, and I believe this legislation provides the proper balance of necessary protection of information and the guidance for States to follow. The bill prevents States from disseminating any information that they receive from a facility directly, or indirectly from any other person, that was generated in the course of complying with Clean Air Act section 112(r)(7). The only way a State can disseminate such information is pursuant to the regulations called for by the bill, or if the moratorium created by the bill expires without any regulations having been promulgated.

In plain language, what paragraph (H)(x)(II) does is say that where a State enacts its own, completely free-standing statute that calls for the independent collection of information that fits the definition of ''offsite consequence analysis information,'' then the State is allowed to release that information in accordance with State law. So far as I am aware, no such State law currently exists. Obviously, I would hope that before a State enacted such a law, it would carefully consider the reasons that have led us to entertain this legislation today; the need to keep such sensitive information from being put on the Internet or otherwise made widely available without adequate assessment of the security risks created thereby.

Many responsible companies regulated by the RMP program realized a long time ago that they needed to reach out and engage their local communities about the possible offsite consequences of releases from their facilities. Many companies started this dialogue process years ago, and many more are engaged in it right now. Clearly this sort of voluntary outreach is precisely the sort of behavior that we want to encourage, not discourage. I am worried about subparagraph (H)(v)(III), which says that where a facility ''makes off-site consequence analysis information relating to that stationary source available to the public without restriction,'' the prohibitions and sanctions created by the bill would no longer apply. I'm concerned that this provision will lead facilities to be very hesitant to reveal any information about offsite consequences, for fear that they will thereby be authorizing government agencies to put their OCA data on the Internet.

Under the legislation, ''offsite consequence analysis information'' is a defined term which is defined as ''those portions of a risk management plan, excluding the executive summary of the plan, consisting of an evaluation of 1 or more worst-case scenario or alternative scenario accidental releases * * *.'' So before a facility would lose the protections provided by this bill, it would have to release its risk management plan, or at least the OCA portion of that plan, and do so without any restrictions whatsoever. They would be free to summarize or repackage the information in a different form without triggering the provision in question. I think this creates a real bright-line test that should give facilities the kind of assurance they need to allow them to continue doing the sort of outreach I also want to encourage.

Section (H)(ii) of the amendment requires, first, that the President assess the risks associated with posting off-site consequence analyses on the Internet, and second, based on that assessment, to regulate in a manner that minimizes the likelihood of both accidental and criminal releases from covered facilities. At a minimum, these regulations should accomplish the following goals in providing access to off-site-consequence information:

Minimize the likelihood of accidental and criminal releases;

Allow limited access to paper copies of the analyses;

Allow other public access as appropriate; and

Provide access for official uses.

I note that the ''other public access'' contemplated under this provision relates to the availability of summaries or other discussions of off-site consequence analyses that do not identify the specific facility or location, and to mechanisms such as ''read-only'' approaches that preclude copying. Further, for the access by officials in contiguous states or localities indicated in (H)(ii)(II)(cc)-(ee), the intention is to provide official access to off-site consequence analyses in cases where the affected facilities have worst-case scenarios that impact the contiguous state or locality.

Mr. PRESIDENT, I thank the distinguished chairman, Senator CHAFEE, for his guidance and also the tremendous cooperation by the ranking member, Senator BAUCUS. Their work has ensured the passage of this important legislation. I yield the floor.

EXEMPTED SUBSTANCES

Mr. INHOFE. Mr. President, I rise to make a few remarks about S. 880, the Fuels Regulatory Relief Act. This bill is designed to address the listing of certain flammable fuels under section 112(r)(3) of the Clean Air Act. The Committee determined that propane and flammables used as fuels should not be listed as a regulated or extremely hazardous substances because they do not comport with the Act's criteria for such listing. However, the National Association of Fire Fighters are concerned that removing these substances from Federal regulation under section 112(r) of the act will limit information regarding these fuels that would have been available to the public through the Risk Management Plans, RMP required by EPA's final rule implementing that section.

Mr. BAUCUS. Mr. President, I want to thank my colleague from Oklahoma for his work on this piece of legislation. I think it is responsive to the concerns that we heard from the fire fighters and the other first responders. They are concerned about losing access to information that would have been included in RMPs for those substances exempted by this bill. The RMP information was intended by Congress to aid emergency responders and communities in the prevention of loss of life and property that might occur due to accidental releases of hazardous substances. The component of the RMPs of greatest interest to the emergency responders is the hazard assessment required by section 112(r)(7)(B)(ii)(I).

Mr. INHOFE. I also thank my colleague from Montana for his work on this bill. We are very aware of the dangers fire fighters and other emergency response personnel face every day protecting the lives of our people and we want to provide them with the information they need to handle threats posed by extremely hazardous substances. Nonetheless, the substances generally addressed by S. 880, section 3, do not warrant coverage by a Clean Air Act requirement to submit RMPs. A voluntary, non-regulatory approach, such as the voluntary standards of the National Fire Protection Association for Liquified Petroleum Gas (NFPA 58), can better supply the information needed by fire fighters to protect their and the public's health and welfare.

Mr. BAUCUS. I agree with my colleague, but NFPA 58 does not currently require the development of hazard assessment or off-site consequence analysis information. NFPA 58 also does not make specific provision for communicating or sharing this information with local emergency response authorities or personnel. Another problem with the NFPA Code is that state fire protection codes laws refer to NFPA 58 as of a certain date. Therefore, when the Code is updated, state laws do not automatically reflect subsequent changes to it.

Mr. INHOFE. That is true. There are two reports included in this legislation designed to address those specific problems. The first report will examine the status of amendments to NFPA 58 that

will provide to local emergency response personnel information concerning the off-site effects of accidental releases of those substances exempted from listing by section 3 of this legislation. We strongly encourage all the parties involved in this NFPA amendment process to work together in good faith and in a timely manner. The second report is designed to examine the sufficiency of the information local emergency response personnel receive to help them respond to chemical accidents. Specifically, the report will address the level of compliance with all federal and state requirements for submission of this information to emergency response personnel. Also, the report will examine the adequacy of the methods for delivering this information to emergency response personnel.

Mr. BAUCUS. I believe these reports will be of great help to firefighters and other emergency responders in looking at the adequacy of the information they need and get to do their jobs well. If the reports come back showing that the Federal government has not done its share to make their job of protecting the public easier, then this committee and others should take quick action to address any gaps in the system.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to this bill appear at the appropriate place in the RECORD.

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

The bill (S. 880), as amended, was read the third time and passed, as follows:

S. 880

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 ''Fuels Regulatory Relief Act''.

SEC. 2. FINDINGS.

Congress finds that, because of their low toxicity and because they are regulated sufficiently under other programs, flammable fuels, such as propane, should not be included on the list of substances subject to the risk management plan program under section 112(r) of the Clean Air Act (42 U.S.C. 7412(r)).

SEC. 3. REMOVAL OF FLAMMABLE FUELS FROM RISK MANAGEMENT LIST.

Section 112(r)(4) of the Clean Air Act (42 U.S.C. 7412(r)(4)) is amended—

(1) by redesignating subparagraphs (A) through (C) as clauses (i) through (iii), respectively, and indenting appropriately;

(2) by striking ''Administrator shall consider each of the following criteria—'' and inserting the following: ''Administrator—

''(A) shall consider—'';

(3) in subparagraph (A)(iii) (as designated by paragraphs (1) and (2)), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(B) shall not list a flammable substance when used as a fuel or held for sale as a fuel under this subsection solely because of the explosive or flammable properties of the substance, unless a fire or explosion caused by the substance will result in acute adverse heath effects from human exposure to the substance, including the unburned fuel or its combustion byproducts, other than those caused by the heat of the fire or impact of the explosion.''.

SEC. 4. PUBLIC ACCESS TO OFF-SITE CONSEQUENCE ANALYSIS INFORMATION.

(a) IN GENERAL.—Section 112(r)(7) of the Clean Air Act (42 U.S.C. 7412(r)(7)) is amended by adding at the end the following:

''(H) PUBLIC ACCESS TO OFF-SITE CONSEQUENCE ANALYSIS INFORMATION.—

''(i) DEFINITIONS.—In this subparagraph:

''(I) COVERED PERSON.—The term 'covered person' means—

''(aa) an officer or employee of the United States;

''(bb) an officer or employee of an agent or contractor of the Federal Government;

''(cc) an officer or employee of a State or local government;

''(dd) an officer or employee of an agent or contractor of a State or local government;

''(ee) an individual affiliated with an entity that has been given, by a State or local government, responsibility for preventing, planning for, or responding to accidental releases and criminal releases;

''(ff) an officer or employee or an agent or contractor of an entity described in item (ee); and

''(gg) a qualified researcher under clause (vii).

''(II) CRIMINAL RELEASE.—The term 'criminal release' means an emission of a regulated substance into the ambient air from a stationary source that is caused, in whole or in part, by a criminal act.

''(III) OFFICIAL USE.—The term 'official use' means an action of a Federal, State, or local government agency or an entity referred to in subclause (I)(ee) intended to carry out a function relevant to preventing, planning for, or responding to accidental releases or criminal releases.

''(IV) OFF-SITE CONSEQUENCE ANALYSIS INFORMATION.—The term 'off-site consequence analysis information' means those portions of a risk management plan, excluding the executive summary of the plan, consisting of an evaluation of 1 or more worst-case scenario or alternative scenario accidental releases, and any electronic data base created by the Administrator from those portions.

''(V) RISK MANAGEMENT PLAN.—The term 'risk management plan' means a risk management plan submitted to the Administrator by an owner or operator of a stationary source under subparagraph (B).

''(ii) REGULATIONS.—Not later than 1 year after the date of enactment of this subparagraph, the President shall—

''(I) assess—

''(aa) the increased risk of terrorist and other criminal activity associated with the posting of off-site consequence analysis information on the Internet; and

''(bb) the incentives created by public disclosure of off-site consequence analysis information for reduction in the risk of accidental releases and criminal releases; and

''(II) based on the assessment under subclause (I), promulgate regulations governing the distribution of off-site consequence analysis information in a manner that, in the opinion of the President, minimizes the likelihood of accidental releases and criminal releases and the likelihood of harm to public health and welfare, and—

''(aa) allows access by any member of the public to paper copies of off-site consequence analysis information for a limited number of stationary sources located anywhere in the United States;

''(bb) allows other public access to off-site consequence analysis information as appropriate;

''(cc) allows access for official use by a covered person described in any of items (cc) through (ff) of clause (i)(I) (referred to in this subclause as a 'State or local covered person') to off-site consequence analysis information relating to stationary sources located in the person's State;

''(dd) allows a State or local covered person to provide, for official use, off-site consequence analysis information relating to stationary sources located in the person's State to a State or local covered person in a contiguous State; and

''(ee) allows a State or local covered person to obtain for official use, by request to the Administrator, off-site consequence analysis information that is not available to the person under item (cc).

''(iii) AVAILABILITY UNDER FREEDOM OF INFORMATION ACT.—

''(I) FIRST YEAR.—Off-site consequence analysis information, and any ranking of stationary sources derived from the information, shall not be made available under section 552 of title 5, United States Code, during the 1-year period beginning on the date of enactment of this subparagraph.

''(II) AFTER FIRST YEAR.—If the regulations under clause (ii) are promulgated on or before the end of the period described in subclause (I), off-site consequence analysis information covered by the regulations, and any ranking of stationary sources derived from the information, shall not be made available under section 552 of title 5, United States Code, after the end of that period.

''(III) APPLICABILITY.—Subclauses (I) and (II) apply to off-site consequence analysis information submitted to the Administrator before, on, or after the date of enactment of this subparagraph.

''(iv) AVAILABILITY OF INFORMATION DURING TRANSITION PERIOD.—The Administrator shall make off-site consequence analysis information available to covered persons for official use in a manner that meets the requirements of items (cc) through (ee) of clause (ii)(II), and to the public in a form that does not make available any information concerning the identity or location of stationary sources, during the period—

''(I) beginning on the date of enactment of this subparagraph; and

''(II) ending on the earlier of the date of promulgation of the regulations under clause (ii) or the date that is 1 year after the date of enactment of this subparagraph.

''(v) PROHIBITION ON UNAUTHORIZED DISCLOSURE OF INFORMATION BY COVERED PERSONS.—

''(I) IN GENERAL.—Beginning on the date of enactment of this subparagraph, a covered person shall not disclose to the public off-site consequence analysis information in any form, or any statewide or national ranking of identified stationary sources derived from such information, except as authorized by this subparagraph (including the regulations promulgated under clause (ii)). After the end of the 1-year period beginning on the date of enactment of this subparagraph, if regulations have not been promulgated under clause (ii), the preceding sentence shall not apply.

''(II) CRIMINAL PENALTIES.—

''(aa) KNOWING VIOLATIONS.—A covered person that knowingly violates a restriction or prohibition established by this subparagraph (including the regulations promulgated under clause (ii)) shall be fined not more than $5,000 for each unauthorized disclosure of off-site consequence analysis information. The disclosure of off-site consequence analysis information for each specific stationary source shall be considered a separate offense. Section 3571 of title 18, United States Code, shall not apply to an offense under this item. The total of all penalties that may be imposed on a single person or organization

under this item shall not exceed $100,000 for violations committed during any 1 calendar year.

''(bb) WILLFUL VIOLATIONS.—A covered person that willfully violates a restriction or prohibition established by this subparagraph (including the regulations promulgated under clause (ii)) shall be fined under section 3571 of title 18, United States Code, for each unauthorized disclosure of off-site consequence analysis information, but shall not be subject to imprisonment. The total of all penalties that may be imposed on a single person or organization under this item shall not exceed $1,000,000 for violations committed during any 1 calendar year.

''(III) APPLICABILITY.—If the owner or operator of a stationary source makes off-site consequence analysis information relating to that stationary source available to the public without restriction—

''(aa) subclauses (I) and (II) shall not apply with respect to the information; and

''(bb) the owner or operator shall notify the Administrator of the public availability of the information.

''(IV) LIST.—The Administrator shall maintain and make publicly available a list of all stationary sources that have provided notification under subclause (III)(bb).

''(vi) GUIDANCE.—

''(I) ISSUANCE.—Not later than 60 days after the date of enactment of this subparagraph, the Administrator, after consultation with the Attorney General and the States, shall issue guidance that describes official uses of off-site consequence analysis information in a manner consistent with the restrictions in items (cc) through (ee) of clause (ii)(II).

''(II) RELATIONSHIP TO REGULATIONS.—The guidance describing official uses shall be modified, as appropriate, consistent with the regulations promulgated under clause (ii).

''(III) DISTRIBUTION.—The Administrator shall transmit a copy of the guidance describing official uses to—

''(aa) each covered person to which off-site consequence analysis information is made available under clause (iv); and

''(bb) each covered person to which off-site consequence analysis information is made available for an official use under the regulations promulgated under clause (ii).

''(vii) QUALIFIED RESEARCHERS.—

''(I) IN GENERAL.—Not later than 180 days after the date of enactment of this subparagraph, the Administrator, in consultation with the Attorney General, shall develop and implement a system for providing off-site consequence analysis information, including facility identification, to any qualified researcher, including a qualified researcher from industry or any public interest group.

''(II) LIMITATION ON DISSEMINATION.—The system shall not allow the researcher to disseminate, or make available on the Internet, the off-site consequence analysis information, or any portion of the off-site consequence analysis information, received under this clause.

''(viii) READ-ONLY INFORMATION TECHNOLOGY SYSTEM.—In consultation with the Attorney General and the heads of other appropriate Federal agencies, the Administrator shall establish an information technology system that provides for the availability to the public of off-site consequence analysis information by means of a central data base under the control of the Federal Government that contains information that users may read, but that provides no means by which an electronic or mechanical copy of the information may be made.

''(ix) VOLUNTARY INDUSTRY ACCIDENT PREVENTION STANDARDS.—The Environmental Protection Agency, the Department of Justice, and other appropriate agencies may provide technical assistance to owners and operators of stationary sources and participate in the development of voluntary industry standards that will help achieve the objectives set forth in paragraph (1).

''(x) EFFECT ON STATE OR LOCAL LAW.—

''(I) IN GENERAL.—Subject to subclause (II), this subparagraph (including the regulations promulgated under this subparagraph) shall supersede any provision of State or local law that is inconsistent with this subparagraph (including the regulations).

''(II) AVAILABILITY OF INFORMATION UNDER STATE LAW.—Nothing in this subparagraph precludes a State from making available data on the off-site consequences of chemical releases collected in accordance with State law.

''(xi) REPORT ON ACHIEVEMENT OF OBJECTIVES.—

''(I) IN GENERAL.—Not later than 3 years after the date of enactment of this subparagraph, the Comptroller General shall submit to Congress a report that describes the extent to which the regulations promulgated under this paragraph have resulted in actions, including the design and maintenance of safe facilities, that are effective in detecting, preventing, and minimizing the consequences of releases of regulated substances that may be caused by criminal activity.

''(II) INTERIM REPORT.—Not later than 270 days after the date of enactment of this subparagraph, the Comptroller General shall submit to Congress an interim report that includes, at a minimum—

''(aa) the preliminary findings under subclause (I);

''(bb) the methods used to develop those findings; and

''(cc) an explanation of the activities expected to occur that could cause the findings of the report under subclause (I) to be different from the preliminary findings.

''(xii) SCOPE.—This subparagraph—

''(I) applies only to covered persons; and

''(II) does not restrict the dissemination of off-site consequence analysis information by any covered person in any manner or form except in the form of a risk management plan or an electronic data base created by the Administrator from off-site consequence analysis information.

''(xiii) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator and the Attorney General such sums as are necessary to carry out this subparagraph (including the regulations promulgated under clause (ii)), to remain available until expended.''.

(b) REPORTS.—

(1) DEFINITION OF ACCIDENTAL RELEASE.—In this subsection, the term ''accidental release'' has the meaning given the term in section 112(r)(2) of the Clean Air Act (42 U.S.C. 7412(r)(2)).

(2) REPORT ON STATUS OF CERTAIN AMENDMENTS.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the status of the development of amendments to the National Fire Protection Association Code for Liquefied Petroleum Gas that will result in the provision of information to local emergency response personnel concerning the off-site effects of accidental releases of substances exempted from listing under section 112(r)(4)(B) of the Clean Air Act (as added by section 3).

(3) REPORT ON COMPLIANCE WITH CERTAIN INFORMATION SUBMISSION REQUIREMENTS.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that—

(A) describes the level of compliance with Federal and State requirements relating to the submission to local emergency response personnel of information intended to help the local emergency response personnel respond to chemical accidents or related environmental or public health threats; and

(B) contains an analysis of the adequacy of the information required to be submitted and the efficacy of the methods for delivering the information to local emergency response personnel.

(c) TERMINATION OF AUTHORITY.—The authority provided by this section and the amendment made by this section terminates 6 years after the date of enactment of this Act.

ORDERS FOR THURSDAY, JUNE 24, 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, June 24. 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, the time for the two leaders be reserved for their use later in the day, and that the Senate immediately resume consideration of the agriculture appropriations bill.

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

PROGRAM

Mr. GRASSLEY. For the information of all Senators, tomorrow the Senate will convene at 9:30 a.m. and immediately resume consideration of the agriculture appropriations bill. It is hoped that an agreement can be reached to consider agriculture-related amendments during Thursday's session of the Senate. All Senators can expect rollcall votes throughout the session tomorrow as the Senate works to make progress on the agriculture appropriations bill.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. GRASSLEY. Mr. President, 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.

There being no objection, the Senate, at 6:28 p.m., adjourned until Thursday, June 24, 1999, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 23, 1999:

COMMODITY FUTURES TRADING COMMISSION

WILLIAM J. RANIER, OF NEW MEXICO, TO BE CHAIRMAN OF THE COMMODITY FUTURES TRADING COMMISSION, VICE BROOKSLEY ELIZABETH BORN, RESIGNED.

WILLIAM J. RANIER, OF NEW MEXICO, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR THE TERM EXPIRING APRIL 13, 2004, VICE BROOKSLEY ELIZABETH BORN, RESIGNED.

DEPARTMENT OF LABOR

IRASEMA GARZA, OF MARYLAND, TO BE DIRECTOR OF THE WOMEN'S BUREAU, DEPARTMENT OF LABOR, VICE KAREN BETH NUSSBAUM, RESIGNED.

T. MICHAEL KERR, OF THE DISTRICT OF COLUMBIA, TO BE ADMINISTRATOR OF THE WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR, VICE MARIA ECHAVESTE, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO

THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

GEORGE D. LANNING, 0000
ANDREW W. SHATTUCK, 0000
RAYMOND L.G. TAIMANGLO, 0000
DAVID T. YOHMAN, 0000
GREGORY J. ZANETTI, 0000

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 commander

MICHAEL K. ABATE, 0000
BRADFORD E. ABLESON, 0000
JOSEPH ACEVEDO, 0000
DON C.B. ALBIA, 0000
ANGELA M. ALSBERRY, 0000
JAMES K. AMSBERRY, 0000
CHARLES J. ANDERSON, 0000
NILS ANDERSON, 0000
JAMES M. ANDREANO, 0000
ROBERT E. ANDRES, 0000
DIANNE A. ARCHER, 0000
LUISITO J. AREVALO, 0000
THOMAS C. ARMEL, 0000
MICHAEL J. ARNOLD, 0000
MARIE A. AUBINKELLY, 0000
EUNICEA S. AUGUSTUS, 0000
VINCENT G. AUTH, 0000
GARY L. BAKER, 0000
M. K. BALDWIN, 0000
KATHRYN A. BALLANTYNE, 0000
MICHAEL J. BANGS, 0000
JEFFREY R. BAQUER, 0000
JAMES M. BARNARD, 0000
WILLIAM M. BARNETT, 0000
JOANN BASLER, 0000
DEBRA D. BASSETTMITCHELL, 0000
GREGORY M. BEAVERS, 0000
STEPHEN S. BELL, 0000
IOANA BETTIOS, 0000
JOSEPH E. BIRON, 0000
RONALD L. BLACK, 0000
GREGORY S. BLASCHKE, 0000
JEFFREY P. BLICE, 0000
PETER C. BONDY, 0000
DOUGLAS S. BORREBACH, 0000
SHIRLEY M. BOWENS, 0000
ERIC A. BOWER, 0000
WILLIAM S. BOWMAN, 0000
WILLIAM P. BRADLEY, 0000
KENNETH W. BRANCH, 0000
DOUGLAS F. BREWSTER, 0000
KENNETH J. BRINSKO, 0000
GARY A. BROADWELL, 0000
JOHN E. BROWN, 0000
WALTER M. BROWN, JR., 0000
JOHN P. BROWNING, 0000
JOSEPHINE BRUMIT, 0000
CRAIG E. BUCHMANN, 0000
ROBERT H. BUCKLEY, 0000
BONNIE A. BULACH, 0000
CARRIE L. BURGER, 0000
JOHN B. BURGESS, JR., 0000
TIMOTHY W. BURNS, 0000
BARBARA A. BURR, 0000
LOURDES E. BURTH, 0000
BARBARA K. BUTLER, 0000
ROBERTO J. CABASSA, 0000
DONALD B. CAMPBELL, JR., 0000
JOHN W. CAMUSO, 0000
PHILIP J. CANDREVA, 0000
JESUS V. CANTU, 0000
DOUGLAS N. CARBINE, 0000
JAMES L. CARUSO, 0000
ROBERT A. CARUSO, JR., 0000
DAVID W. CASH, 0000
DAVID CASTELLAN, 0000
GREGG A. CERVI, 0000
ROBERT J. CHAMBERLAIN, 0000
ALEXANDER C. CHAVEZ, 0000
ROBERT W. CHENIER, 0000
RUTH A. CHRISTOPHERSON, 0000
JEFFREY B. COLE, 0000
ROBERT W. COLE, JR., 0000
TIMOTHY P. COLLINS, 0000
JEFFREY A. CONWELL, 0000
KEVIN D. COOK, 0000
RICHARD D. COOK, 0000
MARK N. COPENHAVER, 0000
WILLIAM F. CORDS, 0000
JOSEPH P. COSTELLO, 0000
CLAUDE J. COUCOULES, 0000
JEFFREY J.S. COX, 0000
JUDITH A. COX, 0000
DARRYL K. CREASY, 0000
RICHARD E. CROMPTON, 0000
MIGUEL A. CUBANO, 0000
LATANYA D. DAVIDSONWILSON, 0000
DAVID A. DAVIES, 0000
BRENDA DAVIS, 0000
CHRISTIAN C. DECKER, 0000
THOMAS J. DELANEY, 0000
CAROLINE V. DELIZO, 0000
JOHNNY M. DENHAM, 0000
EDWARD D. DIGGES, 0000
ANNE M. DIGGS, 0000
SUSAN E. DIONNE, 0000
KAREN A. DIRENZO, 0000
JEFFREY D. DISNEY, 0000
HENRY V. DOBSON, JR., 0000
STEVEN W. DOLLASE, 0000
RONALD F. DOMMERMUTH II, 0000
CATHARINE H. DUGGAN, 0000
MITCHELL DUKOVICH, 0000
KENNETH C. EARHART, 0000
LEE G. EBERT, 0000
ELAINE C. EHRESMANN, 0000
JAMES K. ELLIS, 0000
HELENA G. ELY, 0000
ROBERT G. FAHEY, 0000
KAREN FALLON, 0000
DAVID P. FAULK, 0000
EDMOND F. FEEKS, 0000
MATTHEW S. FEELY, 0000
JAMES P. FLINT, 0000
DAVID W. FLOYD, 0000
KEVIN F. FLYNN, 0000
JERRY A. FORMISANO, JR., 0000
KIRK A. FOSTER, 0000
DAVID P. FOWLER, 0000
LINO L. FRAGOSO, 0000
LAFRANCIS D. FRANCIS, 0000
DAVID J. FRYAUFF, 0000
STEVEN M. GALESKI, 0000
EDDIE A. GARCIA, 0000
THERESA S. GEE, 0000
SUSAN M. GIANINO, 0000
PATRICK J. GIBBONS, 0000
ROBERT J. GIBBS, 0000
EDUARD GONZALEZ, 0000
VIDAL E. GONZALEZ, 0000
ROBERT A. GOODMAN, 0000
WALTER A. GRAUER, 0000
LINDA K. GREENE, 0000
JEFFREY S. GRIFFITH, 0000
STEVEN L. GRIFFITTS, 0000
SANGSOO J. GRZESIK, 0000
JASON E. GUEVARA, 0000
KEITH B. GUSTAFSON, 0000
PAUL HAMMER, 0000
MARK E. HAMMETT, 0000
JAMES W. HANSEN, 0000
STEFFANI H. HANSEN, 0000
JEFFREY M. HARDIN, 0000
ROBERT R. HARFORD, 0000
DAVID M. HARMATZ, 0000
DAVID W. HARRIS II, 0000
GAIL L. HATHAWAY, 0000
CYNTHIA L. HEINS, 0000
JOHN J. HEINZEL, 0000
DAVID H. HELLMAN, 0000
JOSEPH P. HENNESSY, 0000
ERIC HERBERT, 0000
RENE S. HERNANDEZ, 0000
JENNIFER S. HEROLD, 0000
CRAIG L. HERRICK, 0000
CYNTHIA J. HILL, 0000
DEBORAH L. HILL, 0000
BRUCE R. HILT, 0000
JAMES D. HOAG, 0000
SCOTT H. HOLDEN, JR., 0000
RAYMOND J. HOOD, 0000
DIANE L. HOOVER, 0000
JAMES H. HOOVER, 0000
JEFFREY C. HORTON, 0000
CYNTHIA W. IZUMIYA, 0000
JASON A. JACKSON, 0000
MOORE H. JAN, 0000
CARLOS V. JARAMILLO, 0000
JANET R. JENISTA, 0000
CHRISTOPHER J. JENNINGS, 0000
EVAN K. JOHNSTON, 0000
DOUGLAS A. JONES, 0000
JAMES W. JOSLYN, 0000
MARK A. JUMPER, 0000
STEPHAN F. JUN, 0000
KEVIN T. KALANTA, 0000
MARY A. KASPRZAK, 0000
TIMOTHY R. KENNEDY, 0000
BRIAN G. KERR, 0000
SIDNEY J. KIM, 0000
THOMAS J. KIM, 0000
JOHN G. KING, 0000
KATHERINE KITSVANHEYNINGEN, 0000
CHRISTOPHER H. KIWUS, 0000
BARBARA A. KLUS, 0000
JOHN W. KNOWLES, 0000
BRADLEY S. KOCH, 0000
PETER E. KOPACZ, 0000
MARK P. LAMBRECHT, 0000
ALLEN H. LAMSON, 0000
FREDERICK J. LANDRO, 0000
JOHN J. LANDRY, 0000
MICHAEL W. LANGSTON, 0000
JAMES W. LANTRY, JR., 0000
TIMOTHY S. LANTZ, 0000
THERESA M. LAVOIE, 0000
RUSSELL S. LAWRY, 0000
BRYCE E. LEFEVER, 0000
JAMES C. LEIBOLD, 0000
LISA J. LEIBY, 0000
BETH E. LEINBERRY, 0000
DAVID LEONARD, 0000
THOMAS J. LEONARD, 0000
HERMAN G. LEONG, 0000
RUPERT F. LINDO, 0000
MICHAEL LIPSKI, 0000
EDWIN T. LONG, 0000
ARTURO A. LOPEZ, 0000
LOUISE A. LOY, 0000
WILLIAM H. LYNCH, 0000
JOHN F. LYNN, 0000
MARK R. MALEBRANCHE, 0000
KENNETH J. MAMOT, 0000
CHRISTOPHER J. MANN, 0000
CAMERON A. MANNING, 0000
EMILIO MARRERO, JR., 0000
SHARI E. MARSH, 0000
ROBERT W. MARSHALL, 0000
LESLIE D. MARTIN, 0000
TAMARA C. MARTIN, 0000
JEFFREY MARTINEZ, 0000
MICHAEL MATHIEU, 0000
CLIFFORD M. MAURER, 0000
NICHOLAS MAZZEO, 0000
JENNIFER B. MCCOY, 0000
GEOFFREY MCCULLEN, 0000
SHARON M. MCDONALD, 0000
K NIEMANTSVERDRIET MCDONALD, 0000
ROBERT J. MCGARRITY, 0000
JOHN R. MCKONE II, 0000
NEAL P. MCMAHON, 0000
MICHAEL B. MCPEAK, 0000
LISA K. MCWHORTER, 0000
GRETCHEN A. MEYER, 0000
CARY H. MEYERS, 0000
KATHLEEN A. MICHEL, 0000
JOHN F. MILLER, 0000
JACK Q. MILLS, 0000
KURT S. MILSON, 0000
Y. D. C. O. E. MINOSO, 0000
JOHN D. MITCHELL, 0000
PAUL MITCHELL, 0000
STEVEN W. MOLL, 0000
KENNETH R. MONTGOMERY, 0000
RANDALL W. MOORE, 0000
THOMAS K. MOORE, 0000
ANDREW S. MORGAN, 0000
TIMOTHY M. MORGAN, 0000
DAVID K. MORRIS, 0000
ALAN L. MORRISON, 0000
BRET J. MUILENBURG, 0000
DREW K. MULLIN, 0000
ROBERT J. MULVANNY, 0000
CRAIG M. NEITZKE, 0000
YVES NEPOMUCENO, 0000
LINDA K. NESBIT, 0000
AN B. NGUYEN, 0000
PAUL F. NICHOLS, 0000
DAYNE E. NIX, 0000
CURTIS OLLAYOS, 0000
RONALD L. OLSON, 0000
EDGAR P. O'NEILL, 0000
DENNIS P. O'REAR, 0000
KENNETH J. O'ROURKE, 0000
WILLIAM A. OSTER, 0000
DEAN A. PAGE, 0000
ROSEMARIE J. PARADIS, 0000
ANDREW PARSONS, 0000
JOSEPH PASTERNAK, 0000
PHILIP W. PERDUE, 0000
WILLIAM G. PERDUE, JR., 0000
BEN P. PERSINGER, 0000
JANICE M. PETERSEN, 0000
ALAN F. PHILIPPI, 0000
TRAVIS M. PHILLIPS, JR., 0000
JAMES T. PIBURN, 0000
CYNTHIA B. PICCIRILLI, 0000
GREGORY R. PORTER, 0000
MARK S. POSVISTAK, 0000
REBECCA J. POWERS, 0000
GEORGE A. PREGEL, 0000
DAVID E. PRICE, 0000
DAVID A. PRY, 0000
FRANK A. PUGLIESE, 0000
MICHAEL C. PUNTENNEY, 0000
TERENCE S. PURCELL, 0000
DWIGHT L. PURVIS, 0000
MELISSA QUINONES, 0000
ALFREDO E. RACKAUSKAS, 0000
LISA H. RAIMONDO, 0000
HARVEY E. RANARD, JR., 0000
DAVID RANDALL, 0000
DOMINICK A. RASCONA, 0000
MITCHELL J. READING, 0000
KEVIN J. REED, 0000
SCOTT R. REICHARD, 0000
GINGER B. RICE, 0000
JOHN D. RICE, 0000
JAMES V. RITCHIE, 0000
KENNETH J. RODES, 0000
PAUL M. ROSE, 0000
DEREK K. ROSS, 0000
ANTHONY M. ROWEDDER, 0000
LISA M. ROYBAL, 0000
RENDELL R. ROZIER, 0000
GIACINTO F. RUBINO, 0000
DANIEL J. RYAN, 0000
MORGAN T. SAMMONS, 0000
GUY R. SANCHEZ, 0000
SUSANNE M. SANDERS, 0000
PATRICK A. SANDERSON, 0000
ADAM R. SAPERSTON, 0000
WALTER SAWHER III, 0000
THOMAS J. SAWYER, 0000
EILEEN SCANLAN, 0000
STEVEN R. SCHARPNICK, 0000
DAVID A. SCHAUER, 0000
ROBERT M. SCHLEGEL, 0000
MARK A. SCHMETZ, 0000
PHILIP SCHOENFELD, 0000
JAMES M. SCHOFIELD, 0000
RICHARD L. SCHROFF, 0000
STEPHEN R. SHAPRO, 0000
STERLING S. SHERMAN, 0000
ALEXANDER SHIN, 0000
ROBERT SIMPSON, 0000
EUGENE F. SMALLWOOD, JR., 0000
CHARLOTTE D. SMITH, 0000
DANIEL J. SMITH, 0000
DAVID P. SMITH, JR., 0000
BRIAN D. SMULLEN, 0000
KELLY R. SNOOK, 0000
KEITH E. SONNIER, 0000
TIMOTHY C. SORRELLS, 0000
JOHN S. SPICER, 0000
DONNA J. STAFFORD, 0000
MARK E. STANLEY, 0000
ROSS R.P. STEVENS, 0000
MARK A. STILES, 0000
BRUCE A. STINNETT, 0000
MARK E. STMORITZ, 0000
PHILIP M. STOLL, 0000
BRUCE R. STRICKLAND, 0000
GREGORY F. STROH, 0000
RITA M. SULLIVAN, 0000
KATHRYN A. SUMMERS, 0000
FAY Y. SUNADA, 0000
MARK V. SUTHERLAND, 0000
ELIZABETH A. SWATZELL, 0000
SUSAN L. SWINEHART, 0000
JAMES H. TARVER, 0000
GEORGE E. TAYLOR II, 0000
STEPHEN D. TELA, 0000
PAUL D. THAYER, 0000
ROBERT W. THERRIAULT, 0000
GLENN F. THIBAULT, 0000
MICHAEL A. THOMPSON, 0000
SCOTT R. THON, 0000
JEFFREY W. TIMBY, 0000
DAVID I. TINDLE, 0000
LEE P. TOCCHI, 0000
CARLA G. TOLBERT, 0000
SANDRA S. TOMITA, 0000
GEORGE L. TRASK, 0000
CATHERINE E. TURNER, 0000
EDWIN D. TURNER, 0000
ANN M. UETZ, 0000
WILLIAM J. UPHAM, 0000
CHRISTIAN E. VALLE, 0000
GENE A. VANDERVORT, 0000
KARL F. VANORDEN, 0000
HENRY B. VILLAREAL, 0000
ROBERT C. VOGLER, JR., 0000
MICHAEL R. WAGNER, 0000
MICHAEL H. WALLNER, 0000
BRIAN D. WATKINS, 0000
DAVID M. WATT, 0000
BRYAN J. WEAVER, 0000
DAVID K. WEIL, 0000
DENTON D. WEISS, 0000
WILLIAM H. WELLMAN, 0000
BRIAN L. WENGER, 0000
DANIEL G. WHALEN, 0000
ROBERT C. WHEATLEY, 0000
THOMAS J. WHEATON, 0000
CHARLES K. WILSON, 0000
SHARON K. WINKLERPEISER, 0000
JEFFERY S. WOLFE, 0000
MICHAEL J. WOLFGANG, 0000
CLIFTON WOODFORD, 0000
SUSAN W. WOOLSEY, 0000
DAVID G. WRIGHT, 0000
PAUL R. WRIGLEY, 0000
ELLIOTT C. YODER, 0000
THOMAS R. YOUNG, 0000
JOSEPH B. YUDISKI, JR., 0000
DARLENE V. ZECKSER, 0000
GREGG W. ZIEMKE, 0000

THE FOLLOWING NAMED OFFICERS FOR ORIGINAL REGULAR APPOINTMENT AS PERMANENT LIMITED DUTY OFFICERS TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 5589:

To be captain

DAVID J. ABEL, 0000
JENNIFER A. ALRIDGE, 0000
CHRISTOPHER J. AMBS, 0000
CHARLES W. ANDERSON, 0000
RANDALL C. BAKER, 0000
THOMAS E. BLAKE, 0000
RICHARD A. BOWERS, 0000
JOHN W. BRADWAY, JR., 0000
TRACY G. BROOKS, 0000
RONALD J. BRUEMLEVE, JR., 0000
MICHAEL F. CAMPBELL, 0000
FRANK M. CHURCHILL, 0000
KYLE T. DEBOER, 0000
ROMEO DELOSSANTOSCOY, JR., 0000
LAFE B. ELLIOTT, 0000
KEITH E. ENYART, 0000
JEFFREY A. FULTZ, 0000
ROBERT D. GINGRAS, 0000
WILLIAM P. GORDON, 0000
PHILIP W. GRAHAM, 0000
CARLTON D. HAGANS, 0000
RONALD P. HEFLIN, 0000
JOHN E. HEIN, 0000
RICHARD A. HILL, 0000
CALVIN L. HYNES, 0000
EDWIN N. LLANTOS, 0000
ERIC R. MCBEE, 0000
JOHN M. MCKEON, 0000
BRET M. MCLAUGHLIN, 0000
CHARLES S. MORROW, JR., 0000
JUAN J. NAVARRO, JR., 0000
CHRISTOPHER RAMSEY, 0000
MANUEL RANGEL, JR., 0000
LOUANN RICKLEY, 0000
JEFFREY P. RUPPERT, 0000
MOSES P. SALDANA, JR., 0000
JERRY B. SCHMIDT, 0000
EDWARD L. SCOTT, JR., 0000
WILLIAM M. SIMONS, 0000
JOSEPH G. SINESE, 0000
STEVEN J. SKIRNICK, 0000
JEFFREY W. SMITH, 0000
PAUL J. SMITH, 0000
ROGER D. SMITH, 0000
MATTHEW E. SUTTON, 0000
TROY A. TYRE, 0000
DOUGLAS E. WEDDLE, 0000
RALPH L. WHIPKEY, JR., 0000
JOE S. WOLFE, 0000
WILLIAM E. WOODALL, JR., 0000
RAYMON ZAPATA, JR., 0000

EXTENSIONS OF REMARKS

HAPPY 90TH BIRTHDAY, GOVERNOR ELMER ANDERSON

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. VENTO. Mr. Speaker, today Governor Elmer L. Anderson is 90 years of age. My sincere best wishes and congratulations. While serving in public office, Elmer Anderson has had a profound impact shaping discourse as well as public, social and environmental policy in our state of Minnesota.

Elmer Anderson is a businessman, public official and citizen—a Minnesota 20th century renaissance man. Happy Birthday, Governor Anderson.

Mr. Speaker, I submit this June 17, 1999 St. Paul Pioneer Press article by Steve Dornfeld for the RECORD.

[From the Pioneer Press, June 17, 1999]

A MINNESOTA TREASURE

(Steven Dornfeld)

Former Gov. Elmer L. Anderson has had more careers than most of folks could manage in several lifetimes—politician, corporate CEO, newspaper publisher, farmer, philanthropist and civic leader. And he's been enormously successful at all of them.

But Anderson, who turns 90 today, will be remembered most for his high ideals his innovative mind and his selfless dedication to the public good throughout a life that spanned most of the 20th century. He is a genuine Minnesota treasure.

''It would be pretty hard to quarrel with the notion that Elmer Anderson is Minnesota's greatest living citizen,'' says Tom Swain, a long-time friend who headed Anderson's gubernatorial staff.

The people who know Anderson best tend to speak of him in superlatives.

''He's about the wisest, the most principled, the most visionary person I have ever met,'' says former U.S. Sen. Dave Durenberger, who handled community affairs for H.B. Fuller Co. when Anderson was CEO of the St. Paul adhesives manufacturing firm.

Russell Fridley, a leading Minnesota historian and former director of the Minnesota Historical Society, says Anderson ''exemplifies the best of the citizen politician.''

The former governor is more restrained in assessing his accomplishments. Several days ago, as he reflected on his long life, Anderson said, ''I cannot help but have a great sense of appreciation and gratitude. I have been very lucky to have survived for so long and to have done well in a number of different areas.

''Everyone seems so kind and so indulgent as you grow old—and of course, all of your enemies die off,'' he added with a chuckle.

Anderson held public office for just 12 years—10 as a state senator and two as governor. He served in the Senate in the 1950s when it was dominated by rural conservatives who say a very limited role for state government.

Then, as now, Anderson prided himself on being a ''liberal Republican.'' Anderson achieved the chairmanship of the Senate Public Welfare Committee, and championed mental health and child welfare programs.

Fridley recalls one legislative session in which the DFL-oriented Liberal Caucus captured control of the House, while the Republican-oriented Conservatives held the Senate. When the major appropriations bills emerged from committee, Fridley says, a leading House Liberal complained, ''You know what Elmer Anderson did? He put $10 million more into welfare than we did.''

In 1960. Anderson won election as governor, defeating DFL incumbent Orville Freeman. But the term of governor was just two years at that time and his stint as Minnesota's chief executive was short-lived.

DFLers accused Anderson of rushing the completion of Interstate 35 so he could reap the political benefits. They charged that the rush job resulted in shoddy construction that would cost the state millions to repair. The charges ultimately proved to be false, but Anderson lost to DFL Lt. Gov. Karl Rolvaag by a scant 91 votes.

The close election triggered a protracted recount in which thousands of disputed ballots were examined, one by one. But the result did not change.

Many Anderson stalwarts wanted him ''to appeal it all the way'' to the Supreme Court, Swane recalls. But he says Anderson did not want to appear to be usurping the office and throw the state into political turmoil, so he ''gulped hard'' and accepted the outcome.

''In my early years, when I was a young politician, I used to think what a waste it was that Elmer could only serve two years as governor—that the state was deprived of all that talent,'' Durenberger says.

But Durenberger says he has come to see Anderson's defeat as Minnesota's ''good fortune''—because it freed Anderson from the constraints of partisan politics and enabled the ex-governor to be the principal statesman and civic leader he has been for the last four decades.

After leaving public office, Anderson returned to H.B. Fuller and helped build it into a Fortune 500 company—one known for an employee- and customer-centered philosophy that would be ridiculed on Wall Street today.

''I always had a philosophy at Fuller that making a profit was not our No. 1 priority,'' Anderson says. He believed that if a business paid attention to it customers and generously rewarded employees who did their best, profits would follow.

But Anderson did not disappear from the political scene. He took the lead in pushing two major initiatives from his term as governor—the enactment of the so-called Taconite Amendment to help revitalize Minnesota's Iron Range, and the creation of Voyageurs National Park.

In later years, Anderson distinguished himself as chairman of the University of Minnesota Board or Regents, president of the Minnesota Historical Society, a leader in efforts to protect Minnesota's natural resources, a lover of books and a promoter of reading.

In 1976, after retiring from H.B. Fuller, Anderson fulfilled a life-long dream when he acquired two weekly newspapers in Princeton, merged them and began building a publishing enterprise. Today it has 25 community newspapers and 7 shoppers with $30 million in annual sales and 475 employees.

Until recently, when he began working on his autobiography, Anderson produced two signed editorials a week for his newspapers that frequently were quoted by pundits and policymakers throughout the state.

While Anderson eyes and limbs are failing him, his mind is as nimble as ever—and he still is involved in projects like preserving endangered areas along the North Shore of Lake Superior. ''I've always had projects and when I get involved in projects, I like to see them through,'' Anderson says.

Not long ago, Tom Swain arranged a get-acquainted luncheon between Anderson and new University of Minnesota President Mark Yudof. Swain, who was serving as a university vice president at the time, through the ex-governor and regents' chairman was someone Yudof should meet.

Swain figured the luncheon would be strictly a social occasion ''But when we sat down, by golly, Elmer has his own agenda. He had four for five things he wanted Yudof to be aware of. His mind just never quits.''

If Elmer Anderson has one shortcoming, it is this: the man simply does not know how to retire.

IN HONOR OF THE BANGLADESH CULTURAL ALLIANCE OF THE MIDWEST

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to honor the Bangladesh Cultural Alliance of the Midwest on the occasion of the Tenth Annual Convention.

The BCAM was established in 1990 to unite the ethnic resident Bangladeshis of the Midwest region for preservation and promotion of Bangladeshi culture, and to promote friendship and greater understanding between the peoples of Bangladesh and America. So far seven states have taken pride in promoting this ideal. Every year BCAM organizes a cultural program that includes Bangladeshi dances, dramas and songs by participants from each state.

Bangladeshi cuisine, a fashion show, and special performances by prominent performing artists from Bangladesh are the highlights of the program. In addition, discussions on issues related to the role of ethnic Bangladeshis in the community are carried out in a friendly environment.

Promoting cultural diversity and tolerance of other cultures, BCAM is a wonderful example of how to protect cultural diversity while at the same time promoting harmony. I salute the Tenth Annual Convention of Bangladesh Cultural Alliance of the Midwest and commend its work on promoting cultural and religious diversity and tolerance among all the people in the United States.

IN SUPPORT OF THE COMMUNITY REINVESTMENT ACT

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. MCDERMOTT. Mr. Speaker, I'd like to take a moment to address an issue of great importance: fair and equal access to capital and credit. The American dream of providing for one's family and achieving happiness and security is bolstered when one is able to own one's own home or business. Unfortunately, the American dream fades away when a financial institution discriminates and unfairly denies a loan to a hardworking, creditworthy American who happens to be a minority or live in a minority or working class neighborhood.

Fortunately, blatant discrimination in lending is declining, and homeownership and small business lending is on the rise. We can attribute much of this progress against so called ''redlining'' to the Community Reinvestment Act (CRA). Under CRA, federal banking agencies grade lending institutions on how well they meet the credit and capital needs of all the communities in which they are chartered and from which they take deposits. Community organizations, Mayors, religious leaders, and ordinary citizens have a right to offer their opinions regarding the CRA performance of lenders during CRA exams or when banks ask federal regulatory agencies for permission to merge with other lenders.

In my hometown of Seattle, Washington, CRA has helped to make the dream of homeownership a reality for hundreds of low-income families. CRA negotiations between banks and community groups have resulted in housing programs like Self Help, which allows families to use sweat-equity to help them purchase their homes. The Self Help program empowers traditionally underserved families to participate in the homebuying process. The program is also a unique tool for fostering community relations, as the families who eventually will become neighbors, begin to develop relationships with each other as they build their homes. Over the years, Self Help has worked with families to build over 500 homes, and CRA has been integral in financing this process.

CRA also helps to create new jobs for the community. In the state of Washington, CRA has been a wonderful instrument by which entrepreneurs work with banks to finance loans for small businesses. As a result, The Evergreen Community Development Association—Washington state's top Small Business Administration lender—reports that CRA has leveraged over $360 million in the past five years for small business loans, and has created more than 5,000 jobs. Furthermore, CRA provides economic opportunities for individuals without spending a penny of taxpayer money. Thus, CRA works to put valuable money and resources back into the communities in which they are located.

As the House of Representatives considers legislation to reform financial institutions, I must emphasize that I oppose any attempts to weaken CRA and thus deny communities access to much-needed mortgages, consumer and/or small business loans, and basic financial assistance.

I urge my colleagues to stand firm and not undo the significant progress that we have made in expanding economic opportunities for all segments of our society. As we consider H.R. 10, let's continue to make the American dream a reality for millions more Americans by strengthening and preserving the CRA and data disclosure laws.

IN HONOR OF THE CENTENNIAL ANNIVERSARY OF E.J. ELECTRIC INSTALLATION COMPANY IN THE ONE HUNDRED YEAR ASSOCIATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay a special tribute to the E.J. Electric Installation Company in honor of their membership on this, their centennial anniversary, in the One Hundred Year Association of New York.

For a century, E.J. Electric Installation has been a leader in its field, growing from an era of paper and wood-line conduits and gas/electric lighting fixtures to one of the leading full-service electrical contractors in the world.

Jacques R. Mann, the first of three generations to run the company, joined E.J. Electric in 1912, going on to pioneer the electrification of the entertainment industry, including almost every large East Coast studio.

Jacques Mann designed and installed the Paramount Astoria motion picture studio, which was modernized 40 years later by his son and current E.J. Electric president, J. Robert Mann, Jr. The company's credits now include such renowned venues as the Rockefeller Center complex and the Metropolitan Opera House.

E.J. Electric was an important contributor to the World War II effort by introducing lightweight, pressed steel watertight panels and outlet boxes to the U.S. Navy, an innovation now used throughout the Navy. The Navy recognized E.J. Electric with five ''E'' awards.

Under Bob Mann's guidance, E.J. Electric is the expert electrical firm on installation of nationwide computerized airline reservation systems. The company is also a leader in design and installation of complicated and specialized electrical systems for hospitals and health care facilities.

Noteworthy communication installations include the Merrill Lynch primary data center at the World Financial Center, AT&T World Headquarters in Manhattan, and American Airlines, as well as installation and maintenance of all voice, data, audio, video, satellite, security, and fire safety systems for U.N. buildings in New York. New York City's 911 Police Command Center, utilizing advanced business communication expertise, the New York Public Library, and a $10 million Telecommunications and Multimedia system for the United States Tennis Center are among E.J.'s credits. Important repowering projects include the Museum of Modern Art, NBC, CBS, Delta Airlines, Tower Airlines and British Airways at JFK Airport.

The tradition of hands-on leadership continues with the Mann family's third generation. Tony Mann oversaw the $22 million expansion of the Long Island Railroad car repair facility, spread over 15 acres with one of the most advanced robotic systems in the world. He was also responsible for the intricate and sensitive Rockefeller University co-generation high tech laboratories and computer facilities. Continuing an E.J. Electric tradition, Tony Mann enjoys an excellent working relationship with Local 3 I.B.E.W. and the community. Tony sees value engineering as a principal strength of E.J., leading to cost savings for customers.

E.J. Electric Installation Co. is committed to early identification of advanced trends in equipment and systems design and industry ramifications of these innovations. The company brings to its projects the highest degree of service, professionalism, and technology.

Mr. Speaker, I am honored to bring to your attention the century of outstanding work offered by the E.J. Electrical Installation Company.

WANTED: GOOD FATHERS

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. SCHAFFER. Mr. Speaker, fill it out, send it in. You never know. My dad's advice about junk-mail sweepstakes never led to any prize money, but I'm still cashing in on his simple lessons of life.

My brother, sister and I received many pearls of wisdom: Practice makes perfect. Stand attentive when the flag is raised. Respect your elders. Speak the truth. Fight the good fight, finish the race, keep the faith. Wait until you're married, and above all, never, ever wear street shoes on a gym floor (he taught physical education).

A public school teacher, he worked two jobs to put us through Catholic schools. No television or friends were permitted until homework was complete. ''D's'' were forbidden. ''C's'' warranted serious discussion. ''B's'' meant we could do better. ''A's'' were expected.

We had a big vegetable garden. Most summer evenings were spent pulling weeds, snapping beans, turning compost and listening to Dad's boyhood stories, like the one about his missing index finger, a camping trip, and an errant hatchet.

I can recall each encounter with Betsy, my Dad's paddle. ''Bend over. This hurts me more than it hurts you.'' I never made the same mistake twice. Right and wrong were absolute.

American can't survive without dads like mine. Confronted with the recent horrifying news accounts of youth violence and broader moral indifference, the importance of devoted fathers couldn't be more apparent. June 20th was Father's Day, and this year's observance compels more reflection than ever.

Any sensible American, especially in the wake of April's Columbine massacre, has to be concerned about the status of our nation's youth. Children bereft of a fully engaged father suffer perilous disadvantage.

The magnitude of the anomaly shouldn't surprise anyone. Clerics and social scientists have long warned of the debilitating trends associated with divorce and single-parent households. Few families overcome the dysfunction of children disconnected from their fathers.

The cost is enormous. Seventy percent of men in prison, and an equal percentage of juveniles in long-term detention facilities, grew

up in fatherless homes. Children living without a father are more likely to have trouble in school, become an unwed parent or involved with gangs or drugs.

Nor are girls immune. Girls whose parents divorce may grow up deprived not experiencing the day-to-day interaction with an attentive, caring and loving adult man. A University of Michigan study of such girls concluded, ''* * * parental divorce has been associated with lower self-esteem, precocious sexual activity, greater delinquent-like behavior, and more difficulty establishing gratifying, lasting adult heterosexual relationships.''

In Colorado, children in single-parent families are nearly five times more likely to be poor than children in two-parent families. Over eighteen percent of Colorado's children do not live with their fathers.

Coupled with powerful destructive trends and obsessions, today's children are bombarded with evil temptations placing fatherless children at grave risk. Our society's preoccupation with death, sex, and instant gratification has led to a culture in decay trivializing human life itself, degrading the dignity of the human person, and leaving children most vulnerable.

There is still, however, abundant cause for optimism in the legions of great American fathers like mine. Those faithfully accepting the responsibility of fatherhood earn our respect and praise as heroes in today's culture war.

Truly, genuine fathers regard all children as gifts from God. Children are the sacred living outward expression of conjugal love between men and women.

Relying equivalently upon their mothers, all children deserve devoted fathers who strive to raise their children in God's likeness. Accordingly, all devoted fathers deserve our profound admiration on Fathers Day and every day.

May God bestow His richest blessings upon them all.

MARKING THE 100TH BIRTHDAY OF GLADYS TANTAQUIDGEON

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. GEJDENSON. Mr. Speaker, I rise today to join every member of the Mohegan Tribe and countless residents across southeastern Connecticut in wishing a very happy 100th birthday to Gladys Tantaquidgeon. Gladys is an extraordinary figure in the history of the Mohegan Tribe and something of an institution in our area of Connecticut.

Gladys was born June 15, 1899 and has lived in southeastern Connecticut for the past fifty years. She is an accomplished author, anthropologist and historian. She is widely recognized for her work researching and chronicling herbal medicines used by Native American tribes up and down the east coast of the United States. She is most well known in our area for helping to found, and maintaining for so many years, the Tantaquidgeon Museum—the oldest Indian-run museum in America today. Along with her father and brother, Gladys founded the museum in 1931. Over more than six decades, Gladys—often single-handedly—maintained and expanded the museum. Thanks to her hard work and dedication, thousands upon thousands of school children have learned about Native American and Mohegan history. I have attached an article about Gladys from the New London Day which I request be included following my remarks.

Mr. Speaker, on behalf of residents across eastern Connecticut I want to thank Gladys Tantaquidgeon for a century of dedication to Native Americans across our country.

[From the New London Day, June 16, 1999]

CELEBRATING A LIFE LIVED FOR HER PEOPLE

(By Karen Kaplan)

Gladys Tantaquidgeon, one of Indian Country's most venerated members, a keeper of Mohegan tribal culture, longtime Mohegan Tribal Medicine Woman and a noted writer, curator and herbalist, celebrated her 100th birthday Tuesday with a gala party that gathered hundreds of friends, relatives, tribal members and dignitaries.

A crowd packed the tent set up late Tuesday morning on the grounds of Shantok, Village of Uncas, the former Fort Shantok State Park that is now part of the tribe's reservation.

Tantaquidgeon, wearing a powder blue suit and seated to the left of the podium at the front of the tent with her sister, Ruth, received gifts on a blanket set in front of her. Visitors said they were delighted to see Tantaquidgeon, as there had been a question of whether she would be well enough to attend.

Because of her frailty Tantaquidgeon came to the party for only an hour, and tribal officials did not permit visitors to get close. Tantaquidgeon is perhaps best known as curator of the Tantaquidgeon Indian Museum, the oldest Indian-operated museum in the country.

The Mohegan Tribal Council, led by tribal Chairman Roland J. Harris; the Mohegan Council of Elders, led by Carleton Eichelberg; and Chief G'Tinemong, Ralph Sturges, greeted Tantaquidgeon and guests upon their arrival and wished the guest of honor a happy birthday.

''These girls have been around a long time,'' said Sturges of the Tantaquidgeon sisters. ''They're very, very close to the tribe and they helped me. . . . Gladys is a very steadfast friend of mine. Happy birthday, and we'll catch up to you someday, Gladdy.''

Led by M.C. Bethany Seidel, daughter of Tribal Vice Chairwoman Jayne Fawcett and sister of Tribal Historian Melissa Fawcett, everyone in the tent next read ''Strawberry Moon,'' an original poem written in honor of the centenarian. Sidney J. Holbrook, Gov. John G. Rowland's co-chief of staff, read a proclamation from Rowland that declared Tuesday to be Gladys Tantaquidgeon Day in the state, prompting a huge roar and lengthy applause from the crowd. ''This is a great day for a great lady and a great people,'' he said.

Kenneth Reels, Mashantucket Pequot Tribal Council chairman, greeted Tantaquidgeon and wished her a happy birthday before a brief talk.

''Thank you for all you've done for our people, thank you for preserving the heritage of the Pequot people (and)keeping our ways alive,'' he said, presenting her with an eagle feather. ''The eagle climbs the highest, and also represents balance, integrity and honor. We give this feather to you because that's what you represent to us.''

The Mashantuckets also gave Tantaquidgeon a large maroon-and-cream quilt embroidered with the tribe's familiar fox-and-tree logo and different scenes from the Mashantucket Pequot reservation.

James A. Cunha Jr., tribal chief of the Paucatuck Eastern Pequots, greeted Tantaquidgeon and said he remembers his grandfather telling stories about her when he was young. Officials from other tribes also spoke, including the Narragansetts of Rhode Island; the Schaghticokes of central Connecticut; the Mashapee of Cape Cod and a representative from the Connecticut Indian Council.

Outside the ceremony, Harris said Tantaquidgeon exerted a tremendous, positive influence on him as he was growing up.

''If I learned anything, she taught me never to give up,'' he said. ''You always do what's right . . . The (Mohegan Tribal) nation is truly where it is because of her.''

Jayne Fawcett, who lived with her aunts Gladys and Ruth while growing up during World War II, said she could not overestimate the role her aunt Gladys played in her life. Fawcett said Tantaquidgeon was a pioneer for women's rights and accomplishments long before they became a political issue.

Fawcett pointed out that Tantaquidgeon was the first American Indian to work for the federal Bureau of Indian Affairs, and also was the curator of the federal Museum of Natural History and ran the federal Indian Arts and Crafts Board.

''She was responsible for working with Indian people and helping them to bring back (their) traditions,'' Fawcett said.

''She was one of the ones who refused to ride in the back of the bus,'' Fawcett said. ''She appeared on national radio in the '30s, and her book on natural herbal remedies has become a standard. She fought to preserve traditional ceremonies and to preserve our old stories and the meaning of our ancient symbols. These are some of the things I think she will be remembered for.

''This was being done at a time when women simply didn't do these things. Women didn't go to college, and they didn't strike out on their own, let alone minority women,'' Fawcett added. ''The encouragement she's given to so many tribal members, to seek higher education, myself included, has helped strengthen us as a nation. Certainly she has served as a strong role model in that respect.''

Fawcett said Tantaquidgeon's dedication to the Mohegan tribe and its culture and history was so complete that she never married.

''Everything was focused on preserving and teaching—not only Mohegans and (other) Indians but non-Indians as well—about Mohegans,'' Fawcett said. ''All of us felt for awhile that we might have been on the brink of extinction, and this made her work even more important.''

Tantaquidgeon, whose accomplishments were recognized last year in a book, ''Remarkable Women of the 20th Century: 100 Portraits of Achievement,'' played a major role in the Mohegans' successful bid for federal recognition, a status that made it possible for them to build a casino. Letters and documents she stored in Tupperware containers under her bed have been credited as important pieces of history that helped the tribe obtain federal recognition.

After working with the BIA and the Indian Crafts Board in the 1930s and '40s, she returned home in 1948 to help her family run the museum. She wrote a book, ''Folk Medicine of the Delaware and Related Algonkian Indians,'' and has received numerous awards, including honorary doctorates from Yale University and the University of Connecticut.

TRIBUTE TO THE LATE JOHN LAVOO

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize and pay tribute to the memory of John LaVoo who died in Vietnam during an ill-fated combat mission. Mr. LaVoo will, at long last, be laid to rest on July 19, 1999, in Arlington Cemetery in Arlington, Virginia.

Mr. LaVoo was a native of Pueblo and a graduate of the United States Naval Academy. On September 19, 1968, John and his navigator, Robert Holt, were killed when their plane crashed in North Vietnam. LaVoo was declared missing and was believed to be dead by the Marines, and in his honor, his widow, Rosalie Rusovick, commissioned the fabrication of a memorial anchor.

Over the years, the memorial, which has hung in the Orman Street entryway of Tabor Lutheran Church, has served as a special place for family and friends, and in the absence of a gravesite, has provided them with some solace. The memorial serves as a constant reminder of the life and sacrifice of John LaVoo and none pass through without learning of the history behind the anchor.

Recently, the remains of Mr. LaVoo were discovered through DNA evidence, and now his courage and sacrifice shall be honored through burial in Arlington. Though John will finally be put to rest in Virginia, his spirit will always rest in Pueblo where the anchor hangs in his memory. It is with this that I wish to pay my respects to Mr. John LaVoo, and I would like to express my gratitude to the LaVoo family for John's strength, patriotism, and service for our country.

TRIBUTE TO FATHER ALBERT JEROME

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. SHIMKUS. Mr. Speaker, I would like to take this time to congratulate Father Albert Jerome of St. Ann's church in Nashville, Illinois who celebrated his 40th Anniversary of ordination. When speaking of how he maintains his positive outlook on the world today, Father Jerome said, ". . . the answer to stop becoming a pessimist is to have a sense of humor. It has really been the mark of the greatest men . . ."

Father Jerome has given and received a great deal of love to and from the dedicated members he has ministered for in his numerous stops over the past forty years. It would serve us all if he could minister for another forty years. However long his service is, it will be a service to the people of his ministry and the rest of the community.

HONORING THE OUTSTANDING GRADUATES OF P.S. 15. THE PATRICK F. DALY SCHOOL

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Ms. VELÁZQUEZ. Mr. Speaker, it is with great pride that I ask you and my colleagues to join me in congratulating special graduates of the 12th Congressional District of New York. I am certain that this day marks the culmination of much effort and hard work which has lead and will lead them to continued success. In these times of uncertainty, limited resources, and random violence in our communities and schools, it is encouraging to know that they have overcome these obstacles and succeeded.

These students have learned that education is priceless. They understand that education is the tool to new opportunities and greater endeavors. Their success is not only a tribute to their strength but also to the support they have received from their parents and loved ones.

In closing, I encourage all my colleagues to support the education of the youth of America. With a solid education, today's youth will be tomorrow's leaders. And as we approach the new millennium, it is our responsibility to pave the road for this great Nation's future. Members of the U.S. House of Representatives I ask you to join me in congratulating the following outstanding students from P.S. 15, the Patrick F. Daly School: David Watson and Precious Scott.

TRIBUTE TO SADAKO OGATA

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. LAMPSON. Mr. Speaker, I rise today to salute and honor the United Nations High Commissioner for Refugees and its Commissioner, Mrs. Sadako Ogata.

Mrs. Ogata as the United Nations High Commissioner for Refugees is responsible for protecting and finding solutions for refugees around the world. I would like to pay tribute to this organization today and to the work it is doing to help refugees around the world, but particularly the Kosovars.

Mrs. Ogata's organization is now working with more than 850,000 refugees from Kosovo, most of whom are in Albania and Macedonia, two small countries, who are struggling to aid these refugees despite their own substantial economic problems. UNHCR is the lead UN agency working throughout the countries of the former Yugoslavia. It has been hard pressed to raise the funds and find the staff and management skills, diplomatic support and logistical support needed to handle such an enormous undertaking as the Kosovo refugee emergency. The organization has had its problems. It depends on voluntary contributions to fund its programs and must respond to emergencies by moving staff from other duties to the latest crisis and unfortunately in refugee emergencies, no one is ever sure just how many people will be forced to flee their homelands, or how long they will have to live under difficult conditions.

Recently, the UNHCR told donor governments that it still needed $30 million to meet costs for the month of June ($143 million required from March to June 30) and an additional $246 million to continue its operations over the next 6 months.

UNHCR as an intergovernmental organization works with governments, other UN and international organizations and private voluntary organizations to aid the refugees. The U.S. has been one of UNHCR's major supporters both politically and financially. One of the important tasks that UNHCR must fulfill is to protect the lives and well being of refugees, particularly those who are vulnerable or at-risk because of physical or mental illness, insecurity, or separation from their families.

Despite all the big problems UNHCR faces in Kosovo, it can't forget the needs of individual families, like that of my constituents, the Halili family of San Leon, Texas whose relatives from Macedonia are safe today in Texas.

Mr. Speaker, I ask that my colleagues join me in recognizing the tremendous contributions of UNHCR and to its hard working staff and the NGO partners in Albania and Macedonia, and in Washington, who were willing to put in extra hours and deal with lots of paperwork and overcome many obstacles to speed the evacuation and the suffering of the Halili family.

IN TRIBUTE TO OLGA M. JONES, RECIPIENT OF THE AWARD 1999 DISTINGUISHED WOMEN OF NORTH CAROLINA

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mrs. CLAYTON. Mr. Speaker, one hundred and twenty-six women were nominated to receive an award for 1999 Distinguished Women Of the Year. Seven were selected. Among the seven is one of my constituents, Olga M. Jones.

A Native North Carolinian, Mrs. Jones attended public schools in our state and graduated from the Community Hospital School of Nursing. Later, she did post-graduate work at the University of Colorado and other institutions. In 1950, she became a Registered Nurse, launching a career that has taken her around the World, including Japan, Korea, Germany, Egypt and the Scandinavian Region. She has also traveled extensively, throughout the United States, including Alaska. And, currently she serves as Director of the Martin County Alzheimer's Group Respite Program in Williamston, North Carolina.

More than three decades of her nursing career was spent in the United States Army Nurse Corps, where she attained the rank of Colonel. Her experience with the Army and the opportunities she was afforded to travel helped cement her deep, unflinching commitment to health care and to a concern for others. She always knew she wanted to be a nurse, recounting how despite her mother's death when she was only five, the white nursing uniform that her mother wore remained etched in her mind.

Mr. Speaker, health care demands the most attentive and considerate among us, those who are faithful, loyal, and steadfast. It is a profession that requires individuals who are courteous, thoughtful and kind. Mrs. Olga M. Jones has reflected those qualities in all that she has done, over the years. She is an inspiration, a breath of fresh air, a pillar of strength, a tough lady with a tender heart. She has dared to be different, and she has made a difference.

One must gasp for air when reviewing all that Mrs. Jones has done. She has taught nursing classes. She has given instruction in nutrition. She has organized exercise classes. She has recruited many, many volunteers for community work. She has coordinated youth programs. She has organized blood drives. And, she is a member of numerous civic organizations. Despite all that she does, this loving wife and devoted mother keeps the proper priorities in perspective, reserving important time and effort to family and church. I urge all of my colleagues to join me in saluting, Mrs. Olga M. Jones, a 1999 Distinguished Woman of North Carolina.

IN HONOR OF ANTHONY C. REGO AND DONNA KELLY REGO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to pay tribute to Anthony C. Rego and Donna Kelly Rego, on the occasion of being honored with The John R. Cunin Lamplighter Humanitarian Award. This award is to honor philanthropic leaders whose involvement in business and community assists individuals and families in meeting their needs through programs of service and empowerment.

Anthony C. Rego is a dedicated businessman is the supermarket industry. As a teenager, he started his career in the supermarket industry by working in the family grocery business. He helped the family business grow from two supermarkets to ten stores by dedicating 25 years of his life in the Rego's Stop-n-Shop Supermarket chain. His motivation and hard work has granted him several awards such as, Cleveland Food Dealers Association ''Retailer of the Year'' Award in 1983, the ''Leadership and Service Award'' in 1989 from the Associated Grocery Manufactures Representatives, and the Cleveland Food Dealers ''Honor Award'' in 1993. In 1997 Mr. Rego received the Ohio Grocers Association's ''Industry Service Award.''

Donna Kelly Rego presently serves as Chairperson of the MetroHealth System. For the past twenty-one years, Mrs. Rego has served as Pastoral Associate at St. Malachi Church and is presently engaged as an organization specialist working with religious and non-profit organizations. Also, Mrs. Rego is an educator and a certified pastoral Minister in the Diocese of Cleveland. Mrs. Rego currently chairs the Board of Trustees for the St. Malachi Center and serves as trustee for the Cleveland Health Network, the Center for Health Affairs, the Federation for Community Planning and the Benjamin Rose Center. She has received several awards such as: The Henry F. Meyers Award, Outstanding Women of Achievement (Cleveland YWCA, 1992), Belle Sherwin Award (League to Woman Voters 1993), Crain's Women of Influence (1997).

I ask that my distinguished colleagues join me in commending Anthony C. Rego and Donna Kelly Rego for their lifetime dedication, service, and leadership to their community. Their large circle of family and friends can be proud of the significant contribution these prominent individuals have made. Our community has certainly been rewarded by the true service and uncompromising dedication of Anthony C. Rego and Donna Kelly Rego.

INTRODUCTION OF THE TAMPON SAFETY AND RESEARCH ACT OF 1999 AND THE ROBIN DANIELSON ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mrs. MALONEY of New York. Mr. Speaker, earlier this year I introduced two important pieces of women's health legislation—H.R. 890, The Tampon Safety and Research Act of 1999, and H.R. 889, The Robin Danielson Act. The research and reporting called for in these bills will finally give women the accurate information they need to make informed decisions about their health as it relates to tampon use.

Why is the issue of tampon safety important? Because tampons are used by 73 million American women—that's 53% of American women and almost a third of the total population. A woman may use as many as 16,500 tampons in her lifetime. Given these numbers, shouldn't we be certain that these products are safe?

I introduced two tampon safety bills because there are two separate issues that must be addressed.

Why is The Tampon Safety and Research Act important? Because tampons and other related products often contain additives, synthetic fibers, and dioxin. Dioxin is a toxic by-product of the paper manufacturing process. Wood pulp, as well as the rayon used in nearly all tampons, undergo several production processes, including bleaching. The majority of pulp and paper producers use a chlorine bleaching method that results in the formation of dioxin and other contaminants. As a result, trace amounts of dioxin are present in most paper products, from toilet paper to tampons.

Dioxin is also found in varying levels throughout the environment, but are women being subjected to additional and potentially avoidable exposures to dioxin through tampon use? Let me put dioxin in perspective, because we only have to consult recent history to know of the potentially disastrous effects of this substance. Dioxin is a member of the organochlorine group, which includes the contaminants found in Agent Orange, the Vietnam War-era defoliant, and at Love Canal.

But let's consult the experts as well. According to a 1994 report issued by the Environmental Protection Agency, dioxin is a known cancer-causing agent in animals, as well as a probable human carcinogen. My bill is specifically concerned with the possible links between dioxin in tampons and ovarian, cervical, and breast cancers, as well as other potential hazards.

A 1996 EPA study has also linked dioxin exposure with increased risks for endometriosis, an often painful menstrual-related condition that is a leading cause of infertility. Further, the EPA has concluded that people with high exposure to dioxin may be at risk for other effects which could suppress the immune system, increase the risk of pelvic inflammatory disease, reduce fertility, and possibly interfere with normal fetal and childhood development.

The EPA conclusions regarding dioxin exposure are particularly alarming in light of a 1989 Food and Drug Administration report, which stated that ''possible exposures from all other medical device sources would be dwarfed by the potential tampon exposure.'' Why? Because the average woman may use as many as 16,500 tampons during her lifetime. If dioxin is putting women at risk, could the long-term use of tampons increase that risk?

What makes these toxic residues in tampons even more disturbing is they come in direct contact with some of the most absorbent tissue in a woman's body. According to Dr. Philip Tierno, Jr., director of microbiology and immunology at New York University Medical Center, almost anything placed on this tissue—including trace amounts of dioxin—gets absorbed into the body.

According to researchers, dioxin is stored in fatty tissue—just like that found in the vagina. And women have more body fat than men, possibly allowing them to more efficiently store dioxin from all sources, not just tampons. Worse yet, the effects of dioxin are cumulative, and can be measured as much as 20 or 30 years after exposure. This accumulation is cause for particular concern, because a woman may be exposed to dioxin in tampons for approximately 55 years over the course of her reproductive life.

The question, of course, is why it is acceptable to have this toxic substance in tampons—despite the advice of an FDA scientist to the contrary. A 1989 agency document reported that ''the most effective risk management strategy would be to assure that tampons, and menstrual pads for good measure, contain no dioxin.'' Why has there been far more testing on the possible health effects of chlorine-bleached coffee filters than on chlorine-bleached tampons and related products? My bill seeks to address this inadequacy, and finally give women the most accurate, up-to-date information available regarding this critical health concern.

Although the FDA currently requires tampon manufacturers to monitor dioxin levels in their finished products, the results are not available to the public. When I—as a Member of Congress—requested the information, the FDA told me it was proprietary and therefore could not be released. It should be noted the dioxin tests relied upon by the FDA are done by the manufacturers themselves, who, not surprisingly insist their products are safe. Some of my constituents have written to say that this is the equivalent of the fox guarding the henhouse.

How much dioxin exposure is considered safe for humans? And does the fact that tampons are in direct contact with absorbent tissue, and for extended periods of time, make whatever levels of dioxin tampons possess even more dangerous? Is this the equivalent of a ticking time bomb, capable of increasing women's risks for several life-threatening or fertility-threatening diseases? Unfortunately

there are no easy answers. We simply don't have instructive, persuasive evidence either way.

Many experts believe, however, if the slightest possibility exists that dioxin residues in tampons could harm women, the dioxin should simply be eliminated. I also believe we should err on the side of protecting women's health. Tampon manufacturers are not required to disclose ingredients to consumers, although many have taken the positive step of voluntarily disclosing this information. Unfortunately, women are still being forced to take the word of the industry-sponsored research that these products are completely safe.

I should also not that this is not the first time a Member of Congress has expressed concern about this issue. In 1992, the late Representative Ted Weiss of New York brought the issue up in a subcommittee hearing of the Committee on Government Operations. He did this after his staff had uncovered internal FDA documents which suggested the agency had not adequately investigated the danger of dioxin in tampons.

My bill, The Tampon Safety & Research Act (H.R. 890), would direct the National Institutes of Health (NIH) to conduct research to determine the extent to which the presence of dioxin, synthetic fibers, and other additives in tampons and related menstruation products pose any health risks to women. An NIH study would provide American women with independent research, so they will not have to rely solely on research funded by tampon manufacturers.

The second bill I have introduced, The Robin Danielson Act, calls for a program at the Centers for Disease Control and Prevention (CDC) to track instances of Toxic Shock Syndrome (TSS). This bill is named in memory of Robin Danielson, a 44 year-old mother of two who last year of TSS. This bill addresses the many potentially harmful additives in tampons, including chlorine compounds, absorbency enhancers, and synthetic fibers, as well as deodorants and fragrances. Most people are surprised to learn these additives are commonly found in these products.

Toxic Shock Syndrome is a rare bacterial illness which caused over 50 deaths between 1979 and 1980, when the link between tampons and TSS was first established. According to a 1994 study, of the Toxic Shock cases occurring in menstruating women, up to 99% were using tampons. Obviously Toxic Shock Syndrome is still a women's health concern, and its link to tampons has become more clear. We do not know enough about the potential risks associated with such additives. Independent research has already shown synthetic fiber additives in tampons amplify toxins, which are associated with Toxic Shock Syndrome.

Reporting of TSS to the Centers for Disease Control and Prevention is currently optional and uneven. No one knows the actual number of TSS occurrences or deaths. Because doctors do not report all cases of TSS and because local health departments are swamped with other higher-ranking concerns, Toxic Shock is greatly under-reported. My bill establishes a CDC program to implement mandatory collection of Toxic Shock Syndrome data.

I want to share an excerpt from a letter written to me by a TSS survivor addressing the importance of The Robin Danielson Act and TSS research: "I think women are misinformed about the dangers and risks that go with using tampons. I know that I remember hearing about it years ago but had always thought that tampons now were very safe to use. Apprently this is not true and many women today are dying from this disease and it goes unreported.

Women, like Robin Danielson, are still dying from this terrible disease. It is imperative that we are able to accurately inform women of the risk of Toxic Shock associated with tampon use, and that women are well aware of that risk. We know there is a dangerous link between tampon use and TSS. What we don't know is how prevalent the disease is among tampon users. The only means to determine the current risk of Toxic Shock and to raise awareness of the disease is to require systematic reporting through the CDC.

Currently, the CDC believes that women are at increased risk for developing Toxic Shock due to a false sense of security, believing that there is no longer a risk for developing the disease. To make matters worse, the diagnosis of Toxic Shock is difficult because the symptoms are flu-like and can be easily mis-diagnosed or ignored. Knowing the continued risk for contracting Toxic Shock is the only way to raise awareness among women and their physicians. More knowledgeable women and physicians will recognize TSS symptoms earlier, diagnose Toxic Shock more readily, and prevent needless deaths.

The fact is, women do not have the information they need to make sound decisions about their health. For the sake of women's well-being, we need accurate, independent information. American women have a right to know about any potential hazards associated with tampons and other related products. It is only when women fully understand the consequences that they can make truly informed decisions about their reproductive health.

Mr. Speaker, I hope my colleagues will join me in this fight to get accurate health information to the women of America. Their future fertility, and perhaps their lives, may depend on it.

HONORING COLORADO BOYS STATE TRACK 2A CHAMPIONS—HOLYOKE

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to extend my heartiest congratulations to the Holyoke boys track team on their impressive State 2A Championship. These young men displayed an impressive combination of talent, determination, and teamwork to earn a share of the 2A State Championship.

The State 2A Championship is the highest achievement in high school track. The champions receive a coveted trophy which symbolizes more than just the team and its coach, Mr. Vann Manly. It also represents the staunch support of the runners' families, fellow students, school personnel and the community. From now on, these people can point to the 1999 boys track team with pride, and know they were part of a remarkable athletic endeavor. Indeed, visitors to Holyoke and the school will see a sign proclaiming the boys 2A State Championship, and know something special had taken place there.

The Holyoke track team is a testament to the old adage that the team wins games, not individuals. Each team member should be proud of his own role. These individuals are the kind of people who lead by example and serve as role-models. With the increasing popularity of sports among young people, local athletes are heroes to the youth in their home towns. I admire the discipline and dedication these high schoolers have shown in successfully pursuing their dream.

The memories of this storied year will last a lifetime. I encourage all involved, but especially the Holyoke runners, to build on this experience by dreaming bigger dreams and achieving greater successes. I offer my best wishes to the team as they move forward from their State 2A Championship to future endeavors.

IN MEMORY OF DONALD L. ALFIERO

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. GEJDENSON. Mr. Speaker, I rise with great sorrow on the passing of Donald L. Alfiero of Norwick, Connecticut. Don was a friend to me and thousands in Norwick, a dedicated husband and a tireless public servant.

Don Alfiero worked hard day-in and day-out on behalf of everyone in Norwich. He served on several boards and commissions and was a senior member of the City Council. He recognized the importance of education and fought to ensure that the students in his community had the very best. Don Alfiero was more than a remarkable public servant, he was a great person. He was gregarious and outspoken, but compassionate above all else. I have attached an editorial from the Norwich Bulletin that describes Don well which I request be included following my statement.

Mr. Speaker, Don Alfiero's memory will live on and endure in Norwich. He will always be a model for those of us in public service.

[Editorial from the Norwich Bulletin]

LOSS OF DON ALFIERO STUNS AND DIMINISHES NORWICH AND COUNCIL

Donald L. Alfiero died suddenly yesterday morning and his loss has stunned and saddened this city.

As husband, neighbor, alderman, volunteer—and simply a good guy—Don Alfiero touched a lot of people hereabouts and always for the better.

Don was 62, retired from Electric Boat, and the senior member of the Norwich City Council. A Democrat, Don represented Precinct 9. But you didn't have to be a Democrat or live in his precinct to call Don Alfiero a friend.

If ever there were anyone of whom it could be said led by example, Don Alfiero was that man. He was involved, he listened and—regardless of what others thought—Don always spoke his mind and did what he thought best. That didn't always win him great popularity; but for Don being popular was secondary to being right.

His service to the city was extensive. Don was vice chairman, then chairman of the Democratic Town Committee, and remained

active with it after that. He was a member of the Mohegan Park Advisory Committee, the Public Parking Commission, City Hall Renovations Committee and the Public Works and Capital Improvements Committee.

Don's and his wife Anna's commitment to education is well known. Anna is chairwoman of the Norwich Board of Education.

Lines on a resume do not adequately describe Don Alfiero. Though they had no children, Don was a grandfatherly kind of guy who loved his city and the people who live here.

It's appropriate to recall that shortly before he died, Don was on the radio with Johnny London, cheerleading for his city and summer festivals at Howard T. Brown Park.

Don Alfiero was a nice man, but more importantly he was a good man. His presence in this city will be missed.

Anna has our sympathy. Don has our prayers. The Norwich City Council has big shoes to fill.

TRIBUTE TO MEL TAKAKI

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. MCINNIS. Mr. Speaker, I would like to take a moment to recognize one of Colorado's outstanding individuals, Mel Takaki. In doing so, I would like to pay tribute to an individual who, time and again, has exemplified the notion of public service and civic duty.

A resident of Pueblo, Colorado, Mel Takaki has taken an active role to better his community. Recently, Mr. Takaki, a Pueblo civic leader, was recognized with a ''Distinguished Service Award'' from the University of Colorado for his work in medicine and community service.

A graduate of the Northwestern Dental School, Mel Takaki has previously been honored by the University of Colorado as an honorary alumnus. He was nominated for the ''Distinguished Service Award'' by Dr. Robert Schrier, chairman of the CU Health Services Center in Denver, Colorado.

Mr. Takaki has worked to better the community of Pueblo in various capacities. He has cared for the citizens of Pueblo through his work as a dentist, and he has provided leadership as an economic-development leader and former City Council president. He is an outstanding citizen and great contributor, and for this I would like to express my gratitude and pay tribute to him for his extraordinary efforts.

TRIBUTE TO GERALDINE ''GERRY'' SCHNEIDER

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. SHIMKUS. Mr. Speaker, I would like to take this time to congratulate Geraldine ''Gerry'' Schneider on completing her general educational development certificate at Lewis and Clark Community College on June 10, 1999, at age 58. Ms. Schneider was born with cerebral palsy.

Despite this disability, Ms. Schneider diligently worked to learn the three R's. Her work at Lewis and Clark Community College that began in 1994, has allowed her to become actively engaged in issues on disabilities as a resident of Godfrey, Illinois. She was appointed to the Illinois Planning Council on Development by former Governor Jim Edgar, and has moved out of nursing and group homes to live with a companion Raymond Boyle since her educational progress.

Her success can also be attributed to Support Systems Services; a nonprofit organization that provided the funds allowing Gerry to pay for her classes. I believe this is an excellent example of local service organizations caring about people, and helping dreams become realities. I commend both Geraldine Schneider and Support Systems Inc. for their efforts.

I want to congratulate Gerry, in particular, for receiving her hard-earned and much deserved GED. Her personal efforts to persevere and overcome adversity are an inspiration to us all.

HONORING THE OUTSTANDING GRADUATES OF THE EL PUENTE ACADEMY

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Ms. VELÁZQUEZ. Mr. Speaker, it is with great pride that I ask you and my colleagues to join me in congratulating special graduates of the 12th Congressional District of New York. I am certain that this day marks the culmination of much effort and hard work which has lead and will lead them to continued success. In these times of uncertainty, limited resources, and random violence in our communities and schools, it is encouraging to know that they have overcome these obstacles and succeeded.

These students have learned that education is priceless. They understand that education is the tool to new opportunities and greater endeavors. Their success is not only a tribute to their strength but also to the support they have received from their parents and loved ones.

In closing, I encourage all my colleagues to support the education of the youth of America. With a solid education, today's youth will be tomorrow's leaders. And as we approach the new millennium, it is our responsibility to pave the road for this great Nation's future. Members of the U.S. House of Representatives I ask you to join me in congratulating the following outstanding students from the El Puente Academy: Lily Andugar, Indra Camo, Isable Espinal, Ana Hernandez, Evelyn Hernandez, Mia Hilton, Luis Johnson, Miriam Nunez, Maria Perez, Marvin Rodriquez, Luis Ramos, Gerson Santillana, Rodlofo Solis, Omar Torres, Jennifer Valentin, Octovio Vargas, Taiesah Vasquez, and Essany Velazquez.

INTRODUCTION OF ZERO CAPITAL GAINS PROPOSAL

HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Ms. DUNN. Mr. Speaker, Mr. MATSUI and I are introducing a bold proposal to zero out capital gains taxes for those who invest in our burgeoning high tech industry. We are joined by our colleagues on both sides of the aisle who are leaders in the effort to foster a healthy economic climate in which our nation's high tech companies can continue to thrive.

The American economy is moving quickly from one dominated by large corporations to one whose growth is fueled by emerging entrepreneurial high-growth companies. Entrepreneurial companies are today's leaders in job creation, technological innovation, and international competitiveness. America's future economic well-being lies in the hands of today's emerging companies and the central organizing principle for our nation's economic policy should be entrepreneurship.

Over the course of many years, a complex fabric of public policies have created the environment in which entrepreneurial firms compete. Due to the fact that the public policy needs of this community have not been articulated in a united fashion or widely understood by policy makers, however, the basic ''building blocks'' used to enhance economic growth have not been properly constructed. I rise today to begin to lay the foundation for this policy and ensure that the engine that drives this economy has access to the fuel it needs to thrive: capital.

Entrepreneurs are synonymous with jobs. In the last three years there has been over a million new jobs created in the high tech sector alone. More importantly, the average wage of a high tech job is $53,000 per year, 77 percent higher than the private sector as a whole. By creating an environment for entrepreneurship to thrive, we also ensure that ''spin off'' companies develop to foster even greater job creation and technological development. Nowhere is this more clearly demonstrated than in the biotechnology and computer industries that have grown up in my home state of Washington.

The bill I am introducing today will ensure that these new capital-intensive small businesses will have the money they need to create innovative technologies and create jobs. By raising the Section 1202 definition of small business from $50 million to $300 million and raising the capital gains exclusion from 50% to 100% for both individuals and corporations, we can create a climate in which individual investors are rewarded for their risky investment and entrepreneurs have the tools they need to succeed.

Capital gains taxes are one of this nation's primary obstacles to job creation and technological innovation. Anything to reduce the effective or actual rate on capital gains taxes will help put more money in the hands of our nation's most enterprising citizens and lift the standard of living for everyone.

In addition to the capital gains provisions in the bill, I am also posposing to eliminate Incentive Stock Options from the calculation of

the individual Alternative Minimum Tax. Today's high tech employers are having a difficult time recruiting and retaining skilled professionals because of the incredibly high demand for people knowledgeable about computers. One of the principal ways employers can retain qualified employees is through Incentive Stock Options, which help supplement the employee's income while giving them an ownership role in the company. Unfortunately, the Alternative Minimum Tax is preventing many employees from receiving more compensation and, therefore, is limiting the use of ISOs as a retention tools. This bill will fix this problem to ensure that both employers and employees can continue to benefit from the economic boom being created by the high tech sector.

Over the course of the next year, I expect a healthy debate over tax policy. It is my hope that this bill will put the primary focus of this debate where it ought to be: removing incentives to economic freedom and entrepreneurship.

I urge my colleagues to support this effort.

A TRIBUTE TO PEGGY AND FOSTER BURTON

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. PASTOR. Mr. Speaker, fifty years ago, on June 18, 1949, Peggy and Foster Burton were married in Wheeling, West Virginia. Peggy is the daughter of Larry Gideon, a first generation American of Austrian immigrant parents and Blanch Van Kirk, whose American roots date to the 17th century New Amsterdam colony and Scotch-Irish settlement in Pennsylvania. Foster is descended largely from Scottish Highlanders with Scotch, English and Irish ancestors.

Foster Burton was born in Wheeling, West Virginia. He served three years in the United States Marine Corp before receiving an Honorable Discharge in 1946. Dr. Burton earned bachelor degrees in Civil Engineering and Industrial Management from Carnegie Tech. He then earned his Master of Business Administration from New York University and a Ph.D. in economics from the University of Pittsburgh. Dr. Burton accepted a teaching position in my home state, at Arizona State University (ASU), where he served as a professor of the Del Webb School of Construction for 24 years.

Peggy Burton was born in Washington, Pennsylvania. Her family moved to Wheeling when she was fourteen. Mrs. Burton received both her Bachelors degree in Fine Arts and Master of Education degree from ASU while maintaining a household with three children. Mrs. Burton was the first official Director of the Tempe Historical Museum. She also served as the Exhibition Coordinator for ASU's Public Events Division.

Since their retirement, Peggy and Foster Burton's primary source of enjoyment has been their five grandchildren. Now their three children, Foster, Margaret (Meg) and Elizabeth, carry on their parent's legacy of service to Arizona.

In this day and age, it is rare to see couples with the fortitude to remain committed to each other and truly honor their wedding vows. The Burton's dedication to their family, community and each other is an inspiration to all Americans. I know that my fellow members will join me in wishing them a sincere congratulations for their fifty years together.

MS. BILLIE RICHARDS AND ''BILLIE RICHARDS DAY''

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to join the constituents of the 30th Congressional District of Texas, the resident of Dallas and my colleagues in the House of Representatives in taking great pleasure to proclaim June 24, 1999 as ''Billie Richards Day.''

Mr. Speaker, Ms. Richards has served the Dallas County commissioner's court as manager of the Dallas County Home Loan Counseling Center for more than ten years. She has demonstrated continued dedication to help those low to moderate income level households in reaching the American dream of home ownership. Her hard work has allowed many families to take part in a dream that would otherwise have been unattainable.

Mr. Speaker, Ms. Richards accomplished a lot during her tenure as executive director of the Neighborhood Housing Services of Dallas, Inc. and the Bethlehem Community Center. Her public relations and managerial skills, as well as her commitment to serve others, are second to none.

Ms. Richards' educational credentials are impressive. She has utilized her creativity and social skills in her teaching position at Dunbar High School in Temple, Texas. Indeed, she has made it a priority to pass on her educational skills to others. In addition, she has received many awards in recognition of her commitment to community development. Her volunteer efforts have touched the lives of many.

On June 24, 1999, we should take a moment to look back at more than 30 years of great achievements that Billie Richards has given to the Dallas community.

Therefore, I ask that all citizens of Dallas join in celebrating June 24, 1999 as ''Billie Richards Day.''

CONGRATULATIONS TO COACH RED HILL, ABRAHAM BALDWIN AGRICULTURAL COLLEGE, NJCAA CHAMPIONS MEN'S TENNIS

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. CHAMBLISS. Mr. Speaker, I want to congratulate Abraham Baldwin Agricultural College in Tifton, Georgia for recently winning the National Junior College Athletic Association's men's tennis title. The Stallions had previously won the title in 1984, and have once again proven to be the best Junior College tennis team in the nation. Both national titles were won with the Stallions under the direction of Coach Norman ''Red'' Hill. This year's title is especially sweet, as Coach Hill retired after thirty-four years of dedication to ABAC, and to its students.

Red Hill began his career at ABAC in 1965. During the past thirty-four years, Coach Hill has built a nationally recognized, well-respected program. Having recruited some 300 students from around the world to play tennis at ABAC, Coach Hill was much more than a coach. Sure, he was building a nationally recognized program, but he was also instilling character, integrity, and hard work in those whose lives he influenced.

Coach Hill has won more men's college tennis matches than any other coach in America. He led ABAC teams to national tournaments thirty-four consecutive times, won twenty-nine regional championships, has been ranked in the top five national rankings for the past five years, and has won two national championships.

Red became the fourth person in 1993 to be inducted into the NJCAA Men's Tennis Hall of Fame. The Georgia Sports Hall of Fame awarded Coach Hill with an Achievement in Sports Award; he has been designated as an Honorary Alumnus by ABAC's Alumni Association, and will retire with Emeritus status.

Mr. Speaker, Red Hill spent his career making a difference in the future of this country. Those thirty-four years contributed to the success of the many lives that Red influenced. Now, ending his career with another national championship, Coach Red Hill retires a legend. I commend Coach Hill and the ABAC Tennis program for their success.

GUN SAFETY LEGISLATION

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. UDALL of Colorado. Mr. Speaker, last week, the House of Representatives had the opportunity to pass sensible gun safety laws to keep guns out of the hands of juveniles and criminals, and to make our communities safer—but we didn't.

When we debated the bill, I supported the McCarthy amendment because it contained common sense proposals that would have closed the gun show loophole, banned large capacity ammunition clips and required child safety locks on newly purchased handguns.

After that amendment was defeated, I voted against the final version of the gun bill because its background check provision would have given criminals the opportunity to buy guns at gun shows and it would have weakened our current background check laws. The final House bill would have made it easier for a criminal to purchase handguns, and that was unacceptable.

As I have gone door-to-door talking with people and visiting schools in my district, there is no doubt that people overwhelmingly support common sense laws to keep guns out of the hands of kids and criminals. My constituents don't care about politics. They care about whether their children are going to be safe when they are at school. And as a father of two children in public schools, I understand their concerns.

Those concerns were eloquently expressed in a letter I received from Tom Mauser, whose

son Daniel was one of the students murdered at Columbine High School. I am attaching his letter to this statement, and I urge all Members of the House—particularly the leadership of the Judiciary Committee—to review it carefully as we move toward a conference with the Senate on the Juvenile Justice legislation.

DEAR REPRESENTATIVES HEFLEY, MCINNIS, SCHAFFER and UDALL: I am Tom Mauser, father of Columbine High School victim Daniel Mauser. While I do not live in your district, as an advocate for common sense gun laws I have heard from people from all over Colorado through a web site I've set up in honor of my son (www.danielmauser.com). These people have expressed fear about the safety of their children. Many believe in common sense gun laws, and though they don't speak with the intensity of NRA members, I think their voices should also be heard.

I urge you to pass the Juvenile Justice bill now before the House with the gun control amendments as passed by the Senate intact. Please don't water them down, don't create more loopholes, and don't approve poison pills that would deter passage.

There are those who think I am singularly focused on gun control. No, in ALL of my public appearances I have clearly stated that there are many factors that are responsible for the tragedy at Columbine and other schools (lack of parental oversight, lack of value placed on human life, violence in the media, etc.) However, addressing these cultural factors will take time. Most must be addressed by families and communities, not Congress. One of the only major things Congress can do is to tighten loopholes and reduce children's access to guns. So the question is, will you show leadership to address this one action you can take? Or will you pretend that the status quo is okay?

I urge you once again to pass the Juvenile Justice bill with the gun control amendments passed by the Senate. If you are unwilling to do so, I ask you to ponder these questions: What useful purpose is there for the semi-automatic weapons like the one used to kill my son? Why do we need imported gun clips holding more than ten bullets, like the one used to kill my son? How many more school shootings or how many more gun deaths would there have to be before you would put aside concerns about 'bureaucratic burdens on gun owners' and vote against the NRA and for common sense gun laws? How many???

On my son's web site I will place your voting record on this issue. Just as the NRA pressures you and holds you accountable, so too will I. In just 12 days since it began, the web site has had well over 5,000 hits, and I expect more as time goes on. I hope you will honor Coloradans and our God by doing the RIGHT thing.

I encourage you to visit my son's web site (www.danielmauser.com) so you'll be reminded of the human costs of these tragic shootings. I welcome your response to this letter, as would the thousands of Coloradans logging on to the web site.

Sincerely,

TOM MAUSER.

TRIBUTE TO COLONEL JOHN FRANCIS KELLY, UNITED STATES MARINE CORPS

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. SPENCE. Mr. Speaker, I rise today to recognize an exceptional United States Marines officer, Colonel John Francis Kelly. Next week, Colonel Kelly completes a highly successful four year tour as the Marine Corps' Liaison to this body. It is a pleasure for me to recognize a few of his many outstanding achievements.

A native of Brighton, Massachusetts, John Kelly initially served in the United States Merchant Marines until 1969. On September 10, 1970, John Kelly dedicated himself to the service of this Country by enlisting in the Marine Corps. Upon graduating from the Marine Corps Recruit Depot at Parris Island, South Carolina in November 1970, he was designated as a Rifleman and conducted training with the Infantry Training Regiment, until February 1971. Due to his exemplary performance, he was meritoriously promoted ahead of his peers to the grades of Private First Class, Lance Corporal, Corporal, and Sergeant. He was discharged from the Marine Corps in September 1972. Soon after graduating from the University of Massachusetts, Colonel Kelly was commissioned as a Marine Corps Second Lieutenant, in November 1975.

Then, Second Lieutenant Kelly reported to The Basic School in Quantico, Virginia, for six months of basic officer training. Upon his graduation from that school, John Kelly reported for duty with the Second Battalion, Second Marine Regiment, Camp Lejeune, North Carolina, where he served as a Platoon Commander, a Rifle Company Executive Officer, an Assistant Operations Officer, and Commanding Officer of a rifle company. In November 1977, he was promoted to First Lieutenant. Subsequent non-Fleet Marine Force assignments from 1979 to 1984 included service as the Executive Officer for Marine Detachments, aboard the USS FORRESTAL and the USS INDEPENDENCE, and as the Ground Officer Assignment Monitor at Headquarters, United States Marine Corps, Washington, DC. During this time, he was promoted to Captain. He also graduated from Georgetown University in 1978, where he earned a Masters Degree in National Security Studies.

In June of 1984, Captain Kelly was assigned to the Third Battalion, Fourth Marine Regiment, and he commanded both Rifle and Weapons Companies. Upon being promoted to the rank of Major, John Kelly served as the Battalion's Operation Officer. In June 1987, Major Kelly was transferred to Quantico, Virginia, where he was initially assigned as the Section Head, Offensive Tactics at The Basic School. In April 1988, Major Kelly was assigned as the Officer in Charge and Chief Instructor at the Marine Corps Infantry Officer Course, also located at Quantico, Virginia. He held this position until August 1990, at which time he was reassigned as a student at Marine Corps Command and Staff College and later to the School for Advanced Warfighting. In June 1992, Major Kelly transferred to the First Marine Division, Camp Pendleton, California, and he assumed the duties as Commanding Officer of the First Light Armored Reconnaissance Battalion, where he was promoted to Lieutenant Colonel.

John Kelly arrived for duty as the Marine Corps' Liaison Officer at the House of Representatives in June of 1995. In this capacity, he has been instrumental in providing the Congress with in-depth knowledge of the Marine Corps. Most importantly, Mr. Speaker, Colonel John Kelly has come to epitomize those qualities that we as a Nation have come to expect from our Marines—absolutely impeccable integrity and character, as well as professionalism.

John Kelly was promoted to Colonel, at a ceremony in which I had the honor to participate, at the House of Representatives in July 1998. His personal awards include two Meritorious Service Medals, four Navy-Marine Corps Commendation Medals and the Navy-Marine Corps Achievement Medal. Mr. Speaker, John Kelly has served our Country with distinction for the past twenty-six years. As he continues to do so, I call upon my colleagues from both sides of the aisle to wish him, his lovely wife Karen, and their three children, John Jr., Robert, and Kathleen, much continued success in the future, as well as fair winds and following seas.

TRIBUTE TO WEST POINT GRADUATE RALPH WARE

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. SCHAFFER. Mr. Speaker, I rise to recognize a young man dedicated to excellence in the service of his Country. On May 29, 1999, Cadet Captain Ralph Ware of Aurora, Colorado, Graduated from the United States Military Academy at West Point, New York.

The United States Military Academy is among the most prestigious military academies in all the world. The Academy selects only the best and brightest young people of our nation to serve and study at West Point for four years. Once admitted, the cadet must endure the most rigorous training, testing his mind, body and spirit on a daily basis. As the cadet meets each challenge, he is transformed into a new, multifaceted person, capable of serving his country in the face of any obstacle. This transformation culminates in graduation, where each cadet celebrates the achievements of the past and the possibilities of the future.

Mr. Speaker, it is my privilege to congratulate Cadet Captain Ralph Ware and all of the East Point graduates. With confidence, I look forward to their leadership in America.

IN RECOGNITION OF THE CONTRIBUTIONS OF DR. WILLIAM R. WILSON, JR.

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. GEJDENSON. Mr. Speaker, I rise today to congratulate Dr. William R. Wilson, Jr. upon receiving his Norwich Rotary Club's Native Son award for 1999. Dr. Wilson is a distinguished son of Norwich and an extraordinary humanitarian.

Dr. Wilson is a highly skilled cardiac surgeon specializing in pediatric cardiology. He is chief of cardiovascular surgery at The Children's Hospital, University Hospital and Clinics in Columbia, Missouri. Dr. Wilson has performed more than 120 heart transplants, including on the youngest Americans.

However, Dr. Wilson is more than just a surgeon, he is a humanitarian. He has traveled

across the world to use his skills to better the lives of people who live in nations which do not enjoy the medical care available in our great country. Thanks to Dr. Wilson, children around the globe have been given a precious gift—the opportunity to grow up healthy and happy. I have attached an editorial from the Norwich Bulletin commending Dr. Wilson which I request be included following my remarks.

Mr. Speaker, I join residents from Norwich in congratulating Dr. William Wilson, Jr. on receiving this prestigious award. He is a humanitarian, a tribute to his family and a great ambassador for our country.

DR. WILLIAM R. WILSON, JR. IS NATIVE SON FOR 1999

William R. Wilson Jr., M.D., today will be awarded the Norwich Rotary Club's Native Son honor for 1999. Bill left Norwich many years ago, and since that departure he has distinguished himself both throughout this country and internationally as a cardiac surgeon and, specifically, a pediatric cardiac surgeon.

The son of Margaret Sullivan Wilson and the late W. Robert Wilson—and the brother of Margaret, known hereabouts as Peggy—Bill was born in Norwich in 1954 and grew up on Lincoln Avenue and Canterbury Turnpike.

During his early years here, Bill learned to golf and ski. He and his sister volunteered for Head Start, and Bill had stints locally with a bank and the American Ambulance Service.

His early learning took place at the John Mason and Samuel Huntington schools, Kelly Junior High and, finally, the Norwich Free Academy from which he graduated in 1972. While his curriculum vitae and individual honors are much too extensive to enumerate here, his education continued at Kenyon College, the University of Connecticut, the Medical Center Hospital of Vermont and Case Western Reserve University.

During his time in Kenyon, Bill served as a town volunteer firefighter. In the course of those duties, he responded to a horrific car accident where one person died at the scene, another at the hospital. That spurred his initial interest in medicine.

Bill's skill today—which includes surgery on infants and more than 125 heart transplants—takes brilliance, a steady hand and enormous dedication.

Bill was 35 before he finished training and went to work.

He has taught anatomy, been staff and chief physician, and today is chief of cardiovascular surgery at The Children's Hospital, University Hospital and Clinics in Columbia, Mo.

He's licensed in Vermont, Minnesota, Illinois, Ohio and Missouri. He's led medical missions to Peru and the Republic of Georgia in the former Soviet Union.

Today, when he's not saving or improving the quality of human lives, Bill and his wife, Joan, and their children Bobby, Brandon and Alaina make their home in Columbia, Mo.

With family, job and an occasional round of golf, the demands on Bill's time are considerable. And though today he calls Missouri home, he will always be a Norwich native, one of whom this community is enormously proud.

The Norwich Rotary Club has made a fine choice in selecting Dr. Wilson as 1999 Native Son. On behalf of the community, we extend our congratulations to a man who has made us very proud.

Well done, Bill, and welcome home.

TRIBUTE TO MR. FRAN GRADISAR

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. MCINNIS. Mr. Speaker, I would like to take a moment to recognize and honor Mr. Fran Gradisar. Later this month, Mr. Gradisar will retire after 39 years as a leading veterinarian in Pueblo, Colorado, and I would like to pay tribute to him for his hard work, dedication and service to citizens of Pueblo and their pets.

After graduating from high school, Mr. Gradisar was drafted and served two years in the Army. Searching for a career after completing his military service, Mr. Gradisar remembered his admiration of dogs and decided to become a veterinarian.

He enrolled at Colorado State University, was accepted to vet school and in 1960, he graduated and returned to Pueblo to work for Dr. Ed Eden for several years. After gaining valuable experience from Dr. Eden, Mr. Gradisar established his own practice which he has maintained since 1964.

His dedication to the health of animals has instilled in the owners of his patients a sense of trust which now brings the third generation of some families to his office. Mr. Gradisar has not only cared for the animals which have visited his office, but he has also volunteered time and services to the humane society.

Individuals such as Mr. Fran Gradisar, who contribute to the community in which they live, and set a good example for all, are a rare breed. Today, as Mr. Gradisar opens the page on a new chapter in his life, I would like to offer my gratitude for his work ethic and for the inspiration which he has provided. It is clear that Pueblo has benefitted greatly from his practice. I would like to congratulate him on a job well done, and wish him the best of luck in all of his future endeavors.

INTRODUCTION OF LEGISLATION TO PROVIDE HEALTH COVERAGE FOR HEARING AIDS FOR FEDERAL EMPLOYEES

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mrs. MORELLA. Mr. Speaker, today I am introducing legislation that would provide coverage for hearing aids under the health benefits program for Federal employees.

Hearing loss is a health issue. If hearing loss is not treated, it can affect the general and psychological health of an individual. Studies show that people with hearing loss often suffer serious emotional and social consequences. Untreated hearing loss can lead to depression, anxiety, stress and chemical dependency which results in an increase in medical visits and hospital stays.

Many people feel that there is a stigma attached to hearing loss and try to hide it. This is especially true of employees who fear that they will be seen as less than competent in the workplace if they admit that they have a hearing loss.

Hearing loss affects about nine million Americans over the age of 65 and 10 million Americans between 45 and 64. About three out of five older Americans and six out of seven middle-aged Americans with hearing loss do not wear a hearing aid. More than one-half of the non-users cite the cost as a reason for not wearing a hearing aid.

Hearing aids are a major uncovered health care expense. The average cost of a hearing aid in 1997 was $971. By providing health care coverage, this legislation will ensure that federal employees and their families will be able to afford much-needed hearing aids.

There are a number of insurance policies that cover hearing aids. The California Public Employees Retirement System (CalPERS) provides coverage for hearing tests and hearing evaluations, at no cost. This plan also covers up to $1,000 every three years for hearing aids.

The State of Minnesota Employees Insurance provides coverage for hearing exams and up to 80 percent of the cost of a hearing aid for all its employees. And Hartford Insurance offers hearing testing and the full cost of two aids every five years.

Mr. Speaker, hearing loss is one of the most prevalent chronic conditions in America. We must address this serious problem by making hearing aids more affordable, so that hearing-impaired individuals and their families can improve the quality of their lives.

PERSONAL EXPLANATION

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. HOUGHTON. Mr. Speaker, I rise to say that I missed votes numbered 204–238 from June 14 to 18, 1999, as I was attending the inauguration ceremony of South African President Thabo Mbeki.

Under the authorization of Chairman BEN GILMAN of the House International Relations Committee, I was the sole representative of the U.S. Congress at the inauguration.

IN HONOR OF THE 150TH BIRTHDAY OF DAYTON, KENTUCKY

HON. KEN LUCAS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. LUCAS of Kentucky. Mr. Speaker, I rise today in recognition and celebration of the 150th birthday of Dayton, Kentucky.

Dayton is a city that has overcome much adversity in its 150 years, including three major floods. Dayton's resilience can be traced to the strong work ethic of its people. The people of Dayton, including its government, business, and education leaders, have always had a ''roll up your sleeves and get to work'' attitude. It's that kind of work ethic that helped build America's great cities—big and small.

Earlier this month, I was honored to take part in Dayton's sesquicentennial parade to commemorate Dayton's many accomplishments and to celebrate this important milestone. And today, in the U.S. House of Representatives, I rise to congratulate the city of

Dayton. To the people of Dayton on the occasion of your city's sesquicentennial—Happy Birthday to you.

COMMEMORATING THE RETIREMENT OF THOMPSON SCHOOL DISTRICT TEACHERS

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to commemorate the ceaseless service of over 20 school teachers and principals upon their retirement from the Thompson School District in Loveland and Berthoud, Colorado. From first grade to twelfth grade, these hard working citizens have dedicated their lives to America's youth. Through education, these mentors selflessly helped students of all ages to believe in themselves and strive to achieve their goals. A majority of these teachers served the Thompson School District for at least 20 years, and others have dedicated as much as 30 years in the district. Their unrelenting work is truly a tribute to the Thompson School District and to American public schools.

Mr. Speaker, I hereby personally recognize each of these educators on behalf of the House of Representatives of the United States of America: Debra Biernat, Bonnie Bonewitz, Frances Clark, Carol Dormer, Nancy Erickson, Martha Grohusky, Cecilo Gutierrez, Wayne Gutowski, JoAnn Hanson, Vicki Hout, Ellyn Johnson, Marion Kolstoe, James McReynolds, Lee Parsons, Mary Peterson, Sandra Roorda, Terry Roulier, Charles Schoonover, Susan Schoonover, William Shields, William Speiser, James Spoon, Karen Storm, Valerie Trujillo, Mary Vogesser, and Joan Zuboy. These educators' devotion to children has earned the respect of their colleagues, parents, and students. I wish them a very fulfilling retirement and the best in all of their future endeavors.

A TRIBUTE TO JANE QUINE, FORMER CONGRESSIONAL STAFFER; AKRON, OHIO, ACTIVIST

HON. TOM SAWYER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. SAWYER. Mr. Speaker, with her lilting Milledgeville, Georgia, accent, Jane Quine became an improbable but highly effective political leader in Akron, Ohio, for 25 years. Jane Quine died at age 81 last Thursday in Jacksonville, Florida. She has left us with abundant memories of her leadership, her grace, and her seemingly boundless energy.

Mrs. Quine served twice as a congressional staffer. First, she worked for Rep. Carl Vinson during the build-up and height of World War II. This was where she met Akronite John Quine. Mr. Quine, on assignment to Vinson's Naval Affairs Committee, was persuasive enough not only to marry her, but to convince her to make Akron her home.

We didn't call it the ''mommy track'' back then, but Jane Quine did give up active politics for about two decades while she raised six children. Then she returned to the political arena in 1970 as a campaign worker for John Seiberling, my predecessor in Congress. With Rep. Seiberling, she reprised her role as congressional staffer, becoming his District Director for several years.

Then she ran a number of key local campaigns, including my own campaigns for Mayor of Akron and for the U.S. House of Representatives. Unlike the smoke-filled rooms that local politics sometimes bring to mind, Jane Quine used her gracious home as the setting for countless meetings, both formal and informal, as she built a strong party network. She mentored, and some would say mothered, politicians from across the county. All along, the values she espoused were democratic, in the broadest sense of the word—duty, activism, inclusion, participation, service.

In 1986, Governor Richard Celeste appointed her to the University of Akron board of trustees, where she served through 1995. In 1990, Jane Quine became the first woman to chair the Summit County Democratic Party. She also served on the board of the Akron-Canton Regional Airport for most of the 1980's as it prepared for a period of unprecedented growth.

Those of us left behind in snowy Ohio regretted her leaving in 1995 for St. Augustine, Florida, where she immersed herself in still more worthy causes. Still, a whole generation of Akron's public officials found her departure left a distinct void in our lives, compounded by Thursday's sad news.

Mr. Speaker, I ask that Tuesday's editorial from the Akron Beacon Journal, recounting Mrs. Quine's many contributions to the Akron area, by printed in the RECORD.

JANE QUINE: ALWAYS A DEMOCRAT, ALWAYS THERE FOR DEMOCRATS

If ever there was a person associated with polite politics, it was Jane Quine. A genteel, old-fashioned Southerner, Mrs. Quine believed that slash-and-burn campaigns did the practice of professional politics, which she loved, far more harm than good.

Mrs. Quine, who died last week in Florida at age 81, was the rock on which many local political careers were built. She was a mainstay of local Democratic politics for several decades, including service as the first female county Democratic chairman. A self-described ''stamp-licker'' for U.S. Rep. John Seiberling's first successful campaign, Mrs. Quine is credited either with launching political careers or helping to sustain them with wise counsel, vast energy and unwavering loyalty.

She couldn't resist the call to help Democrats. She became active in party politics in St. Augustine, Fla., where she moved in 1995. After all, she said, ''There aren't many of us down here.''

Her innate sense of right and wrong kept her involved. Politics requires two strong parties, and she was a true Democrat. She also believed in her duty to the community, serving on the boards of the University of Akron and the Akron-Canton Regional Airport.

If local politics has turned harsh, it may be because people such as Jane Quine aren't on the scene to give it a firm but far gentler push toward reason.

TRIBUTE TO MS. CECELIA B. HENDERSON, AREA DIRECTOR, THE LINKS, INCORPORATED ''THE BIG APPLE CLUSTER''

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. RANGEL. Mr. Speaker, I rise today in recognition of the accomplishments of Ms. Cecelia B. Henderson of The Links, Incorporated for her contributions to African Americans, especially the youth in eastern cities and communities, preparing them to meet the challenges in professions and fields where African Americans are few in number.

The first Links club was founded in November 1946 in Philadelphia, Pennsylvania, with only nine members. The purpose of the organization at its inception was to foster friendship and render service to needy African-American families. The membership has grown to more than 10,500 today, with 270 chapters located in forty (40) US cities, Nassau, Bahamas, and in Frankfurt, Germany.

Today, The Links is a volunteer service organization of concerned, committed, and talented women who through service, linked in friendship, commits itself to enhancing the quality of life in the larger community. Because of the rich legacy of the organization, it has contributed over 15 million dollars to worthy causes through grants-in-aid, and through many effective initiatives within communities across the country. Through its participation in UNICEF, the organization is active abroad, in building elementary schools in South Africa, contributing to the construction of water wells elsewhere in Africa, and aiding the Caribbean Women's Health Association to improve the lives of Caribbean women and children.

Ms. Henderson has served as the Eastern Area Director of The Links for the past four years. She became a member of the Buffalo, New York, Chapter in 1974, and has held numerous leadership positions in the local chapter, and at the National Level.

In 1997, and again in 1999, under the leadership of Ms. Henderson, The Eastern Area Links presented a classroom-based educational program entitled, HeartPower to school districts in New York City and Philadelphia with a simple message, ''you too can have a healthy heart, it's as easy as 1–2–3''. This program fits with the overall theme which Ms. Henderson developed for the Eastern Area, ''Serve up Success: Build Linkages . . . Empower the Black Family.''

A retired educator with a long and commendable professional career in the Buffalo, New York, school system, Ms. Henderson has served the Links with her expertise in promoting health education.

As the community celebrates her years of leadership and service at the thirty-fifth Eastern Area Conference, I offer our congratulations to her as she is recognized for the differences that her efforts have made in cultivating the talents, and developing the abilities of the youth of today, with the potential of becoming local, national and world leaders of the twenty-first century.

UNDER SECRETARY OF STATE STUART EIZENSTAT DISCUSSES RELATIONS WITH THE EUROPEAN UNION

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. LANTOS. Mr. Speaker, last week the Committee on International Relations held an excellent and timely hearing on the United States relationship with Europe and the European Union. This hearing was particularly timely as it was held on the eve of the G–7 Summit in Bonn, Germany, at which United States representatives, including our President, held critical discussions with our European allies and the European Union. This hearing was the first in a series of planned committee hearings on the transatlantic relationship and its importance to United States political, economic, and security interests.

Mr. Speaker, with total trade and investment between the United States and the European Union now in excess of $1 trillion annually, the EU is already our largest single trading and investment partner. The EU is also the world's largest single market, and with the establishment of the new single European currency—the euro—this market will continue to be the most important market for American firms and the most important external market for the economic health of our nation.

While we tend to give greater attention to the economic and trade aspects of our relationship with the European Union, we must not ignore the growing importance of the political dimension of our relationship. The European Union is moving toward greater political involvement and it plays a key role in the coordination of member foreign policies, Mr. Speaker. The EU will play a critical role in the reconstruction of Southeastern Europe, it plays a vital role in encouraging the development of democratic political institutions, a civil society and a market economy in Central and Eastern Europe and in Russia. Furthermore, the EU has been a partner with us in encouraging political stability and economic prosperity in North Africa and the Middle East.

The principal administration witness at this important hearing of the Committee on International Relations, Mr. Speaker, was Under Secretary of State Stuart Eizenstat. He is the quintessential outstanding and extraordinary public servant in this city, who has demonstrated his commitment to the highest quality of public service in a variety of most important capacities as our ambassador to the European Union and in key sub-cabinet posts in three departments—the Department of Commerce, the Department of State, and now the President has nominated him to serve as Deputy Secretary of Treasury.

Mr. Speaker, I ask that a summary of the opening statement made by Secretary Eizenstat at our recent hearing be placed in the RECORD. This excellent statement reflects the best current American thinking about the issues of concern regarding the United States and our relationship with Europe and the European Union.

STATEMENT OF UNDER SECRETARY OF STATE STUART EIZENSTAT TO THE COMMITTEE ON INTERNATIONAL RELATIONS, JUNE 15, 1999

Mr. Chairman, I very much appreciate the statements that have been made by the members of the Committee. It is an honor to be here with my good friend David Aaron, the Undersecretary for Trade at the Department of Commerce.

With the European Union, we share a commitment to the promotion of security, prosperity and democracy—not only in the Euro-Atlantic area but beyond it as well. It is no hyperbole to suggest that the relationship between the U.S. and the European Union may be the most important, influential and prosperous bilateral relationship of modern times. Two-way trade and investment flows are now some $1 trillion annually, supporting more than 6 million jobs on both sides of the Atlantic. One in 12 industrial jobs in the United States is in a European owned factory, and European countries are the biggest foreign investors in 41 of our 50 U.S. states.

We have launched the Trans-Atlantic Economic Partnership, covering 10 broad areas to reduce existing trade barriers, improve regulatory cooperation, and establish a bilateral dialogue on multilateral trade issues in the WTO. We've agreed with the EU that the WTO should begin a new broad-based round of trade negotiations, following a structure that will yield results expeditiously in agriculture services and other areas. We've also agreed to seek permanent commitments by WTO members not to impose duties on electronic commerce transactions, an area where Secretary Aaron has had a particular impact.

REBUILDING SOUTHEASTERN EUROPE

There is no more vivid example of our common values and goals than the work we are doing with the EU right now in the post-conflict reconstruction of Southeastern Europe. As the confrontation in Kosovo comes to an end, together we have a big job before us. Our joint aim is to build a solid foundation for a new era of peace and stability, helping a region that has been one of the continent's most violent, become instead part of the European mainstream.

We forged a new stability pact for the region. And we believe that just as we have born the lion's share of the military expenditures, it is only right that the European Union bear the lion's share of the reconstruction. And this is something that they themselves have indicated they wish to do.

ENLARGEMENT OF THE EUROPEAN UNION

The 15 member EU is now about to undertake its largest enlargement ever. It will be one of the most important challenges facing Europe in the 21st Century. I would say to my dear friend, Congressman Lantos, that when he talks about great enterprises, this expansion will be a historic opportunity to further the peaceful integration of the continent, if it is done right.

The EU plans to spend, on its new members, between 2000 and 2006, the equivalent in 1999 dollars of what we spent on Western Europe through the Marshall plan. It will encourage cooperation, reinforce democracy, and reduce nationalistic and ethnic tensions. And if in the end it is successful, the European Union will be the largest single market in the world, with over 500 million citizens in an economy significantly larger than our own.

Thirteen countries have applied for EU membership so far. And the European Commission is in the middle of negotiations, with six of those 13, and another five are going through initial screening. The year 2003 is the likely earliest date for excision of the first wave of candidates, and frankly the balance of writs are for a later rather than an earlier date for enlargement.

Enlargement should be a net-plus for U.S. goods and services, to help the countries of Eastern and Central Europe. Nonetheless, we will insure that our commercial and economic interests are not disadvantaged.

We are working both with the EU and its candidate states to prevent the erection of new barriers to trade as part of the enlargement process. The main problem concerns the interim period between now and ultimate excision. Because at excision, they will take the common external tariff of the European Union which is generally quite low. But in the interim, as tariff levels from EU products drop to zero in the candidate countries, they remain at higher levels for U.S. products to our disadvantage. We're working with the candidate countries to find suitable remedies. We're encouraging them to adopt the lower EU tariff schedules as soon as possible. Slovenia, for example, has begun to do this. The European Commission has agreed with our strategy, and excision candidates are beginning to respond.

Certainly we will be economic competitors, but with our combined strength together, we'll also be able to set a global agenda supporting democracy and open markets. We share, if I may say so, more values with Europe than we do with any other region.

Enlargement of the EU requires the candidate counties to conform their laws and practices to EU norms. It would almost be like saying that a new state coming into the United States has to conform of every page of the code of federal regulations. It is a mammoth job. It requires change not only in the candidate countries, but also on the part of the current member states as well.

COMMON AGRICULTURAL POLICY

The largest step is the reform of the Common Agricultural Policy, or the CAP. The EU has now agreed to put a ceiling on total expenditures over the next several years. But this cannot be done without reforming its agricultural subsidies.

Almost half of the EU's overall budget, over $50 billion, is earmarked for agricultural subsidies. The European Commission's modest CAP reforms are inadequate to do the job. They will complicate the process of enlargement, and they do not go nearly far enough in terms of reducing the distorting effects of the CAP on the world trading system. Other countries, including developing countries will continue to be forced to pay for European farm inefficiencies by losing sales at home and in third markets.

THE AMSTERDAM TREATY/A COMMON FOREIGN POLICY

Historically, every enlargement of the EU has been preceded by a deepening of the level of internal cooperation. They are already slow in many cases to respond to a crisis. This will be further complicated when they expand to 21 members. With the advent of the Amsterdam Treaty on May 1, we're witnessing a dramatic shift in power. The European Parliament now has a greatly enhanced role in EU decision-making, and will enjoy equal say or co-decision with the council administrators on more than two-thirds of all EU legislation.

The Amsterdam Treaty will also result, Mr. Chairman and members of the committee, in major changes in ways the EU conducts its foreign policy. A new high representative for its common, foreign and security policy will give the EU greater visibility on the international scene. They have selected NATO Secretary General Javier Solana as the first High Representative for their common foreign and security policy. He has been an extraordinary Secretary General of NATO and we believe he will perform equally well at the EU and we look forward to working with him.

An EU with an effective foreign and security policy would be a power with shared values, and strong transatlantic ties with which

we could work globally to solve problems. The EU has also chosen former Italian Prime Minister Prodi as the next president of the European Commission. We have worked well with him before, and we have great confidence in him as well.

CURRENT TRADE ISSUES

We often let the immediacy of our current trade disputes blind us to the very real benefits that we both enjoy from access to each other's markets. But obviously there is a tough road ahead. And yet we can't allow our relationship to be defined solely by these disputes.

All too often, nevertheless, the EU takes actions, such as its unilateral hush kits regulation where Ambassador Aaron did such a fabulous job of at least temporarily diverting a problem. Or it's counterproductive response to the previous WTO panels on bananas and beef from exacerbating trade tensions. It's for that reason that we have suggested an early warning system to identify such problems before they burst into full-scale disputes.

We are indeed facing a tough set of trade disagreements, and we continue to hammer home the principle of fair and transparent trade rules: of the need for the EU to respect international commitments and WTO rulings, of abiding by scientific principles and not politics in making health, safety, and environmental decisions.

The need for a clear and rational trading principle may be greatest in the need of biotechnology. Within a few years, virtually 100 percent of our agricultural commodity exports will either be genetically modified organisms (GMO) or mixed with GMO products. And our trade in these products must be based on a framework based on fair and transparent procedures, which address safety on a scientific and not a political basis.

We, since 1994 approve some 20 GMO agricultural products. Since 1998, Europe has not approved any. There is no scientifically based governmental system to approve GMO products, therefore the European public is susceptible to ill-informed scare tactics. The EU approval process for GMOs is not transparent, not predictable, not based on scientific principles, and all too often susceptible to political interference.

We've been working to break this pattern of confrontation and indeed there are leaders in Europe who recognize that an EU regulatory system drawn up in accordance with its own international trade obligations would be a boon to both business and consumers. We have a new biotech-working group to address GMO issues.

The same can be said for beef hormones; where the European public is subjected to daily scare tactics which try to portray the hormone issue as a health and safety issue, when indeed there is broad scientific evidence that beef hormones are completely safe. There is no reason why American beef producers should pay the price for internal political calculations in Europe inconsistent with WTO principles.

To conclude, as we look toward the future, our goal is to work together to promote our goals of security, prosperity and democracy. Together we can accomplish more than either the U.S. or the EU can by acting alone.

WE MUST WORK TOGETHER WITH EUROPE

We want to work more effectively to deal with past breaking crises, to find ways of managing our disagreements before they get out of hand, and to expand areas of joint action and cooperation.

We are working on just that and the hopes that we can articulate a new vision at the June 21 U.S.-EU summit in Bonn through a new Bonn declaration. This would fit in with our larger goal of using 1999 for a series of summits, NATO, OSCE and the U.S.-EU summit to strengthen the abiding European-Atlantic partnership which has been so important to maintain stability in Europe for the 20th Century, and to make sure it does the same for the 21st.

INTRODUCTION OF LEGISLATION TO IMPROVE MEDICARE'S SURETY BOND PROGRAM

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. STARK. Mr. Speaker, on behalf of Congresswoman THURMAN and myself, I am today introducing legislation based on recommendations of the U.S. General Accounting Office to improve the operation of the Medicare home health agency, durable medical equipment, and certain rehabilitation providers' surety bond program.

Enacted as part of the 1997 Balanced Budget Act, the surety bond program was one of a series of anti-fraud, waste, and abuse provisions designed to crack down on the outrageous proliferation and increased utilization of questionable Medicare providers.

The General Accounting Office issued a report in January, 1999 (GAO/HEHS–99–03) entitled, ''Medicare Home Health Agencies: Role of Surety Bonds in Increasing Scrutiny and Reducing Overpayments.'' The report focuses on problems in the surety bond provisions and makes a number of recommendations. Our bill addresses most of those recommendations.

While the BBA has had a huge impact in controlling the growth of spending and weeding out questionable and fraudulent providers, the surety bond program has had severe administrative problems. It needs simplification and needs to be focused on the start-up providers who have no track record and who may be the source of program abuse. Once a provider has proven that they are a reliable and dependable provider, continuing to require a surety bond just increases program costs. Our bill, therefore requires one surety bond for Medicare and Medicaid (not a separate bond for each program) for the two years of a provider's operations, and limits the size of the bond to $50,000 (not the larger of $50,000 or 15% of an agency's Medicare revenues) and makes it clear that orthotic and prosthethic providers includng angioplastologists, are not meant to be covered by the surety bond requirement.

Mr. Speaker, we hope that this legislation can be enacted. It will reduce hassle and paperwork, while still helping weed out questionale home health and DME providers from starting in the Medicare program.

THE SAFE MOTHERHOOD MONITORING AND PREVENTION RESEARCH ACT OF 1999

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mrs. EMERSON. Mr. Speaker, let me tell you about my district. I represent 26 rural counties in Southern Missouri. These counties are home to some of the most poverty stricken communities in the State. Most of them lack even basic health care services. And many lack decent roads and reliable phone service. Many people in these communities find themselves isolated from their extended family, their friends and their neighbors.

When I was starting my family more than 20 years ago, I was lucky to have my mother, my sister and my mother-in-law to help me through my pregnancies. I was lucky to be able to afford health insurance that covered prenatal care. I was lucky to have access to quality health care in Cape Girardeau. But many American women aren't so fortunate. And they fall through the cracks of our health system.

Many young mothers-to-be in my rural district are isolated from family and friends—and they live miles away from nurses and doctors. This isolation often prevents them from getting prenatal care and adds to the fears and uncertainties that come along with being a new or expectant mother.

Fortunately for some of the young women in rural Missouri, there are people like Sister Rita and Sister Ann looking out for them. Ten years ago, Sister Rita—a parish nurse and midwife serving in Missouri's poor ''Lead Belt'' and Ozark counties—quickly realized that many of the young women there weren't prepared for healthy pregnancies and births or for caring for their infants. So Sister Rita began to network and build relationships in her community. She branched out and worked with the St. Louis University Medical Center and with State and federal health programs. And she established the ''Whole Kids Outreach'' in Ellington, Missouri.

Sister Ann is now carrying on the incredible work started by Sister Rita. The Whole Kids Outreach program has grown to include a Resource Mothers Program—a program that educates women about healthy pregnancies and childbirth, promotes access to care, and provides home care visits. The most amazing thing about this program is that it is staffed by experienced moms from the community who are trained as childbirth educators. And these local moms help establish circles of support for expectant and new moms.

It's with great admiration that I mention the Whole Kids Outreach program, because despite its modest size, it has been of tremendous help to many mothers and infants in rural Missouri. The young women in rural Missouri are not alone. Women throughout our nation face great challenges in securing healthy pregnancies and healthy children.

Consider the following: At the turn of this century more American women died in childbirth than from any other cause except for tuberculosis. At the close of this century, after all of the medical advances made in this country, it's easy to assume that today pregnancy and childbirth are safer for American women and their babies.

But this is a false assumption.

The recently released CDC report makes it painfully clear that the promise of safe motherhood is eluding too many women. In fact, during the past 15 years alone, total maternal deaths have not declined one bit in our nation. Just think of it. Today, tuberculosis claims about one American life out of 1,000 a year. But 2–3 women out of 10,000 lose their lives each day due to pregnancy-related conditions.

And out of 1,000 live births in our country each year, 8 babies die. More infants die each year in the United States than in 24 other developed nations.

As a Member of Congress and as a mother of four daughters, this maternal and infant mortality rate is simply unacceptable. We've got to find out why safe motherhood is still out of reach for so many American women. I am very proud to join many of my esteemed colleagues—NITA LOWEY, SUE KELLEY, CYNTHIA MCKINNEY, ILEANA ROS-LEHTINEN, and CAROLYN MALONEY—in introducing legislation today that will have a significant impact on the progress of maternal and infant health in this country.

In addition to introducing the Safe Motherhood Monitoring and Prevention Research Act, we would like to call on the Commerce Subcommittee on Health and Environment to hold oversight hearings on maternal and infant health and urge Congress as a whole to make this issue a national priority.

Our bill achieves 3 key goals, all necessary components to true progress in the enhancement of maternal and infant care.

First, it expands CDC's Pregnancy Risk Assessment Monitoring System (PRAMS) so that all 50 states will benefit from a public health monitoring system of pregnancy-risk related factors. Although the PRAMS program has received a lot of recognition for positively affecting maternal and infant health outcomes, currently only 18 states are benefiting from the success of PRAMS. Our bill also supports local and state efforts to collect data on mothers who experience serious complications during their pregnancy.

Second, out bill authorizes an increase in federal funding for preventive research, so we can identify basic health prevention activities to improve maternal health. This aspect of the bill builds upon the Birth Defects Prevention Act, which my colleague, Senator KIT BOND and I sponsored in the 105th Congress and which was signed into law last April.

The third and final component of our bill directs CDC to help states and localities create public education and prevention programs to prevent poor maternal outcomes for American women.

In addition, our bill emphasizes the need to expand existing prevention programs and pregnancy risk assessment systems to include those areas of the country where underserved and at-risk populations reside.

By looking at the list of original cosponsors of this bill, one is amazed at the very diverse groups of women legislators committed to this important piece of legislation. We're conservative and liberal. We're rural and urban. We're pro-life and pro-choice. And we're from multicultural backgrounds. But as a unique coalition of women, we're able to put aside our differences and come together on this common ground—on this precious ground—of the health and well-being of all mothers and infants in our nation. I urge all my colleagues to review the merits of the Safe Motherhood Monitoring and Prevention Research Act of 1999 and cosponsor this important piece of legislation.

REAUTHORIZE THE OLDER AMERICANS ACT

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. LIPINSKI. Mr. Speaker, recently in my home state of Illinois, the State Senate and the State House of Representatives adopted Senate Joint Resolution 39 urging the U.S. Congress to reauthorize the Older Americans Act for the upcoming fiscal year. I would like to commend the Illinois Legislature for their dedication to the elderly in their state and urge the 106th Congress to support the elderly of the country by reauthorizing the Older Americans Act. I enter into the RECORD Senate Joint Resolution No. 39.

Whereas, The Older Americans Act promotes the dignity and value of every older person age 60 and over (numbering 2,000,000 in Illinois) through an Aging Network led by the Illinois Department of Aging, 13 area agencies on aging, 233 community-based senior service agencies and 63 nutrition services agencies throughout Illinois; and

Whereas, The Older Americans Act is a successful federal program, with the U.S. Administration on Aging offering leadership in Washington D.C., the Illinois Department on Aging (the first state department on aging in the nation) at the State level, the area agencies on aging in 13 regions designated by the State covering all of Illinois, and community-based senior service agencies providing services in every community; and

Whereas, The Older Americans Act programs target resources and services to those in greatest economic and social need, promote the dignity and contributions of our senior citizens, support transportation services, provide home care, assist families and individuals with case management, guide those challenged by the legal system through legal assistance, provide for senior community service employment, offer information and assistance, establish multi-purpose senior centers as focal points on aging, serve congregate luncheon and home-delivered meals, provide health promotion and disease prevention activities, involve older persons in nutrition education, reach out to families with respite services for caregivers and small repair and home modifications, provide opportunities, education and services, connect people in shared housing, and advocate to public and private policy makers on the issues of importance to older persons; and

Whereas, The success of this aging network over the past 31 years is marked by the delivery of significant service to older persons in their own homes and community with the following services examples of that success:

(1) 374,538 recipients of access services, including 235,148 Information and Assistance Services clients and 68,493 recipients of Case Management Services;

(2) 53,450 recipients of in-home services, including 6,460,533 home-delivered means to 41,305 elders;

(3) 185,520 recipients of community services, including 3,636,855 meals to 79,012 congregate meal participants at 647 nutrition sites and services delivered from 170 Senior Centers;

(4) 760 recipients of employment services, including 760 senior community service employment program participants; and

(5) 98,600 recipients of nursing home ombudsman services; and

Whereas, The organizations serving older persons employ professionals dedicated to offering the highest level of service and caring workers who every day provide in-home care, rides, educational and social activities, shopping assistance, advice, and hope to those in greatest isolation and need; and

Whereas, The organizations serving older persons involve a multi-generational corps of volunteers who contribute the governance, planning, and delivery of services to older persons in their own communities through participation on boards and advisory councils and in the provision of clerical support, programming, and direct delivery of service to seniors; and

Whereas, The Older Americans Act programs in Illinois leverage local funding for aging services and encourage contributions from older persons; and

Whereas, The Older Americans Act programs are the foundation for the Illinois Community Care Program which reaches out to those with the lowest incomes and the greatest frailty to provide alternatives to long-term care, and the Illinois Elder Abuse and Neglect Interventions Program which assists families in the most difficult of domestic situations with investigation and practical interventions; and

Whereas, The Congress of the United States has not reauthorized the Older Americans Act since 1985 and only extends the program each year through level appropriations; and

Whereas, Expansion of the Older Americans Act is proposed in reauthorization legislation this year to offer family caregiver support, increased numbers of home-delivered meals, improved promotion of elder rights, consolidation of several programs and subtitles of the law; therefore be it

Resolved, by the Senate of the Ninety-First General Assembly of the State of Illinois, the House of Representatives concurring herein, That we urge the Congress of the United States of America to reauthorize the Older Americans Act this year; and be it further

Resolved, That suitable copies of this resolution be delivered to the President pro tempore of the U.S. Senate, the Speaker of the U.S. House of Representatives, and each member of the Illinois congressional delegation.

Adopted by the Senate, May 26, 1999.

Concurred in by the House of Representatives, May 27, 1999.

HONORING JOHN MEISE

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. CUMMINGS. Mr. Speaker, each year the Veterans of Foreign Wars of the United States and its Ladies Auxiliary sponsor the Voice of Democracy audio-essay scholarship competition. The program is now in its 52nd year and requires high school student entrants to write and record a three-to-five minute essay on an announced patriotic theme. This year's theme is ''My Service to America'', and over 80,000 students participate in the program nationwide.

It gives me great pleasure to announce that John Meise, a senior at Mount St. Joseph High School in Maryland's 7th Congressional District, has been named a National winner in the 1999 Voice of Democracy Program and recipient of the $1,000 Ervin and Lorraine

Rothenbuhler Scholarship Award. He plans a career in medicine. John was sponsored by VFW Post 6484 in Woodlawn Maryland.

Following is Mr. Meise's submission.

Ever since July 4, 1776, the citizens of the United States of America has served their country in a myriad of ways. Such service, is what preserves the ideals for which we stand in the United States: ''life, liberty, and the pursuit of Happiness.'' These three are the most elemental principles on which our great country rests. Through service to America and our fellow citizens, we can guard those ideals from which our forefathers set forth in the declaration of independence.

The right, that we treasure most, is life. Human life is to be held in the highest regard because we believe that everyone is equal. Color, religion, and social standing do not provide a basis on which a person is to be judged. Since we are all citizens of the United States we are equal. Community service can help us to realize this fully.

During my sophomore and junior years of high school, I volunteered at the University of Maryland Hosptial's Shock Trauma Center. I completed approximately two hundred hours of service there and I enjoyed every minute of it. Through the hospital I was able to help people that were in terrible predicaments. I offered by services to people on all rungs of the social ladder and through that I made an important personal discovery. I observed that social class did not pre-determine a person's disposition. Some the the poorest patients I met were probably the most kind-hearted. Whether I was running a patient's blood to the lab for tests or feeding a paraplegic man his dinner, I knew I was helping someone important. I also knew that I was offering such service without expecting anything in return. I believe the satisfaction I received in my efforts at the hospital illustrates what the American character is all about. Through cooperation and helping others we actually provide a service to America itself in what we promote the basis morals and values which our society cannot progress.

As Americans, we hold liberty to be one of the most important aspects of our lives. We have the freedom to choose what we want to do. We may take this liberty for granted, but many people live in countries where they are not granted the freedoms that we use everyday. I feel that this freedom must be protected if we are to continue to live our lives the way we have always lived them.

Our armed forces are one of the instruments, which serve to protect this most precious liberty. I belive the best way for me to serve my country and protect such an ideal is by serving in the armed forces. Presently, I am applying to both the Naval Academy at Annapolis and the Military Academy at West Point in the hope that I may be granted an appointment to one of these institutions, so I might be allowed the opportunity to serve my country this way. I have aspired to serve in the military my entire life and I have been inspired by the many people who have served and by the many who have sacrificed their lives in their country's service.

A few years ago, I was an instructor at a Red Cross program for kids who did not know how to swim. We taught them the rudiments of water activity. I got a thrill seeing children, who had been previously afraid of the water, now able to swim and play in the water and enjoy it. This reminds me that the ''pursuit of happiness'' in this situation would be quite impossible without the help of the volunteers.

We willingly committed ourselves to helping the children pursue happiness. Once again, this shows how service is one of the underlying factors in the American character.

While many different people give service in many different ways, these citizens ultimately provide a solid core around on which our country can rest. Everyone's individual service to others eventually unfolds to a single service to America: its preservation. Through volunteering our time, we maintain the very ideals for which the thirteen original colonies broke away from England, In service we continue and protect our freedom, our life, and our pursuit of happiness.''

IN HONOR OF OUR NATION'S VETERANS

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. MURTHA. Mr. Speaker, in recognition of Memorial Day, on May 29, 1999, I had the honor of delivering the keynote address at the rededication and 50th anniversary celebration of the Lilly-Washington War Memorial in Lilly, Pennsylvania, a town of fewer than 2,000 people.

As part of the ceremony, we made special recognition of two individuals who made sacrifices in their own right in serving our country.

With my assistance, James A. Lego, Jr., of Gallitzin, Pennsylvania, was presented with the following medals that he had been awarded as a member of the 1st Infantry Division, 16th Regiment, but never received:

The Silver Star, on July 20, 1944.

The Bronze Star for Meritorious Service.

Two Purple Hearts for wounds received April 16, 1943 and July 14, 1944.

The Distinguished Unit Badge and two Oak Leaf Clusters, the Good Conduct Medal, Pre-Pearl Harbor Medal, Combat Infantryman Badge, Five Overseas Bars and the European-African-Middle Eastern Theater Service Medal with one Silver Star and one Bronze Service Star.

We also unveiled a monument in recognition of the late Mrs. Esther McCabe, a native of Lilly, for her dedication to her country. In 1944 Mrs. McCabe was honored as ''America's Number One War Mother'' because 10 of her sons were serving in the military. Another son enlisted in 1945. We were honored to have present for the ceremony, two of her sons, Leo and James McCabe, who served in World War II.

In the summer of 1944, Leo McCabe was serving in the Army in Normandy after the D-Day invasion. On a very hot day in Arance, a German fighter plane came over the town and saw a number of gas trucks moving down the road. The Germans hit the lead truck with a rocket, causing it to ignite. While the driver of the truck was able to escape, a young boy who was with him was caught in the flames.

Leo McCabe left the crowd and ran into the flames, the only person willing to risk his life to save the boy. McCabe emerged from the truck with the boy in his arms and McCabe's own clothing on fire, as well as the boy's. McCabe carried the boy to a field, where the flames were extinguished. He then put the young man into a jeep to be rushed to a hospital. Leo McCabe saved the boy's life with this action.

Earlier this year, when asked to comment on his actions for a local newspaper reporter, Leo McCabe said simply ''That was no big deal,'' and when asked on May 29th to address the crowd at the ceremony, Leo McCabe chose not to make a comment and sat proudly with his family. When given the opportunity, Mrs. McCabe's other son who was present, James McCabe, did step up to the microphone, pointed his hand to his left, said ''I worked at that mine over there,'' and then sat down.

Like thousands of Americans who were called upon to serve their country in World War II, these three men: James Lego, Leo McCabe, and James McCabe, answered that call and served their country proudly. After the war, they returned home, went to work in the steel mills or in the coal mines like James did, and life went on.

It was a distinct honor for me to be able to recognize on this occasion the sacrifices made by James Lego and the entire McCabe family in fighting for our freedom in World War II.

ADVANCES MADE IN FEDERAL FOOD SAFETY LAW

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Ms. STABENOW. Mr. Speaker, I rise today to mark an important anniversary. On this date last year, President Clinton signed the Agricultural Research, Extension, and Education Reform Act of 1998 (Pub. L. 105–185) into law. Among the many important programs that were created and improved by the bill, I am most proud of the advances made in federal food safety efforts.

I would like to take this opportunity to inform Congress of the progress made by the food safety Crisis Management Team created by the Agricultural Research bill. We all remember the terrible tragedy of the contaminated strawberries served by schools as part of the National School Lunch Program. Some of those contaminated strawberries were eaten by students in my district. Although local and federal officials did an excellent job of responding to the crisis, it became clear to me that there was a need for better coordination of existing federal resources to respond to food safety outbreaks. Shortly thereafter, I introduced the Safe Food Action Plan, H.R. 3148. My bill made food safety a priority for the federal government and created a food safety Rapid Response Team. After working closely with Agriculture Committee leadership, the Rapid Response Team provision was included in the final version of the Agricultural Research bill. I would like to include in the RECORD, a letter from Ranking Member STENHOLM thanking me for my contributions to the bill.

Since that time, the U.S. Department of Agriculture has instituted the Food Emergency Rapid Response and Evaluation Team (FERRET). The mission of FERRET is twofold. The team works together to facilitate a prompt, effective and coordinated USDA response to food safety emergencies. Furthermore, the team evaluates emergency episodes and uses what is learned from each crisis to improve long-term strategies to prevent future emergencies.

FERRET is chaired by the Under Secretary for Food Safety and its membership includes:

the Under Secretary for Food Nutrition and Consumer Services, the Under Secretary for Farm and Foreign Agricultural Services, the Under Secretary for Research, Education, and Economics, the Under Secretary for Marketing and Regulatory Programs, USDA General Counsel, the USDA Inspector General and the Director of the Office of Communication.

During the past year, FERRET has met whenever levels of contaminants pose a threat to human health and safety. In just one year, FERRET has dramatically increased the pace at which USDA responds to public health problems. The new team ensures a swift response by USDA to contamination and provides a greater assurance to American consumers that their food is safe.

I am proud of the very positive accomplishments achieved by FERRET in just one year. I would like to take this opportunity to thank them for their efforts. I look forward to working with FERRET on future food safety efforts.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, DC, June 23, 1999.

Hon. DEBBIE STABENOW,
House of Representatives,
Longworth HOB, Washington, DC.

DEAR DEBBIE: One year ago, President Clinton signed the Agricultural Research, Extension, and Education Reform Act of 1998 into law (Pub. L. 105–185). On this anniversary, I would like to take the opportunity to thank you for your important contributions to this bill in the area of food safety.

A significant amount of debate on the bill focused on food safety concerns. Your input, based on the expertise of Michigan State University and the National Center for Food Safety and Toxicology research in your district, contributed significantly to the debate. I would particularly like to thank you for your contribution regarding the Food Safety Crisis Management Team.

Last year, you introduced the Safe Food Action Plan (H.R. 3148) to create a Food Safety Rapid Response team, at the U.S. Department of Agriculture (USDA), to respond to food safety disasters. Your bill helped focus the Committee's attention on this issue, resulting in the inclusion of a similar crisis management team in the final version of the Agriculture Research bill.

Through your efforts, the USDA has created the Food Emergency Rapid Response and Evaluation Team (FERRET). During the past year, the team has met whenever levels of contaminants in food threaten to pose a human health hazard. As you know, they have effectively handled a variety of problems ranging from arsenic in peanut butter to lead in baby food. This is an important tool for the USDA to have in the area of food safety.

Let me also thank you for your important contributions to the overall issue of food safety. I look forward to our continued friendship and to working together on the Agriculture Committee. With best wishes, I am

Sincerely,

CHARLES W. STENHOLM,
Ranking Member.

TRIBUTE TO THE LATE HECTOR GODINEZ

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Ms. SANCHEZ. Mr. Speaker, I rise today in tribute to a great man. We have lost Hector Godinez to illness but his spirit will live on in Santa Ana.

Hector was born at the San Diego Mission in 1924. A year later, his family moved to Santa Ana and that became his home. Immediately after high school, he joined the military and served with distinction. The battles he fought in, including the invasion of France, led to the Allies' victory in Europe during World War II. He was revered for his service in General Patton's tank unit. His decorations include a bronze star and purple heart.

When Mr. Godinez came home from the war, he decided to continue his record of public service as a letter carrier. President Kennedy appointed him Postmaster of Santa Ana in 1960. His employment with the U.S. Postal Service spanned nearly half a century.

But I would do his memory a disservice if I neglected to mention the many other contributions Hector made to our community. As a founding member of the Santa Ana League of United Latin American Citizens, Mr. Godinez and his fellow activists are to be thanked for the landmark civil rights case Mendez v. The Board of Education, which safeguarded the Hispanic children of Orange County against discrimination in local schools.

Hector never stopped fighting, giving or learning. He held a number of degrees, including his Masters', which he received in 1980. His name will forever be associated with the long list of community organizations and boards on which he served.

He guided our citizens through decades of change in Southern California, both as a public servant and an activist. Our lives as Orange County residents are better for his life's work, and I salute him today.

IN MEMORY OF SUSAN YOACHUM

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Ms. PELOSI. Mr. Speaker, yesterday I called to the attention of our colleagues the wonderful life and courageous death of Susan Yoachum. No one could better memoralize our loss than Susan's husband Michael Carlson, whose statement I am commending to our colleagues today.

[From the San Francisco Chronicle, June 22, 1999]

GRACE IN THE FACE OF FEAR—SUSAN YOACHUM MET HER DEATH FROM CANCER AS A HERO

(By Michael Carlson)

It was a public event when my wife, Susan Yoachum, died of breast cancer a year ago today. As political editor of The Chronicle and as a television commenter, she had become a familiar name and face. Her funeral was covered on television, San Francisco Mayor Willie Brown ordered city flags to fly at half-staff, and the White House sent a letter of condolence.

Susan's struggle with breast cancer had been no less public.

She had spoken and written movingly about her ordeal. She wanted to put a human face on a disease that is the No. 1 killer of American women ages 25–55. She hoped that by personalizing breast cancer, more might be done to prevent and cure it. And she wanted to spread the word that early detection—through monthly self-exams and regular mammograms—can increase a woman's chance of survival.

My mourning was less public. And I was more private about my reaction to Susan's illness.

Recently, I decided to speak out about Susan and her fight with cancer at the invitation of The Breast Cancer Fund, a research, advocacy and patient-support charity that honored Susan at its annual ''Heroes Tribute.''

The idea of heroes and the nature of courage are topics that I have thought about a lot since Susan died.

The dictionary defines a hero as a person admired for their courage.

I admire Susan for the courage she showed in facing her own death. What she taught me about courage could be the first chapter of my own self-help book, ''All I Need to Know About Living I Learned From How My Wife Chose to Die.''

In addition to everything else she is and was to me, Susan is my personal hero.

She did not consider herself courageous and would have been bewildered at being called a hero.

She did not consider herself courageous and would have been bewildered at being called a hero. Two days after realizing her cancer had spread, Susan recorded a conversation with her sister-in-law in her journal: ''Patti said last night that she told her friends that I was brave. It sounds so noble and grand that I loved the sound of it at once. Yet I don't feel brave.'' Susan told me she didn't feel brave because cancer and death scared her so much.

When she was first diagnosed with cancer in 1991, Susan wrote about her fear: ''I have met younger women with breast cancer and older women with breast cancer. Some are mothers; some are grandmothers; some are executives; some are artists. They are black, white, Asian, Hispanic, rich, poor, bitter, hopeful—but there is one thing that all of us are, and that is sacred.''

Susan was more blunt six years later when her cancer spread. ''I'm scared out of my wits,'' she wrote in 1997. ''It's the kind of fear that makes your blood run cold, the sort of fear that floods in when you lose sight of a child in a crowd.''

Why do I call such a frightened person courageous?

Courage has nothing to do with being fearless.

''Usually we think that brave people have no fear. The truth is they are intimate with fear,'' writes Pema Chodron in ''When Things Fall Apart.'' Courageous people are those who persevere in spite of and in the face of their deepest fears.

Susan was intimate with fear. Despite that, from 1991 and until her death in 1998, she lived her life with remarkable energy and spirit. She did more than just persevere. She celebrated life. She faced her illness by living as if each day was a gift. She believed that life was to be enjoyed today, now, before time ran out.

Susan enjoyed her life immensely and brought happiness to those around her. She fought for those things she thought important, including raising awareness about breast cancer. She continued to write about politics for as long as she could because she thought it was important and because it brought her joy. And Susan had fun. In her words, she inhaled life.

That took courage.

Although Susan did not consider herself courageous, she understood what she was doing and wrote about it: ''How many times in therapy-kissed California have we heard that the only things we can control are our own responses to what befalls us?'' Susan's response to her fear was ''to make peace

with life and death'' and ''to make some peace with the cancer.'' ''It is going to be with me every day,'' she wrote. ''If living with cancer every single day is the price of living . . . it is worth it. I'll pay it.

I've been paying it. I will continue to pay it.''

Susan believed that having cancer demanded ''that you try to grab all that you can from life—even more than you thought was there, even more than you thought you could.''

''Breast cancer is a wake-up call: to cherish the laughter of children, to savor the fragrance of flowers and to feel the majesty of the ocean,'' Susan wrote. When you feel like you're on the cutting edge of life, the sky looks a little more blue, sunsets look a little more red, and the people you love seem a little more dear.''

I now have met numerous women with breast cancer who know exactly what Susan meant. Those women have looked their own demons in the eye and have found the courage to celebrate life.

I admire their courage.

They are, as Susan was, heroes living among us.

IN CELEBRATION OF MS. KATHERINE DUNHAM'S 90TH BIRTHDAY

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. CLAY. Mr. Speaker, today I rise to celebrate the 90th birthday of Ms. Katherine Dunham of East St. Louis, Illinois. Besides being recognized as a Kennedy Center Honoree, as well as the recipient of over seventy international awards, Ms. Dunham has consistently used her abundance of talent and creative energy to enhance the fine arts and humanities in America and worldwide. While well known for her contributions in the areas of dance, poetry, musical composition, and choreography, Ms. Dunham has also worked to advance the causes of human rights and world peace. However, it can be argued that her greatest accomplishments have come through her 31 years of tireless educational efforts in behalf of the residents and especially the children of East St. Louis, Illinois.

Born in Chicago, Illinois, Ms. Dunham has distinguished herself in both academic and artistic venues. A graduate of the University of Chicago, she is the author of ''Dances of Haiti: Their Social Organization, Classification, Form and Function,'' Further, she has shared her intellect with us by writing several books, including Dances of Haiti, Island Possessed, and A Touch of Innocence. Ms. Dunham has been recognized for her academic accomplishments as the recipient of honorary degrees from many institutions of higher education, including Brown University, Howard University, and Washington University in St. Louis, Missouri. Her contributions to the arts have come through various theater productions, motion pictures, operatic performances, and television presentations. Throughout Ms. Dunham's career, she has performed both nationally and internationally in major performances and famous venues, including Aida at New York's Metropolitan Opera House in 1964.

As an advocate for education of the arts and humanities among the citizens of East St. Louis, Illinois, Ms. Dunham has proven her dedication to public service and community involvement for over three decades. Through the Katherine Dunham Centers for Arts and Humanities, she continues to provide cultural enrichment to both adults and children, while presenting opportunities for Master Artists to display and share with others their enormous talents and abilities. At age 90, she continues to develop new projects for the East St. Louis, Illinois community, including the soon to be completed African Artisanal Village on the campus of the Katherine Dunham Museum. A vision of Ms. Dunham and her late husband, John Pratt, this center will provide exposure to the arts of Africa, as well as a performing arts facility for the children of the Dunham Workshop and other visiting artists.

Mr. Speaker, the city of East St. Louis, Illinois is proud to be the direct beneficiary of both Ms. Dunham's philanthropy and hands on involvement in the artistic community. It is a pleasure for me to wish Ms. Dunham a happy and healthy 90th birthday, as I look forward to the exciting new programs she has planned for the City of East St. Louis.

COMMUNITY REINVESTMENT ACT

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. MARTINEZ. Mr. Speaker, I want to take a minute this morning to discuss the Community Reinvestment Act. For years, the CRA program has had a tremendous positive impact on low- and middle-income individuals all across America. CRA has let countless citizens achieve the American Dream by enabling them to own a home or business.

Because of CRA, blatant discrimination in lending is declining. Banks are now held responsible for how they use the community's wealth and deposits. CRA has given hope to our inner cities and rural areas by enabling home ownership and small business opportunities to increase.

Not only is CRA good for working people, it's good for the banking industry. Banking officials have told me that, because of CRA, banks have tapped into a ''new market'' in low- and moderate-income communities.

In the greater Los Angeles region, including my district in East L.A., the Bank of America Community Development Bank and its affiliates have made more than $3.2 billion in new community development loans, and more than $650 million in low-income-housing tax credit investments.

But now CRA is under attack. I urge my colleagues to protect CRA by supporting the Gutierrez Amendment to the Financial Modernization Act.

HONORING THE DALLAS STARS—STANLEY CUP CHAMPIONS

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise today to honor the newest source of pride for north Texas—The Dallas Stars.

Although the city of Dallas is no stranger to winning championships, there was something especially exciting about watching the Stars with the Stanley Cup.

Hockey was a relatively unknown sport in north Texas when the Stars arrived from Minnesota in 1993.

But in the short 6 years since then, the Dallas Stars have developed a loyal following of fans, including myself. As a devoted fan of the Texas Rangers, the Dallas Cowboys, and the Dallas Mavericks I am proud to add the Dallas Stars to my list of hometown teams—Excuse me, Hometown ''Championship'' teams.

HONORING GLENN SCHATZ: AN EXEMPLARY YOUNG MAN

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. KOLBE. Mr. Speaker, I rise today to pay tribute to the outstanding accomplishments of Glenn Schatz, a senior at University High in Tucson. Glenn has been named winner of the 1999 Tucson Citizen Student Athlete-of-the-Year Award, which is presented annually to a high school senior who excels in scholarship, leadership and extracurricular activities. I met Glenn when I appointed him to be a Congressional Page last spring, a job he approached with the same commitment and zeal as he has the rest of his academic career. A four-sport letterman who has managed to maintain a 3.92 grade point average, while at the same time participating in the school's marching, jazz, and concert bands. He served as president of the school's Distributive Education Club of America, the school chairman of the Young Republicans Club, and a recruiter for the Fellowship of Christian Athletes. Additionally, he has been named a Presidential Scholar Award semifinalist and a National Merit Scholarship finalist.

Glenn will be heading off to the United States Naval Academy in the fall, eventually to join the Navy's Judge Advocate General (JAG) corps. I have no doubt that Glenn has the intelligence, commitment, and ability to accomplish whatever goals he sets for his future. I congratulate him on his enormous accomplishments, and wish him all the good fortune in the future. I am enclosing an article from one of the newspapers in my district, which further details the accomplishments of this impressive young man.

IT'LL BE ANCHORS AWEIGH WHEN SUPERBUSY SENIOR LEAVES UNIVERSITY HIGH

Some students have a full plate in high school. University High senior Glenn Schatz goes back for seconds.

He has balanced a busy athletic schedule with the Rincon/University Rangers with his studies, his music, and on-campus and off-campus activities to post a 3.92 grade-point average.

An impressive list of achievements has made this four-sport lettermen the winner of the 1999 Tucson Citizen Student Athlete-of-the-Year Award.

''You never expect to win this type of award,'' Schatz said. ''There are so many quality nominees, it's a honor just to be nominated.''

But Rangers football coach Jeff Green isn't surprised Schatz is this year's winner.

''He certainly deserves the award,'' Green said. ''With all he's involved in, his grades,

his leadership on and off the field . . . the future is bright for this young man.''

Some of his academic highlights are: Scoring a 1,590 out of 1,600 on his SAT, getting a perfect score on the verbal and missing just one math question; received a Congressional appointment from Jim Kolbe to the United States Naval Academy, which he will attend in the fall; a National Merit Scholarship finalist; recently named a Presidential Scholar Award semifinalist; awarded a Cornell University summer dean's scholarship; and won a Dow Jones Newspaper Fund writing award.

Out of the classroom, Schatz has: served a semester as a Congressional page in Washington; attended the Athletics In Public Service Forum in Washington; was selected by the Academy of Achievement for the Banquet of the Golden Plate, one of 400 students in the nation chosen; a member of the school's marching, jazz and concert bands; and served as president of the school's Distributive Education Club in America, school chairman of the Young Republicans Club and as a recruiter for the Fellowship of Christian Athletes.

''I like to keep busy,'' said Schatz, a budding master of understatement.

With only 22 players on the Rangers varsity roster football team last fall, Green kept the versatile Schatz busy at numerous positions on offense and defense.

''Because Glenn is quick to learn and such a good athlete, we played him at a lot of different positions,'' Green said. ''On offense, we used him at fullback, tight end, wide receiver and flanker. On defense, we used him at linebacker, end, middle guard and tackle. He never complained. He was willing to do whatever it took to help us win. He showed his leadership abilities every day.''

Prior to the football season, Green, in his first year as coach of the Rangers, didn't know what he had in the 6-foot-3, 215-pound Schatz. The senior missed spring practice because he was working as a Congressional page, and he missed most of the summer passing league because he was taking college courses at Cornell.

''I didn't expect Glenn to come back to us in great shape and wasn't expecting that much of him,'' Green admitted. ''He was a pleasant surprise for us. He did a nice job in the brief time we had him for the passing league, but a passing league isn't football. I didn't know how tough he was, both physically and mentally, so I wasn't sure what he could give us.''

But Schatz, who lettered three years in football, two in basketball, one in baseball and one in track, showed Green he could be an impact player and impressed the Navy football coaches, who would have offered Schatz a scholarship if he hadn't received a Congressional appointment.

''Can he play at Navy? I think he can because he's so versatile and because he can run well for his size,'' Green said. ''At the next level it's difficult, but his goal is to make the traveling squad as a freshman, and I don't think there are too many goals that Glenn has ever missed.''

Schatz already had planned to serve in the armed forces after graduating from college, intending to take ROTC.

''At the beginning of the year, the Naval Academy was a side thought for me,'' he said. ''But the more I thought about it, the more it appealed to me, the way the system works, how everything has a set structure, because that fits my character.

''I have an uncle who went to West Point. My whole family has served in one capacity or another. It's always been part of my background and heritage.''

Schatz hopes to become a lawyer and join the Navy's Judge Advocate General (JAG) corps.

''The nice thing is that the Navy will pay for graduate school and law school,'' he said. ''Through ROTC, I would have only served four years, but coming out of the Academy, I think I'll advance pretty quickly, so now I'm thinking about making the Navy my career.''

And perhaps later, a career in politics might come along. Schatz called his semester in Washington as a Congressional page ''the best experience of my life'' and said he might run for Congress some day.

''The experience of working with Congressman, people who control the way the country works, was wonderful,'' he said. ''I worked in the Clerk's office and worked on the House floor. I interacted with all the Congressmen. I had to answer calls, take messages to the Congressmen. It was really something special.''

As is the 1999 winner of the Citizen's Student Athlete-of-the-Year award.

ANDREWS HIGH SCHOOL CROWNED 1999 CLASS 4–A TEXAS BASEBALL CHAMPIONS

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. COMBEST. Mr. Speaker, I rise today to join the community of Andrews, Texas in celebrating the Andrews High School baseball team's victory in the 1999 4–A State Championship. Their triumph on June 11 marks the first time that the Mustangs of Andrews High School have brought home the Texas state title, an accomplishment that is truly deserving of recognition and praise.

The Andrews High School baseball program has been built upon a firm foundation of hard work and sportsmanship. In its 22 years, Mustang baseball has steadily grown and developed into a force to be reckoned with in Texas athletics. The group of young men who claimed the state crown for Andrews displayed what can be accomplished when West Texas determination and teamwork take the field.

It is with pride that I recognize the members of the Andrews High School baseball team for their hard-fought victory, as well as the coaching staff, faculty, and fans that rallied behind them. Thanks to their tremendous efforts, a corner of West Texas is now home to the 1999 Class 4–A Texas High School Baseball Champions. I wholeheartedly extend my congratulations to the Andrews High School Mustangs, with every best wish for the seasons to come.

HONORING KATHERINE DUNHAM UPON 90TH BIRTHDAY

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in paying tribute to Katherine Dunham as she celebrates her 90th birthday.

Ms. Dunham has made immeasurable contributions to American art and culture. She is an accomplished writer and performer, with appearances in films, theatre, opera houses and on television; however, she is probably best known for her work as a choreographer and dancer. Her choreography incorporates the ethnic and cultural dances she learned of during her travels to Africa and the Caribbean, as well as through her anthropological studies of these cultures.

In addition, Ms. Dunham has spent a significant portion of her life dedicated to the betterment of her community, East St. Louis. She founded the Performing Arts Training Center in East St. Louis to provide area youths with an artistic and culturally diverse activity.

Also in East St. Louis, the Katherine Dunham Museum provides others with the opportunity to share her cultural and artistic knowledge. The museum is expanding to include the African Artisanal Village, which will offer a performing center for children and the teaching of African Arts by Master Artisans, fulfilling one of Ms. Dunham's lifelong goals.

Mr. Speaker, I ask my colleagues to join me in wishing a happy 90th birthday to Katherine Dunham, a truly remarkable woman.

MILLENNIUM CLASSROOMS ACT

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. PACKARD. Mr. Speaker, I rise today to support H.R. 2308, the Millennium Classrooms Act, authored by my Californian colleague DUKE CUNNINGHAM.

The Millennium Classroom Act will provide increased tax relief to companies who donate computers especially those with Multi-Media capabilities, to schools and public libraries, particularly in low-income areas. In today's age, anyone entering the workplace needs to have an understanding of computers. This bill will make it easier for children to have the necessary education they deserve.

Our nation is facing many challenges as we enter the new millennium and I believe it is the responsibility of citizens and elected officials alike to find solutions to these problems. The Millennium Classrooms Act is a fine example of laws that promote cooperation between private sector businesses and their communities.

Mr. Speaker, I commend Congressman CUNNINGHAM for authoring this bill. I urge my colleagues to support its passage.

IN RECOGNITION OF BOBBY J. ROBINSON

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. BAKER. Mr. Speaker, I rise today to pay tribute to a distinguished law enforcement officer. Bobby J. Robinson, Vice President of the National DARE Officer's Association Board of Directors, was sworn in as President on June 10, 1999. Mr. Johnson's dedication to law enforcement and drug education has extended for over 17 years. As President of the Officer's Association, Mr. Johnson will lead over 35,000 officers and educators in DARE program classrooms across the United States and around the world. Their important message to

young people across this nation is to ''Just Say No'' to drugs.

Bobby Johnson's law enforcement career has moved him throughout Louisiana and across the nation. Beginning in 1982, Mr. Johnson worked for the Caddo Parish Sheriff's Office in Shreveport, LA, serving in areas of corrections, patrol, public relation, and DARE; finally ending his 10 year tenure at the rank of Sergeant. In 1993, Bobby was recommended to be the Coordinator for the Louisiana DARE Training Center operated by the Red River Delta Law Enforcement Planning Council. After serving 6 years at this facility, the Louisiana DARE Officer's Association nominated Bobby for the office of 1st Vice President on the National DARE Officer's Association Board of Directors. Mr. Johnson won this election in Salt Lake City that would be a four year position on the board, progressing from 1st Vice President, to Vice President, to President, and concluding with Past President. Presently, the National DARE Officer's Association is holding their annual conference in Washington, DC between the 7th and 10th of July.

The Drug Abuse Resistance Education program is our nation's most prominent and visible attempt to educate young people to resist drug abuse. It reaches over 60% of elementary school children in the United States, and is far and away the most prevalent drug education program in use today.

Mr. Speaker, Bobby Johnson not only serves his country diligently, but also is a fine husband and proud father. He and his wife of 17 years, Kathy, have three beautiful daughters between the ages of 6 to 12.

I, along with his family, and all of the citizens of Louisiana, salute his accomplishments and his active leadership in educating the children of America to ''Just Say No.'' Thank you Mr. Bobby Johnson.

THE CRUISE INDUSTRY

HON. MARK FOLEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. FOLEY. Mr. Speaker, today I rise to address an issue that is central to our nation's economy, the tourism industry. As co-chairman of the Congressional Travel and Tourism Caucus, I believe this issue is worth bringing to the attention of the American public. The issue I wish to discuss is the vital role which the cruise industry plays in relation to our nation's economy and tourism industry.

In regard to our nation's economy, the cruise industry has made significant contributions. With more than five million annual passengers, the industry is a major contributor to the overall U.S. economy. In 1997 in my home state of Florida, the cruise industry was responsible for direct spending of $2.1 Billion dollars and generated almost 59,000 jobs.

Companies such as those outlined below are but a few examples of domestic U.S. companies that depend on the cruise industry as a steady and important source of income:

Tourism support services such as provided by Amadeus, Strategic Cruise Line Services, and Image Photo Services;

Purchases of ship equipments, and supplies from vendors such as General Hotel and Restaurant, Harbour Marine Systems, International Paint, Mobil Aviation and Marine Sales and Ecolab;

Corporate Services provided by companies such as Maritime Telecommunications Services, the Berkely Group, Howard Snoweiss Design Group and J. Walter Thompson;

Ship repair and maintenance provided by companies across the country such as Atlantic Marine of Mobile, AL., Todd Pacific shipyards of Seattle, WA., Cascade General of Portland, OR., Unitour Ship Services of Long Beach, CA., and United States Marine Repair which owns San Diego Shipyard, San Francisco Drydock and Norshipco in Norfolk, VA.

Food and beverage purchases are made in a number of states from such familiar sources as Coca-Cola, Kraft, Heinz, Nabisco, J.R. Simplot, Fresh Point, Sysco, Ernest & Julio Gallo, and Anheuser Busch. Every week, just one cruise ship will purchase approximately 25,000 pounds of food from U.S. suppliers—everything from beef, pork, chicken, seafood, cheese and other dairy products, to vegetables and fruit.

The cruise industry provides employment for thousands of U.S. citizens aboard its ships, in shoreside corporate jobs, and with its extensive network of suppliers. Cruise lines and their direct suppliers are the largest employer of U.S. citizens in the maritime sector of the United States.

Furthermore, the cruise industry also plays a significant role in our domestic transportation and lodging industry. The cruise industry is America's largest private-sector purchaser of U.S. airline tickets, accounting for more than four million tickets purchased annually. Pre- and post-cruise packages include lodging at some of the nation's largest hotel chains including: Hyatt, Intercontinental, Wyndham and Sheraton.

In view of the cruise industry's contributions, I am proud to highlight some of the benefits which the tourism industry provides to our economy. It is with this thought in mind that I continue to advocate the importance of both the cruise and tourism industries. Support for the cruise and tourism industries will generate jobs and additional revenues for the United States. In conclusion, Mr. Speaker, I wish to introduce several statistics for the record generated by a recent Price Waterhouse Cooper's economic analysis. I thank you for this time.

1997 CRUISE INDUSTRY ECONOMIC IMPACTS

DIRECT U.S. EXPENDITURES BY INDUSTRY—RESULTING FROM THE PASSENGER CRUISE INDUSTRY

	Millions
Air Travel	$1,604
Food & Beverage	464
Financial Services	352
Business Services Including Advertising	351
Ship Maintenance and Repair	220
Other Transportation Services, Primarily Shore Tours	160
Petroleum Refining and Related Industries	143
Hotels and Lodging	124
Insurance	120
Entertainment	96
Other Durable Goods	78
Public Administration	67
Other Publishing and Printing	60
Nonresidential Construction	56
Fabricated Metal Products	55
Motor Vehicles and Parts	49
Other Communications	48
Retail Trade	40
Drugs, Soaps and Sundries	34
Personal and Repair Services	22
Real Estate	19
Apparel and Other Finished Textile Products	19
All other industries	1,841
Total Direct Expenditures	6,150
Total Expenditures Resulting from the Cruise Industry	11,620

U.S. Job Impact of the North American Passenger Cruise Industry

	Total Jobs
Travel Agents, Shore Transportation & Other Transportation	$26,465
Air Travel	25,702
Passenger Cruises	22,000
Business Services	18,451
Retail Trade	10,381
Hotels and Lodging	7,914
Wholesale Trade	7,619
Water Related Services, Primarily Ports	7,243
Membership and Misc. Services	5,894
Ship Maintenance and Repair	4,100
Food	3,714
Entertainment	3,525
Engineering & Management Services	2,486
Insurance	2,219
Banking	1,945
Construction	1,600
Fuel	473
Other Industries	24,702
Total	176,433

THE MURPHY-HARPST-VASHTI CAMPUSES

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. BARR of Georgia. Mr. Speaker, I urge those in Washington who believe government is the solution to every problem to visit the Murphy-Harpst-Vashti (MHV) campuses in the state of Georgia. Located across our state, the MHV programs are making a positive difference in the lives of young people.

MHV focuses its efforts on at-risk children. In other words, they help to turn the lives of endangered children around, and help them to become productive members of society. Each of the MHV agencies reaches out to the communities where they are located, identifies children who may become problems in their homes, schools, and neighborhoods, and extend a helping hand to them.

In an era when many social workers, teachers, and parents respond to troubled children by handing them prescription drugs and sending them on their way, the comprehensive approach to troubled children taken by the Murphy-Harpst-Vashti campuses provides a welcome change. I commend them for their work.

COMMUNITY RENEWAL THROUGH COMMUNITY- AND FAITH-BASED ORGANIZATIONS

SPEECH OF

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1999

Ms. STABENOW. Mr. Speaker, I rise today to express my deep concern regarding H.

Res. 207, ''Community Renewal through Community- and Faith-Based Organizations.'' While there are many statements in the resolution that I support, I oppose this legislation and was very concerned to see it pass on June 22, 1999. We have many wonderful faith-based organizations and nonprofits in Michigan who provide services to people in need. I believe they are an important part of our human service delivery system. My concern arises in this legislation with the language that would allow faith-based organizations receiving Federal funds for charitable services to require that beneficiaries of their services actively participate in religious practices or instruction. This, Mr. Speaker, crosses a very serious line drawn in our Constitution. This legislation violates our individual religious liberties protected by the First Amendment's separation of church and state.

Clearly, H. Res. 207, infringes upon the rights and freedoms guaranteed by our Constitution, and I deeply regret that it was passed by this House.

TRIBUTE TO MRS. ANNA ROBERTS OF CHICAGO, ILLINOIS

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. RUSH. Mr. Speaker, I rise today to recognize and honor the life of Mrs. Anna Roberts who made her heavenly transition on Wednesday, June 16, 1999 at the age of 93. Mrs. Roberts was the youngest of fourteen children born to the union of the late Elizabeth and William Martin in Atlanta, Georgia on October 17, 1905.

She united in Holy martimony to Mr. Roy Roberts, Jr. in 1925. Shortly thereafter, Mrs. Roberts migrated to Chicago with her husband, as God blessed them to have five sons and a daughter. A devoted Christian woman, Mrs. Roberts was a member of the Roman Catholic Church, serving faithfully in the Holy Angels Church parish. She was preceded in death by her husband Roy, Sr., son, William Martin Roberts and daughter, Regina Roberts.

The biblical Greek name Anna is the equivalent of the Hebrew name Hannah which means favored and grace. Hannah was a favored and virtuous woman. And in this day and time, who can find a virtuous woman? One whose price is far above rubies and the heart of her husband is safely entrusted to her. A woman who willingly works with her hands, who with the fruit of her hands plants vineyards, with her hands she stretches out to the poor, with her hands she cares for the needy.

A woman who works through the night to feed her household. A woman whose strength and honor were her clothing. A woman whose mouth speaks and wisdom and tongue with kindness. A woman whose children call her blessed and most of all, a woman who fears the Lord. Annabell, as she was affectionately known, was such a woman. A loving, committed and dedicated wife, mother, grandmother, great grandmother, great-great grandmother, mother-in-law, godmother, aunt and friend. Indeed, she was a virtuous woman.

Mr. Speaker, I am truly honored to pay tribute to the life and legacy of my constituent, Mrs. Anna Roberts.

IN RECOGNITION OF THE UNIVERSITY OF MIAMI'S NATIONAL TITLE

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. DEUTSCH. Mr. Speaker, I rise today in celebration of the University of Miami's championship victory in the National Collegiate Athletics Association (NCAA) College World Series. It is both an honor and a joy for me to recognize the Hurricanes on their triumphant season.

On Saturday, June 19th, the Miami Hurricanes defeated the Florida State Seminoles by a score of 6 to 5 to win this year's NCAA baseball championship. This is the third championship for Miami and it is a fitting end to a stellar, yet challenging, season in which the 'Canes won 50 games, while losing only 13.

The road to the championship was filled with adversity since the season's beginning as the Hurricanes lost three top hitters to the pros, and six more players to injuries. However, the team overcame these challenges with outstanding performances on Saturday by players such as Kevin Brown and Mike Neu, whose efforts were symbolic of their team's outstanding talent and hard work throughout the season.

Coach Jim Morris deserves a great deal of credit for winning his first national baseball title in six years with the University of Miami. Since 1994, he has led the Hurricanes to very successful seasons, each concluding with heart-wrenching losses in the College World Series. This past Saturday, Coach Morris's perseverance and dedication finally paid off. I wish to congratulate Coach Morris and the University of Miami baseball team for a well deserved victory, a victory of which the entire university and the south Florida community can be very proud.

POLISH WOMEN'S CLUB OF THREE RIVERS, MASSACHUSETTS CELEBRATES ITS 75TH ANNIVERSARY

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. NEAL of Massachusetts. Mr. Speaker, on Sunday, June 27th, 1999, the Polish Women's Club of Three Rivers, Massachusetts will celebrate its 75th anniversary.

Having the distinct pleasure of representing this community in the Congress, I take this opportunity to publicly congratulate the club's members on their 75 years of dedication and good work to their community. This anniversary is indeed a milestone; an achievement in which they should be proud.

I also take this opportunity to enter into the CONGRESSIONAL RECORD today the complete history of the Polish Women's Club of Three Rivers. May the many years of service and good work of the club forever be remembered as a part of our nation's history.

POLISH WOMEN'S CLUB OF THREE RIVERS, THREE RIVERS, MASSACHUSETTS, 1924–1999—HISTORY

On February 24, 1924, the Polish American Women's Citizens Political Club of Three Rivers and Thorndike was formed. There were 59 charter members. On March 30, 1924, Miss Anna Rusek became the first president.

The purpose was:

1. To encourage women to become citizens and assist them in procuring citizenship papers by teaching them English and related subjects.

2. Take active part in politics and get proper recognition and positions on local, state, and federal level.

3. Support businesses owned by people of Polish extraction.

In 1933 we joined the Massachusetts Federation of Polish Women's Clubs, Inc. This affiliation enables us to further foster our Polish culture and we have gained much through the years in this association. We have hosted their conventions in 1952, 1969, 1979, 1984, and 1989. Our activities within the framework of the Federation includes District V which comprises the Western Massachusetts area. We are very actively and continuously involved in holding various offices and directing the activities of this unit.

On October 20, 1958, our name changed to the Polish Women's Club of Three Rivers. Our constitution was revised to foster our ethnic culture, encourage higher education, and exchange cultural ideals. This remains our purpose to this day.

On May 8, 1949, we observed our twenty-fifth anniversary; on April 27, 1974, our fiftieth; on October 27, 1979, our fifty-fifth; on October 27, 1984, our sixtieth; on October 28, 1989, our sixty-fifth; on October 22, 1994, our 70th, and on June 27, 1999, our 75th.

We also have held or still hold memberships in the United Polish American Organizations Council—Township of Palmer, Polish American Congress, and The Kosciuszko Foundation.

Monetary contributions have been made to numerous organizations, such as The Blind Children of Poland; Child's Wish Come True, Inc.; Kosciuszko Foundation Renovation Fund, Palmer Ambulance Service Inc.; Palmer Library; Polish American Congress for the Polish Room, Museum of Immigration at Ellis Island; Pope John Paul II's Guest House in Rome and Endowment Fund; Pope John Paul II Cultural Center—Washington, D.C., Saints Peter and Paul Church; Support of Solidarity in Poland; United Polish American Organizations Council—Township of Palmer; and Literacy Volunteers of America of Quaboag Valley.

Observance of our 50th, 60th, 65th, and 70th anniversaries and the history of our club have been entered into the Congressional Record of the United States of America.

We contribute our time, talents, and money to various worthwhile projects and causes in a very positive manner. Again, these are too numerous to mention.

We have been able to develop and promote our Polish culture, receive scholarship grants for our daughters and members; have or children of Western Massachusetts take part in the statewide essay contests sponsored by the Federation; serve as executive officers and committee members in the various organizations we are affiliated with.

We have been and are actively participating in religious, civic, political and community affairs.

A scroll signed by members of our club was included on November 13, 1976, in the time capsule buried at that time as part of the commemoration of the 200th Anniversary of the Town of Palmer. The capsule will be reopened in the year 2076.

Our membership today is 127–73 are 65 or over and 54 are under 65. Dues are $2.50 a year. Members 65 years and over are exempt from payment. We follow the calendar year for our meetings, January through December, with no meetings June, July, and August. Meetings are held on the fourth

Wednesday of the month, at 7:00 p.m., at the St. Stanislaus Polish Home, Three Rivers.

In order to keep our treasury healthy we hold one big raffle a year during the winter. Our members are to be commended for their enthusiastic response for contributions of prizes and selling of our raffle tickets.

Past presidents: *Anna Rusek, *Mary Jajuga, *Sophie Zerdecki, *Nellie Motyka, *Anna Kulig, *Julie Midura, *Stephanie Kolbusz, Genevieve Janosz, and Edna Pytka. (* deceased)

Officers—Year 1999: Helen Grzywna, President; Debra A. Geoffrion, Vice President; Betty Brozek, Treasurer; Sophie J. Valtelhas, Recording Secretary and Publicity; Phyllis Misiaszek, Financial Secretary; and Alice Pilch and Sophie Walulak, Auditors.

Helen Grzywna has been president for twenty-eight years and the club has progressed under her leadership in many projects and causes too numerous to mention.

The spirit that brought together in 1924 those fifty-nine courageous women is still carried on today. Teamwork is an important part of our organization and each member's contribution is highly valued. We are proud of our beginnings and of what we have accomplished since 1924 and as we commemorate this 75th anniversary we will continue our tradition of exemplary dedication and service to our religious, civic, political, and community establishments.

75TH ANNIVERSARY PROGRAM

Our 75th anniversary will be celebrated on Sunday, June 27, 1999, staring with a Thanksgiving Mass at 11:00 a.m. in the Saints Peter and Paul Church in Three Rivers. Our pastor, Reverend Stefan J. Niemczyk, will be celebrant, assisted by Reverend Mr. Edward Tenczar, concelebrant. Immediately after Mass, we will gather at the church's Parish Center for a 1:00 p.m. dinner catered by Tony and Penny. President Helen Grzywna will welcome everyone and then turn the program over to Toastmistress Mary E. Rusiecki, past president of the Massachusetts Federation of Polish Women's Clubs, Inc., who will have the honor of introducing the head table, officers, past presidents, and guests. The invocation will be given by Reverend Stefan J. Niemczyk. Greetings and best wishes will be given by Patricia C. Donovan, Board of Selectmen, Town of Palmer; Richard E. Neal, Second Congressional District Representative in U.S. Congress; Stephen M. Brewer, our State Senator, Worcester, Franklin, Hampden, and Hampshire District; Reed V. Hillman, Representative in General Court, First Hampden District; Pauline Dziembowski, President of the Massachusetts Federation of Polish Women's Clubs, Inc., and Christine Wurszt, Vice-president of District V, MFPWC. Principal Address will be by our member Suzanne Strempek-Shea, Author—Topic Our Counterpart 75 Years Ago. The St. Cecelia Choir under the direction of Michael Rheault, Organist and director of Music, at Saints Peter and Paul Church, will entertain us with their music. One of the songs they will sing is Polish Pride—Pope John Paul II (composed by Fred Brozek/music by Stephen Lebida). Barbara Marcinkiewicz will sing the American National Anthem and the Polish National Anthem to start our program and at the close of the program she will lead the audience in singing God Bless America and Boze Cos Polske. Reverend Mr. Edward Tenczar will give the benediction.

ALTERNATIVE MINIMUM TAX REFORM

HON. J.D. HAYWORTH

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. HAYWORTH. Mr. Speaker, today I am introducing legislation that will reform the alternative minimum tax (AMT) and mitigate its devastating impact on America's industries. My bill, which would help all types of businesses that are locked in the AMT, has attracted the support of firms in the mining, steel, oil and gas, paper, coal, building, and printing industries, among others.

The corporate AMT was conceived as a way ot ensuring that companies with economic income also paid some income tax. Unfortunately, the AMT has a perverse effect on companies that make large capital investments in plants and equipment but suffer from low prices for their output. Frequently, these businesses make commodity products that have small profit margins and are subject to intense international competition. Start-up businesses and rapidly growing companies whose profit margins may be slim in relation to their investment are also affected by the AMT. Extractive industries are another example of those locked into the AMT. And companies in a loss position must routinely borrow money to pay their AMT, even though they have no economic income.

Once in the AMT, a corporation often has problems getting back into the ''regular tax'' and then using up the AMT credits accumulated during its time in the AMT. My legislation aims to end this vicious cycle by allowing companies that have AMT credits that are more than three years old to use their AMT credits to offset up to 50 percent of their tentative minimum tax. For firms that are currently of of the AMT but carry AMT credit balances, the bill would increase the amount of credits they are able to use currently, Finally, for companies in an AMT loss position in the current and two prior years, the bill would permit a 10-year AMT loss carryback.

As Congress moves forward on tax relief legislation, it is imperative that we keep in mind the fiscal problems of our nation's basic industries. AMT relief is crtical for long-term AMT taxpayers, and I urge my colleagues to join in this important and timely effort.

INTRODUCTION OF THE BINATIONAL GREAT LAKES-SEAWAY ENHANCEMENT ACT OF 1999

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. OBERSTAR. Mr. Speaker, today, I am introducing legislation, the Binational Great Lakes-Seaway Enhancement Act of 1999, to improve the competitiveness of the Great Lakes-St. Lawrence Seaway system and restore its vitality.

This coming Sunday will mark the 40th anniversary of the opening of the St. Lawrence Seaway. The Great Lakes-St. Lawrence Seaway system is a vital transportation corridor for the United States. The Seaway connects the Great Lakes with the Atlantic Ocean and makes it possible to ship manufactured products from our industrial Midwest and grains from the Upper Plains directly to overseas markets. Benefits of efficient operations of this transportation route are not limited to the Great Lakes region but extend throughout the United States. Congress recognized the broader impacts and, accordingly, designated the Great Lakes as America's fourth sea coast in 1970.

The Great Lakes region, and international markets, recognized the system's potential, as evidenced by the sharp rise in vessel and cargo traffic through the Seaway immediately after its opening in 1959. Unfortunately, that potential was never fulfilled. The upward trend in cargo traffic peaked around 1977–79. It then went into a long decline precipitated in part by a nationwide economic recession that hit the manufacturing sector particularly hard, and prolonged in part because of capacity constraints imposed by the Seaway.

Locks on the Seaway and the Great Lakes were built as long ago as 1895. New locks constructed for the Seaway between the mid- and late-1950s, as authorized by Congress in 1954, were built to the same size as those completed in 1932. Locks and connecting channels were limited to 27 feet of draft. Because vessel size had grown over time, Seaway facilities were too small on its opening day to serve the commercial fleet then in existence. Today, they are capable of accommodating no more than 30% of the world's commercial fleet. An undersized Seaway that denies large, specialized, and efficient vessels access to the system will prevent U.S. products, especially those from the Great Lakes region, from competing effectively in the global economy.

In addition to declining traffic, inadequate investment in Seaway infrastructure caused the mix of cargoes shipped through the system to be transformed from one that was diverse to one composed largely of low-value commodities. Although the trend of cargo tonnage through the system turned up once again in 1993, current cargo mix consists of essentially steel coming to the Great Lakes region from abroad, grains going overseas, and iron ore and coal moving from one port to another within the region. Since the last 1980's industrial manufacturing in the United States has recovered through investment in technology and corporate restructuring. Industrial production is flourishing once more in the Great Lakes region; Midwest economies are booming. Yet, only a small volume of high-value finished goods is shipped through the system. The Great Lakes region, therefore, is unable to fully participate in this resurgence of economic strength due to limitations in the Seaway's capacity.

For more than 2 years, I have been working closely with interested parties in the Great Lakes maritime transportation community and the infrastructure investment finance sector in the United States and Canada to develop a proposal to allow the Seaway to reach its full potential, to guarantee the future viability of the Seaway, and to continue the economic development of the Great Lakes region.

The bill I am introducing today, the Binational Great Lakes-Seaway Enhancement Act of 1999, developed in concert with the Honorable Joe Comuzzi, a dear friend of mine and a member of the Canadian Parliament whose

district (Riding) is adjacent to mine, would establish the foundation, create the conditions, and provide the resources to permit the system to achieve its full potential. The bill would authorize the creation of a binational authority to operate and maintain the Seaway. It would also provide for the establishment of a non-federal credit facility to offer financial and other assistance to the Seaway and Great Lakes maritime communities for transportation-related capital investments.

Specifically, the legislation would establish a binational governmental St. Lawrence Seaway Corporation by combining the existing, separate U.S. and Canadian agencies that operate each country's Seaway facilities. It would require the Corporation's top management to run the Seaway in a business-like manner. It would transfer Seaway employees and the operating authority of Seaway assets to the Corporation. It would provide labor protection for current U.S. Seaway employees, whether or not they transfer to the Corporation. It would offer incentives for employment and pay based on job performance. It would set forth a process for the Corporation to become financially self-sufficient. At the same time, it would provide the United States with ample oversight authority over the Corporation.

Through merger of the two national Seaway agencies into a single binational authority, we could eliminate duplication and streamline operations. Improved efficiency would reduce government's cost of operating the Seaway. Moreover, a unified Seaway agency would reduce regulatory burden and help cut the sailing time of ships through the system. This latter efficiency improvement would positively affect the bottom line of Seaway users. All of these efficiencies would make the system a more competitive and viable transportation route for international commerce.

The Great Lakes and the Seaway should be considered as an integrated system in maritime transportation. Improvements to the Seaway infrastructure alone would not be sufficient to deal with the efficiency and competitiveness problems facing the Great Lakes-Seaway system. On the contrary, improvements to the Seaway could stress the capacity of ports on the Great Lakes. A comprehensive approach is necessary to address the system's investment needs.

My legislation, therefore, would provide for the establishment of a Great Lakes Development Bank. It would outline in broad terms the structure of Bank membership. To ensure no taxpayer liability, this legislation would prohibit the United States and the St. Lawrence Seaway Corporation from becoming members of the Bank. It would specify eligible projects for financial and other assistance from the Bank. It would define the forms of such assistance. It would require recipients of Bank assistance, states or provinces in which such recipients are located, contractors for projects financed with Bank assistance, and localities in which such contractors are located to become Bank members to broaden the Bank's membership base. It would establish an initial capitalization level for the Bank, and would provide as U.S. contributions $100 million in direct loan and up to $500 million in loan commitments that could be drawn upon to meet the Bank's credit obligations. It would set interest on U.S. loans to the Bank at rates equal to the current average yield on outstanding Treasury debts of similar maturity plus administrative costs to preclude taxpayer subsidy to the Bank. It would allow the United States to call loans to the Bank if the Bank is not complying with the objectives of this legislation and would provide specific limitations on United States' liability to protect our interests.

Mr. Speaker, my legislation is intended to make the Great Lakes-Seaway system a more efficient, competitive, and viable transportation route. Such a system will enable our manufacturers to bring their goods to the world market at reduced cost, making their products more competitive in the global economy. This is a sensible bill; it is a good-government bill. We should all support it. I will be sending out a Dear Colleague letter seeking co-sponsors for the bill. I hope Members will offer their support and join me in moving this legislation forward. This proposal should be enacted this year.

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, June 24, 1999 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 28

2 p.m.
Commission on Security and Cooperation in Europe
To hold hearings on issues relating to the trafficking of women and children in Europe and the United States.
2226, Rayburn Building

3 p.m.
Foreign Relations
To hold hearings on the nomination of John David Holum, of Maryland, to be Under Secretary for Arms Control and International Security, Department of State.
SD–419

JUNE 29

9:30 a.m.
Energy and Natural Resources
To hold hearings on S. 161, to provide for a transition to market-based rates for power sold by the Federal Power Marketing Administrations and the Tennessee Valley Authority; S. 282, to provide that no electric utility shall be required to enter into a new contract or obligation to purchase or to sell electricity or capacity under section 210 of the Public Utility Regulatory Policies Act of 1978; S. 516, to benefit consumers by promoting competition in the electric power industry; and S. 1047, to provide for a more competitive electric power industry.
SH–216

Health, Education, Labor, and Pensions
To resume hearings on proposed legislation authorizing funds for programs of the Elementary and Secondary Education Act, focusing on arts education and magnet schools.
SD–430

2:30 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on fire preparedness by the Bureau of Land Management and the Forest Service on Federal lands.
SD–366

JUNE 30

9:30 a.m.
Health, Education, Labor, and Pensions
To resume hearings on proposed legislation authorizing funds for programs of the Elementary and Secondary Education Act, focusing on facilities.
SD–430

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; to be followed by a business meeting to consider pending calendar business.
SR–485

Rules and Administration
To hold oversight hearings on the operations of the Architect of the Capitol.
SR–301

10 a.m.
Finance
To hold hearings on S. 646, to amend the Internal Revenue Code of 1986 to provide increased retirement savings opportunities; S. 741, to provide for pension reform; S. 659, to amend the Internal Revenue Code of 1986 to require pension plans to provide adequate notice to individuals whose future benefit accruals are being significantly reduced; and other related proposals.
SD–215

2 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold oversight hearings on the United States Forest Service Economic Action programs.
SD–366

JULY 1

9:30 a.m.
Health, Education, Labor, and Pensions
Employment, Safety and Training Subcommittee
To hold oversight hearings on the proposed Work Investment Act.
SD–430

Indian Affairs
To hold hearings to establish the American Indian Educational Foundation.
SR–485

Energy and Natural Resources
To resume hearings on S. 161, to provide for a transition to market-based rates for power sold by the Federal Power Marketing Administrations and the Tennessee Valley Authority; S. 282, to provide that no electric utility shall be required to enter into a new contract or obligation to purchase or to sell electricity or capacity under section 210 of the Public Utility Regulatory Policies Act of 1978; S. 516, to benefit consumers by promoting competition in the electric power industry; and S. 1047, to provide for a more competitive electric power industry.
SH–216

10 a.m.
Governmental Affairs
Oversight of Government Management, Restructuring and the District of Columbia Subcommittee
To hold hearings to examine the federal food safety system.
SD–342

Foreign Relations
To hold hearings on the role of sanctions in United States national security policy.
SD–419

2 p.m.
Foreign Relations
East Asian and Pacific Affairs Subcommittee
To hold hearings to examine United States policy towards Hong Kong.
SD–419

JULY 14

9:30 a.m.
Indian Affairs
Energy and Natural Resources
To hold joint oversight hearings on the General Accounting Office report on Interior Department's trust funds reform.
Room to be announced

JULY 21

9:30 a.m.
Indian Affairs
To hold hearings on S. 985, to amend the Indian Gaming Regulatory Act.
SR–485

JULY 28

9:30 a.m.
Indian Affairs
To hold hearings on S. 979, to amend the Indian Self-Determination and Education Assistance Act to provide for further self-governance by Indian tribes.
SR–485

AUGUST 4

9:30 a.m.
Indian Affairs
To hold hearings on S. 299, to elevate the position of Director of the Indian Health Service within the Department of Health and Human Services to Assistant Secretary for Indian Health; and S. 406, to amend the Indian Health Care Improvement Act to make permanent the demonstration program that allows for direct billing of medicare, medicaid, and other third party payors, and to expand the eligibility under such program to other tribes and tribal organizations; followed by a business meeting to consider pending calendar business.
SR–485

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

Wednesday, June 23, 1999

Daily Digest

HIGHLIGHTS

House committees ordered reported 10 sundry measures.

House passed H.R. 2084, Transportation and Related Agencies Appropriations.

Senate

Chamber Action

Routine Proceedings, pages S7483–S7550

Measures Introduced: Six bills and two resolutions were introduced, as follows: S. 1267–1272, and S. Res. 126–127. **Pages S7526–27**

Measures Reported: Reports were made as follows:

S. 918, to authorize the Small Business Administration to provide financial and business development assistance to military reservists' small business, with an amendment in the nature of a substitute. (S. Rept. No. 106–84) **Page S7526**

Measures Passed:

Pledge of Allegiance to the Flag/Daily Session of the Senate: Committee on Rules and Administration was discharged from further consideration of S. Res. 113, to amend the Standing Rules of the Senate to require that the Pledge of Allegiance to the Flag of the United States be recited at the commencement of the daily session of the Senate, and the resolution was then agreed to, after agreeing to the following amendment proposed thereto: **Pages S7541–42**

Smith (of N.H.)/McConnell Amendment No. 733, to provide for a designated Senator to lead the Senate from the dais in reciting the Pledge of Allegiance to the Flag of the United States.

Pages S7541–42

Treatment of Religious Minorities in Iran: Committee on Foreign Relations was discharged from further consideration of S. Con. Res. 39, expressing the sense of the Congress regarding the treatment of religious minorities in the Islamic Republic of Iran, and particularly the recent arrests of members of that country's Jewish community, and the resolution was then agreed to, after agreeing to the following amendment proposed thereto:

Page S7542

Schumer Amendment No. 734, to make certain clarifying amendments. **Page S7542**

Appreciation of the Work of Mildred Winter: Senate agreed to S. Res. 126, expressing the sense of the Senate that appreciation be shown for the extraordinary work of Mildred Winter as a Missouri teacher and leader in creating the Parents as Teachers program on the occasion that Mildred Winter steps down as Executive Director of such program. **Pages S7542–43**

Return of Official Papers: Senate agreed to S. Res. 127, to direct the Secretary of the Senate to request the return of certain papers. **Page S7543**

Fuels Regulatory Relief Act: Senate passed S. 880, 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, after agreeing to a committee amendment, and the following amendment proposed thereto: **Pages S7543–49**

Grassley (for Chafee) Amendment No. 735 (to the reported committee amendment), to provide for controlled public access to off-site consequence analysis information. **Pages S7544–45**

Agricultural Appropriations, FY2000—Agreement: A unanimous-consent agreement was reached providing for further consideration of S. 1233, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2000, on Thursday, June 24, 1999.

Page S7549

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, the 1997 Annual Report of the United States Nuclear Regulatory Commission; referred to

the Committee on Environment and Public Works. (PM–39). Page S7523

Nominations Received: Senate received the following nominations:

William J. Ranier, of New Mexico, to be Chairman of the Commodity Futures Trading Commission.

William J. Ranier, of New Mexico, to be a Commissioner of the Commodity Futures Trading Commission for the term expiring April 13, 2004.

Irasema Garza, of Maryland, to be Director of the Women's Bureau, Department of Labor.

T. Michael Kerr, of the District of Columbia, to be Administrator of the Wage and Hour Division, Department of Labor.

Routine lists in the Army, Marine Corps, and Navy. Pages S7549–50

Messages From the President: Page S7523

Messages From the House: Page S7523

Measures Referred: Page S7523

Measures Placed on Calendar: Page S7523

Communications: Pages S7523–24

Petitions: Pages S7524–26

Executive Reports of Committees: Page S7526

Statements on Introduced Bills: Pages S7527–34

Additional Cosponsors: Pages S7534–35

Amendments Submitted: Pages S7535–37

Authority for Committees: Pages S7537–38

Additional Statements: Pages S7538–41

Adjournment: Senate convened at 9:30 a.m., and adjourned at 6:28 p.m., until 9:30 a.m. on Thursday, June 24, 1999. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S7549.)

Committee Meetings

(Committees not listed did not meet)

DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Committee on Armed Services: Committee concluded hearings to examine the findings and recommendations of the Special Investigative Panel of the President's Foreign Intelligence Advisory Board to reorganize Department of Energy National Security Programs in response to espionage threats, after receiving testimony from Senators Kyl and Domenici; William B. Richardson, Secretary of Energy; Adm. Henry G. Chiles, Jr., USN, Ret. former Commander-in-Chief, United States Strategic Command; and Sidney D. Drell, Member, President's Foreign Intelligence Advisory Board.

EXPORT ADMINISTRATION ACT

Committee on Banking, Housing, and Urban Affairs: Committee resumed hearings on proposed legislation authorizing funds for programs of the Export Administration Act, receiving testimony from William A. Reinsch, Under Secretary of Commerce for Export Administration; John Hamre, Deputy Secretary of Defense; James Schroeder, Deputy Under Secretary of Agriculture for Farm and Foreign Agricultural Services; Rose Gottemoeller, Assistant Secretary of Energy for Nonproliferation and National Security; and John Barker, Deputy Assistant Secretary of State for Nonproliferation Controls.

Hearings continue tomorrow.

BUSINESS MEETING

Committee on Commerce, Science, and Transportation: Committee ordered favorably reported the following business items:

S. 383, to establish a national policy of basic consumer fair treatment for airline passengers, with an amendment in the nature of a substitute;

S. 97, to require the installation and use by schools and libraries of a technology for filtering or blocking material on the Internet on computers with Internet access to be eligible to receive or retain universal service assistance, with an amendment in the nature of a substitute;

S. 798, to promote electronic commerce by encouraging and facilitating the use of encryption in interstate commerce consistent with the protection of national security;

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, with an amendment in the nature of a substitute;

S. 800, to promote and enhance public safety through the use of 9–1–1 as the universal emergency assistance number, further deployment of wireless 9–1–1 service, support of States in upgrading 9–1–1 capabilities and related functions, encouragement of construction and operation of seamless, ubiquitous, and reliable networks for personal wireless services, with amendments;

S. 655, to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles;

S. 1248, to correct errors in the authorizations of certain programs administered by the National Highway Traffic Administration;

S. 937, to authorize appropriations for fiscal years 2000 and 2001 for certain maritime programs of the

Department of Transportation, with an amendment in the nature of a substitute;

S. 832, to extend the commercial space launch damage indemnification provisions of section 70113 of title 49, United States Code;

And the nominations of Johnnie E. Frazier, of Maryland, to be Inspector General, Department of Commerce, Cheryl Shavers, of California, to be Under Secretary of Commerce for Technology, Kelly H. Carnes, of the District of Columbia, to be Assistant Secretary of Commerce for Technology Policy, Ann Brown, of Florida, to be a Commissioner and Chairman of the Consumer Product Safety Commission, Mary Sheila Gall, of Virginia, to be a Commissioner of the Consumer Product Safety Commission, Albert S. Jacquez, of California, to be Administrator of the Saint Lawrence Seaway Development Corporation, Sylvia de Leon, of Texas, to be a Member of the Reform Board (Amtrak), and a nomination for promotion in the United States Coast Guard.

LAND CONVEYANCE AND WILDERNESS DESIGNATION BILLS

Committee on Energy and Natural Resources: Subcommittee on Forests and Public Land Management concluded hearings on S. 503, designating certain land in the San Isabel National Forest in the State of Colorado as the ''Spanish Peaks Wilderness'', S. 953, to direct the Secretary of Agriculture to convey certain land in the State of South Dakota to the Terry Peak Ski Area, S. 977, to provide for the conveyance by the Bureau of Land Management to Douglas County, Oregon, of a county park and certain adjacent land, S. 1088, 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 H.R. 15 and S. 848, bills to designate a portion of the Otay Mountain region of California as wilderness, after receiving testimony from Senators Allard and Kyl; Representative Bilbray; Denny Bschor, Director, Recreation, Heritage and Wilderness Resources, Forest Service, Department of Agriculture; Tom Fry, Acting Director, Bureau of Land Management, Department of the Interior; and Douglas Robertson, Douglas County, Roseburg, Oregon.

COLUMBIA RIVER BASIN SALMON RECOVERY

Committee on Environment and Public Works: Subcommittee on Fisheries, Wildlife, and Drinking Water concluded hearings on issues relating to the Columbia River Basin salmon recovery, focusing on the activities of the Federal Caucus and the Four-H Paper, and the status of the 99 Decision, after receiving testimony from Senator Craig; George T. Frampton, Jr., Acting Chairman, Council on Environmental Quality; Idaho Governor Dirk Kempthorne, and Mark Dunn, J.R. Simplot Company, on behalf of the Northwest Food Processors Association, both of Boise, Idaho; Donald Sampson, Columbia River Inter-Tribal Fish Commission, Portland, Oregon; Scott Faber, American Rivers, Washington, D.C.; Owen C. Squires, Pulp and Paperworkers Resource Council, Lewiston, Idaho, on behalf of the Paper, Allied-Industrial, Chemical, and Energy Workers International Union Local 712; Tim Stearns, Save Our Wild Salmon, Seattle, Washington; and Lynn Ausman, Waitsburg, Washington, on behalf of the Washington Association of Wheat Growers and the Washington Barley Commission.

MEDICARE PRESCRIPTION DRUG BENEFIT

Committee on Finance: Committee held hearings on proposals to add a prescription drug benefit to the Medicare program, receiving testimony from Laura A. Dummit, Associate Director, Health Financing and Public Health Issues, Health, Education, and Human Services Division, General Accounting Office; Michael E. Gluck, National Academy of Social Insurance, Alan F. Holmer, Pharmaceutical Research and Manufacturers of America, J. Leighton Read, Aviron, on behalf of the Biotechnology Industry Organization, and Martha A. McSteen, National Committee to Preserve Social Security and Medicare, all of Washington, D.C.; Kevin W. Concannon, Maine Department of Human Services, Augusta; Morris B. Mellion, Blue Cross and Blue Shield of Nebraska, Omaha, on behalf of the Blue Cross Blue Shield Association; and Jeff Sanders, PCS Health Systems, Inc., Scottsdale, Arizona.

Hearings recessed subject to call.

U.S. POLICY TOWARD IRAQ

Committee on Foreign Relations: Subcommittee on Near Eastern and South Asian Affairs concluded hearings to examine United States policy towards Iraq, after receiving testimony from A. Elizabeth Jones, Principal Deputy Assistant Secretary of State for Near Eastern Affairs; Ahmad Chalabi, Iraqi National Congress, London, England; and Patrick Clawson, Washington Institute for Near East Policy, and Rend Rahim Francke, Iraq Foundation, both of Washington, D.C.

NOMINATION

Committee on Foreign Relations: Committee concluded 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, after the nominee testified and answered questions in his own behalf.

EXPORT CONTROL PROCESS

Committee on Governmental Affairs: Committee concluded hearings on interagency Inspectors General report on the export control process for dual-use and munitions list commodities, after receiving testimony from Johnnie E. Frazier, Acting Inspector General, Department of Commerce; Gregory H. Friedman, Inspector General, Department of Energy; Donald Mancuso, Acting Inspector General, Department of Defense; John C. Payne, Deputy Inspector General, Department of State; Lawrence W. Rogers, Acting Inspector General, Department of the Treasury; and L. Britt Snider, Inspector General, Central Intelligence Agency.

RELIGIOUS LIBERTY

Committee on the Judiciary: Committee concluded hearings on issues relating to religious liberty protection, after receiving testimony from Texas State Representative Scott Hochburg, Houston; Steven T. McFarland, Christian Legal Society's Center for Law and Religious Freedom, Annandale, Virginia; Nathan J. Diament, Union of Orthodox Jewish Congregations of America, Elliot M. Mincberg, People for the American Way, and Christopher E. Anders, American Civil Liberties Union, all of Washington, D.C.; Manuel A. Miranda, Cardinal Newman Society for Catholic Higher Education, Fairfax, Virginia; and Michael P. Farris, Home School Legal Defense Association, Purcellville, Virginia,

ELEMENTARY AND SECONDARY EDUCATION ACT

Committee on Health, Education, Labor, and Pensions: Committee resumed hearings on proposed legislation authorizing funds for programs of the Elementary and Secondary Education Act, focusing on Title VI, Innovative Education Program Strategies, receiving testimony from Earin M. Martin, Texas Education Agency, Austin, on behalf of the Title VI National Steering Committee; Robert McNamara, Vermont Department of Education, Montpelier; Sandra J. Erickson, Howard County Public School System, Ellicott City, Maryland; Eric A. Hanushek, University of Rochester W. Allen Wallis Institute of Political Economy, Rochester, New York; Randy Ross, Los Angeles Annenberg Metropolitan Project, Los Angeles, California; and Lynn Winters, Grassland Middle School, Franklin, Tennessee, on behalf of the National Education Association.

Hearings continue on Tuesday, June 29.

BUSINESS MEETING

Committee on Veterans' Affairs: Committee ordered favorably reported the following bills:

S. 695, to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the Atlanta, Georgia, metropolitan area, with amendments;

S. 1076, to amend title 38, United States Code, to provide a cost-of-living adjustment in rates of compensation paid to veterans with service-connected disabilities, to enhance programs providing health care, education, and other benefits for veterans, to authorize major medical facility projects, to reform eligibility for burial in Arlington National Cemetery, with amendments;

An original bill to direct VA to provide cost-of-living adjustments in compensation and other benefits for calendar year 2000, and would codify cost-of-living adjustments provided by VA for calendar year 1999;

An original bill to enhance veterans' educational assistance benefits programs; and

The nomination of John T. Hanson, of Virginia, to be Assistant Secretary of Veterans Affairs for Public and Intergovernmental Affairs.

NATIONAL GAMBLING IMPACT STUDY COMMISSION FINAL REPORT

Committee on Indian Affairs: Committee concluded oversight hearings on the National Gambling Impact Study Commission final report on the status of tribal governmental sponsored gaming in the United States, after receiving testimony from Robert W. Loescher, Sealaska Corporation, Juneau, Alaska, on behalf of the National Gambling Impact Study Commission; Montie R. Deer, National Indian Gaming Commission, Raymond C. Scheppach, National Governors' Association, and Richard G. Hill, National Indian Gaming Association, all of Washington, D.C.; and Deborah Doxtator, Oneida Tribe of Indians of Wisconsin, Oneida.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee meets again tomorrow.

House of Representatives

Chamber Action

Bills Introduced: 19 public bills, H.R. 2316–2334; and 3 resolutions, H. Con. Res. 142, and H. Res. 219–220 were introduced. **Pages H4821–22**

Reports Filed: One report was filed today as follows:

H.R. 1651, to amend the Fishermen's Protective Act of 1967 to extend the period during which reimbursement may be provided to owners of United States fishing vessels for costs incurred when such a vessel is seized and detained by a foreign country (H. Rept. 106–197). **Page H4821**

Transportation and Related Agencies Appropriations: The House passed H.R. 2084, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, by a yea and nay vote of 429 yeas to 3 nays, Roll No. 250. **Pages H4748–85**

Agreed to:

The Young of Florida amendment that rescinds contract authorization for Grants-in-Aid for Airports, Airport and Airway Trust Fund, by $300 million; **Pages H4766–68**

The Sanford amendment that reduces funding for the Transportation Administrative Service Center funding by $1 million. Earlier, a similar amendment was offered and subsequently withdrawn; **Pages H4776–77**

The Andrews amendment that reduces funding for the Amtrak Reform Council by $300,000 (agreed to by a recorded vote of 289 ayes to 141 noes, Roll No. 248); and **Pages H4777–78, H4782–83**

The Rogan amendment that prohibits any funding for the planning or development of the California State Route 710 Freeway extension project through South Pasadena, California. Earlier, the amendment was offered and subsequently withdrawn (agreed to by a recorded vote of 241 ayes to 190 noes, Roll No. 249). **Pages H4778–81, H4783**

Withdrawn:

The Sanford amendment was offered, but subsequently withdrawn, that sought to reduce funding for the Transportation Administrative Service Center by $1 million; **Page H4773**

The Rogan amendment was offered, but subsequently withdrawn, that sought to prohibit any funding for the planning or development of the California State Route 710 Freeway extension project through South Pasadena, California; **Page H4776**

The Nadler amendment was offered, but subsequently withdrawn, that sought to prohibit funding for the Miller highway project in New York; and **Pages H4781–82**

The Smith of Michigan amendment was offered, but subsequently withdrawn, that sought to strike funding of $980.4 million for new mass transit rail systems. **Pages H4783–84**

Points of Order Sustained Against:

Language on page 11, lines 8 and 9; **Pages H4764–65**

Language on page 10 line 17 through page 13, line 13; **Page H4765**

Language on page 13, line 16; **Page H4765**

Language on page 15, line 20; **Page H4765**

Language on page 17, line 14; **Pages H4768–69**

Language on page 18, line 4; **Page H4769**

Language on page 19, line 5; **Page H4769**

Language on page 19, line 25; **Page H4769**

Language on page 25, line 9; **Page H4770**

Language on page 32, line 8; **Page H4770**

Section 337, page 50, lines 1–4; **Page H4774**

Section 338, page 50, lines 5–9; **Page H4774**

Section 342, page 50, line 22 through page 51, line 4; **Page H4774**

Section 343, page 51, lines 5–12; and **Page H4774**

Section 346, page 52, lines 1–10. **Page H4775**

H. Res. 218 the rule that provided for consideration of the bill was agreed to by a yea and nay vote of 416 yeas to 3 nays, Roll No. 247. **Pages H4746–48**

Satellite Home Viewer Act: The House disagreed to the Senate amendment to H.R. 1554, to amend the provisions of title 17, United States Code, and the Communications Act of 1934, relating to copyright licensing and carriage of broadcast signals by satellite, and agreed to a conference. Appointed as conferees: Representatives Bliley, Tauzin, Oxley, Dingell, and Markey from the Committee on Commerce; provided that Representative Boucher is appointed in lieu of Representative Markey for consideration of sections 712(b)(1), 712(b)(2), and 712(c)(1) of the Communications Act of 1934 as added by section 104 of the House bill; and Representatives Hyde, Coble, Goodlatte, Conyers, and Berman from the Committee on the Judiciary. **Page H4787**

Order of Business: Agreed that after debate on H.J. Res. 33, notwithstanding the operation of the previous question, it may be in order at that point for the Chair to postpone further consideration of the bill until the following legislative day, on which consideration may resume at a time designated by the Speaker. **Page H4787**

Constitutional Amendment to Prohibit Flag Desecration: The House completed general debate on 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 and pursuant to the earlier order of the House, further proceedings were postponed until June 24. **Pages H4787–H4804**

International Financial Institution Advisory Commission: The Chair announced the Speaker's appointment of Representative Campbell of California and Mr. Allan H. Meltzer of Pennsylvania to the International Financial Institution Advisory Commission. **Page H4804**

Presidential Message—Nuclear Regulatory Commission: Message wherein he transmitted the annual report of the Nuclear Regulatory Commission for fiscal year 1997—referred to the Committee on Commerce. **Page H4804**

National Commission on Terrorism: Read a letter from the Minority Leader wherein he announced his appointment of the Honorable Jane Harman of Torrance, California and Mr. Salam Al-Marayati of Shadow Hills, California to the Commission on Terrorism. **Page H4806**

Senate Messages: Message received from the Senate appears on page H4587.

Amendments Ordered Printed: Amendments ordered printed pursuant to the rule appear on pages H4823–27.

Quorum Calls—Votes: Two yea and nay votes and two recorded votes developed during the proceedings of the House today and appear on pages H4747–48, H4782–83, H4783, and H4784–85. There were no quorum calls.

Adjournment: The House met at 10:00 a.m. and adjourned at 8:18 p.m.

Committee Meetings

WTO MINISTERIAL

Committee on Agriculture: Held a hearing on the Administration's preparation for the 1999 World Trade Organization (WTO) Ministerial. Testimony was heard from Dan Glickman, Secretary of Agriculture; Charlene Barshefsky, U.S. Trade Representative; and public witnesses.

DISTRICT OF COLUMBIA APPROPRIATIONS

Committee on Appropriations: Subcommittee on the District of Columbia held a hearing on the DC Budget. Testimony was heard from the following officials of the District of Columbia: Anthony Williams, Mayor; Linda Cropp, Chairman, Council; and Valerie Holt, Chief Financial Officer; Alice Rivlin, Chairman, D.C. Financial Responsibility and Management Assistance Authority; and a public witness.

SECURITY AND FREEDOM THROUGH ENCRYPTION (SAFE) ACT

Committee on Commerce: Ordered reported, as amended, H.R. 850, Security and Freedom through Encryption (SAFE) Act.

AMERICA'S HEALTH

Committee on Commerce: Subcommittee on Health and Environment continued hearings on America's Health, focusing on Protecting Patients with a Strong Appeals Process. Testimony was heard from public witnesses.

WORKFORCE PRESERVATION ACT; REWARDING PERFORMANCE IN COMPENSATION ACT

Committee on Education and the Workforce: Ordered reported the following bills: H.R. 987, Workforce Preservation Act; and H.R. 1381, amended, Rewarding Performance in Compensation Act.

IS MEXICO A SAFE HAVEN FOR KILLERS?

Committee on Government Reform: Subcommittee on Criminal Justice, Drug Policy, and Human Resources held a hearing on Getting Away With Murder, Is Mexico a Safe Haven for Killers?: The Del Toro Case. Testimony was heard from Representative Miller of Florida; Mary Lee Warren, Deputy Assistant Attorney General, Department of Justice; Jamison M. Borek, Deputy Legal Advisor, Department of State; and a public witness.

YEAR 2000 COMPLIANCE ASSISTANCE ACT

Committee on Government Reform: Subcommittee on Government Management, Information, and Technology held a hearing on H.R. 1599, Year 2000 Compliance Assistance Act. Testimony was heard from Joel C. Willemssen, Director, Civil Agencies Information Accounting and Information Management Division, GAO; Frank P. Pugliese, Commissioner, Federal Supply Service, GSA; and public witnesses.

OVERSIGHT—COMBATING TERRORISM

Committee on Government Reform: Subcommittee on National Security, Veterans Affairs and International Relations held an oversight hearing on Combating Terrorism: Role of the National Guard Response Teams. Testimony was heard from Mark E. Gebicke, Director, National Security Preparedness Issues, National Security and International Affairs Division, GAO; the following officials of the Department of Defense: Charles Cragin, Acting Assistant Secretary,

Reserve Affairs; Maj. Gen. Roger Shultz, USA, Director, Army National Guard; and Brig. Gen. Bruce Lawlor, USA, Deputy Director, Military Support, Director, Consequence Management Program Integration Office, National Guard; and Maj. Gen. John H. Finimore V, USAF, Adjutant General, National Guard, State of New York.

MISCELLANEOUS MEASURES

Committee on International Relations: Subcommittee on Asia and the Pacific approved for full Committee action the following bills: H.R. 1152, Silk Road Strategy Act of 1999; and H.R. 1794, amended, concerning the participation of Taiwan in the World Health Organization (WHO).

MISCELLANEOUS MEASURES

Committee on the Judiciary: Ordered reported the following bills: H.R. 1691, amended, Religious Liberty Protection Act of 1999; H.R. 1218, Child Custody Protection Act; and H.R. 2014, to prohibit a State from imposing a discriminatory commuter tax on nonresidents.

WARNER CREEK TIMBER SALE

Committee on Resources: Task Force on Warner Creek Timber Sale and Related Matters met in executive session to discuss the Warner Creek Timber Sale and related matters.

COMPREHENSIVE BUDGET PROCESS REFORM ACT

Committee on Rules: Ordered reported, as amended, H.R. 853, Comprehensive Budget Process Reform Act of 1999.

VETERANS ENTREPRENEURSHIP AND SMALL BUSINESS DEVELOPMENT ACT

Committee on Small Business: Ordered reported, as amended, H.R. 1568, Veterans Entrepreneurship and Small Business Development Act of 1999.

Prior to this action, the Committee held a hearing on H.R. 1568. Testimony was heard from Betsy Myers, Associate Administrator, Entrepreneurial Development and Director of Small Business Welfare to Work, SBA; representatives of veterans organizations; and public witnesses.

VETERANS' LEGISLATION

Committee on Veterans' Affairs: Ordered reported the following measures: H.R. 2280, amended, Veterans Benefits Improvement Act of 1999; and H.J. Res. 34, congratulating and commending the Veterans of Foreign Wars.

REDUCING THE TAX BURDEN

Committee on Ways and Means: Concluded hearings on Reducing the Tax Burden: II, Providing Tax Relief to Strengthen the Family and Sustain a Strong Economy. Testimony was heard from Representatives Rangel, Weller, Hulshof, Clement, Danner, Graham, McIntosh, Turner, Baird and Crowley; and public witnesses.

COMMITTEE MEETINGS FOR THURSDAY, JUNE 24, 1999

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry: to hold hearings on agricultural trade issues, focusing on agricultures role in the World Trade Organization negotiations with China, and the European Union regulation of genetically modified agriculture products, 9:30 a.m., SR 328A.

Committee on Appropriations: business meeting to mark up proposed legislation making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2000, proposed legislation making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and proposed legislation making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2000, 2 p.m., SD–106.

Committee on Banking, Housing, and Urban Affairs: to continue hearings on proposed legislation authorizing funds for programs of the Export Administration Act, 10 a.m., SD–538.

Committee on Energy and Natural Resources: to hold oversight hearings to examine the implications of the proposed acquisition of the Atlantic Richfield Company by BP Amoco, PLC, 9:30 a.m., SD–366.

Committee on Environment and Public Works: Subcommittee on Clean Air, Wetlands, Private Property, and Nuclear Safety, to hold hearings on NOx/State Implementation Plans, 9 a.m., SD–406.

Committee on Finance: business meeting to mark up the proposed Medicare Subvention Demonstration for Veterans Act, to create a three year program that will allow veterans who are eligible for Medicare to receive their health care at a Veterans Affairs (VA) facility, 10 a.m., SD–215.

Committee on Foreign Relations: to hold hearings on the nomination of Richard C. Holbrooke, of New York, to be the Representative of the United States to the United Nations with the rank and status of Ambassador, and the Representative in the Security Council of the United Nations, 10:15 a.m., SH–216.

Subcommittee on International Economic Policy, Export and Trade Promotion, to hold hearings to examine U.S. satellite controls and the domestic production/launch capability, 2:45 p.m., SD–562.

Committee on Governmental Affairs: Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia, to hold hearings on H.R. 974, to establish a program to afford high school graduates from the District of Columbia the benefits of in-State tuition at State colleges and universities outside the District of Columbia; and S. 856, to provide greater options for District of Columbia students in higher education, 11 a.m., SD–342.

Select Committee on Intelligence: to hold closed hearings on pending intelligence matters, 2 p.m., SH–219.

Committee on the Judiciary: business meeting to consider S. 467, to restate and improve section 7A of the Clayton Act; S. 768, to establish court-martial jurisdiction over civilians serving with the Armed Forces during contingency operations, and to establish Federal jurisdiction over crimes committed outside the United States by former members of the Armed Forces and civilians accompanying the Armed Forces outside the United States; and H.R. 441, to amend the Immigration and Nationality Act with respect to the requirements for the admission of nonimmigrant nurses who will practice in health professional shortage areas, and pending nominations, 11 a.m., SD–226.

House

Committee on Agriculture, Subcommittee on Livestock and Horticulture, hearing to review H.R. 1402, to require the Secretary of Agriculture to implement the Class I milk price structure known as Option 1–A as part of the implementation of the final rule to consolidate Federal milk marketing orders, 10 a.m., 1300 Longworth.

Committee on Armed Services, hearing on the security problems at the U.S. Department of Energy, 1 p.m., 2118 Rayburn.

Committee on Banking and Financial Services, Subcommittee on Capital Markets, Securities, and Government Sponsored Enterprises, hearing on a Study Released by The Counterparty Risk Management Policy Group, 10 a.m., 2128 Rayburn.

Committee on Commerce, Subcommittee on Finance and Hazardous Materials, hearing on H.R. 1714, Electronic Signatures in Global and National Commerce Act, 10 a.m., 2322 Rayburn.

Subcommittee on Telecommunications, Trade, and Consumer Protection, hearing on Deployment of Data Services, 10 a.m., 2123 Rayburn.

Committee on Education and the Workforce, Subcommittee on Early Childhood, Youth, and Families, hearing on Examining the Bilingual Education Act, 9:30 a.m., 2175 Rayburn.

Committee on Government Reform, to consider the following: resolutions to Grant Immunity to Maria Mapili, Reynaldo Mapili and Charles T. Chiang; and H.R. 1327, to designate the United States Postal Service building located at 34480 Highway 101 South in Cloverdale, Oregon, as the ''Maureen B. Neuberger United States Post Office;'' followed by a hearing on Retaliation at the Departments of Defense and Energy: Do Advocates of Tighter Security for U.S. Technology Face Intimidation? 10 a.m., 2154 Rayburn.

Committee on the Judiciary, Subcommittee on Commercial and Administrative Law, oversight hearing on franchising: the franchise relationship, mutual rights and obligations of franchisees and franchisors, and assessing the need for more regulation, 10 a.m., 2237 Rayburn.

Subcommittee on the Constitution, hearing on H.R. 2260, Pain Relief Promotion Act of 1999, 10 a.m., 2226 Rayburn.

Subcommittee on Courts and Intellectual Property, oversight hearing on the Report of the U.S. Copyright Office on Copyright and Digital Distance Education; and Intellectual Property Security Registration, 2 p.m., 2141 Rayburn.

Subcommittee on Crime, oversight hearing on the United States Secret Service, 9:30 a.m., 2141 Rayburn.

Committee on Resources, Subcommittee on National Parks and Public Lands, to mark up H.R. 1487, National Monument NEPA Compliance Act; and to hold an oversight hearing on Noxious Weeds and Invasive Plants, 10 a.m., 1324 Longworth.

Subcommittee on Water and Power, oversight hearing on the Role of the Power Marketing Administration's in a Restructured Electric Industry, 2 p.m., 1334 Longworth.

Committee on Rules, to consider H.R. 1802, Foster Care Independence Act of 1999, 4 p.m., H–313 Capitol.

Committee on Science, Subcommittee on Technology, hearing on Federal Agencies Under Attack: Why Are Government Websites Vulnerable? 10 a.m., 2318 Rayburn.

Committee on Small Business, to mark up H.R. 413, PRIME Act; followed by a hearing on proposed amendments to the 7(a) and 504 Loan Programs, 9:30 a.m., 2360 Rayburn.

Subcommittee on Tax, Finance, and Exports, hearing on ''Do Unilateral Economic Trade Sanctions Unfairly Penalize Small Business?'' 2 p.m., 311 Cannon.

Committee on Veterans' Affairs, Subcommittee on Oversight and Investigations, hearing on the effectiveness of federal grants to community based organizations with regard to homeless veterans, 10 a.m., 334 Cannon.

Permanent Select Committee on Intelligence, executive, to hold a briefing on World Developments: A Global Update, 2 p.m., H–405 Capitol.

Next Meeting of the SENATE

9:30 a.m., Thursday, June 24

Senate Chamber

Program for Thursday: Senate will continue consideration of S. 1233, Agricultural Appropriations.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, June 24

House Chamber

Program for Thursday: Complete consideration of H.J. Res. 33, proposing an amendment to the Constitution authorizing the Congress to prohibit the desecration of the flag (structured rule; two hours of general debate); and

Consideration of H.R. 1658, Civil Asset Forfeiture Reform Act (modified open rule, one hour of general debate).

Extensions of Remarks, as inserted in this issue

HOUSE

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