United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE *106th* CONGRESS, FIRST SESSION

Vol. 145 WASHINGTON, WEDNESDAY, SEPTEMBER 15, 1999 *No. 120*

House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
September 15, 1999.

I hereby appoint the Honorable THOMAS W. EWING to act as Speaker pro tempore on this day.

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

PRAYER

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

O God, our help in ages past and our hope for years to come, we pray for a unity of spirit in our nation and for respect and honor between every person. We rejoice in the diversity of our experiences even as we celebrate the common creation that we share by Your mighty hand. As we see each other with our own perspective, may we also see each other with a respect and dignity that is worthy of the blessings that You have given us. Guide us and be with us this day and every day. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. PITTS 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 PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 15 1-minutes on each side.

URGING MEMBERS TO SUPPORT AMERICA'S MILITARY BY VOTING YES ON THE DOD AUTHORIZATION BILL

(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, our military forces have been facing 13 consecutive years of defense cuts. Now we are at a critical point where personnel and readiness levels are literally bleeding our defense capabilities dry. Retention and readiness are two critical issues facing our military forces today, and we must provide the necessary incentives for our troops to retain their skills to get the job done.

Furthermore, Congress must support increased health benefits and pay increases for our Nation's military men and women. We must also fully fund their equipment modernization and training so our troops can maintain a peak level of performance.

Before this Congress or this administration even so much as debates yet another deployment of our Armed Forces, we must without question provide the necessary funding for our brave men and women to perform the jobs we have asked them to do.

Today this body has an important opportunity to address the critical issues of underfunded quality of life readiness and modernization requirements in our military. I urge my colleagues to tell the military men and women in their districts that they support them by voting yes on the DOD authorization bill today.

FEAR AND INTIMIDATION HAVE NO PLACE IN AMERICAN GOVERNMENT

(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, last year under oath the IRS admitted in testimony ''We use fear and intimidation to make Americans pay their taxes.'' That is right, fear.

It is not just the IRS. Take Waco. Waco is about a group of Americans, good, bad, or indifferent, who defied the government. They stood up to the government and the government crushed them. The government crushed them, to send a message.

What was that message, Mr. Speaker? They had better fear the government. Beam me up, Mr. Speaker. Fear is an ugly four-letter word. It has no place in American government. I yield back all the fear and intimidation of our government agencies.

TIME TO END THE MARRIAGE TAX PENALTY

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

Mr. WELLER. Mr. Speaker, I have often asked from the well of this House a pretty basic question. That is, is it right, is it fair under our tax code, that 21 million married working couples with two incomes, a husband and wife who are both in the work force, pay higher taxes under our Tax Code just

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because they are married? Is it right, is it fair, that a married working couple pays more in taxes than an identical couple with an identical income who live together outside of marriage?

It is wrong that our Tax Code punishes society's most basic institution. I want to produce Shad and Michelle Hallihan from Joliett, Illinois, two public schoolteachers. They suffer the marriage tax penalty. Michelle and Shad are just one of the 21 million married working couples who suffer the marriage tax penalty.

This House, the Senate, this Congress, this Republican Congress, has worked to eliminate the marriage tax penalty. In fact, we passed as part of the Financial Freedom Act legislation which essentially wipes out the marriage tax penalty for the majority of those who suffer.

The question is, will the President join with us in signing into law our effort to eliminate the marriage tax penalty?

REPUBLICANS ARE REWRITING THE CALENDAR TO CREATE THE APPEARANCE OF NEW MONEY

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

Mr. DOGGETT. Mr. Speaker, the national Census mandated by the United States Constitution and conducted every 10 years since 1790 has been newly discovered by our Republican friends and declared an emergency for spending purposes, to avoid spending limitations.

Now the Republicans have found a new gimmick. They are actually rewriting the calendar. The old 12-month calendar to which America had become so accustomed is just not good enough for the current leadership. In order to create the appearance of new money, they have found a 13th month to include in the Federal fiscal calendar. Perhaps they will call it Bucks-tober, or maybe Big Bucks-tober.

I believe there is perhaps no silliness in which this leadership will not engage. One truth, however, remains most constant. To whom do the Republicans turn to fund their folly? The same folks they always turn to, those who do not have a fleet of lobbyists here in Washington, or a political action committee; in this case, the working poor.

They propose to gain $7 billion by postponing refunds to recipients of the Federal earned income tax credit, typically working families with children who earn about $20,000 a year. Working folks end up paying a high price for Republican irresponsibility.

REPUBLICANS HAVE THE BEST AGENDA

(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, Republicans have the BEST agenda, BEST. B stands for bolster our national security, E for excellence in education, S for strengthen social security and Medicare, and T for tax relief. Republicans have the BEST agenda.

By contrast, one could conclude that Democrats have the WORST agenda, WORST. W stands for wasteful Washington spending, O for outrageous overregulation, R for raising taxes, S for socializing medicine, and T for trashing our defense.

Alas, Democrats indeed have the WORST agenda. I invite all fair-minded listeners to judge for themselves. The choices are clear. I urge all Members to vote for the BEST agenda.

TO REPUBLICANS, TAX RELIEF IS A FREEDOM ISSUE

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

Mr. BALLENGER. Mr. Speaker, a lot of people do not think there is much difference between Democrats and Republicans. But when it comes to taxes, it is hard to argue that point of view with a straight face. Republicans want to cut taxes. We do not say the government should deny some people tax relief and offer tax relief to others. If you are a taxpayer, we think you should get some tax relief.

Liberal Democrats want the government to pick and choose which taxpayers should benefit from tax relief. They will do everything possible to ensure that those who pay the most taxes and who are carrying most of the load do not receive any tax relief.

To us, tax relief is a freedom issue. We think that fundamentally the people who earn the money in the first place are the best judge on how to spend it, and certainly better than Washington, who is eager to spend it for them.

Americans are overtaxed. Which Americans? American taxpayers. We think it is time they receive some tax relief.

AMERICA'S VULNERABILITY TO MISSILE ATTACK

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

Mr. CHABOT. Mr. Speaker, there now appears to be bipartisan support for perhaps the most important defense position that the Republican party has had for the last 10 years.

America is vulnerable to a ballistic missile attack. If North Korea or Communist China or Iraq were to fire a missile at the United States, we would have no ability right now to shoot it down. It is going to land and a lot of people are going to die. We do not have a national missile defense system now, and the reason is because of the existence of a treaty with a country that no longer exists.

The ABM treaty, signed with the Soviet Union, a country that began violating the treaty even before the ink on the paper is dry, is standing in the way of a rational policy to protect America from a missile attack. Our current policy of relying on the ABM treaty to keep America safe from the Osama bin Ladens and the Saddam Husseins of the world is dangerous, foolish, and naive. Does anyone really think that Osama bin Laden or Saddam Hussein is going to refrain from developing these types of weapons because we have a treaty with the Soviet Union?

It is time to get to work and at long last have a policy to protect this country from missile attack.

AN IRRESPONSIBLE REPUBLICAN BUDGET

(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, the Republican leadership budget is an irresponsible plan. It jeopardizes our economic health. It undermines our values as a people and as a Nation. It fails to extend the life of social security by a single day. It does not use one penny to strengthen Medicare. It does not continue to pay down the debt, which is so critical to our economic well-being. It does not invest in working middle class families through health care and education, but it spends nearly $1 trillion on budget-busting tax breaks that benefit mostly the wealthy.

It is out of step with the values of the American people. Tax cuts should go to people who need it most, working middle class families in this country. This Republican leadership scheme gives 60 percent of the benefit to the top 5 percent of Americans. Instead of investing in education and crime-fighting and national defense, this tax cut puts those very important things in jeopardy for American families.

There are no values in this plan, when we put the wealthy before the pressing needs of the middle class. We need to do more for the people we represent.

THE BUDGET SURPLUS BELONGS TO THE AMERICAN PEOPLE, NOT TO WASHINGTON BUREAUCRATS

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

Mr. HAYWORTH. Mr. Speaker, my colleague, the gentlewoman from Connecticut (Ms. DELAURO) has offered another textbook example of the politics of envy, because it comes down to this question, who do you trust more? My friend, the gentlewoman from Connecticut, places her trust in Washington bureaucrats. She believes Uncle

Sam should be Big Brother, take our money, and invest it in government programs. She defines security by increased Washington spending.

Mr. Speaker, this afternoon at 2 o'clock we will enroll the bill from the legislative branch that offers tax relief and tax fairness for all Americans, reducing the marriage penalty, ending the inheritance tax, working for commonsense policies because, Mr. Speaker, our commonsense conservative majority rejects the politics of envy and fear and embraces the policies of opportunity.

One fundamental truth we understand in this majority, Mr. Speaker, the money belongs to the American people, not to the Washington bureaucrats.

THE REPUBLICAN TAX CUT

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

Mr. SHOWS. Mr. Speaker, the Republican tax bill makes no sense. Rather than paying down the trillions of dollars in massive Federal debt, the Republican leadership offers pie in the sky election year tax cuts that will give most Americans nothing but pocket change.

But for years to come, this reckless plan will give all Americans higher interest rates and higher prices for everything we buy every day. Instead of paying down the debt, the Republican bill relies on questionable and partisan projections that their plan might reduce the debt.

We should put our fiscal house in order and pay our bills, just like any family or business would. We must reduce our debt so we can preserve social security and Medicare, benefits which so many Americans depend on. We should pass reasonable tax cuts that help working families and businesses, such as cuts in estate taxes and capital gains and marriage penalty taxes.

Americans want their leaders to lead. They want Congress to do the right thing.

□ 1015

40TH ANNIVERSARY OF THE FREDERICK COUNTY BUILDERS ASSOCIATION

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

Mr. BARTLETT of Maryland. Mr. Speaker, I would like to recognize a very special professional organization of which I was a member for a number of years, which is celebrating its 40th anniversary on Friday, September 17: The Frederick County Builders Association.

For 40 years, the Frederick County Builders Association has been a professional organization dedicated to providing the Frederick community quality building, especially home building. Very simply, they have been building our American dream.

Granted that is their bread and butter, but the Frederick builders also contribute greatly to almost 20 major community charitable endeavors, from the Boy Scouts and Girl Scouts, to the Catoctin Zoo, to the YMCA. They put their professional know-how to good use with their various housing charities like Habitat for Humanity, our local Advocates for the Homeless, and the Interfaith Housing of Western Maryland.

The Frederick County Builders are made up of professionals who care about both their industry and our community, indeed a very special organization.

Happy 40th anniversary.

REASONS FEDERAL GOVERNMENT SHOULD SUPPORT SCIENCE

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

Mr. EHLERS. Mr. Speaker, I rise today to talk about something we do not discuss very much in the House of Congress, and that is our scientific effort in this Nation. I think it is important to point out as we are in the appropriations process some of the reasons why it is important for the Federal Government to support science.

First of all, over half of our economic growth today arises out of scientific research work done within the past 3 to 5 decades, over half of our economic growth just from that source alone. We are very pleased with our good economy. Let us recognize what the cause is and make sure we continue that effort.

Secondly, our scientific research results in a great improvement of the quality of life in this Nation, not just in all the good things we enjoy every day of our lives in various ways, but, for example, health care. Some of the major devices and methods used in improved health care today arise out of research that was taking place when I was a graduate student 40 years ago. That involves for example MRI, magnetic resonance imaging, the use of lasers in surgery, and other purposes, straight out of the laboratories of the times when I was in grad school.

It is imperative that we continue to support that research. Yet, when we passed the appropriation bill last week, we cut NASA by $2 billion. We cut the National Science Foundation. Earlier, we cut the Department of Energy research program. We cannot do that.

As we proceed through the appropriations process, let us make sure that that money is restored, that we continue our research effort, and that we continue to provide the knowledge, the goods and services, and economic growth that we want in this country.

CONFERENCE REPORT ON S. 1059, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 288 and ask for its immediate consideration.

The Clerk read the resolution, as follow:

H. RES. 288

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (S. 1059) to authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes. All points of order against the conference report and against its consideration are waived.

The SPEAKER pro tempore (Mr. EWING). The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), 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.

Yesterday the Committee on Rules met and granted a normal conference report rule for S. 1059, the Fiscal Year 2000 Department of Defense Appropriations Act. The rule waives all points of order against the conference report and against its consideration. In addition, the rule provides for 1 hour of debate equally divided and controlled between the chairman and ranking minority member of the Committee on Armed Services.

Mr. Speaker, this should not be a controversial rule. It is the type of rule that we grant for every conference report we consider in the House. The conference report itself is a strong step forward as we work to take care of our military personnel and provide for our national defense.

I have always admired the patriotism and dedication of the young men and women in the armed forces, especially given the poor quality of life that our enlisted men and women face. But today, we are doing something to improve military pay, housing, and benefits.

It has always been kind of sad, we ask these young people to technically give up their life for their country, but yet we really have not treated them in the way that most of us would like to be treated. Their pay has not been good. They live in housing that has been virtually World War II almost, substandard housing in some cases. A lot of them have had to take second jobs just to exist because they are married and they cannot make it on their pay.

So we are helping to take some of this load off of them, and we are helping to take some of them off of food stamps with this bill by giving them a

4.8 percent pay raise. We have added $258 million for a variety of health care efforts.

We are boosting the basic allowance for housing, as I said, increasing retention pay for pilots, which is another big problem we have had. We are having a very difficult time retaining good pilots in the military. We are prompting the GAO to study how we can do better.

But along with personnel, we have taken care of our military readiness. We live in a dangerous world today, and Congress is working to protect our friends and family back home from our enemies abroad.

We are providing for a national missile defense system, something that we have never had and that a lot of people think we have. A lot of people think we are protected if a warhead comes in from China or North Korea or Iraq or Iran, but, no, we are not. So with this bill, we are going to provide the beginnings of that protection for this country if that day ever comes.

In light of the recent news about security breaches at our weapons laboratories, we are creating a National Nuclear Security Administration to prevent enemy nations from stealing our nuclear secrets. We are boosting the military's budget for weapons and ammunition. We are providing $37 billion for research and development so our forces will have top-of-the-line equipment for their job.

I urge my colleagues to support this rule and to support the underlying conference report because now more than ever we must improve our national security.

Mr. Speaker, I graciously yield such time as he may consume to the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Speaker, I thank the gentlewoman from North Carolina for allowing me to speak at this point.

As my colleagues know, I am the ranking member of the Committee on Armed Services. From the beginning of this year, the very first hearing, I said that this should be the year of the troops. To the credit of the Committee on Armed Services, on a very bipartisan effort, it is the year of the troops.

We have had, as my colleagues know, serious recruiting problems and even more serious retention problems. I am not just talking about pilots; I am talking about young men and young women who have put several years into the military and decide to get out.

The old saying is, and it is so true, ''you recruit soldiers'' or in the case maybe Marines, sailors, airmen, ''but you retain families.'' For instance, the Army has been cut some 36 percent, but the operational tempo has increased 300 percent. We are wearing the troops out.

I had breakfast about a year and a half ago with some noncommissioned officers of the United States Navy, and they told me about the dispirited attitude of the young men and women who work with them, the feeling that they were not remembered. This bill is a tribute to them. This bill is one where truly we do remember them.

It is our job under the Constitution to raise and maintain the military and to write the rules and regulations therefor, and we have done a magnificent job. I am very proud of it. I am very proud of the bipartisanship. I am very proud of the effort made. I especially compliment the gentleman from South Carolina (Mr. SPENCE), our chairman, for his outstanding efforts.

This is a good bill. The Department of Energy portion that deals with nuclear weapons is under our jurisdiction. That has been a very important part of our effort.

To some, it will not meet with their full approval. But I think we took a giant step forward. I am for this bill, for the troops, for the families.

I might say, in addition to the pay raises, the pay raise, the pay tables, pension reform, we have done superb work for the barracks, family housing. I think it deserves great, great support.

Regarding the Department of Energy effort, I think it is good. Could it be better? Sure. But legislation is a matter of compromise. So I support the bill and all of its portions. I hope this rule will be adopted overwhelmingly because this is a major step in the national security of our country.

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

Mr. Speaker, let me state at the outset that it is my intention to support this conference report. The National Defense Authorization Act for Fiscal Year 2000 contains a number of provisions that are critical to the maintenance of our national defense forces. Most important among them is a 4.8 percent basic military pay raise and additional pay raises targeted to midgrade officers and NCOs to improve retention and hopefully stem the loss of some of the best and brightest and most valuable members of our armed services.

The quality-of-life issues addressed in this package are, in a word, essential to the men and women who serve in uniform and to their families. As Members of this body point out repeatedly, it is unconscionable that service men and women should be paid at rates so low that they depend upon food stamps to feed their families, or the military housing is oft times decrepit or substandard.

This bill may not resolve all of those issues, but at least it puts us on the road to fixing a problem that cannot and should not be tolerated.

This conference report is not without controversy, however. The ranking member of the Committee on Commerce has raised some serious concerns about the provisions in the conference report, which establish a new National Nuclear Security Administration to manage DOE's weapons programs.

The gentleman from Michigan (Mr. DINGELL) is especially concerned that this provision was added in conference over the objections of the Committee on Commerce and Committee on Science who have jurisdiction over this matter; and he has indicated that it is his intention to offer a motion to recommit to strike language from the conference report.

□ 1030

Members should listen very carefully to his arguments against these provisions which are opposed by the Secretary of Energy, the National Governors Association, and the National Association of Attorneys General. The gentleman from Michigan (Mr. DINGELL) will also voice strong objections to the process by which these provisions were included in this conference report. His views deserve the attention of the House, and I urge Members to pay close attention. There will, of course, be Members who will oppose his motion to recommit because they do not want to put any barriers in the path of the passage of this very good bill. His objections do not, however, lie against the remainder of the bill, and those provisions deserve the strong support of the House.

This conference report authorizes $8.5 billion for military construction and military family housing programs. It authorizes full funding for a proposed program to construct or renovate over 6,200 units of military family housing, and the construction or renovation of 43 barracks, dormitories and BEQs for the single enlisted. The conference report also increases authorization amounts for procurement accounts to provide for a total of $55.7 billion as well as for research and development to provide for a total of $36.3 billion.

This increased funding will provide $171.7 million for further development of the B–2 fleet, $252.6 million to procure F–16C aircraft and $319.9 million for F–16 modifications. In addition, the conference report commits to funding an acquisition of the critical next-generation air dominance fighter. It authorizes $1.2 billion for research and development on the F–22 Raptor, $1.6 billion for six low-rate initial production aircraft, and $277.1 million for advanced procurement for 10 LRIP aircraft in fiscal year 2001. The conferees are to be congratulated for their support for this critical program.

I am also pleased that the conferees have included $990.4 million for procurement of 12 V–22s and $182.9 million for V–22 research and development and $25 million to accelerate development of the CV–22 special operations variant. Mr. Speaker, this is a very good conference report. The conferees have brought us a bill which enhances quality of life for our men and women in uniform, a bill which protects core readiness and a bill which wisely and aggressively addresses the need to replace aging equipment and to find ways to keep our weapons systems second to none in the world. I commend this conference report to my colleagues.

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

Mrs. MYRICK. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. GOSS).

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

Mr. GOSS. Mr. Speaker, I thank the distinguished gentlewoman from North Carolina for her leadership on this and my gratitude for yielding me the time. I am pleased to support this very appropriate rule for consideration of S. 1059, the fiscal year 2000 DOD authorization conference report, a major piece of legislation for this Congress. I particularly want to commend the gentleman from South Carolina (Mr. SPENCE) and the gentleman from Missouri (Mr. SKELTON) for their diligent, bipartisan, very thorough work to make sure that we significantly improve the support given to our men and women in uniform.

They are the ones doing the hard work. They are the ones in harm's way. They are the ones taking the risk. That deserves to be supported to the fullest extent possible. I am grateful for the continued close working relationship that these gentlemen have had with the Permanent Select Committee on Intelligence in ensuring that our fighting forces have access to the best, the most timely, and the most accurate intelligence that we can get. Eyes, ears, brains are actually very crucial to our national security.

This legislation reflects our commitment to those capabilities. Force protection, force enhancement, force projection: these are the results, these are the needs, and these are what we are getting. Americans most recently have watched our troops in action in Kosovo. You might have the impression from what I would call photo-op TV that Kosovo is some kind of a big win. Unfortunately, the view emerging from the ground in Kosovo is not quite so rosy.

Further, the administration is pursuing policies that could ultimately endanger the chances for a long-term peace and stability in that region in my view and the view of others. Official U.S. policy toward Kosovo is in fact built upon three very uncertain principles: one, Kosovo should remain an ethnically diverse province; two, Kosovo should not become independent; and, three, the Kosovo Liberation Army, the KLA, should give up its arms and disband. These principles face serious challenges in the field, on the ground.

U.S. policy refuses to recognize even the possibility that the Kosovars will eventually vote to declare independence from Yugoslavia. That is a possibility that should not be discounted. Similarly, the administration is naively assuming that the KLA will simply roll over and disband. In my view, the U.S. has no end game strategy. For the sake of the Americans and our allies on the ground in Kosovo, I urge the administration to rethink our situation there and base decisions on fact, not on wishful thinking.

Mr. Speaker, as a member of the Cox Committee, I am satisfied with the provision in this legislation establishing a semiautonomous agency to run the weapons program at the Department of Energy under the Secretary's leadership. Critics have suggested that this change could cause the sky to fall with respect to public health, safety, and environmental matters. To the contrary, I say.

The Cox Report demonstrates that the sky has already fallen and our national security has been placed at great risk as a result. Given the deeply troubling circumstances surrounding reports of espionage at our national labs, I believe it is very proper for Congress to move expeditiously in enacting new safeguards.

Mr. Speaker, I am very pleased that the conference report also includes a provision based on an amendment I offered with the gentleman from New York (Mr. GILMAN) requiring an end to the permanent presence of U.S. troops in Haiti. As our defense leaders have made clear, the Clinton administration's insistence on maintaining a permanent troop presence in Haiti has strained an already overburdened military, has unnecessarily put our troops at risk there, and has focused on humanitarian projects more appropriately undertaken by nongovernmental organizations who are ready, willing and able to do the job.

In the face of our efforts to force a withdrawal by year's end, the Clinton administration has finally announced an end to the permanent presence of U.S. troops in Haiti, to be replaced with periodic deployments as needed, as is customary everywhere else in the Western Hemisphere. This action does not, I repeat, does not signal an end to U.S. military involvement or to U.S. support for the democratic process in Haiti but, rather, it is a more realistic policy to provide the help Haiti so desperately needs as our neighbor in the Caribbean.

Lastly, Mr. Speaker, Members should note that this legislation contains a significant increase in counterdrug funding for DOD. Once again, Congress has taken the lead to win the war on drugs, filling the vacuum left by a just-say-maybe message from the Clinton administration. And we are getting results, if you read the papers. This is a good bill. I urge its passage. I commend those involved.

Mr. FROST. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. SISISKY).

Mr. SISISKY. I thank the gentleman from Texas for yielding me this time.

Mr. Speaker, I rise in strong support of S. 1059, the National Defense Authorization Act for fiscal year 2000 and, of course, the rule. I would like to take a few minutes to tell our colleagues why.

First, I am pleased to report that in my opinion members were treated equitably. Members on our side of the aisle were given the same consideration as members on the other side. That is not to say everybody got everything they wanted. They did not. Neither did I.

Second, this conference report builds on the President's proposal to increase defense spending by $112 billion over the next 6 years. To redress shortcomings in recruiting and retention, this bill provides a 4.8 percent pay raise, pay table reforms for middle grade personnel and retirement reform in what may be the best compensation package for our military since the 1980s. The bill also addresses the budget shortfalls that have dogged the weapons research and development and procurement programs of the Department of Defense. In fact, by providing $4.6 billion in increases for weapons, related research and development and procurement, I believe we may have turned the corner and begun the long, steady recovery that is both needed and overdue. Particularly noteworthy is the emphasis on precision stand-off weapons that reduce risks to our troops and, at the same time, risks to innocent civilian populations.

Third, I am particularly pleased that we have rejected the status quo and begun the long and difficult task of management and accountability reforms for the national security functions of the Department of Energy. In my opinion, there is no disagreement as to whether such reforms are needed, and to delay starting the reform process while waiting on unanimity or drafting perfection would in my opinion be irresponsible. Admittedly, the provisions proposed in this conference report are not perfect, nor does everyone agree. But, on balance, they are a good first start on what will prove to be a long and difficult process in the years ahead.

More importantly, there is nothing in this bill that would amend existing environmental, safety and health laws or regulations, nor is there any intent to limit the States' established regulatory roles pertaining to the Department of Energy operations and ongoing cleanup activities. Thus, I do not believe the DOE reform provisions are antienvironmental nor do I believe they should be used as the basis for rejecting this conference report.

Finally, our naval forces have shrunk from nearly 600 ships in 1987 to 324 ships today. At the same time, the number of missions for these ships have increased threefold. Worse, the administration's budget would lead to a 200 ship Navy, well below the force level of 300 ships called for by the Nation's military strategy. This bill allows the Navy to dedicate more of its scarce shipbuilding dollars to the construction of needed warships by providing significantly more cost-effective acquisitions through the following measures:

The early construction of an amphibious ship for the Marines at a great price; procurement for the final large, medium speed roll-on/roll-off ship,

LMSR, before the line closes; cost-saving expanded multiyear procurement authority for the DDG–51 destroyer program; long-term lease authority for the services of new construction, noncombatant ships for the Navy; and expanded authority for the National Defense Features program to allow DOD to pay reduced life-cycle costs of defense features built into commercial ships up-front.

Mr. Speaker, we all know that bills are compromises, and that good bills make good promise compromises. S. 1059 is such a bill. It is a balanced bill with good compromises. In the strongest terms, I urge the adoption of the conference report.

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Speaker, I thank the gentlewoman from North Carolina for yielding me the time and I thank the gentleman from Virginia for pointing out a number of the important issues and details that are what this bill and conference report are about.

I rise in very, very strong support of our rule, of our military, and of this bill. The gentleman from Virginia and I just returned from a trip where we went to, among other places, North Korea. If our citizens in the Eighth District, home of Fort Bragg, would look at a city whose tallest buildings have missiles on top of them, where our Air Force base has patriot missile batteries on the ready 24 hours a day, where 14,000 pieces of artillery are trained on the South, 80 percent of which are aimed at Seoul only 40 kilometers away from the demilitarized zone, if they could see in the eyes of the young men and women who are standing face to face with the North Koreans every day as a deterrent to terrorism and rogue nations, there would be no question in their mind as to our continued and increased support for the military.

Kosovo and Bosnia have brought to our attention the need to correct imbalances and deprivations that the military has suffered because of budget shortfalls in recent years. This authorization is more than $8 billion over the administration's request, and an additional $18 billion over a greatly reduced budget for defense in 1999. The gentleman from Missouri (Mr. SKELTON) and members of both parties have worked diligently, courageously and with much forethought to rebuild our military. That is what this rule is about. We have a volunteer force. We should maintain a voluntary and not a draft force. In order to do that, we must do things that are included in this bill, increasing pay, improving health care benefits, restoring REDUX, doing things that we owe to our military to correct years of neglect.

□ 1045

This bill beefs up and strengthens areas that have been eroded over a number of years. It addresses major issues that the gentleman from Virginia (Mr. SISISKY) has mentioned, but it also deals with such basics as ammunition and spare parts. So this is a broad-based, common-sense, very necessary piece of support for our men and women in uniform. In order for them to maintain the superiority, the commitment and to provide the protection for a world that is very, very dangerous, we should support them by unanimously passing this rule and this bill. They protect us; we need to support them.

Mr. FROST. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. DINGELL).

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

Mr. DINGELL. Mr. Speaker, this is a rule which sanctifies bad behavior. There was no real conference held on this legislation. Members of the conference who were entitled to be present to participate were not invited and were informed when they showed up that there was no conference to be held, the matter had been disposed of, and that we could simply go our way.

Now let us look at what the rule does. The rule waives points of order on two things: One, germaneness and the other, scope of the conference. In each instance the conferees, without holding a meeting, contrived to concede the House rules on both points, so now they need a waiver. Why do they need a waiver? They need a waiver because they wrote something which is not germane, which was never considered in either body and which exceeds the scope of the conference.

Now I want to express respect for my friend, the gentleman from Missouri (Mr. SKELTON) who is a very decent and honorable Member of this body, but I want to say that what has been done here is, first of all, an outrage, and it is a gross abuse of the powers of the committee and a gross disregard to the rights both of other committees and of this body to know what is going on and to have an input into a matter of important concern.

Now let us talk about the substance. This proposal in its title 32 recreates essentially the Atomic Energy Commission, one of the most secretive, one of the most sneaky, and one of the most dishonest agencies in government. They lied to everybody, including themselves, and the Congress of the United States, the Executive Branch. They suppressed tracks, and they have created in every area over which they had jurisdiction a cesspool, environmentally and otherwise. The areas which they had jurisdiction over drip hazardous waste and are contaminated beyond belief. Mixed wastes, high-level and low-level nuclear wastes contaminate these areas because of the fact that they diligently suppressed all facts with regard to what they were doing and how they were doing it, and I will be glad to discuss in greater detail because I do not have time now the behavior of that agency.

We are now setting up an entity which will be totally exempt from the supervision of the Secretary and which will be totally exempt from the supervision of this body. What they are going to do is to create a situation where now they can lie in the dark, as they did before in the days of the Atomic Energy Commission, and efforts to control this agency will be brought to naught by the absolute power that is being invested in them to suppress the facts to everyone.

Now who is opposed to this? First of all, every environmental agency and every environmental organization; second of all, the administration; third of all, the National Governors' Association; and fourth of all, the Organization of Attorneys General, 46 of whom sent us a letter denouncing what is being done here with regard to State, Federal environmental laws and the splendid opportunity for severe and serious misbehavior by this new entity.

If my colleagues want to vote for the good things in the bill; and there are many good things, I supported this bill: pay raises and other things which would benefit us in terms not only of our concern for our military personnel, but also our concern for seeing to it that our defense needs are met; vote for the motion to recommit because the only thing it does is to strike title 32. The rest that it keeps are the good things that are in this legislation.

So I offer my colleagues a chance to undo what was done in a high-handed arrogance by the committee and in a rather curious and remarkable and unjustifiable rule, one which is going to deny everybody in this country an opportunity to know what is going on inside that agency.

Now if we are talking about security, let me just tell my colleagues that the security of the AEC stunk. I was over in a place called Arzamas-16, the place where the Russians made their nuclear and thermonuclear weapons. I saw there a bomb that looked exactly like the bomb the United States dropped on Hiroshima. I told the guy: That looks familiar. They said it is an exact copy of the bomb that was dropped in Hiroshima. So when they tell us that the recreation of the secrecy and the inbrededness of the AEC and the secretiveness that this legislation will authorize is going to assure the national security, do not believe them. History is against it, and I would just ask my colleagues to understand the secrecy that they are talking about is not against the Russians or against anybody else. It is secrecy which they intend to use to prevent my colleagues, and I, and the Members of Congress, the Members of the Senate from knowing what is going on down there. If my colleagues want to see to it that we continue our efforts to protect the security of the United States, to see to it that things are done which need be done in terms of protecting the security interests of the United States, they can vote for my amendment and

should, but if they want to protect the environment, then they you must vote for my amendment.

Mrs. MYRICK. Mr. Speaker, I yield 8 minutes to the gentleman from Texas (Mr. THORNBERRY), my colleague.

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

Mr. THORNBERRY. Mr. Speaker, I share the respect that all Members of this House have for the dean of the House, and I always appreciate his willingness to stand up for what he believes in, as we recently saw when he led efforts to oppose gun control despite the sentiments of most of his party. As much as anyone in this body, the gentleman from Michigan is responsible over the years for the management structure of the Department of Energy, and he does not want to see that changed, and I think we can all understand someone coming from that position. But study after study, report after report, have reached a different conclusion. As a matter of fact, I know of at least 20 studies, reports and in-house reviews in the Department of Energy that have all found that the Department of Energy management structure is a mess and hurts our security, safety, and national security.

I point to the President's own study which came out just this summer conducted by his foreign intelligence advisory board, and they concluded, quote, DOE's performance throughout its history should be regarded as intolerable, and they also found, quote, the Department of Energy is a dysfunctional bureaucracy that has proven incapable of reforming itself, end quote. Now what they went on to say is we can do one of two things. One is that we can take all the nuclear weapons program completely out of the Department of Energy and set up a whole new agency, or we can create a semi-autonomous agency inside DOE with a clear chain of command and hope to solve some of these problems. This conference report takes the President's own commission's recommendations and implements them down to the letter.

Now what that does is it gives the nuclear weapons agency two things that it has never had under DOE. One, it has a clear focus on its mission so that the same people who worry about refrigerator coolant standards and solar power and electricity deregulation day to day are not going to be interfering in the nuclear weapons work.

Secondly, it provides accountability so that we have for the first time a clear chain of command so that when an order is given it is followed; and if somebody messes up, they are held responsible and we can get rid of them. And that is one of the most important safeguards we can have to protecting the environment, to having a clear line of accountability and safeguards.

The gentleman from Michigan says, oh, this just goes back to the old Atomic Energy Commission. I would say that no more will we ever go back to some of the problems of the past any more than we are going to go back to pouring motor oil out on the ground or we are going to go back to allowing cars to create all the smog that they can create. We are not going to, and I personally, Mr. Speaker, am offended by the suggestion that the people who work at the Pantex plant in my district, who live in the area, whose children go to school in that area, are going to be so careless in disregarding the safety of the drinking water and the other things in that area that they are just going to pollute willy nilly.

Now I think there are some important points to be made on the environment. Number one, this bill says that every single standard, environmental standard, that applies before the bill applies after the bill; it does not change.

Secondly, this bill says that the Secretary of Energy can set up whatever oversight he wants by whoever he wants, and they can look at every single thing that goes on throughout the weapons complex, and they can make whatever policy recommendations they want to make, and the Secretary of Energy can order anything to happen dealing with the environment or any other subject. The only change is that these oversight people, unless they are within the new agency, cannot order things to be changed, they cannot implement the directions. Policy can be set by anybody that the Secretary wants, but the implementation goes down the clear chain of command.

Some of the concerns that have been raised to this bill have been by some attorneys general who are worried about some new court challenge on matters that have been already established under court rulings. Let me make it clear, this bill does not change any of the waivers of sovereign immunity that the attorneys general have been concerned about; and there is a letter that will be made part of the RECORD later in which the chairman of our committee and the chairman of the Senate committee clearly say we are not changing one single environmental standard. And I would also put as part of the RECORD at that time a letter from the attorney general of Texas who once he had a chance to look at the actual legislation and what the real intent is says he no longer has any concerns or objections, and I would suggest that if my colleagues have a chance to talk to all the attorneys general and tell them what is really going on, that any of those concerns certainly melt away.

Mr. Speaker, I just make two final points. Number one is that we have all been embarrassed and dismayed and shocked at the security headlines which we have seen across the papers this year. For us to walk away and say we cannot do anything about it, it is too complicated, we are just going to let DOE roll along its merry way, is an abdication of our responsibility to fix one of the greatest national security problems with which we have been confronted.

The second point I would like to make is this: The gentleman from Michigan's motion to recommit is not like an ordinary bill. It is a conference report. The only effect of the motion is to require us to open the conference back up. That means everything in the conference from the pay raise to the retirement reform to the V–22 to whatever my colleagues care about in this bill is jeopardized because we have got to open everything back up, go back into negotiations with the Senate, and all of the wonderful strides to improve our national security are threatened by the motion to recommit.

So I would suggest that it is our responsibility to fix DOE, it is our responsibility to make sure this bill goes forward unimpeded and to vote against the motion when it is offered.

OFFICE OF THE ATTORNEY GENERAL,
State of Texas, September 15, 1999.

Hon. FLOYD D. SPENCE, *Chairman,*
House Armed Services Committee,
Congress of the United States, Washington, DC.
Hon. JOHN WARNER, *Chairman,*
Senate Armed Services Committee,
Congress of the United States, Washington, DC.

DEAR CONGRESSMAN SPENCE AND SENATOR WARNER: I have received a copy of your September 14, 1999 letter to Michael O. Leavitt and Christine O. Gregoire addressing concerns regarding the impact of Title XXXII of S. 1059, the conference report for the National Defense Authorization Act (NDAA) for Fiscal year 2000, on the safe operation and cleanup of Department of Energy (DOE) nuclear weapons sites.

Your letter addresses my two principal concerns with Title XXXII of S. 1059:

That this legislation not supercede, diminish or set aside existing waivers of federal sovereign immunity; and that it be clear that under Title XXXII the National Nuclear Security Administration (NNSA) will comply with the same environmental laws and regulations to the same extent as before the reorganization.

After reading your letter, I am satisfied that this legislation was neither intended to affect existing waivers of federal sovereign immunity nor to exempt in any way the NNSA from the same environmental laws and regulations as applied before reorganization.

I also have been advised that your letter will be made part of the legislative history of Title XXXII of S. 1059 by being submitted during the conference debate on this legislation, thus being made part of the Congressional Record. As such, this letter will provide confirmation that this legislation leaves unaltered existing waivers of federal sovereign immunity as well as existing environmental laws and regulations.

Given the explanations made in your September 14, 1999, letter as well as the submission of your letter as part of the Congressional Record to be included in the legislative history of this statute, I have no continuing objection to this legislation. I appreciate your efforts to make the intent of Title XXXII of S. 1059 clear. Please do not hesitate to contact me if you have any further questions.

Sincerely,

JOHN CORNYN,
Attorney General of Texas.

Mr. FROST. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California (Ms. SANCHEZ).

Ms. SANCHEZ. Mr. Speaker, as a Member of the House Committee on Armed Services, I rise in strong support of the national defense authorization conference report, and I would like to thank the gentleman from South Carolina (Mr. SPENCE) and the gentleman from Missouri (Mr. SKELTON) and of course the staff of the committee for all the hard work that they put into this conference report. The report addresses the quality of life, the readiness and the modernization shortfalls that the men and the women in our Armed Forces are currently facing. The report also addresses the important issue of domestic violence in the military.

Mr. Speaker, as we all know, one occurrence of domestic violence is one too many, and unfortunately reports show that in 1994 in every 1,000 marriages 14 spouses were the victims of spouse abuse, and I am pleased that the conferees from both Chambers worked in a bipartisan manner to address this important issue. The language in the conference report gives the services the opportunity to take on the crime of domestic violence and to protect victims of domestic violence as they never have before. It gives the Department of Defense and the services the opportunity to develop relationships with non-military victims' community and to draw on the expertise of local domestic violence organizations to aid in designing their own programs.

Mr. Speaker, I encourage my colleagues to vote yes on the conference report.

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Mrs. MYRICK. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Speaker, I thank the gentlewoman from North Carolina (Mrs. MYRICK) for yielding me this time.

Mr. Speaker, I think every Member should be proud to vote for this conference report. I think this report is a great manifestation of our ability to work in a bipartisan manner and do something that is important for the country, and I want to thank the gentleman from Missouri (Mr. SKELTON) and the gentleman from Virginia (Mr. SISISKY), my counterpart on the Subcommittee on Military Procurement, and all the Members, Democrat and Republican, who worked on this particular piece of legislation, because today we live in a very dangerous world. That is extremely clear now.

China is trying to step into the superpower shoes that have been left by the Soviet Union. Terrorism is becoming more deadly, more technologically capable, and we are seeing new challenges around the world; and against that backdrop we have cut defense dramatically.

The defense force structure that we have today is just about half of what it was in 1992. We have gone from 18 Army divisions to 10; 24 active fighter air wings to 13; and as the gentleman from Virginia (Mr. SISISKY) said, almost 600 ships down to 324 and dropping.

Unfortunately, the half that we have left is not as ready as the full force that we had in 1992. We have a $193 million shortage in basic ammo for the Marines; a $3.5 billion shortage in ammo for the Army. Our mission-capable rates have gone down almost 10 percent across the board in the services; that is the ability of an aircraft to take off from a carrier or from a runway, run its mission and come back and land safely. That is now down to an average of about 70 percent. That means about 30 of every 100 planes in our services cannot take off a runway and do their mission because of a lack of spare parts, a lack of maintenance, or just having a real old aircraft that has not been replaced.

In fact, we did have 55 crashes, peacetime crashes, last year with the military, resulting in over 50 deaths of our people in uniform. So we are flying old equipment, and we are having to take very valuable resources, these spare parts, the few spares and repair parts that we have, and our trained personnel who can still fix aircraft and other equipment and move them to the front lines when we run an operation like Kosovo.

So against that backdrop, we have put an additional $2.7 billion into the modernization accounts, and we put extra money in the pay raise. We have a 4.8 percent pay raise. We put money in readiness. Across the board, we have spent what I consider to be the bare minimum; but in this case, Mr. Speaker, the bare minimum is absolutely necessary. It would be a tragedy to defeat this bill for some reason, for some turf fight or some other reason that has nothing to do with national security.

Let me just say with respect to the DOE section of this bill and the reform that we did, let me just remind my colleagues about the tragedy that occurred a couple of years ago. After we had identified an individual who was identified as a spy in our nuclear weapons laboratory, and the head of the FBI, Mr. Freeh, had gone to the Assistant Secretary of Energy and a couple of weeks later to the Secretary of Energy and said, get this guy away from classified areas, take away his access to our nuclear secrets, 14 months later somebody turned around and said, is that spy still next to the nuclear weapons vault? And somebody went over and checked and, yes, he was.

We tried to figure out why he hadn't been fired, and there was such a mess and such a confusion that nobody was sure. Everybody thought the other guy was going to get the spy away from our nuclear secrets. Presumably he was upgrading for 14 months, over a year, the nuclear secrets that he had moved out earlier and nobody was there to stop him.

That was the confusion that we saw. That is the confusion that we fix. Let us pass this conference report.

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

Mr. Speaker, I take this opportunity not to comment on this legislation but to comment on the Republican leadership's unwillingness to recognize reality in the scheduling of the House of Representatives.

As people may be aware, there is a hurricane headed toward this area, and yet the Republican leadership refuses to adjourn the House at the end of proceedings today, thereby forcing Members to attend a hurricane party here in Washington, D.C. in the capitol tomorrow.

It is very likely that the Washington, D.C. airports will be closed tomorrow if the hurricane does, in fact, continue on its path, thereby preventing Members from the southeast who may want to be with their constituents at the time of this national emergency from doing so, and preventing Members from other parts of the country who may actually want to be able to go home this weekend and spend time with their constituents from doing so.

I find it extraordinarily shortsighted on the part of the Republican leadership to recognize that there is a hurricane headed straight toward Washington, D.C. The House should be adjourned at the end of today so that Members will not be trapped in Washington and be unable to be with their constituents in the next 5 days.

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

Mrs. MYRICK. Mr. Speaker, back to the debate, I yield such time as he may consume to the gentleman from California (Mr. DREIER), my distinguished chairman of the Committee on Rules.

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

Mr. DREIER. Mr. Speaker, I thank my friend, the gentlewoman from North Carolina (Mrs. MYRICK) for yielding and congratulate her on her superb management of this rule.

Mr. Speaker, I have to respond to my friend from Dallas by saying that we obviously want to do everything that we can to ensure that people are able to get out of town in time, and I will say that we do not want to have to have a hurricane party here. I do not know that the hurricane is headed right towards Washington, D.C. We certainly hope that we do not see any loss of life and that it is, in fact, lessened. But I am struck with the fact that my colleagues really go for everything they possibly can to attack the Republican leadership. We enjoy the fact that they are scraping for something more to criticize us on.

Let me say that I believe that this is a very important conference report. We are trying to get the people's work done here, and I am hoping very much that we will be able to have strong bipartisan support of not only the rule but the conference report itself.

It was 10 years ago this coming November 13 that the world celebrated the crumbling of the Berlin Wall, and many people argued at that point that we would be witnessing the end of history; that the demise of the Soviet Union and Communism, which took place in the following 3 years, was something that was going to change the world, and clearly it has.

I think that the leadership that Ronald Reagan and President George Bush have shown and, frankly, in a bipartisan way that we have provided for our Nation's defense capability, brought about that change; but as we mark, in the coming weeks, the 10th anniversary of the crumbling of the Berlin Wall, it is very important for us to note that there has been a dramatic change in the national security threat that exists in this country and for the free world.

It seems to me that we need to realize that over that period of time we have dealt with a wide range of challenges that exist throughout the world, and I am struck with a figure that I mentioned here several times before, the fact that during this administration we have deployed 265,000 troops to 139 countries around the world and that has taken place at a time when we have actually diminished our level of expenditures.

Since 1987, we have seen a reduction of 800,000 of our military personnel. We have consistently pursued this goal of trying to do more with less, and that is wrong. That is why when we, as Republicans at the beginning of the 106th Congress, set forth our four top priorities of making sure that we improve public education, which I am proud to say that we have done; provide tax relief for working families, which in just a couple of hours we are going to be enrolling the bill and sending it to the President, and I hope very much he does not veto that bill as he said he would on Friday; and saving Social Security and Medicare. Those are other priorities.

We also included, as a top priority, because of this changing threat, rebuilding our Nation's defense capability. I am happy that we have passed and that the President, reluctantly, but the President finally did sign the national ballistic missile defense bill. I am very happy that we were able to see the President come on board in some of our attempts to deal with these national security issues, and I hope that he will be able to sign this conference report when it gets to him.

It is clearly the right thing to do. We are going to be facing more challenges, but we have to make sure that the one issue which only the Federal Government can deal with, virtually every one of the other issues that we deal with can be handled by State and local governments, but our national security is the one issue that we are charged to dealing with. It is in the preamble of the U.S. Constitution, and it seems to me that we need to step up to the plate. That is why support of this conference report is very important.

I urge my colleagues to do it in a bipartisan way.

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

Mr. Speaker, I would only point out to my friend, the gentleman from California (Mr. DREIER), that I am not trying to be overly critical of the Republican leadership.

Mr. DREIER. That would be a first, I have to say.

Mr. FROST. I am just appalled by the fact that they seem to have taken the position of, what hurricane? I mean, everybody in the country knows that the hurricane is heading up the East Coast, and by refusing to adjourn the House at the end of business today they are forcing the staff to try and get into work tomorrow. They are trapping Members in the Nation's capital who want to be home with their constituents. This is an extraordinary development.

Mr. DREIER. Mr. Speaker, if the gentleman will yield just for a moment, I would just like to thank him for his input and tell him that the recommendation that he has made will certainly be taken into consideration.

Mr. FROST. I have not yielded. I am sorry. I have not yielded.

The Republican leadership seems to be the only ones in the country that do not recognize the fact that a hurricane is moving up the East Coast, and that it is projected that it is going to come very close to Washington, D.C. tomorrow, and that we may have 5 inches of rain here tomorrow. I do not understand.

All I want them to do is to turn on their television sets and to listen to the news and to deal with reality so that Members can be treated in a fair way and so that the staff can be treated in a fair way. It is unrealistic and unfair to say we are going to be here tomorrow and everybody come on in, no matter what is happening.

They ought to face reality. They ought to adjourn the House at the end of today so that Members and staff will not be forced through the hardship of dealing with the hurricane in Washington, D.C. tomorrow.

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

The SPEAKER pro tempore (Mr. EWING). The gentleman from Texas (Mr. FROST) has 11 minutes remaining. The gentlewoman from North Carolina (Mrs. MYRICK) has 1 minute remaining.

Mrs. MYRICK. Mr. Speaker, I would like to inquire of the gentleman from Texas (Mr. FROST) if he has any further speakers?

Mr. FROST. Mr. Speaker, I reserve the right to close for our side. We do not have any other speakers at this point.

Mrs. MYRICK. Mr. Speaker, if it is all right, the gentleman should go ahead and close because I have no more speakers either.

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

Mr. Speaker, this is a very good piece of legislation. This is legislation supported by a Democratic President, a Democratic administration, supported by the vast majority of Democrats in the House of Representatives. We all are pleased to stand for a strong national defense, to stand for efforts to help our troops, to increase morale, to make sure that we retain soldiers that we need and that we are able to recruit soldiers that our forces need for the future.

This is a good conference report. As a Democrat, I am pleased to support it, and I urge all of my colleagues to vote yes on final passage on this very important piece of legislation.

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

Mrs. MYRICK. 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.

Mr. SPENCE. Mr. Speaker, pursuant to House Resolution 288, I call up the conference report on the Senate bill (S. 1059) to authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

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The SPEAKER pro tempore (Mr. Ewing). Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of August 5, 1999, at page H7469.)

The SPEAKER pro tempore. The gentleman from South Carolina (Mr. Spence) and the gentleman from Missouri (Mr. Skelton) each will control 30 minutes.

PARLIAMENTARY INQUIRY

Mr. DINGELL. Mr. Speaker, with all respect for the chairman of the committee and all respect for my good friend, the gentleman from Missouri (Mr. SKELTON), I have been advised that the gentleman from Missouri supports the bill. I therefore ask, Mr. Speaker, is the gentleman from Missouri opposed to the bill, and therefore, is he entitled to time in opposition to the legislation?

The SPEAKER pro tempore. Is the gentleman from Missouri (Mr. SKELTON) in favor of the conference report?

Mr. SKELTON. Mr. Speaker, I absolutely support the bill.

The SPEAKER pro tempore. The gentleman from Missouri supports the conference report.

Pursuant to clause 8(d)(2) of rule XXII, time will be controlled three ways. The gentleman from South Carolina (Mr. SPENCE) will control 20 minutes; the gentleman from Missouri (Mr.

SKELTON) will control 20 minutes; and the gentleman from Michigan (Mr. DINGELL) will control 20 minutes.

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

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

Mr. Speaker, the fiscal year 2000 defense authorization bill was reported out of the Committee on Armed Services back in May on a vote of 55-to-1, and it passed the House in June on a vote of 365-to-58. The conference report before us today enjoys equally strong bipartisan support, as all 36 Republican and Democrat committee conferees have signed the conference report. This is only the second time this has happened since 1981. It is truly a bipartisan report.

Mr. Speaker, the funding authorized in this bill is consistent with the increased spending levels set by the Congress in the budget resolution. As a result of this increased spending and a careful reprioritization of the President's budget request, we have provided the military services some of the tools necessary to better recruit and retain qualified personnel and to better train and equip them.

It is in this context that the conferees went to work, targeting additional funding for a variety of sorely needed quality of life, readiness, and equipment initiatives. However, despite the conferees' best efforts, we are not eliminating shortfalls, we are simply struggling to manage them. Absent a long-term, sustained commitment to revitalizing America's armed forces, we will continue to run the inevitable risks that come from asking our troops to do more with less.

This conference report also contains the most important and significant Department of Energy reorganization proposal since the agency's creation more than two decades ago.

Earlier this year, the bipartisan Cox-Dicks Committee released its report on the national security implications of our United States technology transfers to the People's Republic of China. The Cox Committee identified lax security at DOE nuclear laboratories as a critical national security problem, and unanimously concluded that China had obtained classified information on ''every currently deployed thermonuclear warhead in the United States ballistic missile arsenal.''

Following the Cox Committee report, President Clinton's own Foreign Intelligence Advisory Board chaired by former Senator Rudman, issued its report highly critical of DOE's failure to protect the Nation's nuclear secrets. The report of the President's Advisory Board concluded that DOD is, ''a dysfunctional bureaucracy that has proven it is incapable of reforming itself.''

The conference report would implement the recommendation of the President's Foreign Intelligence Advisory Board to create a semi-autonomous agency within DOE and vest it with responsibility for nuclear weapons research and protection. The reorganization will go a long way towards streamlining DOE's excessive bureaucracy and improving accountability, all in an effort to ensure that our Nation's most vital nuclear secrets are better managed and secured.

Mr. Speaker, some question has been raised in some quarters on the possible impact that the reorganization provisions could have on DOE's environmental programs and in particular, on the status of existing waivers of solving immunity agreements between the Federal Government and individual States. In a few minutes I plan to engage in a colloquy with the gentleman from Missouri (Mr. SKELTON) to clarify this point for the legislative record.

Mr. Speaker, I would like to insert into the RECORD following my statement a letter that Senator WARNER and I have jointly written to the National Governors Association and the National Association of Attorneys General that address these questions in more detail.

The bottom line is that this conference report does not impact or change current environmental law or regulation, and it does not impact or change existing waivers of sovereign immunity agreements. For the sake of time I will not repeat that statement, but it is true to the letter.

Mr. Speaker, this conference report is before the House today only as a result of the efforts of all conferees. In particular, I want to recognize the critical roles played by the Committee on Armed Services subcommittee and panel chairmen and ranking members. Their efforts, along with those of the gentleman from Missouri (Mr. SKELTON) made my job easier, and their dedication to getting the job done is clearly evident in this conference report.

Mr. Speaker, this is an important piece of legislation, and I urge all of my colleagues to support the conference report.

WASHINGTON, DC,
September 14, 1999.

Hon. MICHAEL O. LEAVITT,
Chairman, National Governors' Association, Hall of States, Washington, DC.

Hon. CHRISTINE O. GREGOIRE,
President, National Association of Attorneys General, Washington, DC.

DEAR GOVERNOR AND MADAM ATTORNEY GENERAL: We are aware that concerns have been raised regarding the impact of Title XXXII of S. 1059, the conference report for the National Defense Authorization Act (NDAA) for Fiscal Year 2000, on the safe operation and cleanup of Department of Energy (DOE) nuclear weapons sites. Title XXXII provides for the reorganization of the DOE to strengthen its national security function, as recommended by the House of Representatives, the Senate, and the President's Foreign Intelligence Advisory Board (PFIAB). In so doing, the NDAA would establish the National Nuclear Security Administration (NNSA), a semi-autonomous agency within the Department.

However, as the purpose of this effort was focused on enhancing national security and strengthening operational management of the Department's nuclear weapons production function, the conferees recognized the need to carefully avoid statutory modifications that could inadvertently result in changes or challenges to the existing environmental cleanup efforts. As such, Title XXXII does not amend existing environmental, safety and health laws or regulations and is in no way intended to limit the states' established regulatory roles pertaining to DOE operations and ongoing cleanup activities. In fact, Title XXXII contains a number of provisions specifically crafted to clearly establish this principle in statue.

NNSA compliance with existing environmental regulations, orders, agreements, permits, court orders, or non-substantive requirements.

Concern has been expressed that Title XXXII could result in the exemption of the NNSA from compliance with existing environmental regulations, orders, agreements, permits, court orders, or non-substantive requirements. We believe these concerns to be unfounded. First, Section 3261 expressly requires that the newly created NNSA comply with all applicable environmental, safety and health laws and substantive requirements. The NNSA Administrator must develop procedures for meeting these requirements at sites covered by the NNSA, and the Secretary of Energy must ensure that compliance with these important requirements is accomplished. As such, the provision would not supersede, diminish or otherwise impact existing authorities granted to the states or the Environmental Protection Agency to monitor and enforce cleanup at DOE sites.

The clear intent of Title XXXII is to require that the NNSA comply with the same environmental laws and regulations to the same extent as before the reorganization. This intent is evidenced by Section 3296, which provides that all applicable provisions of law and regulations (including those relating to environment, safety and health) in effect prior to the effective date of Title XXXII remain in force ''unless otherwise provided in this title.'' However, nowhere in Title XXXII is there language which provides or implies that any environmental law, or regulation promulgated thereunder, is either limited or superseded. Therefore, we clearly intend that all existing regulations, orders, agreements, permits, court orders, or non-substantive requirements that presently apply to the programs in question, continue to apply subsequent to the enactment and effective date of Title XXXII.

Concern has also been expressed that the creation of the NNSA would somehow narrow or supersede existing waivers of sovereign immunity or agreements DOE has signed with the states. Title XXXII merely directs the reorganization of a government agency and does not amend any existing provision of law granting sovereign immunity or modify established legal precedent interpreting the applicability or breadth of such waivers of sovereign immunity. The intent of this legislation is not to in any way supersede, diminish or set aside existing waivers of sovereign immunity.

NNSA responsibility for environment, safety and health and oversight by the Office of Environment, Safety and Health.

Concern has been expressed that the NNSA would be sheltered from internal oversight by the Office of Environment, Safety and Health. In keeping with the semiautonomous nature of the proposed NNSA, the legislation establishes new relationships between the new NNSA and the existing DOE secretariat. Principally, it vests the responsibility for policy formulation for all activities of the

NNSA with the Secretary and devolves execution responsibilities to the NNSA Administrator. However, there is clear recognition of the need for the Secretary to maintain adequate authority and staff support to discharge the policy making responsibilities and conduct associated oversight. For instance, Section 3203 establishes a new Section 213 in the Department of Energy Organization Act would provides that:

''(b) The Secretary may direct officials of the Department who are not within the National Nuclear Security Administration to review the programs and activities of the Administration and to make recommendations to the Secretary regarding administration of those programs and activities, including consistency with other similar programs and activities of the Department.

The Secretary shall have adequate staff to support the Secretary in carrying out the Secretary's responsibilities under this section.''

While some maintain that both of these provisions are redundant restatements of the Secretary's inherent authority as chief executive of his department, we recognized the importance of being abundantly clear on this point, particularly as it pertained to environmental, safety and health matters. Therefore, we fully expect that the Secretary will continue to rely on the Office of Environment, Safety and Health or any future successor entity to support his policy making and oversight obligations under the law.

To further clarify this point, the conferees also included a provision in Section 3261(c) that states that ''Nothing in this title shall diminish the authority of the Secretary of Energy to ascertain and ensure that such compliance occurs.'' This provision makes reference to the requirement that the NNSA Administrator ensure compliance with ''all applicable environmental, safety and health statutes and substantive requirements.'' Once again, the conferees intended this future language to make it abundantly clear that the Secretary retains the authority to assign environmental compliance oversight to the Office of Environmental, Safety and health to support his responsibilities in this area.

Finally, concern has also been raised over the interpretation of the assignment of environment safety and health operations to the NNSA Administrator by Section 3212. This provision establishes the scope of functional responsibilities assigned to the NNSA Administrator and is not intended to, and does not, supersede the assignment of primacy for policy formulation responsibility to the Secretary of Energy for environment, safety and health or any other function.

Effect of Section 3213 on oversight by the Office of Environment, Safety and Health

Concern has also been raised that Section 3213 could be interpreted in a manner that would preclude oversight by the Office of Environment, Safety and Health. Section 3213 deals exclusively with the question of who within the Department of Energy holds direct authority, direction and control of NNSA employees and contractor personnel. As such, this provision establishes the operational and implementation chain of command in keeping with the organizing principle of the legislation to vest execution authority and responsibility within the NNSA. However, neither this principle nor Section 3213 would in any way preclude the Secretary from continuing to rely on the Office of Environment, Safety and Health for providing him with oversight support for any program or activity of the NNSA.

NNSA responsibility for environmental restoration and waste management

Concern has also been raised that Title XXXII somehow would extend to the NNSA responsibility for environmental restoration and waste management. We consider this concern to be unfounded and inaccurate. Contrary to some interpretations, Section 3291(c) grants no authority to the Secretary to move additional functions into the NNSA. Rather, Section 3291(c) recognizes the possibility that some future activity may present the need to migrate a particular facility, program or activity out of the NNSA should it evolve principally into an environmental cleanup activity. Therefore, this provision would allow such activity only to be transferred out of the NNSA.

Further, contrary to some expressed concerns, Title XXXII would not permit control of ongoing cleanup activities being carried out by the Office of Environmental Management to be assumed or inherited by the NNSA, thus ensuring that DOE's environmental responsibilities will not be overshadowed by production requirements. Finally, as previously noted, Section 3212, which assigns the functional responsibilities of the NNSA Administrator, is not intended to, and does not, establish responsibility to the NNSA Administrator for environmental restoration and waste management.

Oversight role of the Defense Nuclear Facilities Safety Board

Concern has been raised that the external oversight role of the Defense Nuclear Facilities Safety Board (DNFSB) will be impaired by the conference report language. This concern is without merit, since Title XXXII makes no change to the existing authority or role of the DNFSB. While there was some discussion during the conference of possibly expanding the role of the DNFSB to enhance external environmental and health oversight, this proposal was eventually dropped resulting in no change to the existing authority of the DNFSB.

We firmly believe that this legislation will result in much needed reforms to better protect the most sensitive national security secrets at our nuclear weapons research and production facilities and to correct associated long-standing organizational and management problems within DOE. However, we agree that these objectives should not weaken or undermine the continuing effort to ensure adequate safeguards for environmental, safety and health aspects of affected programs and facilities. More specifically, we believe that these objectives can be met without in any way limiting the established role of the states in ongoing cleanup activities. This legislation is fully consistent with our continuing commitment to the aggressive cleanup of contaminated DOE sites and protecting the safety and health of both site personnel and the public at large.

We appreciate your willingness to share your concerns with us and hope that this response will address them in keeping with our mutual objectives. In this regard, we look forward to continuing to work closely with you and your associations to ensure that this legislation is implemented in a manner that is consistent with the principles stated above and strikes the intended careful balance between national security and environmental, safety and health concerns.

Sincerely,

FLOYD D. SPENCE, *Chairman,*
House Armed Services Committee.
JOHN WARNER, *Chairman,*
Senate Armed Services Committee.

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

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

I rise in strong support of this legislation. A good number of months ago I had the opportunity to be in Bosnia meeting and talking with the young men and young women in uniform who stand guard in that sad country doing their best and successfully doing their best to keep peace in that corner of the world. This morning, Mr. Speaker, I had breakfast with four bright young sailors who have been in the Navy only between one and two years. Both were in Bosnia when I was there. After the breakfast this morning with the young military folks, I asked myself, where, where do we find young people such as this: Dedicated, sincere, hard-working, patriotic.

Well, they come from small towns and farms and cities all across our country, and they do a superb job securing the freedoms that we enjoy. There have been problems, problems with recruitment and problems even more serious with retention. The old saying is, you recruit soldiers, but you retain families, and I think that is so true.

Mr. Speaker, this bill before us today is a historic landmark for the troops of America. This is the year of the troops. This is the year that the Committee on Armed Services, and I am pleased to say when the bill was reported out, it was reported out with a favorable vote of some 55-to-1. It has strong support among the committee and hopefully will have very, very strong support here on the floor. Because this year, we gave a pay increase, we reformed the pay tables which is geared towards those young men and young women who make the decision whether to stay in or get out at the 9, 10, 11, 12 year mark.

We reform in a very positive manner the pension system. We build new barracks, new family housing; we help fix the problems in TRICARE; we have done a superb job, and I am so pleased about it. In procurement, we have purchased and helped bring ourselves to the point where we have maintained that scientific edge. It is with a great deal of pleasure that I support this bill in its entirety, including the Department of Energy portions thereof.

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

Mr. DINGELL. Mr. Speaker, I yield myself 7½ minutes.

Mr. Speaker, it has been represented that Senator Rudman supports this. Let me read what he said about this with regard to the semi-autonomous weapons agency: ''We do not believe that the environmental health issues should be stripped from where they are and put within the agency for nuclear support. I would not support that kind of change because I know what we went through back in the 1980s.'' I would commend this to the reading of the chairman of the committee.

Having said that, let us look who else is opposed to this outrage, the National Association of Attorneys General. The chairman sent them a letter, but they still oppose the bill: ''We urge you to oppose the provisions of title 32 that would weaken the existing internal and

external oversight structure for DOE's safety and health operations. Title 32 of the defense authorization bill would impair State regulatory authority, eliminate DOE's internal oversight of environmental safety and health, and transfer responsibility for waste management and environmental restoration to the entity responsible for weapons production and development.'' Forty six attorneys general.

What did the former Secretaries of Energy have to say about this? ''This restructuring represents a return to the institutional conditions that resulted in almost 50 years of environmental safety health mismanagement at DOE facilities at an estimated cost of $250 billion, the largest environmental cleanup in the world. This restructuring is a step backward to the problems of the past.''

Listen then to our governors, Mr. Speaker, and hear what they have to say. They say, specifically, ''We are concerned that section 3261 would be interpreted as limiting existing waivers of sovereign immunity, leaving NNSA exempt from State environmental regulations, permits, orders, penalties, and agreements. We urge your thoughtful reconsideration of these provisions of title 32 that would weaken the existing oversight structure for DOE's environmental safety and health operations.''

The Conference of State Legislatures has communicated their outrage and their opposition to this proposal. Heed these people.

Now, let me just quote, George Santiana said ''He who does not learn from history is doomed to repeat it,'' and we are looking at a fine mess in just a few years, because we are doing away with all of the steps that have been taken by Secretary Richardson both to have control over the cleanup and to bring about a cleanup, but also to address the questions of secrecy. My friend, the chairman of the committee and the committee, in a rather remarkable conference which may or may not have occurred, because no notices were given to any of the conferees, and when I appeared as a witness, I was advised by the chairman of the committee that the conference is over, there is nothing to talk about.

Now, this is an extraordinary high-handed treatment of Members who were appointed as conferees. I think that what we should do is to do what the House in its wisdom did, and that is to pass the bill with all of the good provisions and strike title 32, which is mischievous.

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Now, let us look at the problems title XXXII creates. It returns us to the dark, secretive days of the AEC, when people did not know what was going on, and when the AEC diligently lied to everybody, including the administration, the Congress, and even the Joint Committee on Atomic Energy. They created a hideous mess in terms of health, safety, and environmental degradation. Every facility owned by that agency is today a cesspool of high-level and low-level nuclear waste and of hazardous wastes and of mixed wastes. Why? Because they were answerable to no one and they hid all of their mistakes.

We spent years trying to open this process to see to it that the Congress and the Members of this body know what is going on so that we could protect our constituents against the rampages of that kind of agency in the future. This proposal simply recreates that outrage, and my colleagues and I will have cause to regret that day's work if we do not reject that provision and adopt the motion to recommit.

If we do not learn from history, we are going to repeat it. In just a few years the secrecy they are going to engage in, which will be practiced against this body and Members of the Senate and Members of the government and ordinary citizens, attorneys general and Governors, is going to lead to further abuses.

If Members think this is going to address the questions of protecting the national security, Members are very much in error. I watched the AEC for years, and the agency leaked like a sieve. I was over in a place called Chelyabinsk. It is the site of the Arzamas-16, the Russian nuclear thermonuclear generation facility. They showed me there a bomb. I said, it looks like the bomb the United States dropped on Hiroshima. They said no, it is an exact copy.

That agency leaked all kinds of information like that, technology and ability to the Russians and the Chinese and others to enable them to do what they have done.

Do not just think this is DOE, security is an ongoing problem. But at least with the Secretary in control of this matter, the Congress will have the ability to understand where rascality goes on, where there is threat to public property, where the responsibilities of the contractors to the taxpayers are dishonored, as they have been, where secrecy runs riot, and where environmental degradation reigns because of the secrecy and the refusal of the agency to properly police itself.

I urge my colleagues, let us drop title XXXII. It was never considered on the floor of the House. It was never considered in the Senate. As a matter of fact, my colleagues on the Committee on Armed Services had to go to the Committee on Rules to get themselves a funny rule. That funny rule protects them against points of order. It says that the fact that they went beyond the scope of the conference cannot be raised on this floor. It says that the fact that they disregarded the rule of germaneness cannot be raised on the floor, and the fact that they have written bad legislation is, to the best of the ability of the Committee of Armed Services and the Committee on Rules, protected against any serious challenge of wrongdoing and of hurt to the public interest.

The way this House should address this is to understand that here we have a question where legislation was written in secrecy by staff without consultation with the Members of the House or other committees which have jurisdiction, and that that legislation is seriously flawed. It is opposed by everybody, the President, the Secretary of the Department of Energy, the Governors, the attorneys general, the State legislatures, and 11 environmental organizations. They have said, do not pass this legislation with this kind of secrecy provision in it.

If Members want to continue an effective cleanup of the hideous mess that this kind of secrecy has made under the AEC, they must continue allowing this work to be done by the DOE in the open eye of daylight.

If Members want to see to it that the Nation is able to know when there are failures and when our security system is not working, allow DOE to do it. They are trying to clean it up. AEC participated actively in suppressing all acts and all information on this. This proposal reconstitutes the AEC and the practices which caused hideous abuses, both of the environment and of the national interest.

I will be offering a motion to recommit at the proper time. I urge my colleagues to listen to their Governors, listen to their attorneys general, listen to their legislators, listen to their president, their Secretary of DOE, and to the environmentalists, who tell us that this is the wrong way to go.

This is a dangerous way to go. This is insulating an agency from any proper supervision, and it is an attack not only upon the rest of government, but it is an attack on this body and the ability of Members of this body to know what is going on in the midst of a situation which may sacrifice the right of the public to know what is going on, and which will sanctify the kind of secrecy that sneaky bureaucrats have practiced on atomic energy, on safety, and upon other things which are important, including the protection of the national security of the United States. This should either be corrected by the motion to recommit, or the conference report should be rejected.

My friends and colleagues on the Committee on Armed Services attribute enormous risk to this situation. They conducted a meeting of the conferees in complete secrecy, permitted no one to participate, did not even allow us to ask questions about what it was they did.

Members are not going to tell me that they honestly fear on that committee that in some way some of the good provisions, and there are good provisions, and I supported them when this matter was in the House before, are in any jeopardy from that. Members of this body support those provisions, without exception.

Members of this body should know that they can reject the outrageous

provisions and preserve the good. I will offer them an opportunity to do so. I urge them to do so.

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

Mr. SPENCE. Mr. Speaker, I yield myself 5½ minutes.

I would say to my colleagues, I respect the position of the gentleman from Michigan (Mr. DINGELL). I respect him. But if Members were to buy that position, I have a deal for them. I have a bridge I want to sell them.

Mr. Speaker, I would like to engage in a colloquy with the gentleman from Missouri (Mr. SKELTON), the ranking member of the Committee on Armed Services.

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

Mr. SPENCE. I yield to the gentleman from Missouri.

Mr. SKELTON. I thank the chairman for yielding to me, Mr. Speaker.

Mr. Speaker, some have raised concerns since the completion of the conference report regarding the possible impact that the Department of Energy reorganization provisions could have on the Department of Energy and environmental cleanup activities, and in particular, on the status of the existing waivers of sovereign immunity agreements between the Federal Government and the individual States.

I believe that the conferees did not intend to and in fact did not take any action that would limit or supersede any existing agreement that the Department of Energy has entered into with any State, including the Federal facility compliance agreements.

Is that the understanding of the chairman of the Committee on Armed Services?

Mr. SPENCE. The gentleman is correct. The conferees were particularly aware of and therefore careful to avoid changes in law that could inadvertently result in changes to existing environmental clean-up efforts. For this reason, the conference report contains a number of provisions specifically designed to make it clear that the semiautonomous National Nuclear Security Administration will not only be subject to all existing environmental laws, regulations, and related requirements, but that the legislation would also not result in any reversal of existing environmental policies or practices within DOE.

As Senator WARNER and I stated in our September 14 letter to the National Governors Association and the National Association of Attorneys General, which had been submitted for the RECORD, and I quote, ''We clearly intend that all existing regulations, orders, agreements, permits, court orders, or nonsubstantive requirements that presently apply to the programs in question continue to apply subsequent to the enactment and effective date.''

Therefore, it was the clear intent and action of the conferees to not in any way supersede, diminish, or set aside existing waivers of sovereign immunity agreements between DOE and the States.

Mr. SKELTON. Mr. Speaker, I thank the gentleman for the clarification, and I join him in underscoring the intent and action of the conferees on this very important matter.

I believe the record is clear on this point, and no one intends this legislation to serve as a vehicle or an attempt in any way to relitigate or reopen the Federal Facilities Compliance Act or the associated issues thereto.

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

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

Mr. ORTIZ. Mr. Speaker, I rise in strong support of H.R. 1059, the National Defense Authorization Act for fiscal year 2000.

I want to specifically address the provisions in the Act relating to military readiness.

First, I would like to express my personal appreciation to my colleagues on both the subcommittee and the full committee for the manner in which they conducted the business of the subcommittee during this session.

I want to express my appreciation to the gentleman from Virginia (Mr. BATEMAN), the gentleman from South Carolina (Mr. SPENCE), and the gentleman from Missouri (Mr. SKELTON), for the outstanding work and leadership they provided to the committee.

We had the opportunity to see readiness through the eyes of the brave soldiers, sailors, and airmen who are entrusted with the awesome responsibility of carrying out our national military strategy. We heard them talk about the shortage of repair parts, the extra hours spent trying to maintain old equipment, and the shortage of critical personnel. Fortunately, this year we were able to do something about their concerns.

Now, I had an opportunity to go to Korea and talk to our troops and their families. They know what this bill contains. They know that this bill contains a pay increase. They know that this bill does something for the shortage of housing. This is the reason we need to continue to support this conference report.

I do remain concerned about our inability to provide additional support for other critical elements of our readiness support activities. That includes the stability of our dedicated civilian employees who are also being asked to remain productive while facing the constant threat of the loss of their jobs. This area also deserves our attention.

Mr. Speaker, when I traveled up the coast of Thailand and visited the sailors assigned to the U.S.S. *Kitty Hawk*, they were so grateful because of the action that we had conducted right before recess. Let us not send them the wrong signal. I urge my colleagues to support the fine legislation in the conference report.

Mr. SPENCE. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. COX), the chairman of the Cox Commission.

Mr. COX. Mr. Speaker, I thank the chairman for yielding time to me.

Mr. Speaker, last January the Select Committee reached the unanimous and bipartisan conclusion that despite repeated Peoples Republic of China thefts of sophisticated U.S. nuclear weapons technology, security at our national weapons laboratories does not meet even minimal standards.

Just 2 weeks after the public release of the Select Committee's unclassified report, the President's Foreign Intelligence Advisory Board joined the Select Committee in condemning the wholly inadequate security structure at the weapons laboratories.

Last week the Administration's national intelligence estimate confirmed for the first time in public that the People's Republic of China is developing three new long-range nuclear missiles that will target the United States, and that their new modern nuclear warheads will likely be influenced by classified American technology stolen from the United States through espionage.

Our security problems are serious, and their costs are very real. In June, this House took the first step toward fixing those egregious security problems by acting on the Select Committee's recommendations.

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Twenty-eight of those recommendations offered to this House by the chairman and the gentleman from Washington (Mr. DICKS), ranking democrat of the Select Committee on U.S. Security and Military/Commercial Concerns with the People's Republic of China, are included in this bill and were approved by unanimous vote of the House on the floor. It is important that we see this through in to law to ensure that science at its best at our national laboratories is protected by security at its best.

Finally, let me say it is vitally important that we extend coverage of environmental safety and health statutes to the new National Nuclear Security Administration created in this legislation, and we do. That is exactly what this bill does. In fact, it raises environmental health and worker safety standards.

I would like to thank the members of the Select Committee, but more importantly thank the members of the Committee on Armed Services for their work on this very, very important bipartisan bill.

Mr. SKELTON. Mr. Speaker, may I inquire as to the amount of time that we have remaining, please.

The SPEAKER pro tempore (Mr. PEASE). The gentleman from South Carolina (Mr. SPENCE) has 9 minutes remaining. The gentleman from Missouri (Mr. SKELTON) has 14½ minutes remaining. The gentleman from Michigan (Mr. DINGELL) has 11 minutes remaining.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from Hawaii (Mr. ABERCROMBIE) who helped make the year of the troops a reality, who, together with his counterpart on the other side, the gentleman from Indiana (Mr. BUYER), have done monumental work for the troops in the field.

Mr. ABERCROMBIE. Mr. Speaker, I thank the gentleman from Missouri (Mr. SKELTON) for those remarks.

Mr. Speaker, I want to pay particular tribute to the gentleman from Indiana (Mr. BUYER) and members of the Subcommittee on Military Personnel, and thank the gentleman from South Carolina (Mr. SPENCE) for the opportunity to work with him, and the rest of the committee members to help craft this bill.

Mr. Speaker, I understand that there are, perhaps, difficulties associated with any bill that does not measure up in every respect for all Members. But in this particular instance, it seems to me that the overall course of events associated with the Department of Defense bill, the authorization bill that we have before us, merits our support.

I will not recite it at great length other than to submit for the RECORD what we did with the Subcommittee on Military Personnel over and above the pay raise and the other issues that have been brought forward. I can say, I think, on behalf of the gentleman from Indiana (Mr. BUYER) as the chairman, that there are at least 17 specific issues associated with personnel measures that are a distinct advancement, some perhaps the best in 20 years. That is what is at stake with this bill.

I want to mention just one in particular, the Thrift Savings Plan, that we have put forward. How can we expect to have our federal employees, which in effect our military are, be absent from the opportunity to participate in the Thrift Savings Plan. This bill provides for that opportunity. This takes 1.4 million families in the military, it takes 1.4 million people in the guard and reserves and their families, and makes them equal partners with the rest of us in the progress of this Nation as we turn the corner and the century.

Mr. Speaker, I need go no further than to say that, as we go to East Timor, we will be calling up reservists to go to East Timor. We cannot conduct our deployments around the world without a guard and reserve component in conjunction with the act of military.

So whether it is in East Timor, whether it is in Kosovo, whether it is in Bosnia, or whether it is in the United States, the armed services of the United States, in all their aspects, deserves our full support.

Mr. DINGELL. Mr. Speaker, I yield 1 minute to the distinguished gentleman from California (Mr. WAXMAN).

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

Mr. WAXMAN. Mr. Speaker, I rise in support of what will be offered as a motion to recommit.

Title 32 of this bill contains provisions which would restructure the Department of Energy to create a new National Nuclear Security Administration. I do not question the motivations of the proponents of this proposal. They simply want to protect national security at weapons production and development facilities.

However, past and recent allegations of inadequate worker and environmental protections in and around DOE labs and waste sites remind us that nuclear research poses very serious health hazards to workers and nearby residents. These concerns need to be considered when we reorganize the DOE.

Unfortunately, this legislation could have the unintended consequence of subordinating the State's legitimate environment, safety, and health concerns. In fact, 46 State Attorneys General wrote House and Senate leaders urging us to oppose the legislation and note that there have been no hearings held and there has been no opportunity for the States to provide their views to the Congress.

I would urge that we support the motion to recommit and change this provision so that it not stay in the final bill.

Similarly, the National Governors Association wrote the House conferees on September 9, stating their concerns that this legislation could be interpreted as [quote] ''limiting existing waivers of sovereign immunity, leaving the [National Nuclear Security Administration] exempt from state environmental regulations, permits, orders, penalties, and agreements.'' [unquote]

Finally, this legislation is strongly opposed by environmental groups. The Natural Resources Defense Council, the U.S. Public Interest Research Group, the Alliance for Nuclear Accountability and other groups wrote the Members of the House on September 13 opposing this bill because it weakens accountability in the Department of Energy and because the state's ability to enforce environmental laws could be severely curtailed.

Mr. Speaker, despite the strengths in this legislation we need to send this legislation back to Committee and work out these provisions.

If you support the rights of states, if you support protecting the environment, you should support this motion to recommit.

Mr. SPENCE. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. BATEMAN), the chairman of our Subcommittee on Military Readiness.

Mr. BATEMAN. Mr. Speaker, I also rise to express my strong support for the recommendations of the conference committee with respect to our military forces. It is the responsibility of every Member of Congress to provide our military forces with the necessary resources to go in harm's way with the best equipment and training available. From testimony during hearings and visits to military installations by the Committee on Armed Services, it is clear that the readiness of our forces continues to slip below acceptable levels. Steps must be taken and now to restore our readiness posture.

The administration has continued to expect our military to do more with less by providing woefully inadequate military defense budgets. Our military is working harder and longer to keep up with peacetime as well as contingency mission requirements. Unscheduled deployments continue at a record pace. On average, units often experience long deployments only to return and face a breakneck pace of training and exercise requirements. There is little or no time for family commitments or educational opportunities.

The results of all this increased activity is that too many of our best and brightest are deciding against a career in the military, which will have an impact on our military in the future.

The conference report provides for significant increases in the readiness-critical accounts, such as training, facility maintenance, spare parts, and depot maintenance. These increases are absolutely necessary to ensure that our military remains the best trained, best equipped, and most effective in the world. To do anything less will allow the readiness of our military to slip further and could risk the lives of countless men and women in every branch of the service.

I would also like to comment that the Merchant Marine Panel, which I chair, has in this bill provided, at the President's request, funding for authorization for the Maritime Administration, plus $7.6 million additional for capital maintenance of the Merchant Marine Academy.

I wholeheartedly endorse the conference report and ask for its adoption.

Mr. SKELTON. Mr. Speaker, I yield 1 minute to the dedicated, hard working, and knowledgeable gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Speaker, I thank the ranking member for those nice comments.

Mr. Speaker, I rise in strong support of the defense authorization bill and urge my colleagues to oppose the motion to recommit and vote for passage of the bill.

This legislation, Mr. Speaker, will begin to prepare our Nation for the national security challenges of the 21st Century. It makes vital investment in military equipment, improves the readiness of our forces, and provides the military personnel with the pay and retirement benefits that they greatly deserve.

The defense authorization bill also dramatically reorganizes the Department of Energy. As we have seen in recent months, the Department of Energy is beset by management failure, bureaucratic morass, and a lack of accountability. Secretary Richardson has made some important improvements, but it is clear that the Department must be reorganized.

This DOE reorganization plan is not perfect, but we cannot maintain the status quo. Let us begin the process of

reorganization today and work to make improvements as we move forward.

Mr. Speaker, I urge my colleagues to vote against the motion to recommit and for the defense authorization bill.

Mr. DINGELL. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, some of my colleagues may not be aware of this, but for over 30 years, we had a special supersecret bureaucracy that ran our Nation's nuclear weapons programs. It was not subject to effective external oversight or accountability. It was called the Atomic Energy Agency. For years, the old AEC pursued a philosophy of production first, and public health and safety and environment be damned.

What was the AEC's legacy? It funded hundreds of unethical experiments on human beings using radioactive materials. It allowed workers to be exposed to radioactive substances in Paducah, Kentucky, and Fernald, Ohio. It allowed for the venting of gases from Hanford, Washington, to the Nevada test site, to Fernald, Ohio.

It wantonly and repeatedly dumped toxic wastes into the soil at its weapons production sites, buried radioactive materials in shallow, unlined pits: Rocky Flats; Savanna River; Los Alamos; Paducah, Kentucky.

We disbanded the Atomic Energy Agency and put it over into the Department of Energy so we could have some accountability.

What are we doing here today? What we are doing here today is we are going back to the bad old days where we are going to have an agency focused on making bombs hidden from public site, causing environmental havoc, public health catastrophes, and then the very same kind of a formula that allowed for the lying and concealment of actions from the public.

We should not be going back to those bad old days where this report barely even mentions the contractors that were responsible for much of what went wrong.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. BUYER), the chairman of the Subcommittee on Military Personnel.

Mr. BUYER. Mr. Speaker, I want to thank the gentleman from South Carolina (Mr. SPENCE) for his leadership and that of the gentleman from Missouri (Mr. SKELTON) for his leadership on this bill.

This is my eighth conference report; and I would say, of my years, I have not been here with the tenure that the gentlemen have, but this is a great bill. This is a bill that really would, in bold neon lights, focus on people.

A lot of times we focus on buying, whether it is the aircraft carriers, the munitions, the weapons systems. This one focuses on people. This one, this House, on behalf of the American people, are turning to those in our armed services and saying, ''Thank you. And, oh, by the way, we respect your sacrifices so much, we increased your pay.''

We take care of many different reforms. We reform the retirement system. We are going to address the recruiting and retention concerns. I have to agree with the gentleman from Hawaii (Mr. ABERCROMBIE), the ranking member on the Subcommittee on Military Personnel. There are so many initiatives that we have done in this bill, they are almost too numerous to even mention here.

I urge all of my colleagues to support this conference report.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. PICKETT), a gentleman who is the ranking member on the Subcommittee on Military Research and Development.

Mr. PICKETT. Mr. Speaker, I rise in support of the conference report to accompany the National Defense Authorization Act for Fiscal Year 2000, and I want to talk in particular for a moment about the research and development provisions.

The conferees wisely included authorization for several leap-ahead technologies that will improve our military capabilities on land, in the air, and at sea. Additional investments are included for basic research, advanced sensors, improved radars, more sophisticated munitions, and state-of-the-art communication equipment.

The conferees also made sure that there are substantial funding increases in missile defense programs, to ensure that the development of both theater and national missile defense programs will not be funding constrained.

Mr. Speaker, our Nation's approach to military research investment is at a critical juncture. With so much change and uncertainty in the world, it is imperative that we insist upon maintaining our technological superiority.

Without the sustained fielding of more technological advance systems, our forces risk the chance of one day finding themselves confronted with a technological surprise for which they are not prepared and against which they may not prevail.

□ 1200

It is my hope that this body will join me, pass this measure today, and continue our commitment to field the most technologically superior military anywhere in the world.

Mr. DINGELL. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from South Carolina (Mr. SPRATT).

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

Mr. SPRATT. Mr. Speaker, I strongly support the vast majority of this bill, particularly the pay and retirement provisions. But this good bill is marred by some of the text, some of the provisions that set up the National Nuclear Security Administration as a semi-autonomous agency within the Department of Energy.

I have reservations about the way in which these provisions were inserted in the bill, a little discussion among members of the conference committee, consultation with the energy committee, and I have reservations about the substance of the provisions themselves and that is where I want to direct my attention.

I have heard people say that the existing Department is complicated, but what we have created is a bit of a complication, too.

In the title that we have added, 3216, section title 32, there are 18 different functions over which this new semi-autonomous agency, on page 458 and 457, will have virtually exclusive authority. Let me show some of the problems that are created by this.

This bill set up two different offices for counterintelligence, one of the places where we have really had a problem, two different offices, one under the Secretary and one under the Administrator. They have overlapping jurisdiction. The bill does not clearly define how they interface, who has authority over the other.

If we do not like the way counterintelligence is being conducted in the new administration, what do we do about it? Well, read on. Because if we read on, we will find that the bill says that the Secretary can only interact with this new administration through the administrator, no other way, he can only get the guy fired if he does not respond to his directives. There is no interface proscribed in the bill.

I do not think this was intended. This was a matter of haste and a matter of doing this without vetting it adequately both within the conference and outside the conference.

Here is another problem: We have established these 18 separate departments. As I said, the section 3213 severely hamstrings the Secretary's ability to use his staff to provide oversight because the act says explicitly, nobody who works for the administration ''shall be responsible to and subject to the authority, direction, and control of'' anybody in the Department of Energy except for the Secretary.

What was the criticism Warren Rudman made of this agency? That it has been arrogant, that it has not been responsive to criticism, that it has been insensitive. We are just enforcing that with this particular statute if it does not work.

This needs to be taken back to the drafting room. It needs to be reworked. We can do it in an afternoon or so. It is not a lot of work. But there are places in this bill that are going to give us problems in the future and if not addressed, indeed could worsen the very problems that we are dealing with right now. It duplicates bureaucracy. It undercuts the Secretary.

Do my colleagues think 46 attorney generals have an idle concern? Can we

at least not relitigate this issue? They say that the Federal Compliance Act, which finally said that all of these nuclear weapons facilities were subject to RCRA and CERCLA and environmental laws. They say that it is undercut, that this is in doubt.

We at least should go back to the bill and dispel that and not relitigate this issue. It needs to be reworked. We will have an opportunity to vote on the motion to recommit, and I urge my colleagues to vote for it.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. WELDON) the chairman of our Subcommittee on Research and Development.

(Mr. WELDON of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Speaker, I thank my distinguished chairman and the ranking member for their leadership on this issue.

I rise to say that I have the highest regard for my good friend from Michigan, and he knows that. We are good friends; but I have to oppose him on this issue, Mr. Speaker.

This bill is a good bill. In fact, it is an excellent bill. I understand the concerns about not involving the committee, and I empathize with that and think we do not do a good job in that regard. But I think it is also fair for Members to understand, this Congress could not get a major DOE reform bill through this body with the President's signature. It would not happen. It will happen as a part of this defense bill.

It is important that we understand a motion to recommit opens the entire conference up well beyond the scope of just this issue, and that is going to cause problems for every Member in this institution who has an interest in this bill, including issues like the pay raise. We just cannot say it is a free vote that we vote for the motion to recommit.

Mr. Speaker, there is a big problem here. It was the Secretary of Energy who, in 1993, did away with the FBI background checks. It was the Secretary of Energy in 1993 who changed the color-coded classifications status at our labs. It was the Secretary of Energy in 1994 who overruled the Oakland office and allowed an employee who had given away secrets to still work. And it was the Secretary of Energy who in 1994 gave away the warhead design for the W–87 warhead to a U.S. News and World reporter.

We need this bill and we need Members to vote ''yes'' on the bill and ''no'' on the motion to recommit.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. LARSON) a freshman who is doing an outstanding job.

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

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

Mr. Speaker, I rise in strong support of this very important legislation. I want to thank the gentleman from South Carolina (Chairman SPENCE) and our great leader the gentleman from Missouri (Mr. SKELTON) for their hard work in putting together this important piece of legislation, important to the needs of the men and women in uniform.

As a freshman, I was honored to serve on the conference committee with Members of the Senate. The bill before us is maintaining a commitment made. The bill before us, as eloquently stated by the gentleman from Missouri (Mr. SKELTON) makes this truly a year of the troops. We have heard their needs. We have addressed them.

This bill provides our soldiers with a 4.8 percent pay increase, improves retirement benefits, and increases housing allowances for our military families. Most importantly for me, this bill and this committee has recognized the important and necessary role of the F–22 fighter in the Air Force Modernization and Readiness program by fully authorizing the Air Force request for $1.8 billion in procurement funds.

The authorization of the F–22, of course, is also supported by Defense Secretary Cohen, Joint Chiefs of Staff, and most important to me, by truly the Jedi warriors of this Nation, the men and women of the United States Air Force.

I want to commend my colleagues on the committee again, especially the gentleman from South Carolina (Chairmans SPENCE) and our great leader the gentleman from Missouri (Mr. SKELTON) for their strong leadership and bipartisan drafting of an excellent piece of legislation that addresses personnel, readiness, and the modernization needs of 21st century Armed Services and has truly made this a ''year of the troops.''

Mr. DINGELL. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Ohio (Mr. SAWYER).

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

Mr. SAWYER. Mr. Speaker, I rise to praise the bill and to support the narrowly focused and enormously important motion to recommit.

The unintended consequences of the proposed semi-autonomous agency simply have not been adequately vetted. While it is important to shore up our Nation's labs, we cannot destroy hard-won environmental, safety, and health standards.

In the long struggle to make our Nation secure, we have allowed it to become dangerous to our own communities and citizens. If it had been that easy to change the culture of secrecy and drift, we would have done it. Instead, we have fought long and hard to make the Department of Energy responsible to the public; and it would be irresponsible to turn back the clock now.

In the 1980s, before many of the existing safety standards were adopted, the Fernald Uranium Processing Plant in Ohio went unchecked, leaving behind a wasteland of nuclear materials and at a cost of hundreds of millions of dollars to American taxpayers.

At the time, the DOE operated in secrecy, arguing that environmental and safety oversight would compromise national security. They promised to protect the safety of the workers and the environment in Fernald. However, DOE, prioritizing production goals and security over environmental and safety standards, did too little too late.

Creating an independent agency would turn back the clock. The problems of our Nation's labs are profound, and the importance of their work deserve a comprehensive solution.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, I support the bill and oppose the motion to recommit.

I want to commend the gentleman from South Carolina (Chairman SPENCE), the gentleman from Missouri (Chairman SKELTON), and the gentleman from California (Mr. HUNTER) specifically for helping me keep my language in dealing with the problem of narcotics and terrorism on our borders.

My colleagues, 90 percent of all street crime is drug related. Fifty percent of all murder is drug related. Many of our health care costs are drug related. And our military is guarding the borders all over the world while ours are wide open.

It does not mandate it, but it is time that we wage a war on drugs. For the first time in 5 years, Congress is beginning to show some attitude against this oversupply of narcotics.

I appreciate it, and I ask all Members of Congress to support this bill. It is a great bill. I thank those Members who supported my amendment.

Mr. SKELTON. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. TURNER).

Mr. TURNER. Mr. Speaker, I rise today in strong support of this conference committee report.

I want to recognize the outstanding leadership of the gentleman from South Carolina (Mr. SPENCE) and the gentleman from Missouri (Mr. SKELTON) who guided us to the point we are today.

This bill addresses the concerns of the Joint Chiefs of staff who told us earlier this year that the risk to our ability to meet our national military commitments was moderate to high.

Earlier this year, the gentleman from Missouri (Mr. SKELTON) urged our committee that this year be remembered as the ''Year of the Troops,'' and I am very pleased that this historical conference committee report honors that pledge.

This bill contains the best compensation package for the military since the early 1980s. This bill also strengthens our national security by adding $368

million to develop and field effective theatre and national missile defenses to counter rapidly evolving ballistic missile threats.

The conference committee took action in response to the Cox Committee recommendation for reassessment of the adequacy of the current arrangements for controlling U.S. nuclear weapons securities.

When the Secretary of Energy disagreed with portions of the proposed reorganization, the committee listened to his concerns and yielded to him on several points.

On balance, I am confident the reorganization will result in improved accountability and improved security within our nuclear weapons programs and it deserves our support.

I urge our colleagues to support the conference committee report.

Mr. DINGELL. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I rise in opposition to the DOE reorganization proposals in this bill. These proposals are simply bad government because they damage environmental protection worker health and safety and national security.

There were a number of points that were raised by the DOE to explain why these provisions are bad government. One was the Attorney General's letter which was mentioned.

Second, the bill could degrade effective public health and safety regulation of the nuclear defense complex by weakening the Secretary's ability to direct its regulation independent of the program's internal direction. The bill could isolate the Department's national security components for meaningful departmental oversight.

The bill could degrade national security by rolling back recent actions DOE has taken to identify and flex clear responsibility and accountability in all of the DOE's national security activities, including the counterintelligence functions that were strengthened by a recent presidential directive.

And last, the bill could lead to an erosion between the strong links between the weapons laboratories and DOE science programs, making recruitment of top scientists more difficult and uncertain, thereby jeopardizing the task of sustaining the nuclear deterrent testing.

That is why we should oppose these provisions.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from Alabama (Mr. RILEY).

Mr. RILEY. Mr. Speaker, I rise today in support of the Defense Authorization Conference Report.

Mr. Speaker, during the markup of H.R. 1401 by the Committee on Armed Services, I offered an amendment that would have conveyed real property at military installations closed under the BRAC at no cost to impacted communities.

This is an issue of fundamental fairness to me. Base closures can have a disastrous effect on the affected communities.

In my own district, my largest county may lose two out of every five jobs as a result of the closure of Ft. McClellan. The last thing we need to do is to kick these communities when they are down.

Mr. Speaker, I want to commend the gentleman from South Carolina (Chairman SPENCE) and the gentleman from Colorado (Chairman HEFLEY) for addressing this important issue in the conference report. This language is terribly important to the communities in Alabama and across the country who continue to struggle to recover from the effects of a base closure.

Mr. Chairman, I appreciate the willingness to work with me on this important matter and urge my colleagues to support this conference report.

Mr. SKELTON. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. ANDREWS).

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

□ 1215

Mr. ANDREWS. Mr. Speaker, I rise in strong support of the legislation and in opposition to the motion to recommit.

There are serious problems with the management and security of energy labs, and they need to be addressed and they are in this bill, perhaps not perfectly. But those who would support the motion to recommit say that we should wait on the rest of this bill to work those problems out. I respectfully and strongly disagree. We should not wait to reverse the unfounded, and, I think, ill-advised trend in the decline of defense spending. We should reverse that trend and increase it as this bill does. We should not wait to restore the spare parts in the airplanes and equipment that our men and women in uniform are using. We should certainly not wait to give the long overdue pay and retention benefit increases to those who serve their country.

There are serious issues that need to be worked out. There will be opportunities to work those issues out. The wise course today is to defeat the motion to recommit and enthusiastically approve the underlying legislation.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. SPENCE), and I ask unanimous consent that he be permitted to control that time.

The SPEAKER pro tempore (Mr. PEASE). Without objection, the gentleman from South Carolina (Mr. SPENCE) will control 2 additional minutes.

There was no objection.

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

Ms. GRANGER. Mr. Speaker, I rise today in support of the fiscal year 2000 defense authorization bill and in opposition to the motion to recommit. I want to commend the gentleman from South Carolina for his leadership on this very important legislation.

Mr. Speaker, I support this bill because of a simple principle. History is littered with the wars that everyone knew would never happen. Time and again, we have convinced ourselves that we are safe and secure in a world that is full of despots and danger, and time and again we have had to resort to blood and iron when words and good intentions failed us.

Among other things, this bill provides for better pay and better benefits for our men and women in uniform, and it allocates crucial money for our shortfalls in operations, training, and infrastructure maintenance. Finally, it will increase the pace at which our rapidly aging equipment is modernized or replaced.

Mr. Speaker, this is an important issue and this is an important bill. I urge my colleagues on both sides of the aisle to support our national defense, to support our troops and to support this bill. I urge them to vote against the motion to recommit so that we may move forward.

Mr. SPENCE. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. HUNTER), the chairman of the Subcommittee on Military Procurement.

Mr. HUNTER. Mr. Speaker, I want to appeal to all of my colleagues to pay attention to what is at stake right now. We are going to be asked by the gentleman from Michigan and several other folks to go with a motion to recommit and basically open up this entire bill and put off this entire bill. That means that we have to tell those men and women in uniform, including the people that are still in the Navy which is 18,000 sailors short, that they have to wait on a 4.8 percent pay increase. We have to tell the people who are not able to fly their planes in the top gun school because they have a lack of engines that that may be put off for a while. We have to tell the people that are waiting for a full ammo supply in the Army where they are $3.5 billion short of basic ammo that they are going to have to wait. We are going to have to tell the Marines, the 911 force, they are going to have to wait and maybe we really do not want to pass this bill today. This bill is the bare minimum and it is a mandatory necessity in this dangerous world to start to rebuild national defense.

Let me just say to my friends who have brought up the lawyer arguments that have been made by some attorneys general. I have read that language. It is very conditional. They say there may be problems with this bill. This thing passed 96–1 in the most environmentally conscious body we have got in this country, in the other body, the Senate. All of their lawyers scrubbed this thing. Nobody saw any intrusions in environmental law. I am looking at the sections right now that says that this new nuclear administration must comply with all applicable

environmental, safety and health laws and substantive requirements, section 3261.

It says that the Administrator must develop procedures to meet the requirements and the Secretary, that means Bill Richardson, Secretary of Energy, must assure that the requirements, the environmental requirements, are met. The Secretary has total control, direction and authority over this new Administrator.

Let me just lastly say, we have lost a lot of nuclear secrets. This reform stems those losses and puts the nuclear complex back on safe footing. That is important.

Pass this bill.

Mr. DINGELL. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New Mexico (Mr. UDALL).

(Mr. UDALL of New Mexico asked and was given permission to revise and extend his remarks.)

Mr. UDALL of New Mexico. Mr. Speaker, I thank the gentleman from Michigan for yielding me this time.

This motion to recommit is about worker safety, DOE accountability, environmental protection and public health and safety. It is not about the military side of this bill. I support the military pay raises, pensions and all the other good provisions in the bill. But I have two comments; one on the process. The process how we got these secrecy and semiautonomous agency provisions is outrageous. There was no conference, there was no consultation, these provisions were invented in the dark of night, no hearings, the public excluded. This is not how we ought to be legislating. Sunshine is the best disinfectant.

Number two, the predecessor agency to the DOE had an abysmal record on worker safety and environmental protection. If we adopt these provisions on autonomy, we are headed back to the old days of violations of worker safety, worker rights, environmental degradation and destruction.

Vote ''yes'' on the Dingell motion to recommit.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. SISISKY), the ranking member of the Subcommittee on Military Procurement.

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

Mr. SISISKY. Mr. Speaker, this is a strange debate. We are debating a conference report that everybody seems to agree with. I have not found anybody that said the defense bill is a bad bill or even lacking something. The problem is on a motion to recommit from my learned friend. I think I am a little older than he is but he has been here a lot longer than I have.

But what is interesting is that most of the argument is being subsumed on the Atomic Energy Commission. Now, he remembers the Atomic Energy Commission. This has nothing to do with the Atomic Energy Commission. The Secretary of Energy still controls what we are doing here.

The other argument that they give, which is strange to me, and I know I am not the wisest guy in reading, but they keep bringing up the health and the environmental things. I am looking at page 467, section 3261, that has an outline of all the environmental things which makes the Secretary of Energy responsible. We could go into a lot of things here. Is it perfect? Probably not. But what we have done is a good start.

For one thing, we force DOE, we force them, to have a planning program, a budgeting cycle like any other agency of government. Is that not strange that they do not have it? We impose discipline so we really do not have funny money at the end of the year. It is in section 3252.

These are sensible, careful reforms. What worries me, we may not get these reforms if we vote for the motion to recommit.

Mr. Speaker, this is an important vote. Everybody agrees with the conference report that I have heard from. Let us be smart. Let us defeat the motion to recommit and give our people a bill that they are expecting and they should have.

The SPEAKER pro tempore. The gentleman from South Carolina (Mr. SPENCE) has 2 minutes remaining; the gentleman from Missouri (Mr. SKELTON) 1½ minutes; the gentleman from Michigan (Mr. DINGELL) 2½ minutes. Closing will be in the order of the gentleman from Michigan, the gentleman from Missouri, the gentleman from South Carolina.

Mr. DINGELL. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank the gentleman from Michigan for yielding me this time. I join the gentleman from Michigan (Mr. DINGELL), the gentleman from South Carolina (Mr. SPRATT) and others in opposing the reorganization of the DOE that is provided in this bill, creating a fiefdom of control of the nuclear establishment that does not include an authority line from the Secretary of Energy. It is a serious problem. Civilian control of our nuclear weapons production facilities is one of the most important responsibilities that we have here.

I speak with some experience. For nearly a decade, I helped run a DOE national laboratory. I have seen firsthand the legacy of the Atomic Energy Commission. And, as any manager will tell you, the best design for failure is to offer responsibility without authority. That is what we are doing with the Secretary of Energy here. Keeping the Secretary of Energy in the line of authority is the best way that we in Congress and that the citizens of this country can have accountable control of our nuclear establishment.

Mr. DINGELL. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan (Mr. DINGELL) for 1½ minutes.

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

Mr. DINGELL. Mr. Speaker, the motion to recommit is very simple. We have heard a lot of red herrings about how this is going to jeopardize the legislation. It is not. The chairman and members of the Committee on Armed Services could convene a conference, and we could have this matter back on the floor by early next week. That is not going to delay anybody getting a pay raise or anything else. What Members are going to do if they vote for the motion to recommit is to arrange a situation where we will clarify the Secretary's authority to oversee the new agency. The Secretary will be able to deal with both the questions of health, safety, environment, environmental protection and also to deal with the questions of secrecy. That is what we really want. What the motion to recommit does is to return us to a situation where we are very close to the bipartisan agreement that was expressed in the Senate legislation. If you want a quick way to resolve this problem, let us do that, because the Senate will accept this in the snap of a finger or the beat of a heart.

I would urge my colleagues to move in the direction of seeing to it that the Congress can control the behavior of DOE, the behavior of the secrecy mavens down there in that agency and to see to it that we have openness which prevails with regard to environmental safety, health, worker safety and questions of that kind and to see to it at the same time that we preserve and protect security.

This legislation as it is now constituted does nothing, nothing, to assure additional secrecy. As a matter of fact, it returns us to those curious days when the AEC leaked like a sieve and when there were major problems in terms of the Congress knowing what was going on down there.

Vote for the motion to recommit. It is good legislation, it is careful attention to process, and it will leave the public better.

□ 1230

Mr. SKELTON. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, there is a popular television program entitled Jeopardy. Voting for the motion to recommit is entering into that game of Jeopardy because a motion to recommit that carries opens up the entire wonderfully written package for the troops should it go to conference.

I think that we should do our best to protect the pay raises, the pay table, the new barracks, the family housing, the specialty pay, the TRICARE additions. We should do our very best to protect this bill.

Mr. Speaker, it is the year of the troops. This is our tribute, the Congress of the United States' tribute to

those young men and those young women who wear the American uniform and represent us so very, very proudly wherever they may be.

Mr. SPENCE. Mr. Speaker, I yield the balance of my time to the gentleman from Texas (Mr. THORNBERRY).

The SPEAKER pro tempore (Mr. PEASE). The gentleman from Texas (Mr. THORNBERRY) is recognized for 2 minutes.

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

Mr. THORNBERRY. Mr. Speaker, I think there are three points really that need to be made at the conclusion of this debate. Number one is that there is no narrow motion to recommit on a conference report. We cannot send it back with an amendment. All we can do is send it back to negotiate with the Senate, and everything that is in this conference report is vulnerable then, and there is no indication we can do any better. We may do worse by the gentleman from Michigan if we get back to the negotiations with the Senate, even on the provisions that he is concerned about. There is no free vote here.

Second point that has to be emphasized is we do not change the environmental standards one inch. There are several places in this bill we specifically say the same standards that apply before apply afterwards, and as a matter of fact, I would remind this body that the language on the environment was word for word what was adopted unanimously in the other body by an amendment by Senators DOMENICI, BINGAMAN, LEVIN, LIEBERMAN, and REED, hardly a bunch of environmental extremists as some may have portrayed.

I would also like to mention that the National Governors' Association, as opposed to what has been said, do not oppose these provisions. They have expressed some concerns, we have answered them in those concerns by the letter from the chairman, and both they and the Attorney Generals Association, once we talk to them and show them the language, are backing off, and we have that in the record.

I think what it comes down to, Mr. Speaker, is that the President's own commission studies this problem and says, ''You have got one of two options. You can create a whole new agency, and there are a lot of folks on our side who would like to do that, put it under DOD or a completely separate agency. Or, we can have a semi-autonomous entity within the Department of Energy which the Secretary of Energy has complete control, authority, and oversight of. That is what we chose to do in this conference report. The more moderate recommendation of the President's own commission is exactly what is adopted in this conference report.

If my colleagues look at the responsibilities of this body to provide for the country's defense, I think we have no alternative but to vote against the motion to recommit and support the conference report.

Mr. Speaker, I rise in support of this conference report. It does a lot to improve the security of the United States, and it should be supported by all members.

Because of time limits I am only going to address one portion of the bill, which is Title XXXII, the title which reorganizes the management of the nuclear weapons program in the Department of Energy. Adopting Title XXXII gives us a chance to fix a 20 year problem which has plagued our nation since the Department of Energy was first created.

Mr. Speaker, hardly anyone argues today that there is not a significant problem in the Department of Energy. Study after study, report after report have analyzed the problems at DOE for 20 years. The bottom line is that the management structure at DOE is ''dysfunctional,'' to quote the report of the President's Foreign Intelligence Advisory Board, which has caused enormous problems, including, to some degree, the recent security lapses. But in spite of the repeated warnings and efforts at reform, little actual reform has been made.

Some recent studies have focused on security and counterintelligence. And we owe Chairman COX and his colleagues a debt of gratitude for their important, bipartisan report. Other studies have looked at DOE's problems with large construction projects. We read just last week of a cost overrun of $350 million and a delay of two years in the National Ignition Facility about which the Secretary of Energy was as surprised as anyone because he had been assured in June of this year that everything was on track. Other studies have focused on health and worker safety, but whatever the focus they all come back to the dysfunctional organization of DOE as a basic, fundamental problem, which has to be solved before other problems are resolved.

This bill gives us the opportunity to do something that virtually everyone who has studied the problem believes should be done, and yet no one has been able to do. It is an opportunity we should not let pass us by.

Title XXXII establishes a semi-autonomous agency within the Department of Energy called the National Nuclear Security Administration. The new NNSA will have two traits missing from DOE for the last 20 years—accountability and a clear mission.

The current situation was best described by Dr. Victor Reis, who served as the Assistant Secretary of Energy for Defense Programs from 1993 until last month. Dr. Reis testified, ''The root cause of the difficulties at DOE is simply that DOE has too many disparate missions to be managed effectively as a coherent organization. The price of gasoline, refrigerator standards, Quarks, nuclear cleanup and nuclear weapons just don't come together naturally.''

NNSA will have some measure of insulation from all of those other functions of DOE unrelated to national security. Thus, it can have a tighter focus on the essential work related to nuclear weapons.

Reis went on to describe the efforts of Secretary after Secretary to pull the Department together creating new cross-cutting organizations for environment, safety, health, security, information, policy, quality, and so on, but ''because of all this multilayered cross cutting, there is no one accountable for the operation of any part of the organization by the Secretary, and no Secretary has the time to lead the whole thing effectively. By setting up a semi-autonomous agency, many of these problems go away.''

Previously, no one below the Secretary has been in charge of the nuclear weapons complex; no one person had the authority to make something happen; no one could be held accountable for mistakes. Title XXXII establishes a clear chain of command with definite lines of responsibility and of accountability which are essential to accomplishing the core mission of the complex and also ensuring that security, health, safety, and other issues are handled appropriately.

There are some who argue that we cannot rely on the people who do the day to day work to look after health and safety too. It's like the fox guarding the chicken coop, they say. Frankly, I am offended by the idea that the people who work at the Pantex Plant in my district and who live in the area and whose children go to school there cannot be trusted to work safely. We just have to have a management system that makes it clear what is expected of them and who holds them accountable if they disregard it.

I would also remind my colleague that for more than 40 years the Naval Nuclear Propulsion Program has had full and complete responsibility for more nuclear reactors than the Nuclear Regulatory Commission. Any of their reactors can be pulled into virtually any port in the world with no concern to the environment or safety. That kind of record and that kind of commitment is what we need in the nuclear weapons complex, and this bill helps us to accomplish it.

Dr. Reis has testified that ''[t]he mission of the nuclear weapons complex is national security at its most profound and long lasting.'' I agree. This is not a place to play political games or worry about turf. The only thing that matters is doing what's right for the security of our country and the freedom of our children. Title XXXII and this entire bill help ensure both.

Mr. Speaker, this Title is the result of a lot of hours and work by a number of people. Senators DOMENICI, KYLE, and MURKOWSKI and their able staffs carried the burden in the Senate. In the House, I want to express my appreciation to Chairman SPENCE and Chairman HUNTER for all of their work and support on this portion of the bill. I also want to thank my colleagues, Ms. WILSON and Ms. TAUSCHER for their tireless work and persistence in making sure that this reorganization was done right. Our committee staff, particularly Dr. Andy Ellis and Robert Rangel deserve special commendation for pushing this product through the conference process.

I also can't help but note that Dr. Victor Reis, who served this country with distinction for more than 30 years in key positions lost his job because he believed that we could not continue with business as usual at the Department of Energy. His courage and patriotism in telling the Administration what they did not want to hear should be commended, and I hope that future administrations can take advantage of Dr. Reis's skill, experience, and judgment, as well as his courage and love of country.

Finally, I want to single out Clay Sell of my staff for his work, not only on this Title in this bill, but for his work on the issue of DOE management reform over the past four years. I am

very fortunate to work with many outstanding people every day, but none can outshine Clay for his hard work, intelligence, and, in this matter, pure persistence—all of which has been devoted toward enhancing the security of our nation.

Mr. SANDLIN. Mr. Speaker, I rise today in strong support for S. 1059, the Department of Defense Authorization Conference Report. I believe this bill is a step in the right direction—a step towards a strong military, heightened readiness, and a bolstered national security.

Among the bill's many critical provisions is a well-deserved and long-overdue pay raise for our military men and women in recognition of their hard work and dedication to their country. This bill provides for a 4.8 percent pay raise, .4 percent above the Administration's request. This critical pay raise provision will help ensure that increases are tied more to performance and promotion than years of service and will reduce the pay gap between military and civilian pay. Moreover, this salary increase is a step towards preventing the loss of the best and brightest men and women who find it increasingly difficult to manage on a military salary.

This legislation would also reform the military retirement system and provide service members an opportunity to choose which system better suits their individual needs. It would also extend pay and bonus authority, expand recruiting and retention, and add additional funds for military housing. In addition, this bill addresses our nation's veterans and recognizes their contribution to this country by guaranteeing their burial benefits, providing retirement flags for reservists and all the uniformed services, and restoring equity to widow's entitlement.

This conference report also adds $2.7 billion to the procurement account for weaponry modernization, a crucial increase for improving military readiness. It adds $2.8 billion in operations and maintenance and repair facilities and builds upon the President's proposal to increase defense spending by $112 billion over the next six years. It also restores procurement funding for the essential F–22 fighter jet, a critical part of ensuring our military forces maintain their air superiority.

The Defense Authorization Conference Report significantly increases funding for the procurement of weapons, ammunition, and equipment, and for military construction and will enable the armed forces to modernize while maintaining a high level of readiness and training. I urge my colleagues to cast their votes in favor of a strong defense and the protection of our national security. I urge you to cast your vote in favor of improving the standard of living for our service men and women. I urge you to cast your vote in favor of this conference report, and I urge the President to sign this essential legislation.

Mr. UNDERWOOD. Mr. Speaker, I join my colleagues today in support of this Conference Report for the FY 2000 Defense Authorization Bill. This effort was bi-partisan and long overdue. The Conferees worked long and hard to tie up the loose ends and smooth out the rough edges of the Defense Authorization Bill. While everything we wanted was not achieved in Conference, this is still a very fine effort that will go a long way to ensure that our troops will get much of the pay, equipment, and infrastructure they so badly need and deserve. This bill is essential to stemming the decay in readiness and ensuring the security of the United States and its territories.

Mr. Speaker, no doubt our citizens have by now grown accustomed to the oft repeated phrase, ''we live in dangerous times.'' The global community is constantly erupting as it continues to adjust to the political realities of the post-Cold War structure. Africa is undergoing immeasurable suffering of disease, civil strife, and refugees crises. Asia is confronting economic calamities, unfinished revolutions, long standing rivalries, and emerging powers. South America is re-confronting Marxist guerrilla insurgencies and narcoterrorism. Europe has to deal with ethnic conflict, terrorism, and refugee influxes. The Middle East is faced with growing fundamentalist movements, terrorism, peace negotiations, and resource scarcities. The Pacific region is seeking political enfranchisement and issues of poverty. Faced with this menu of global concerns our military forces have been deployed in some 30-odd operations world-wide since the Persian Gulf War. At the same time our defense budget has been squeezed and capped arbitrarily without consideration or anticipation to the realities of America's security interests. To be sure, the time has come to re-assess the role the United States will play and to what extent our troops will be a part of that role.

Mr. Speaker, I applaud the efforts of Mr. SPENCE, Mr. WARNER, Mr. SKELTON and Mr. LEVIN in brokering a true bi-partisan bill that will begin to address many of the concerns that have been discussed here on Capitol Hill these past months.

Some of the measures that the people of Guam are concerned about have been included in this bill. In the realm of military construction, the military facilities located on Guam will benefit from over $100 million in new construction or improvements. Most notable are the MILCON projects for the Guam Army Guard Readiness Center and the U.S. Army Reserve Maintenance Shop—both desperately needed to maintain readiness and operational capabilities. Additionally, we were able to secure language that would allow the Guam Power Authority to upgrade two military transformer substations on Guam. I would like to thank MILCON subcommittee Chairman HEFLEY and Ranking Member TAYLOR, for their wise counsel and decision in recognizing the need for these vital military projects on Guam.

I worked closely with Readiness subcommittee Chairman HERB BATEMAN on language that would make a technical correction in the economic reporting requirement for A–76 competition studies. I also worked closely with several members from both sides of the isle to prevent the lifting of a moratorium on the outsourcing of DoD security guards. Additionally, I worked closely with Congressmen ABERCROMBIE and YOUNG to exempt Guam from any pilot program for military moving of household goods. This way Guam's small household moving market will be ensured of robust competition and protection from mainland conglomerates. We worked closely with members on both sides of the isle to include a refinement of the BRAC laws that will permit no cost conveyances of former military property to rural communities for economic development. On a matter of particular importance to Filipino-Americans, the threat to the return of the Bells of Balangiga was abated in a compromise measure between House and Senate conferees. This victory was no small feat and through our efforts we preserved the issue and permitted the dialogue to continue. For this effort I would like to thank, Senators INOUYE and LEVIN for their support. I thank my fellow House Armed Services colleagues particularly Mr. STUMP for his willingness to hear our concerns.

Mr. Speaker, the underlying bill contains an important provision directing the Maritime Administration to report on the incidents of overseas ship repairs of U.S. flagged vessels in the Maritime Security Fleet. This was in response to the Guam Shipyard's unfair experiences with subsidized foreign competition in ship repair. It appears that the Navy in concert with the Military Sealift Command has been flouting the intent of federal law created to protect American jobs and ship repair infrastructure. This reporting requirements places the Military Sealift Command on notice that Congress is watching and will respond if necessary to gross violations or misdirected policy. I worked closely with Chairman BATEMAN, on this initiative and would like to thank him for his foresight in including this important provision.

Mr. Speaker, the underlying bill included an amendment by Mr. BEREUTER to make permanent the waivers included in the FY 1999 Defense Authorization Act that allows the Asia-Pacific Center for Security Studies (which is a component of the Defense Department's U.S. Pacific Command) to accept foreign gifts and donations to the center, and to allow certain foreign military officers and civilian officials to attend conferences, seminars and other educational activities held by the Asia Pacific Center without reimbursing the Defense Department for the costs of such activities. This Center, led by retired Marine Corps Lt. General H.C. Stackpole, is a corner-stone in the engagement program of military-to-military exchanges through out the Asia-Pacific Region. This endeavor is a vital component in the goal of strengthening our ties with both our regional allies and potential allies. I strongly urge its adoption.

Finally, the Conference report strips the most offensive aspects of the DeLay amendment that was adopted on the floor that would have prohibited constructive military to military contacts between the U.S. and the People's Republic of China. The wiser temperaments of the Conferees saw fit to recognize the vital importance of America's engagement with China and ensure that these ties remain unbroken.

I want to thank all of the Committee staff for their tireless efforts in putting this bill together. I strongly urge my colleagues to vote ''yes'' on the Conference Report. In doing so a vote is being cast for a stronger, more robust military and improved benefits for our troops.

Mr. WELLER. Mr. Speaker, I would like to offer a statement in support of the Defense Authorization Conference Report which includes a provision which is very important to a project in my district, the redevelopment of the Joliet Arsenal.

First, I would like to thank all of my colleagues for the assistance they have offered on this project over the past five years, and again with this Conference Report. This Conference Report contains a provision which clarifies the original intent of Congress that Will County, Illinois be given 455 acres of federal land at no cost to Will County taxpayers

to build a landfill to serve Will County residents and communities only. I gave this commitment back in 1996 when the original legislation was passed, and I am adhering to my commitment here today.

I will briefly repeat some historical points regarding the Joliet Arsenal redevelopment. When first elected to Congress in 1994, I continued the good work Congressmen O'Brien, Davis and Sangmeister had initiated to return the 23,000 acres of Arsenal property back to the Will County residents. Throughout the next year, I worked hard to pave the way for the Joliet Arsenal Ammunition Plant (JAAP) redevelopment legislation and was proud to obtain President Clinton's signature on this important bill in 1996. The redevelopment plan called for the creation of a 19,000 acre tallgrass prairie park, two industrial parks, a new national cemetery, and a county landfill.

As the author of the legislation, I embraced the vision of the original citizens Planning Commission which clearly intended for the landfill to be established as a local facility serving the needs of Will County only. It was only after a struggle that I was able to include a landfill into the redevelopment legislation at all. There were a number of Army officials and my colleagues in the Congress concerned about approving a landfill directly bordering a national park. In addition, the JAAP redevelopment was the first of several like projects around the country. Given the intense scrutiny this project was under, I assured those who had concerns that this landfill would be serving the residents of the County only. I am keeping this promise today.

Later, local officials commenced efforts to expand the Will County landfill far beyond the original Congressional intent as a County only landfill turning it into a regional landfill which would ultimately house Chicago trash. My position never waivered, as I had made many promises to my colleagues in this Congress that there would not be a regional or Chicago landfill placed next to the new home of the nation's largest veterans cemetery and the 19,000 Midewin National Tallgrass Prairie. The ultimate solution was to clarify the law to ensure that County only trash will be accepted at the landfill at the Joliet Arsenal.

Mr. Speaker, I am deeply committed to ensuring the entire Joliet Arsenal is redeveloped without delay or compromise. I am equally committed, though, to ensure the original plan is followed and the legislation's intent is carried forward. I am pleased that the provision submitted into the Defense Authorization Act will soon become law. Thanks to you and all of my colleagues for your assistance on this important project.

Mr. WELDON of Florida. Mr. Speaker, I rise in support of the conference report on S. 1059, National Defense Authorization Act for Fiscal Year 2000. I am pleased that the bill restores readiness and quality of life for our men and women in uniform.

In particular, I am pleased that the bill continues to reverse the Clinton-Gore Administration's neglect of our military. The current administration like none other has eroded morale, training, readiness, equipment, and quality of life. This bill reverses many of these trends and I commend the conferees for their actions to fulfill these commitments to our troops and military retirees.

This bill continues to add to the procurement budget to ensure that our troops are the best equipped. We add $2.7 billion above the Clinton-Gore Administration's request for weapons' procurement, which will build on the $15 billion in procurements additions we have made over the past four years. I am also pleased that the bill increases military pay by 4.8 percent, .4 percent more than requested by the administration. The move to restore retirement benefits to encourage good men and women to make a career out of the military is something I have been very supportive of and am pleased that this matter is addressed in the bill.

While I am very pleased and supportive of these and many other provisions in the bill and will vote for the bill because of these provisions, I am very concerned that the conferees chose to drop an amendment that was adopted by the House on a 303–115 vote. This amendment would have increased the capacity of our national launch ranges by about 20 to 30 percent. In other words, by choosing to spend only $7.3 million in additional money at our national launch ranges we could have prevented about nine satellite launches a year from leaving U.S. soil and instead going to China or Russia for launch.

I cannot understand why the conferees, and most notably the Armed Services Committee staff, chose to reject this modest proposal, a proposal that was supported by the Air Force, by NASA, and by a large majority of the space industry and its various associations. It was short-sighted of the committee and I am committed to having Congress revisit this issue until our launch infrastructure resources are properly attended to.

China and Russia have clearly demonstrated that they cannot be trusted with advanced technology. Just yesterday, this very House voted for a bill taking very strong action against Russia for transferring dangerous missile and weapons technology to Iran. The decision by the conferees to reject the House bill's provision that would have kept launches of U.S. built satellites on U.S. soil runs counter to the passage of the Iran Nonproliferation Act (H.R. 1883).

Furthermore, the Chinese government has proven to be no more responsible in handling advanced technology. It was the launch agreements that the Clinton Administration signed with the Chinese that lead to the Cox-Dicks Select Committee on China. It was this very decision to allow increased export of U.S. built satellites on Chinese vehicles that led to the transfer of advanced missile technology transfer to the communist military government in China. All my amendment says is let us maximize the use of our own launch facilities first. This is the best way to curb the transfer of advanced missile technology.

Mr. KUYKENDALL. Mr. Speaker, I rise in support of the Defense Authorization conference report. I had intended to engage the distinguished Chairman of the Research and Development Subcommittee, Congressman CURT WELDON, in a colloquy to clarify some language in the report, but the rules precluded it.

The Conferees authorized funds for low cost launch technology. The conference report specifically authorizes $10 million in funding for ''Low Cost Launch, including Scorpius.'' The Scorpius program has many supporters in Congress, it is the most advanced low cost launch system under development, and it is meeting its goals within budget. The Cox Committee recommended that Congress should ''encourage and stimulate'' further expansion of the American space-launch capacity in the interest of national security. Funding the Scorpius program does this. Investment in Scorpius can lead to significant payoffs in the future in both technological efforts and cost reductions. A low cost launch capability in America will allow our nation's telecommunications companies to launch their satellites from the United States, reducing the security risks associated with overseas launches. I believe that authorizing and appropriating these funds to further develop Scorpius is money well spent.

Mr. COSTELLO. Mr. Speaker, I insert the following for the RECORD on the DOD Conference Report.

AUGUST 4, 1999.

The Honorable SPEAKER OF THE HOUSE,
Capitol, Washington, DC.

DEAR SPEAKER HASTERT: As the House and Senate move forward with conference negotiations on the Defense Authorization bill (S. 1059), I urge your continued support of external regulation of the Department of Energy (DOE) through the Nuclear Regulatory Commission (NRC). The State of Illinois has long supported this concept.

Specifically, I urge you to oppose the adoption of language that would place the regulation of DOE's safety programs in the hands of a quasi-independent agency that would ultimately report to DOE. We believe that the continued oversight of safety by DOE will continue to diminish worker safety as it has at several facilities throughout the country in recent years.

In conclusion, I urge you to follow the path that will allow for the transfer of authority over public health and safety so that of a truly external regulator, such as the NRC. Such action would thereby allow closer regulation by the State of Illinois which works closely and in conjunction with the NRC.

Thank you, in advance, for your consideration of this important matter. Should you need additional information please contact David Kunz in my Washington office.

Sincerely,

GEORGE H. RYAN, *Governor.*

Mr. HASTINGS of Washington. Mr. Speaker, as the House considers the conference report for the National Defense Authorization Act for FY–2000, I would like to restate my intent on a provision I authored in last year's Defense Authorization Act, which is currently being implemented by the Department of Energy. The provision (section 3139 of PL 105–261) created the Office of River Protection (''ORP'') to be headed by a ''senior'' DOE official who would report directly to the Assistant Secretary for Environmental Management. This individual would manage ''all aspects'' of the tank waste cleanup program at the Hanford site in my district. The provision also provided to the Manager of the Office of River Protection all resources ''necessary'' to manage the Handford tank privatization project in an ''efficient and streamlined'' manner.

As sponsor of this provision of law, my intent is that the Manager of ORP should be accorded full decision making authority for planning, budgeting, acquisition, contract administration, and line safety responsibility for managing cleanup of the legacy high-level radioactive tank waste threatening the Columbia River. These specific authorities should include the power to establish a separate budget control point for all funding required for the operation and construction of the Handford tank farm program and the privatized vitrification project. The Manager of ORP should also

be delegated the authority as head of contract activities for the purposes of carrying out the duties of the Office of River Protection.

Failing to extend these basic budget and contracting authorities to the ORP manager is clearly at odds with the provision which bestowed responsibility for managing ''all aspects'' of the program on the ORP Manager and provided him all resources ''necessary'' to carry out the program. Further, the legislation expected him to report directly to the Assistant Secretary for Environmental Management.

Further, the provision in subsections (d) and (e) required reports to Congress with an integrated management plan and updates on progress. Semi-annual reports and regular briefings by the Manager of the Office of River Protection to the Congress are entirely consistent with the reporting requirements of last year's provision. The progress reports should address in the status of the ORP, cleanup progress, expenditures, and any other issues impeding implementation of the spirit and/or legal requirements of my provision from last year's defense authorization bill.

I would like to report to the Speaker that I have expressed this intent to the Assistant Secretary and she has expressed her agreement with this interpretation.

Mr. UDALL of Colorado. Mr. Speaker, I voted for the Defense authorization bill when it was debated earlier here in the House. I did that for a number of reasons, and especially because it provided for better compensation and benefits for the men and women of our armed services.

However, I have serious concerns about a number of changes that were made to the bill in the conference committee. In particular, I am concerned about Title 32, which would reorganize the Department of Energy. I am attaching letters on this subject from Secretary Richardson and from Colorado's Attorney General, Ken Salazar. The Secretary is concerned about the potential effect of this part of the conference report on the environment at and around DOE facilities across the country—a serious concern, and one I share.

But Attorney General Salazar's concern is even more pressing for those of us from Colorado, because it relates directly to the Rocky Flats site. As his letter says, our Attorney General is ''concerned that the pending legislation would delay the closure of Rocky Flats and substantially drive up cleanup costs.'' I take that very seriously, because I think keeping Rocky Flats on tract for cleanup and closure at the earliest practicable date is a matter of highest priority for our State.

As you know, Mr. Speaker, Title 32 of the conference report is completely new. It was not part of the bill that was considered by the House. Under these circumstances, even though others may not fully share the Attorney General's concerns on this point—or the even more far-reaching concerns of Secretary Richardson—I think that the most prudent thing for us to do is to take longer to review these reorganization proposals. Accordingly, I will vote for the motion to recommit the conference report and, if that motion does not succeed, I will vote against the conference report.

STATE OF COLORADO, DEPARTMENT OF LAW, OFFICE OF THE ATTORNEY GENERAL,

Denver, Colorado, September 3, 1999.

Re Preserving Colorado's Authority Over Cleanup of Rocky Flats.

Hon. MARK UDALL,
Colorado Congressional Representative, Washington, DC.

DEAR CONGRESSMAN UDALL: I am concerned that pending legislation to reorganize the Department of Energy (DOE) may inadvertently impair state regulatory authority over DOE facilities. The reorganization provisions are in the Department of Defense FY 2000 Authorization bill as reported by the conference committee. I wanted to take a moment to explain how this proposed legislation would specifically affect Rocky Flats.

As set forth in a letter from attorneys general of more than forty states and territories, section 3261 could be used by the federal government to try to undermine the broad waivers of sovereign immunity currently in environmental laws, and exempt the National Nuclear Security Administration (NNSA) from state environmental regulations, permits, orders, penalties, agreements, and ''procedural requirements.'' If successful, such arguments would, among other things, partially repeal the Federal Facilities Compliance Act (FFCA), which states fought so hard to pass in 1992. The FFCA clarified the sovereign immunity waiver in the federal hazardous waste law, and ensured that federal agencies engaged in the management of hazardous waste would have to comply with local, state and federal hazardous waste laws in the same manner and to the same extent as private parties. This waiver governs the on-going state regulation of Rocky Flats pursuant to the Colorado Hazardous Waste Act.

Rocky Flats is not specifically named as one of the facilities that will be transferred to the NNSA. However, under §3291(a) of the Act, ''national security functions and activities performed immediately before the date of . . . this Act'' by the Office of Defense Programs, the Office of Nonproliferation and National Security, or the Office of Fissile Materials Disposition will be transferred. The terms, ''national security functions and activities'' are not defined in the Act; however, two of these offices are currently conducting activities at Rocky Flats. Therefore, based on our preliminary analysis, it appears that at least portions of the cleanup work would be automatically transferred to NNSA. These activities are not regulated under the state hazardous waste law.

In addition, national security functions and activities performed by ''nuclear weapons production facilities'' are also transferred. The definition in §3281(2)(F) of ''nuclear weapons production facilities'' includes ''[a]ny facility of the Department of Energy that the Secretary of energy, in consultation with the Administrator and the congress, determines to be consistent with the mission of the Administration.''''Mission'' is defined extraordinarily broadly. Similarly, §3291(b) provides authority to the Secretary of DOE to transfer any ''facility, mission, or function'' that the Secretary, in consultation with Congress, determines to be consistent with the mission. Under these provisions, portions of the Rocky Flats cleanup, or the entire site could be transferred to NNSA jurisdiction through a simple administrative action.

Colorado has worked very hard over the years to ensure that it retains authority over the cleanup of Rocky Flats and other federal facilities. The federal government has shown time and again that it is not up to the task of regulating its own facilities. Obviously, the state has a substantial interest in ensuring that Rocky Flats is cleaned up in a manner that will protect the citizens of this state now and for centuries to come. Consequently, we are very concerned about any legislative change that could be construed to limit the regulatory authority we fought so hard to obtain through the Federal Facility compliance Act of 1992.

I am also concerned that the pending legislation would delay the closure of Rocky Flats, and substantially drive up cleanup costs. If work, or portions of work, at Rocky Flats are transferred to the NNSA, it will likely cause delays because of the need to coordinate actions between NNSA and the Office of Environmental Management. Coordination will be difficult because of NNSA's orientation toward weapons production and stockpile stewardship, and because of the NNSA's emphasis on secrecy. Delay means significant cost increases. It costs about $1.5 million a day just to keep Rocky Flats open. In addition, DOE facilities that Rocky Flats depends on to close will be transferred to the NNSA. The main one is the Nevada Test Site, where we send low-level waste for disposal. Again, coordination with the NNSA will be a problem.

If part or all of Rocky Flats is transferred to the NNSA, delay could also be anticipated as a result of reinvention of security measures. DOE and its current contractors have made considerable progress in reviewing national security interests and tailoring security measures to appropriately address risks actually posed by nuclear materials at the site. This painstaking review has streamlined cleanup efforts by ensuring that precious resources are not wasted in complying with outmoded security measures that were not related to actual risks. Any increased security requirements at Rocky Flats will dramatically increase the time and money it takes to conduct work in the industrialized Area at Rocky Flats.

Most environmental cleanup work at Rocky Flats is currently being deferred in favor of deactivating and decommissioning the buildings. Accelerating this ''D&D'' work is vital to minimizing total cleanup costs because of the high cost of maintaining buildings and security. But the result is that environmental contamination cleanup is delayed. Given the significant pressures on DOE's cleanup budget, it will become increasingly difficult to ensure continued funding for these lower-risk, but still very important, activities, especially if we fail to meet our commitment that Rocky Flats will be ''done'' in 2006.

For decades, DOE and its predecessors operated the nuclear weapons complex under a cloak of secrecy. The sad consequence of this culture is a $150 billion legacy of environmental contamination and aging facilities that pose risks to workers, the public and the environment. The clear intent of the reorganization provisions is to draw the cloak of secrecy over the operations of the NNSA. While we absolutely must ensure protection of national security, it would be folly to ignore the clear lesson of the past and to extend this cloak to cover DOE's environmental, safety, and health operations. Moreover, there is no threat to national security in retaining external state oversight of environmental, safety, and health operations. As we mentioned in our previous letter, Senator Rudman, in his Congressional testimony and in his Report to the President recommended that responsibilities for environment, health and safety functions remain with the DOE Offices of Environmental Management and Environment, Safety, and Health, and not be transferred to a new security administration. Undoubtedly, this recommendation was

based on the Senator's awareness of the unfortunate ''environmental mortgage'' created by years of self-regulation by weapons complex.

I understand that it may not be possible to address these problems before the Defense Authorization bill is enacted. If that is the case, and the bill done become law, I urge you to ensure that these concerns are addressed at the earliest possible opportunity.

Sincerely,

KEN SALAZAR,
Attorney General.

THE SECRETARY OF ENERGY,
Washington, DC, September 14, 1999.

OPPOSE DOE REORGANIZATION PROPOSALS

DEAR MEMBER OF CONGRESS: The Department of Energy reorganization provisions in the conference agreement on the pending Defense Authorization bill damage environmental protection, worker health and safety, and national security. In short, the conference report vests sweeping and unprecedented authorities in a new agency (the National Nuclear Security Administration) purportedly within the Department of Energy, which makes it impossible for any Secretary to run the Department. While I have supported the concept of a semi-autonomous agency in the past, the provisions in the conference report go far beyond what constitutes a workable relationship between the Secretary of Energy and the new agency.

I hope you will oppose these reorganization proposals so that changes can be made.

The reasons for this recommendation are:

1. As noted in a September 3rd letter from 46 State Attorneys General, the bill jeopardizes the environment at, and around, DOE facilities by potentially exempting the new agency from State environmental requirements.

2. The bill could degrade effective public health and safety regulation of the nuclear defense complex by weakening the Secretary's ability to direct its regulation independent of the program's internal direction.

3. The bill could isolate the Department's national security components from meaningful Departmental oversight, thus adding further insularity to the institutional isolation and arrogance that were faulted on security grounds in the Rudman report.

4. The bill could degrade national security by rolling back recent actions we have taken to identify and fix clear responsibility and accountability in all the Department's national security activities, including the counterintelligence functions that were strengthened according to Presidential Decision Directive 61.

5. The bill could lead to an erosion of the strong links between the weapons laboratories and the Department's science programs, making recruitment of top scientists more difficult and uncertain, thereby jeopardizing the task of sustaining the nuclear deterrent without testing.

THE ENVIRONMENT

In the September 3, 1999, letter mentioned above, 46 State Attorneys General wrote the House leadership urging them to oppose DOE reorganization provisions, which ''would impair State regulatory authority'' and would ''weaken the existing internal and external oversight structure for DOE's environmental, safety and health provisions.'' They claim that ''under well-established Supreme Court jurisprudence, section 3261 could be interpreted as a very narrow waiver of sovereign immunity, leaving the [new agency] exempt from State environmental regulations, permits, orders, penalties, agreements, and 'non-substantive requirements'.''

They go on to state that the provisions in the conference report will undercut the following reforms:

The Federal Facility and Compliance Act, passed by Congress and President Bush in 1992, which clarified that states have regulatory authority over DOE's hazardous waste management and cleanup.

Creation of an internal oversight entity in DOE, the Office of Environment, Safety and Health.

Creation of DOE's Office of Environmental Management, whose mission is to safely manage DOE's wastes, surplus facilities and to remediate its environmental contamination.

No one now questions that the weapons complex during the years of the Cold War left an enormous legacy of environmental damage. DOE now oversees the largest environmental cleanup program in the world. The Secretary of Energy—with direct accountability to the President and the public—should not be constrained in his ability to direct actions through his experts to address that legacy. Yet the conference report places numerous barriers between the Secretary and the new agency, making it next to impossible for the Secretary to fulfill the environmental responsibilities of the Department of Energy.

HEALTH AND SAFETY

You may have read articles in the press over the past month about possible worker exposure and environmental damage at DOE's Paducah, Kentucky, site, where enriched uranium for nuclear weapons has been produced. An issue there is whether thousands of workers unwittingly handled materials tainted with plutonium and other highly radioactive materials. This summer a container at Los Alamos lab blew up, spreading Technitium-99 all over a research room. Luckily the employees were on their lunch break and no one was contaminated. At DOE's Savannah River Site in late August plutonium contamination was detected on seven workers after a repackaging incident. And at DOE's Pantex plant in Texas a fire in a nuclear weapons disassembly facility led to a recent $82,000 civil penalty for the DOE contractor.

The Secretary of Energy must be held responsible for investigating these incidents and preventing accidents in the future, yet the DOE reorganization proposal severely undermines my ability to ensure basic health and safety protection for workers.

NATIONAL SECURITY

As you know, the Department of Energy is responsible for our nuclear weapons stockpile. A more profound responsibility you will not find in government. Yet the DOE reorganization proposal all but severs the connection between the Secretary of Energy and the program which oversees the stockpile. It is critical that there be a seamless policy and management connection between the President, the Secretary of Energy and the program which develops nuclear weapons.

COUNTERINTELLIGENCE AND SECURITY

Presidential Decision Directive 61, in which the President, after receiving extensively considered advice from the intelligence community, determined that the nation's intelligence, counterintelligence and security responsibilities regarding nuclear matters must be consolidated directly under the Secretary of Energy. The report of the Select Committee led by Chairman Cox and Ranking member Dicks on Chinese espionage emphasized that these responsibilities must be placed at the highest level in the Department. The DOE reorganization proposal would overrule these judgments by establishing counterintelligence and security offices in both the Department of Energy and the new agency. These dual offices would inevitably create confused lines of authority, undermining an aggressive, professional counterintelligence and security effort.

PROCESS

Finally these extensive reorganization provisions will be presented to the house for the first time in a conference report—no hearings, no floor debate during House passage and no conference debate. They were formulated and adopted behind closed doors by the conferees.

I hope you oppose these reorganization proposals in the Defense conference report. If you have any questions, please do not hesitate to call me.

Yours sincerely,

BILL RICHARDSON.

Mr. HEFLEY. Mr. Speaker, I rise in strong support of the conference report to accompany S. 1059, the National Defense Authorization Act for fiscal year 2000. This legislation represents a significant improvement over the defense program presented to the Congress earlier this year by the Administration. It has been shepherded through the House and through the conference process by Republicans and Democrats with a deep desire to keep faith with the men and women in uniform who defend this Nation. Our bipartisan efforts have previously received overwhelming support in this House and this conference report also deserves such support.

This legislation will provide the military equipment, training, pay and benefits, and adequate living and working conditions that is required to support the Nation's defense effort.

As the Chairman of the Subcommittee on Military Installations and Facilities, I can assure the House that the conferees worked hard to address the impact of inadequate facilities and military housing on military retention and readiness. And, we have fully funded the most critical items for the coming year.

S. 1059, like the legislation that passed the House earlier this year, rejects the incremental funding of military construction projects proposed by the Department of Defense. That scheme clearly was not in the interest of the taxpayer. It would have led to a delay in the delivery of needed facilities and would certainly have increased their cost.

Frankly, the Department of Defense left the Congress with a broken military construction program for fiscal year 2000. To cite but one example, the conferees needed to add nearly $1.1 billion to the budget to adequately fund the Department's request to construct or renovate over 6,200 units of military family housing and begin the construction or renovation of 43 barracks, dormatories, and BEQs for the single enlisted—a requirement for which only $313 million was requested. This housing must be built and occupied as soon as possible and only full funding can accomplish that. In addition, the conferees agreed to fund an additional $136 million for 14 other military housing for both families and the single enlisted to further alleviate the continuing military housing crisis.

While we could not fix all of the problems associated with the unfunded military requirements that continue to pile up due to the broad inattention of the Department to critical infrastructure upgrades, we have produced a good bill.

From improving military infrastructure and ensuring continued access to critical military training areas, to a significant effort to enhance pay and benefits, to continuing our efforts to modernize the Nation's arsenal, and to

protecting programs vital to the national security, S. 1059 is comprehensive defense legislation that meets the real needs confronted everyday by ordinary Americans who are asked by their country to do extraordinary things on an almost daily basis. The men and women who volunteer—and I stress volunteer—to defend the liberty of this Nation deserve this bill. They deserve your vote. I urge every member to see this bill for what it is—that is, a meaningful and serious effort to deal comprehensively with our defense problems. Republicans and Democrats stood together to develop this legislation and we should continue to stand together to send this legislation to the President for his signature.

Mr. SPRATT. Mr. Speaker, I strongly support the vast majority of this bill, particularly the pay and retirement provisions. But this good bill is marred by some of the text that sets up a National Nuclear Security Administration as a semi-autonomous agency within the Department of Energy. I have reservations about the way these provisions were inserted into the bill with little discussion among the Members of the Conference Committee, and I have reservations about the substance of some of these provisions.

I will not speak on the process of the conference at length, but I cannot dismiss it because I cannot remember the Congress acting on such an important matter with so little information and discussion among the Members of the conference committee. Neither the House nor the Senate Defense Authorization bill contained language requiring a comprehensive restructuring of the Department of Energy, yet we ended up with about 50 pages worth of text. We did have Senator Rudman testify before the committee prior to conference, but we did not take testimony from the Energy Department itself, or from the old senior statesmen of the labs and nuclear weapons complex, men like Johnny Foster or Harold Agnew. The legislation that the conference committee ultimately produced was not vetted in any meaningful manner among the Members, the Administration, or outside experts. This is not a good process for an important piece of national security legislation.

My first and foremost concern on the substance of the legislation is that we have blurred the lines of accountability when it comes to preventing and ferreting out future espionage at our nuclear labs and weapons complex. I think one thing we can all agree on is that counterintelligence requires a clear line of command and accountability. A clear chain of command was at the heart of Presidential Decision Directive 61, which the Cox Committee unanimously recommended be implemented. This legislation contradicts PDD 61 by setting up two different counterintelligence offices with overlapping responsibilities, and no clear direction on how the offices are supposed to interface with each other. The same problem exists in the respect to dual Inspectors General. I find it ironic that the restructuring provisions fail in what should have been its top priority: setting up clear lines of command and accountability on counterintelligence.

My second and more general concern is that the Secretary's ability to conduct oversight of the complex could be seriously hampered by this legislation. We already know that the price of no oversight is a legacy of contaminated sites that will cost hundreds of billions to clean up. Revelations about contamination at Paducah show that we cannot disregard the health and safety concerns for workers in the nuclear weapons complex and the communities that surround these sites. The history of the last few decades tells us that the nuclear weapon sites and activities of the Department of Energy require more sunshine, more scrutiny, more oversight, not less. Any Secretary of Energy must have strong oversight authority, and I fear that this legislation detracts from rather than adding to the Secretary's oversight powers.

Having criticized these provisions, let me say that I do not think they were drafted with bad intent. But they were drafted hastily, without adequate hearings, with no vetting among outside authorities, without the benefit of constructive criticism that comes in the mark-up process, and without any discussion among members of the conference committee. The best thing to do is to vote for this motion to recommit, cut out Title XXXII, and then pass the Authorization Act so that the pay raise for our troops is not delayed. We will have that opportunity when at the end of debate when Mr. DINGELL offers a motion to recommit. If we pass that motion, we can then rework the reorganization provisions in Title XXXII and bring them back to the House in a stand-alone bill, ensuring that our legislation will safeguard our nuclear security without returning us to the days when we operated a nuclear weapons complex with next to no responsible oversight.

Mr RYUN of Kansas. Mr. Speaker, American military personnel and their families are making great sacrifices to protect the freedoms of this nation. The increased pace of peacekeeping and humanitarian operations, combined with declining defense budgets, is severely degrading the quality-of-life of our military personnel.

Mr. Speaker, the current decline in the military's ability to recruit and retain quality personnel can be directly attributed to the armed forces' declining quality-of-life.

S. 1059, the Fiscal Year 2000 national Defense Authorization Act Conference report attacks the quality-of-life problems of today's military personnel by:

Providing a 4.8 percent across-the-board pay raise.

Improving retirement benefits by reforming and enhancing the retirement pay benefit.

Initiating a Thrift Savings Plan for active duty and reserve personnel.

Reducing out-of-pocket costs for housing by adding $225 million to the basic allowance for housing (BAH) account.

Ensuring that military personnel live and work in quality facilities by adding over $3 billion to the President's underfunded military construction programs.

Mr. Speaker, America's military personnel and their families are suffering from too many years of ''doing more with less.'' Congress must help remove the pressures felt by America's military personnel who put their lives on the line everyday to protect this nation's freedoms. I urge my colleagues to vote Yes on the Conference Report to S. 1059.

The SPEAKER pro tempore. All time has expired.

Without objection, the previous question is ordered on the conference report.

There was no objection.

MOTION TO RECOMMIT

Mr. DINGELL. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the conference report?

Mr. DINGELL. Absolutely.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. DINGELL moves that the conference report be recommitted to the committee of conference with instructions to the House conferees that they insist on striking all provisions within Title XXXII that limit any existing authority of the Secretary to supervise, manage and direct the National Nuclear Security Administration and all its personnel, to retain authority to delegate that authority to any officer or employee of the Department with respect to such particular subject matter areas and activities as the Secretary determines from time to time, to otherwise retain with respect to the National Nuclear Security Administration all management authorities provided by the Department of Energy Organization Act as though that Administration was established by that Act, to have authority to reorganize organizational units reporting directly to the Secretary governed by just the first sentence of section 643 of that Act (42 U.S.C. 7253), and to retain all authority previously provided by section 93 of the Atomic Energy Act of 1954 (42 U.S.C. 2122a) to determine governance of Special Access Programs, including waiver of congressional notification requirements as specified by law.

The SPEAKER pro tempore. The motion is not debatable.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the conference report.

The vote was taken by electronic device, and there were—yeas 139, nays 281, not voting 13, as follows:

[Roll No. 423]

YEAS—139

Ackerman	Clyburn	Gephardt
Baird	Conyers	Gonzalez
Baldwin	Costello	Gordon
Barrett (WI)	Coyne	Gutierrez
Barton	Crowley	Hall (OH)
Becerra	Cummings	Hall (TX)
Bentsen	Davis (FL)	Hill (IN)
Berkley	Davis (IL)	Hinchey
Berman	DeFazio	Holt
Berry	DeGette	Hooley
Bishop	Delahunt	Inslee
Bliley	DeLauro	Jackson-Lee
Blumenauer	Deutsch	(TX)
Bonior	Dingell	John
Borski	Dixon	Jones (OH)
Boucher	Doggett	Kanjorski
Boyd	Doyle	Kildee
Brown (FL)	Engel	Kilpatrick
Brown (OH)	Eshoo	Kind (WI)
Capps	Evans	Kleczka
Capuano	Farr	Klink
Cardin	Filner	Kucinich
Carson	Frank (MA)	LaFalce

Lantos
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Miller, George
Minge
Moakley
Moore
Moran (VA)
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne
Petri
Phelps
Porter
Rahall
Rangel
Rivers
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schakowsky
Sensenbrenner
Serrano
Slaughter
Spratt
Stabenow
Stark
Strickland
Stupak
Thompson (CA)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Watt (NC)
Waxman
Weiner
Woolsey
Wu
Wynn

NAYS—281

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Brady (PA)
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Clay
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fattah
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jackson (IL)
Jenkins
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kaptur
Kasich
Kelly
Kennedy
King (NY)
Knollenberg
Kolbe
Kuykendall
LaHood
Lampson
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (NY)
Manzullo
Mascara
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Mink
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Pascrell
Paul
Pease
Peterson (MN)
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Pomeroy
Portman
Quinn
Radanovich
Ramstad
Regula
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Scott
Sessions
Shadegg
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Upton
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Clayton
Hastings (FL)
Jefferson
Kingston
McKinney
Millender-McDonald
Pelosi
Price (NC)
Pryce (OH)
Ros-Lehtinen
Shaw
Vitter
Waters

□ 1256

Messrs. GEJDENSON, RADANOVICH and SHAYS changed their vote from ''yea'' to ''nay.''

Messrs. BAIRD, DAVIS of Illinois, EVANS, MARTINEZ and Ms. JACKSON-LEE of Texas changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. QUINN). The question is on the conference report.

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

The conference report was agreed to. Without objection the motion to reconsider was laid on the table.

There was no objection.

RECORDED VOTE

Mr. SPENCE. Mr. Speaker, I ask unanimous consent for a recorded vote.

Without objection, a recorded vote was ordered.

There was no objection.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 375, noes 45, not voting 13, as follows:

[Roll No. 424]

AYES—375

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
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
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Pease
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Royce
Rush
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Scott
Serrano
Sessions
Shadegg
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
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
Traficant
Turner
Udall (NM)
Upton
Velazquez
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker

Wilson	Woolsey	Young (FL)
Wise	Wynn	
Wolf	Young (AK)	

NOES—45

Baldwin	Jackson (IL)	Rangel
Barrett (WI)	Kucinich	Rivers
Barton	Lazio	Sabo
Bliley	Lee	Sanders
Capuano	Lowey	Schakowsky
Conyers	Markey	Sensenbrenner
Davis (IL)	McKinney	Shays
DeFazio	Minge	Stark
DeGette	Nadler	Towns
Dingell	Oberstar	Udall (CO)
Ehlers	Obey	Vento
Filner	Paul	Visclosky
Frank (MA)	Payne	Waxman
Gutierrez	Pelosi	Weiner
Holt	Petri	Wu

NOT VOTING—13

Dunn	Jefferson	Pryce (OH)
Edwards	Kingston	Ros-Lehtinen
Green (WI)	Millender-	Roybal-Allard
Hastings (FL)	McDonald	Shaw
Hulshof	Price (NC)	

☐ 1307

So the conference report 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. GREEN of Wisconsin. Mr. Speaker, on rollcall No. 424, I was unavoidably detained on House business of critical importance to Wisconsin. Had I been present, I would have voted "aye."

GENERAL LEAVE

Mr. SPENCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER pro tempore (Mr. QUINN). Is there objection to the request of the gentleman from South Carolina?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 1655, DEPARTMENT OF ENERGY RESEARCH, DEVELOPMENT, AND DEMONSTRATION AUTHORIZATION ACT OF 1999

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 289 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 289

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. 1655) to authorize appropriations for fiscal years 2000 and 2001 for the civilian energy and scientific research, development, and demonstration and related commercial application of energy technology programs, projects, and activities of the Department of Energy, and for other purposes. The first reading of the bill shall be dispensed with. 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 Science. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for purposes of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Science now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for 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 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. Any Members may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. 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. The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, for the purpose of the debate only, I yield the customary 30 minutes to the distinguished 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 the purposes of debate only.

Mr. Speaker, H. Res. 289 would grant H.R. 1655, the Department of Energy Research, Development and Demonstration Authorization Act of 1999, an open rule. The 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 Science.

The rule provides that the bill shall be open to amendment by section, and it allows the Chairman of the Committee of the Whole to accord priority in and recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD.

The rule also allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce voting time 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, the Department of Energy, Research Development and Demonstration Authorization Act of 1999 authorizes the civilian energy and scientific research and development programs of the Department of Energy for fiscal years 2000 and 2001. The bill was reported favorably by the Committee on Science by a vote of 31-to-1.

Basic scientific research is the source of the new technologies and industries that will drive our Nation's economy in the next century. If America is to continue to enjoy a rising standard of living and a healthy economy, the United States must continue to be a leader in basic scientific research. The Federal Government has long had an important role to play in supporting these research programs, many of which are far too expensive for any single company or institution to support. H.R. 1655 recognizes the need for an aggressive research effort at the department of energy which has the third largest basic research program in the Federal Government, exceeded only by the National Institutes of Health and the National Science Foundation.

Specifically, Mr. Speaker, over the next 2 years, the bill would authorize $885 million for research on energy supply; $5.2 billion for energy physics and science; $825 million for fossil energy research and development; and $1 billion for energy conservation research. Furthermore, it should be noted that the Committee on Science has provided clear direction to the Department of Energy that this funding be awarded based on merit and should be used to fund research, not departmental administration.

Finally, the Congressional Budget Office estimates that H.R. 1655 would cost approximately $8 billion in budget authority and $8.25 billion in outlays over the next 2 years.

The Committee on Rules was pleased to grant the request of the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on Science, for an open rule on H.R. 1655, and accordingly, I encourage my colleagues to support both H. Res. 289 and the underlying bill.

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

☐ 1315

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

Mr. Speaker, this is an open rule, and will allow full and fair debate on the Department of Energy Research, Development, and Demonstration Authorization Act of 1999.

As my colleague, the gentleman from Washington (Mr. HASTINGS) 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 Science.

The rule provides for 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 germane amendments.

The bill authorizes $8 billion in fiscal years 2000 and 2001 for the Department of Energy's civilian research and development programs. Our Nation depends on energy to move our cars, to light our houses, and to power the machines of commerce. By making energy more efficient and dependable, we increase opportunities to improve quality of life. That is why investing in energy technology is important to our Nation's future.

Recognizing the importance of renewable energy and energy efficiency, the President recommended a slight increase in spending on these research programs. Unfortunately, the committee bill kept spending for these programs at lower levels.

Renewable energy, including hydro power, solar, wind, geothermal, and biomass, amount to about 10 percent of total domestic energy production. Though these technologies have become more competitive with traditional energy sources, there is still a need for more research in these new areas. By keeping spending levels down, we are taking a risk that we do not develop the full potential of a renewable energy and achieve the full benefits.

However, this is an open rule, and Members will have a chance to offer amendments to improve the bill. The rule was adopted by a voice vote of the Committee on Rules, and I urge adoption of the rule.

Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, I thank the chairman for yielding me the time.

Mr. Speaker, the new trade deficit figures are out: for the last 3-month period, $81 billion of trade deficits, averaging now $27 billion a month. I do not know who else may have noticed yesterday, but the Singer Sewing Machine Company filed for chapter 11 bankruptcy protection in New York City.

The roots of the Singer Sewing Machine Company are in New York City. Not anymore. They are located in Hong Kong, and they make and manufacture their sewing machines in Brazil, Taiwan, and Japan, and no one in Congress or Washington is even looking at this issue. Our Tax Code is chasing companies away. We are making great progress with the electronic phenomenon that will mature, and we are looking at a down side here, Mr. Speaker.

I have an amendment for each of these bills, when they spend money, requiring they comply with the Buy American Act and other provisions. I would hope that they would be accepted, but I would hope that Congress would begin to address a Tax Code that rewards imports, kills exports, and is destroying manufacturing jobs.

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

Mr. HASTINGS of Washington. Mr. Speaker, I have no further requests for time, 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.

CIVIL AVIATION RESEARCH AND DEVELOPMENT AUTHORIZATION ACT OF 1999

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 290 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 290

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. 1551) to authorize the Federal Aviation Administration's civil aviation research and development programs for fiscal years 2000 and 2001, and for other purposes. The first reading of the bill shall be dispensed with. 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 Science. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Science now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for 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. Any Members may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. 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. QUINN). The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. For purposes of debate only, I yield the customary 30 minutes to the distinguished 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. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, House Resolution 290 would grant H.R. 1551, the Civil Aviation Research and Development Authorization Act of 1999, an open rule.

The rule provides for 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Science. The rule provides that the bill shall be open to amendment by section, and allows the chairman of the Committee of the Whole to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD.

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

Finally, the rule provides 1 motion to recommit, with or without instructions.

Mr. Speaker, the Civil Aviation Research and Development Authorization Act of 1991 would authorize the Federal Aviation Administration to conduct research and development activities during fiscal years 2000 and 2001. The current authorization is scheduled to expire at the end of fiscal year 1999.

Our Nation's air traffic system has seen a dramatic increase in use in recent years. This legislation, introduced by the gentlewoman from Maryland (Mrs. MORELLA), makes it possible to keep pace with rising aviation volumes and maintain an effective air traffic system.

The FAA's research and development activities help produce the cutting edge technology necessary to ensure the safety, efficiency, and security of our national air transportation system. In addition, this bill makes it easier for Congress to track overall FAA research activities and to better assess priorities for modernization.

The Congressional Budget Office estimates that enactment of H.R. 1551 would cost approximately $1.32 billion in budget authority and $1.3 billion in outlays. Because the bill does not affect direct spending, pay-as-you-go procedures do not apply.

Mr. Speaker, the Committee on Rules was pleased to grant the request of the gentleman from Wisconsin (Chairman SENSENBRENNER) for an open rule on H.R. 1551, providing Members seeking to improve this bill the fullest opportunity to offer their amendments on the floor.

Accordingly, I urge my colleagues to support both House Resolution 290 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, this is an open rule. It will allow for full and fair debate on H.R. 1551, which is the Civilian Aviation Research and Development Authorization Act of 1999.

As my colleague, the gentleman from Washington (Mr. HASTINGS) has described, this rule will provide for 1 hour of general debate. It would be equally divided and controlled by the chairman and ranking minority member of the Committee on Science.

The rule permits amendments under the 5-minute rule. This is the normal amending process in the House. All Members on both sides of the aisle will have the opportunity to offer germane amendments.

The bill authorizes $1.32 billion in fiscal years 2000 and 2001 for the Federal Aviation Administration's civil aviation research and development programs. The bill funds a wide range of aviation-related research, including aircraft safety, communications, equipment, and facilities.

The bill also funds research aimed at reducing aircraft noise. Unfortunately, the FAA has not placed a sufficient priority on research to identify technologies that could be used to develop quieter aircraft, or to reduce the effects of aircraft noise on neighborhoods near airports.

In my district, residents of the city of Centerville, Ohio, have been plagued with aircraft noise ever since flight patterns were shifted over the city. This is a particular problem since many of the aircraft carry cargo at night or early in the morning. Daily between 4 a.m. and 7 a.m., when most people are trying to sleep, a plane flies overhead every few minutes. It is like sleeping under an aircraft superhighway.

The problems facing my constituents in Ohio are similar to problems all over America, and these will only get worse as the skies get more and more crowded nationwide. I urge the FAA to increase research aimed at reducing aircraft noise. I also urge the FAA to examine the ways that aircraft noise affects the health and safety of people who experience it on a regular basis.

In particular, I request that the FAA study the health effects of nighttime aircraft noise, such as the noise experienced by the citizens of Centerville. By working with citizens and government and industry as partners, we can address this problem.

Mr. Speaker, the funding in this bill is an investment in the future of our aviation transportation. As the representative from Dayton, Ohio, the home of the Wright Brothers, I am proud of America's leadership in aviation technology. This bill will help maintain our leadership role.

This is an open rule. It was adopted by a voice vote of the Committee on Rules, and I urge adoption of the rule.

Mr. Speaker, I yield 2 minutes to the gentleman from Youngstown, Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, I have a buy American amendment for this bill. I would like the Congress to know that the Chrysler Corporation that we bailed out, Chrysler Corporation of the United States of America, is the Chrysler-Daimler Corporation of Germany.

Some of our big banks are merging. They are not known as American banks anymore, they are moving to foreign countries. We are becoming a good colony, providing basic materials and buying other countries' products. No one is really paying attention.

What these amendments say is we have a buy American law. Let us comply with it, and do not put a fraudulent label on an import or you will not be able to do business with our government.

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

Mr. HASTINGS of Washington. Mr. Speaker, I have no further requests for time, 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.

The SPEAKER pro tempore. Pursuant to House Resolution 290 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. 1551.

The Chair designates the gentleman from New Hampshire (Mr. SUNUNU) as Chairman of the Committee of the Whole, and requests the gentleman from New York (Mr. QUINN) to assume the chair temporarily.

□ 1330

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. 1551) to authorize the Federal Aviation Administration's civil aviation research and development programs for fiscal years 2000 and 2001, and for other purposes, with Mr. QUINN (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore (Mr. QUINN). Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Texas (Mr. HALL) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

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

Mr. Chairman, as chairman of the Committee on Science, I have worked with my friend and colleague, Mr. George E. Brown, Jr., of California for the past 2½ years to advance legislation that meets our Nation's research and development funding needs. Regrettably, Congressman Brown is no longer with us. I am pleased to say that this legislation continues that tradition, only this time we have a new ranking member, the gentleman from Texas (Mr. HALL).

H.R. 1551 authorizes the FAA to conduct research and development activities for fiscal years 2000 and 2001.

Shortly, I will offer a manager's amendment that was crafted in consultation with the Committee on Transportation and Infrastructure. The amendment strikes certain provisions of H.R. 1551 which were already authorized earlier this summer through House passage of H.R. 1000, the Aviation Investment and Reform Act for the 21st Century.

As amended by my manager's amendment, H.R. 1551 authorizes $208 million in fiscal year 2000 and $223 million in fiscal year 2001 for the FAA to conduct research and development in the areas of air traffic, management, communications, navigation, weather, aircraft safety, system security, airport technology, and human factors.

The legislation fully funds the administration's fiscal 2000 request and allows a modest, but necessary, increase of 3 percent over fiscal year 1999 enacted funding level for the various research and development activities.

Mr. Chairman, the Committee on Science takes its oversight responsibilities very seriously. I am pleased that H.R. 1551 includes important provisions to ensure that our Nation's investments in aviation R&D are effectively utilized.

For instance, section 5 of the legislation implements recommendations by the Inspector General by requiring the FAA to work cooperatively with NASA to jointly prepare and transmit to Congress an integrated civil aviation safety R&D plan that clearly defines the rules and responsibilities of the two agencies.

Section 4 requires the FAA to implement strategic planning consistent with the Government Performance and Results Act in the development of aviation plans.

Finally, H.R. 1551 ensures accountability and public access to award information by requiring the FAA to post the abstracts related to all unclassified R&D grants and awards on the agency's Internet home page.

I would like to commend gentlewoman from Maryland (Mrs. MORELLA), the Chairman of the Subcommittee on Technology, and the gentleman from Michigan (Mr. BARCIA), the ranking member of the subcommittee, for their hard work they have done in crafting this legislation.

Mr. Chairman, H.R. 1551 is a good bill, and I urge my colleagues to support it.

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

Mr. HALL of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 1551. It is a bill that provides a 2-year authorization for research and development activities of the FAA. The gentleman from Wisconsin (Chairman SENSENBRENNER) has laid it out very succinctly.

The bill reported by the Committee on Science was developed in a rather unusual spirit of cooperation and bipartisanship. They really worked together on this. It took a little time to hammer it out.

But I certainly want to congratulate the gentlewoman from Maryland (Mrs. MORELLA), the chair of the Subcommittee on Technology for her good work, and the gentleman from Michigan (Mr. BARCIA), the ranking Democratic member, for the fine work in crafting this bill.

I also want to thank the gentleman from Wisconsin (Mr. SENSENBRENNER), chairman of the Committee on Science, for his efforts of bringing the bill forward and bringing it to the House for its consideration here today.

Mr. Chairman, the FAA, as my colleagues know, is responsible for the safe operation of a very complex transportation system. It now handles about 1½ million passengers per day. That continues to grow.

I think H.R. 1551 has been well described by the gentleman from Wisconsin (Chairman SENSENBRENNER). It does provide for research programs that is going to enable the FAA to modernize the Nation's air traffic system successfully. Because of the importance of air commerce to our economy, I certainly recommend this legislation to my colleagues and ask for their support and the passage of this bill.

Mr. Chairman, I rise in support of H.R. 1551, a bill which provides a two-year authorization for the research and development activities of the Federal Aviation Administration.

The bill reported by the Science Committee was developed in a spirit of cooperation and bipartisanship. I want to congratulate the Chair of the Technology Subcommittee, Mrs. MORELLA, and the Ranking Democratic Member, Mr. BARCIA, for their fine work in crafting the bill.

H.R. 1515 authorizes only a relatively small part of the FAA's budget. But the research that will be carried out in accordance with the bill will have a disproportionate influence on the ability of the agency to meet its responsibilities for management and operation of the national airspace system.

The FAA is responsible for the safe operation of a complex transportation system that now handles 1.5 million passengers per day and that continues to grow. The FAA's research and development programs must provide the underpinnings for the technology that will help increase the capacity and efficiency of operation of the airspace system, while ensuring its safety and security.

Pursuant to an agreement with the Transportation Committee, the Republican Manager of the bill will offer an amendment to modify the authorizations included in the bill, as it was reported from the Science Committee. Basically, some activities will be removed from the bill that were included in the main FAA authorization bill considered previously by the House.

There has been some confusion about the nature of the activities that the agency includes in its Facilities and Equipment appropriations account. Clearly, some of these activities are very similar to the kinds of R&D programs normally authorized by the Science Committee, and consequently, these are retained in H.R. 1551. Disagreements exist about the R&D content of some of the other activities, which the amendment deletes from the bill.

In order to ensure that a complete description of FAA's research programs is provided to Congress in future, H.R. 1551 requires the agency in its annual budget submission to report on all of its R&D activities. Specifically, the bill requires FAA to identify every program, regardless of the title of the budget category from which it is funded, that meets the definition of R&D, according to OMB's published guidelines.

H.R. 1551, as amended by the manager's amendment, endorses the administration's funding request for the R&D activities covered for FY 2000 and FY 2001. This request includes growth in the second year needed to reverse recent declines in the research side of the agency's R&D programs.

Because of the importance of air commerce to our economy, I recommend this legislation to my colleagues and ask for their support for its passage.

Mr. HALL of Texas. Mr. Chairman, I yield the balance of my time to the gentleman from Michigan (Mr. BARCIA), and I ask unanimous consent that he be permitted to yield time.

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

There was no objection.

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

Mr. SENSENBRENNER. Mr. Chairman, I yield 5 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Chairman, I thank the gentleman from Wisconsin (Chairman SENSENBRENNER) for yielding the time and for his leadership in helping to bring this bill forward to the House. I also want to commend the gentleman from Michigan (Mr. BARCIA), the new ranking member of the Committee on Science, for his support throughout the process.

As chair of the Subcommittee on Technology, and on behalf of the distinguished gentleman from Michigan (Mr. BARCIA), our ranking member, I am pleased to offer H.R. 1551, which is entitled the Civil Aviation Research and Development Act of 1999, for its passage by the House today.

Overall, the legislation after acceptance of the manager's amendment will authorize $208 million in fiscal year 2000 and $229 million in fiscal year 2001 for the Federal Aviation Administration in order to have them conduct research and development activities that are helping to increase the efficiency and safety of aviation.

A safe and efficient air transportation system is essential to our Nation's economic prosperity, especially since aviation and related industries contribute $700 billion to the U.S. economy and encompass over 8 million jobs.

As I know very well from having worked closely with Administrator Jane Garvey on the FAA's year 2000 computer problem, safety remains the number one priority at the FAA.

Over the past 20 years, the aviation accident rate has dropped dramatically because of the introduction of new technologies and procedures that are developed through the collaborative research and development activities of both the FAA and the National Aeronautics and Space Administration, NASA.

As any frequent traveler can tell my colleagues, aviation congestion leading to delayed or canceled flights is becoming more common. The fact that aviation traffic is projected to double over the next 15 to 20 years compounds the problem. Investing in research and development today will give us the tools to meet the demands of the future.

Mr. Chairman, the authorization levels in H.R. 1551 ensure that the FAA has sufficient funding to carry out research and development in the areas of aircraft safety, system security, system capacity, and weather.

Also, H.R. 1551 allows the FAA to continue its work in human factors research. Human error is still the dominant cause of aviation accidents. As we continue to integrate automation into flying aircraft and controlling airspace, it is important that the FAA does a better job of understanding the changing human rules and responsibilities of pilots and controllers to provide them with equipment that better meets their needs.

Finally, I am pleased to point out that the legislation fully funds the administration's request for energy and environment research. This will allow the agency to continue working with NASA, to reach the goal they embarked on in 1992, to reduce aircraft noise by 80 percent in the year 2000.

Mr. Chairman, I also want to commend, again, the gentleman from Wisconsin (Mr. SENSENBRENNER), chairman of the Committee on Science, and the gentleman from Michigan (Mr. BARCIA), the ranking member of the Subcommittee on Technology for their assistance in crafting this bipartisan legislation.

The bill demonstrates a continued strong commitment to aviation research and development. I encourage all my colleagues to join me in supporting H.R. 1551. I also want to commend the staff who have worked very hard on this bill.

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

Mr. Chairman, before beginning my remarks on H.R. 1551, I also would like to join the gentleman from Wisconsin (Chairman SENSENBRENNER) and the gentlewoman from Maryland (Mrs. MORELLA) in pointing out to our colleagues that this is the first piece of legislation that the Committee on

Science has brought to the floor with the gentleman from Texas (Mr. HALL) as our ranking member. I look forward to working closely with the gentleman from Texas, and I am sure that I can speak for all members of the Committee on Science in wishing him the very best in his new role.

Mr. Chairman, I rise in support of H.R. 1551, which authorizes fiscal year 2000 and fiscal year 2001 funding for the research and development activities for the Federal Aviation Administration. This legislation was developed on a true bipartisan basis. As always, it has been a pleasure and a privilege working with the gentlewoman from Maryland (Mrs. MORELLA), chairman of the subcommittee, on this legislation. I also want to gratefully thank the gentleman from Wisconsin (Chairman SENSENBRENNER) and the gentleman from Texas (Mr. HALL), the ranking member, for their leadership and efforts to bring this legislation to the floor today.

The primary impression of the Federal Aviation Administration is that it is a regulatory agency responsible for maintaining the safety of air travel and operating the Nation's air traffic control system. However, the basis for both safety and air traffic control can be found in FAA's research and development activities.

The Federal Aviation Administration's small research and development budget supports efforts to improve the air traffic control system to develop the concept of free flight, to conduct research on aging aircrafts, and to perform weather-related research, just to highlight a few areas of the FAA's efforts. The results of this research translate directly to improved safety and increased capacity of the national airspace system.

Both the gentlewoman from Maryland (Mrs. MORELLA) and myself have been concerned that FAA's research and development budget submission does not present a comprehensive overview of its activities and priorities.

A letter earlier this year from the chairman of FAA's Research, Engineering and Development Advisory Committee supported our concerns. The chairman wrote:

With the research and development funding and responsibilities for implementation separated into so many different pots, the R&D management focus and effort has been seriously compromised.

The gentleman from Wisconsin (Chairman SENSENBRENNER) will offer an amendment to modify the authorizations in H.R. 1551, and I fully support this modification. This amendment removes some activities from H.R. 1551 which were included in the overall FAA authorization bill already considered by the House.

As a member of both the Committee on Transportation and Infrastructure as well as the Committee on Science, I will continue to work with my colleagues on both committees to ensure that FAA's research and development is comprehensive and meets the needs of the aviation community and the safety of the flying public.

Mr. Chairman, H.R. 1551 funds important research programs that are necessary to the Federal Aviation Administration's efforts to modernize the national airspace system. I urge my colleagues to support this legislation.

Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Chairman, I thank the gentleman from Michigan for yielding me this time, knowing that he serves with me on the Committee on Transportation and Infrastructure.

An amendment that I will be bringing calls and requires the Federal Aviation Administration to do research on the laser visual guidance systems. That amendment is at the desk. I just want to say this: most of the fatalities in aircraft landings and aircraft fatalities are due to the fact that, in certain weather conditions, planes simply miscalculate and miss the runway. This would call for research into the laser visual guidance system. The gentleman is familiar with it, and I just wanted to apprise the committee of it.

Mr. BARCIA. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Chairman, I rise today in support of this bill, the Civil Aviation Research and Development Authorization Act, and to support research and development in the aviation industry.

Research and development is an important part of the aviation industry, bringing us safer and quieter planes. We have recently seen the implementation of Stage 3 planes, which are noticeably quieter than their earlier counterparts. However, as someone who lives close to an airport, I appreciate the need for further R&D to bring us quieter planes.

As a Representative of the 7th Congressional District of New York, containing LaGuardia Airport and its surrounding communities, I have pushed this Congress to press for the further study of Stage 4 aircraft.

Mr. Chairman, the airspace surrounding LaGuardia, JFK, and Newark airports is the busiest airspace in the world. The noise from the jets is deafening.

To quote one of my constituents, ''The noise has become so loud that I cannot watch TV, take a phone call, or even sleep.'' It is my hope, Mr. Chairman that through R&D efforts such as those authorized in this bill, individuals or families living near airports can get a decent night's sleep.

To further help with the R&D effort, my fellow Congressman from New York, Anthony Weiner, and I have introduced the Silent Skies Act. The Silent Skies Act would mandate quieter aircraft engines and call on the Department of Transportation to set the standards for Stage 4 aircraft, the next generation of quieter engines.

It also mandates that all aircraft be in compliance with Stage 4 noise levels no later than the year 2012. Mr. Chairman, I am confident that Stage 4 technology will dramatically improve the quality of life for residents of Queens and the Bronx, like myself, who live near LaGuardia airport.

☐ 1345

I encourage all my colleagues to join as cosponsors of this important legislation to improve the quality of life for every constituent who lives near an airport.

In closing, I want to once again commend the aviation research and development process and urge the aviation industry and the Department of Transportation and this Congress to push for the development of quieter aircraft engines.

Mr. GARY MILLER of California. Mr. Chairman, I rise today in strong support of H.R. 1551, ''The Civil Aviation Research and Development Act of 1999.''

I would like to thank the sponsor of this bill, Congresswoman MORELLA, for all of her hard work on this important piece of legislation.

This bill authorizes the Federal Aviation Administration to conduct research and development activities that will update aviation technology and knowledge to ensure safety, efficiency, and security for our national air transportation system.

Included in the manager's amendment is an amendment I proposed in the Science Committee which direct the FAA to expand its current aging aircraft research and development efforts to include non-structural components.

This provision is necessary because while aging aircraft may be structurally sound, several safety experts—including the National Transportation Safety Board and the White Commission on Aviation Safety and Security—have raised serious concerns about the performance and reliability of the various non-structural components of aging aircraft which includes electrical wiring, hydraulic lines, and other electro-mechanical systems.

This is an important bill for the safety of all who are involved in air travel. I urge my colleagues to support H.R. 1551.

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

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

The CHAIRMAN pro tempore (Mr. Quinn). All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered by section as an original bill for the purpose of amendment, and each section is considered read.

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.

Mr. SENSENBRENNER. Mr. Chairman, I ask unanimous consent that the entire bill be printed in the RECORD and open to amendment at any point.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The text of the committee amendment in the nature of a substitute is as follows:

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 ''Civil Aviation Research and Development Authorization Act of 1999''.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 48102(a) of title 49, United States Code, is amended—

(1) by striking ''and'' at the end of paragraph (4)(J);

(2) by striking the period at the end of paragraph (5) and inserting in lieu thereof a semicolon; and

(3) by adding at the end the following:

''(6) for fiscal year 2000, $647,538,400 including—

''(A) $17,269,000 for system development and infrastructure projects and activities;

''(B) $48,021,500 for capacity and air traffic management technology projects and activities;

''(C) $18,939,200 for communications, navigation, and surveillance projects and activities;

''(D) $15,765,000 for weather projects and activities;

''(E) $8,715,700 for airport technology projects and activities;

''(F) $39,639,000 for aircraft safety technology projects and activities;

''(G) $53,218,000 for system security technology projects and activities;

''(H) $26,207,000 for human factors and aviation medicine projects and activities;

''(I) $3,481,000 for environment and energy projects and activities;

''(J) $2,171,000 for innovative/cooperative research projects and activities, of which $750,000 shall be for carrying out subsection (h) of this section;

''(K) $266,712,000 for En Route research and development projects and activities;

''(L) $58,900,000 for Terminal research and development projects and activities;

''(M) $3,000,000 for Flight Services research and development projects and activities;

''(N) $69,200,000 for Landing and Navigation research and development projects and activities; and

''(O) $16,300,000 for Equipment and Facilities research and development projects and activities; and

''(7) for fiscal year 2001, $675,706,795.''.

SEC. 3. BUDGET DESIGNATION FOR RESEARCH AND DEVELOPMENT ACTIVITIES.

Section 48102 of title 49, United States Code, is amended by inserting after subsection (f) the following new subsection:

''(g) DESIGNATION OF ACTIVITIES.—(1) The amounts appropriated under subsection (a) are for the support of all research and development activities carried out by the Federal Aviation Administration that fall within the categories of basic research, applied research, and development, including the design and development of prototypes, in accordance with the classifications of the Office of Management and Budget Circular A–11 (Budget Formulation/Submission Process).

''(2) The Department of Transportation's annual budget request for the Federal Aviation Administration shall identify all of the activities carried out by the Administration within the categories of basic research, applied research, and development, as classified by the Office of Management and Budget Circular A–11. Each activity in the categories of basic research, applied research, and development shall be identified regardless of the budget category in which it appears in the budget request.''.

SEC. 4. NATIONAL AVIATION RESEARCH PLAN.

Section 44501(c) of title 49, United States Code, is amended—

(1) in paragraph (2)(B)—

(A) by striking ''and'' at the end of clause (iii);

(B) by striking the period at the end of clause (iv) and inserting in lieu thereof ''; and''; and

(C) by adding at the end the following new clause:

''(v) highlight the research and development technology transfer activities that promote technology sharing among government, industry, and academia through the Stevenson-Wydler Technology Innovation Act of 1980.''; and

(2) in paragraph (3), by inserting ''The report shall be prepared in accordance with requirements of section 1116 of title 31, United States Code.'' after ''effect for the prior fiscal year.''.

SEC. 5. INTEGRATED SAFETY RESEARCH PLAN.

(a) REQUIREMENT.—Not later than March 1, 2000, the Administrator of the National Aeronautics and Space Administration and the Administrator of the Federal Aviation Administration shall jointly prepare and transmit to the Congress an integrated civil aviation safety research and development plan.

(b) CONTENTS.—The plan required by subsection (a) shall include—

(1) an identification of the respective research and development requirements, roles, and responsibilities of the National Aeronautics and Space Administration and the Federal Aviation Administration;

(2) formal mechanisms for the timely sharing of information between the National Aeronautics and Space Administration and the Federal Aviation Administration, including a requirement that the FAA-NASA Coordinating Committee established in 1980 meet at least twice a year; and

(3) procedures for increased communication and coordination between the Federal Aviation Administration research advisory committee established under section 44508 of title 49, United States Code, and the NASA Aeronautics and Space Transportation Technology Advisory Committee, including a proposal for greater cross-membership between those 2 advisory committees.

SEC. 6. INTERNET AVAILABILITY OF INFORMATION.

The Administrator of the Federal Aviation Administration shall make available through the Internet home page of the Federal Aviation Administration the abstracts relating to all research grants and awards made with funds authorized by the amendments made by this Act. Nothing in this section shall be construed to require or permit the release of any information prohibited by law or regulation from being released to the public.

SEC. 7. RESEARCH ON NONSTRUCTURAL AIRCRAFT SYSTEMS.

Section 44504(b)(1) of title 49, United States Code, is amended by inserting '', including nonstructural aircraft systems,'' after ''life of aircraft''.

SEC. 8. ELIGIBILITY FOR AWARDS.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall exclude from consideration for grant agreements made by that Administration with funds appropriated pursuant to the amendments made by this Act any person who received funds, other than those described in subsection (b), appropriated for a fiscal year after fiscal year 1999, under a grant agreement from any Federal funding source for a project that was not subjected to a competitive, merit-based award process, except as specifically authorized by this Act. Any exclusion from consideration pursuant to this subsection shall be effective for a period of 5 years after the person receives such Federal funds.

(b) EXCEPTION.—Subsection (a) shall not apply to the receipt of Federal funds by a person due to the membership of that person in a class specified by law for which assistance is awarded to members of the class according to a formula provided by law.

(c) DEFINITION.—For purposes of this section, the term ''grant agreement'' means a legal instrument whose principal purpose is to transfer a thing of value to the recipient to carry out a public purpose of support or stimulation authorized by a law of the United States, and does not include the acquisition (by purchase, lease, or barter) of property or services for the direct benefit or use of the United States Government. Such term does not include a cooperative agreement (as such term is used in section 6305 of title 31, United States Code) or a cooperative research and development agreement (as such term is defined in section 12(d)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(1))).

AMENDMENT NO. 4 OFFERED BY MR. SENSENBRENNER

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. SENSENBRENNER:

Page 2, line 4, through page 3, line 25, amend section 2 to read as follows:

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 48102(a) of title 49, United States Code, is amended—

(1) by striking ''and'' at the end of paragraph (4)(J);

(2) by striking the period at the end of paragraph (5) and inserting in lieu thereof a semicolon; and

(3) by adding at the end the following:

''(6) for fiscal year 2000, $208,416,100 including—

''(A) $17,269,000 for system development and infrastructure projects and activities;

''(B) $33,042,500 for capacity and air traffic management technology projects and activities;

''(C) $11,265,400 for communications, navigation, and surveillance projects and activities;

''(D) $15,765,000 for weather projects and activities;

''(E) $6,358,200 for airport technology projects and activities;

''(F) $39,639,000 for aircraft safety technology projects and activities;

''(G) $53,218,000 for system security technology projects and activities;

''(H) $26,207,000 for human factors and aviation medicine projects and activities;

''(I) $3,481,000 for environment and energy projects and activities; and

''(J) $2,171,000 for innovative/cooperative research projects and activities, of which $750,000 shall be for carrying out subsection (h) of this section; and

''(7) for fiscal year 2001, $222,950,000.''.

Mr. SENSENBRENNER. Mr. Chairman, as I mentioned in my opening statement, this manager's amendment is necessary to strike the authorization of certain FAA R&D activities from H.R. 1551.

By agreement with the Committee on Transportation and Infrastructure, the

authorization of these specific activities were included in H.R. 1000, the Aviation Investment and Reform Act for the 21st Century when it successfully passed the House earlier this year.

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

Mr. Chairman, I would just say that we support this amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Wisconsin (Mr. SENSENBRENNER).

The amendment was agreed to.

The CHAIRMAN pro tempore. Are there any other amendments to be considered at this time.

AMENDMENT OFFERED BY MR. TRAFICANT

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

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT:

On page 8, at the end of the bill, add the following new section:

SEC. 9. LASER VISUAL GUIDANCE RESEARCH.

The Federal Aviation Administration is encouraged to conduct research on the laser visual guidance landing system.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. SENSENBRENNER. Mr. Chairman, reserving the right to object, the gentleman has two amendments. Does this relate to ''Buy American''?

Mr. TRAFICANT. Mr. Chairman, if the gentleman would yield, no. This is the Laser Visual Guidance system. I have submitted a change to that amendment. I would like to read it.

Mr. SENSENBRENNER. Mr. Chairman, I would ask that the Clerk read the amendment.

The CHAIRMAN pro tempore. The Clerk will continue to read the amendment.

The Clerk continued reading the amendment.

Mr. TRAFICANT. Mr. Chairman, let me take a minute on this. I know there are no other mandates in the bill, and I will respect the distinguished chairman. But this is the system that is on our aircraft carriers. It is a laser system where the pilot hones in and that craft lands at the same spot all the time. It has been most successful in that very dangerous arena.

What is happening, such as the fatality in Arkansas, is they did not have the visibility to see the runway. That pilot found himself in a position where he thought he could bank in and land. He overshot the runway, hit a light tower, and is now history, this fatality.

This system can be seen as far out as 20 miles. And once they lock in on it, with no expense to the craft itself, they land on the same spot. It is absolutely a critical safety initiative that the Committee on Transportation and the Infrastructure has prioritized.

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

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

Mr. SENSENBRENNER. Mr. Chairman, I believe that this amendment is a very positive addition to the bill and would urge the Members to support it.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TRAFICANT

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

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT:

At the end of the bill, add the following new sections:

SEC. 9. COMPLIANCE WITH BUY AMERICAN ACT.

No funds authorized pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the ''Buy American Act'').

SEC. 10. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

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

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Administrator of the Federal Aviation Administration shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 11. PROHIBITION OF CONTRACTS.

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, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, this is the ''Buy American'' amendment.

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

Mr. SENSENBRENNER. Mr. Chairman, it is a constructive ''Buy American'' amendment, and I would encourage everybody to support it.

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

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment was agreed to.

The CHAIRMAN pro tempore. Are there any further amendments to the bill?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CALVERT) having assumed the chair, Mr. QUINN, Chairman pro tempore 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. 1551) to authorize the Federal Aviation Administration's civil aviation research and development programs for fiscal years 2000 and 2001, and for other purposes, pursuant to House Resolution 290, he reported the bill back to the House with an amendment 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 to the committee amendment in the nature of a substitute adopted in the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1551.

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

There was no objection.

DEPARTMENT OF ENERGY RESEARCH, DEVELOPMENT, AND DEMONSTRATION AUTHORIZATION ACT OF 1999

The SPEAKER pro tempore. Pursuant to House Resolution 289 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. 1655.

The Chair designates the gentleman from New Hampshire (Mr. SUNUNU) as chairman of the Committee of the Whole, and requests the gentleman from New York (Mr. QUINN) to assume the chair temporarily.

□ 1356

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. 1655) to authorize appropriations for fiscal years 2000 and 2001 for the civilian energy and scientific research, development, and demonstration and related commercial application of energy technology programs, projects, and activities of the Department of Energy, and

for other purposes, with Mr. SUNUNU (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Illinois (Mr. COSTELLO) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

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

Mr. Chairman, H.R. 1655, the Department of Energy Research, Development, and Demonstration Authorization Act of 1999, is the first stand-alone R&D energy bill to be considered on the floor of the House since 1988.

This bill authorizes $3.878 billion for fiscal year 2000 and $4.099 billion for fiscal year 2001 for the Department of Energy's Supply, Science, and Fossil Energy and Energy Conservation R&D programs.

Highlights of the bill's authorization for fiscal years 2000 and 2001 include the following: First, it boosts spending for solar and renewable energy technologies. Including the already authorized Hydrogen Research Program and related Office of Science Programs, the bill recommends $401.9 million in fiscal year 2000 for these programs, an increase of $26.8 million, or 6.7 percent above the amount appropriated for fiscal year 1999; and recommends $418.1 million for fiscal year 2001, an increase of $16.8 million, or 4.0 percent above the amount recommended for fiscal year 2000.

Second, the bill revitalizes the DOE's moribund Nuclear Energy Program and recommends $115.7 million in fiscal year 2000 for nuclear energy, an increase of $24.3 million, or 26.6 percent above the amount appropriated for fiscal year 1999 and $3.4 million above the administration's request; and recommends $127.3 million for fiscal year 2001, an increase of $11.5 million, or 9.9 percent above the amount recommended for fiscal year 2000.

Third, the bill preserves and strengthens the Nation's High Energy Physics program, fully funds U.S. participation on the Large Hadron Collider at CERN and prevents layoffs at the two premier U.S. High Energy Physics facilities, Firmi National Accelerator Laboratory, Fermilab, and the Stanford Linear Accelerator Center, SLAC.

□ 1400

Fourth, the bill also preserves and strengthens the Nation's nuclear physics program, prevents the closure of MIT/Bates Accelerator Center, and increases operations at the two premier nuclear physics facilities, the Thomas Jefferson National Accelerator Facility and the Relativistic Heavy Ion Collider at Brookhaven National Lab in New York.

Fifth, the bill fully funds important biological and environmental research on the human genome and global climate change, as well as basic environmental research.

Sixth, the bill provides robust funding for basic energy sciences, including significant increases to the operating funds for the Nation's existing premier synchroton and neutron sources, and $100 million to initiate construction of the Spallation Neutron Source at Oak Ridge National Laboratory in Tennessee.

Seventh, the bill reinvigorates DOE's fusion energy sciences, and recommends $250 million in fiscal year 2000 and $275 million in fiscal year 2001 to allow increased operations at the Nation's three premier fusion energy facilities, the DIII–D at General Atomics, the Alcator-C Mod at MIT, and the Princeton Plasma Physics Lab, as well as accelerated exploration of advanced magnetic and inertial fusion energy concepts.

Eighth, the bill makes a strong commitment to ensuring the clean and efficient use of the Nation's plentiful supply of fossil fuels, and includes $25 million in fiscal year 2000 and $50 million in fiscal year 2001 for a fossil energy science initiative for grants to be competitively awarded and subject to peer review for research relating to energy efficiency.

And, ninth, the bill also maintains a strong commitment to energy efficiency, and also includes $25 million in fiscal year 2000 and $50 million in fiscal year 2001 for an energy efficiency science initiative for grants to be competitively awarded and subject to peer review for research relating to energy efficiency.

The bill also contains a number of funding limitations and prohibitions that address amounts of funds that may be reprogrammed; demonstration projects; general plant and construction projects; obligation of funds for the construction of the Spallation Neutron Source; U.S. participation in the international thermonuclear experimental reactor engineering design activities; travel costs for DOE and its contractors or subcontractors; noncompetitive financial assistance awards to trade associations and awards of management and operating contract for DOE civilian energy labs; awards, amendments, or modifications of contracts that deviate from the Federal acquisition regulation; and preparation or initiation of requests for proposals for unauthorized programs, projects or activities.

In addition, the bill also prohibits the Secretary of Energy from admitting to any classified area of any DOE-owned or -operated nonmilitary energy laboratory, except for specific laboratories, an individual who is a citizen of a nation that is named on the DOE list of sensitive countries, unless the Secretary waives the prohibition on a case-by-case basis if it is determined that such access is necessary for the furtherance of U.S. civilian science.

I commend the bill to the House for its adoption.

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

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

First let me thank the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Texas (Mr. HALL), the chairman and the ranking Democrat of the full committee, as well as the gentleman from California (Mr. CALVERT), the chairman of the subcommittee, for bringing this bill to the floor today.

Mr. Chairman, I rise in support of the Department of Energy Research, Development, and Demonstration Authorization Act. We have been able to agree on many of the issues before coming to the floor today, and I appreciate the time all of those involved have taken to discuss our concerns and to make the necessary changes. However, I still have some concerns with this bill and hope to be able to address them on the floor today and in conference.

Unfortunately, too many of our science programs, good programs, necessary programs, are being underfunded. On one hand, we have the nuclear energy R&D, fossil energy R&D, and a number of the Office of Science programs which have fared well in this bill. On the other hand, we have the solar, renewables and conservation accounts, and the Spallation Neutron Source, which have been cut well below the President's request. Solar and renewable energy is down $84.4 million, energy conservation R&D is down $67.8 million and the Spallation Neutron Source is down $96.1 million. In total, H.R. 1655 is $200 million below the President's request.

This bill also contains draconian restrictions on foreign visitors to civilian laboratories that go far beyond the ones Congress has agreed to for the nuclear weapons laboratories. An amendment that I offered during the Committee on Science markup of another bill, as well as the language adopted in the DOD conference report, calls for a temporary moratorium on foreign visitors pending DOE and FBI certification. I believe this approach makes much more sense and I hope we can continue to work on this in conference. There have been small victories in the effort to put the bill on a more solid footing. In committee, there was an amendment offered by the gentleman from Tennessee (Mr. GORDON) to add $100 million to the Spallation Neutron Source which passed with the support of the chairman of the committee and the entire committee unanimously. However, the $100 million had to be offset within an underfunded bill. It is my hope that we can get the project on track for the funding it needs for the future.

The Spallation project is one project I worked with the gentleman from Wisconsin and the administration to move forward during the committee's consideration. I very much appreciate all of

the efforts on behalf of the gentleman from Wisconsin and the contributions that he has made to that project. I was pleased with the ultimate cooperation that was exhibited on both sides of the Committee on Science and the Department on provisions to make sure that the project addresses some of its major problems while still moving forward. I agree that the Secretary should certify in writing to the Committee on Science in the House and the Committee on Energy and Natural Resources in the other body that qualified individuals have filled senior project manager positions for the project. I also agree that the Secretary should provide Congress a cost baseline and plans for revised project management structure. It is my hope that with continued progress, we can get the Spallation project back on track to fulfill its important scientific mission.

I am pleased as well that this bill includes the methane hydrates provision that I supported in the committee as well as increases in the fossil fuel research and development program which is especially important to my congressional district in southwestern and southern Illinois. The solar, renewable and conservation programs are important to ensuring that this country has a broad, clean, affordable and sustainable domestic energy portfolio as we enter the 21st century.

For example, DOE-funded research into the use of biomass to produce ethanol could one day enable us to turn agricultural waste into a cheap, clean and sustainable source of energy. The gentleman from Colorado (Mr. UDALL) will be offering an amendment to make sure these important programs are fully authorized. I urge my colleagues to support the Udall amendment.

While this bill is not a perfect piece of legislation, I look forward to working on its improvement during the conference with the Senate and ask my colleagues to support its passage.

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

Mr. SENSENBRENNER. Mr. Chairman, I yield myself 15 seconds. The leadership has informed me that unless we get this bill done by 2:45, we will rise and we might not come back. So I would implore the Members that we keep the chatter down to a minimum and have this bill on a fast track if it is at all humanly possible.

Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. CALVERT), the subcommittee chairman.

Mr. CALVERT. Mr. Chairman, I thank the gentleman from Wisconsin, the distinguished chairman of the Committee on Science, for yielding me this time.

I would like to recognize also the efforts of my close friend, colleague and neighbor in California George Brown, who recently passed away, for all of his efforts on the Committee on Science and we certainly miss him.

Mr. Chairman, as the chair of the Subcommittee on Energy and Environment of the Committee on Science and the author of this legislation, I am proud to speak in support of H.R. 1655.

My bill, H.R. 1655, authorizes civilian energy and scientific research, development, demonstration and related commercial applications of energy technology at the Department of Energy for fiscal years 2000 and 2001.

But before I go on, I would like to thank the gentleman from Wisconsin for his hard work and leadership in bringing this important bill to the floor and certainly congratulate the gentleman from Texas (Mr. HALL) taking over as the ranking member and also thank the gentleman from Illinois (Mr. COSTELLO), the ranking member of the Subcommittee on Energy and Environment for his leadership on his side of the aisle. While we do not always agree on the issues at hand, we certainly agree it is very important to pass H.R. 1655 before 2:45 this afternoon.

Without getting into the statistics of this, we increase outlays for various renewable energy and other types of technology, certainly nuclear which is necessary, core scientific research, including high-energy physics and fusion energy. The budget funds these areas of big science that legitimately are in need of basic government support. It breathes new life into the fusion energy sciences program which has been struggling to stay afloat for a long, long time.

I believe that H.R. 1655 promotes the committee's priorities for the future. The bill provides strong support for solar and renewable energy and nuclear power R&D that is critical to the United States. I am happy to support this. This is a tremendous display of how much can be accomplished when we work in a bipartisan fashion.

I ask my colleagues for their support on this important authorization bill.

Ms. JACKSON-LEE of Texas. Mr. Chairman, although this bill has many admirable qualities, I am hopeful that we will amend this bill and extend its reach to areas of science and energy that deserve greater funding.

As a member of the House Science Committee, I am very interested in providing sufficient monies for the civilian research and development programs of the Department of Energy. This bill authorizes a total of $3.9 billion in FY 2000, and $4.1 billion in 2001, for certain Energy Department (DOE) civilian research and development programs including: energy supply, science, fossil energy research and development, and energy conservation research and development programs. Although most of these funds are well-placed, the bill in its current form does have a number of inadequacies.

While there are sufficient (i.e., at or above the President's request) funds for nuclear energy R&D, fossil energy R&D, and most basic energy science programs, I am concerned about the other vital programs in this authorization bill that are of particular importance to the administration (solar and renewable energy, energy conservation, and the Spallation Neutron Source).

The measure authorizes $432 million in FY 2000 and $453 million in FY 2001, for certain energy supply department programs and activities. Of this amount, the bill designates $317 million in FY 2000 and $325 million in FY 2001 for solar and renewable resources technologies, including $83 million in FY 2000 and $86 million in FY 2001 for photovoltaic energy systems; $75 million in FY 2000 and $78 million in FY 2001 for biopower/biofuels energy systems; $36 million in FY 2000 and $37 million in FY 2001 for wind energy systems; and $34 million in FY 2000 and $35 million in FY 2001 for geothermal programs.

The measure also provides that $116 million in FY 2000 and $127 million in FY 2001 of the energy supply studies authorization be used for nuclear energy programs, including $37 million each year for advanced radioisotope power systems.

I am hopeful that we will provide more funding for solar and renewable energy and energy conservation. The authorization bill woefully underfunds these programs, and they fall almost $85 million below the President's request. These programs help to develop environmentally friendly technologies for electricity generation using solar, wind, biomass or geothermal energy, and energy conservation technologies that save people money on their electricity bills, such as coatings for windows that keep heat inside in the winter. It is imperative that we continue to develop these technologies because we know that our natural resources are severely limited. We do not want a return to the dark ages because we lacked the foresight to fund alternative fuel sources and energy conservation projects. I hope that we will work together as a bipartisan body to ensure that we adequately fund programs under this budget item.

I am also pleased that the Spallation Neutron Source (SNS) is receiving funding. The SNS is a large research project involving 5 DOE national laboratories that will be located at the Oak Ridge National Lab in Tennessee. The SNS could lead to important developments in materials characterization. It is clear that the SNS would provide many practical advances in science that would be applicable in the ordinary household. For instance, neutron science is necessary for materials characterization, and this has important benefits to everything from improved CD's and shatter-proof windshields to nuclear weapons materials. The measure authorizes $100 million in FY 2000 for construction of the Spallation Neutron Source (SNS) project at the Oak Ridge National Laboratory in Tennessee.

However, it is clear that these funds will not be provided unless proper management is provided. Before any SNS funds could be obligated, however, the bill requires the department to provide Congress with project information and guarantees, including certification that senior project management officials have been filled by qualified individuals; a cost baseline and project milestones for each major construction and technical system activity; certification that any taxes and fees associated with having the SNS in Tennessee are not greater than if the project were located in another state containing a DOE lab. The measure also requires the department to include in its annual budget submission a report on the SNS project.

I also have reservations about the stringent moratorium on the nonnuclear weapons labs at DOE. This portion of the bill is far stricter than the Department of Defense bill that deals

with visits to the nuclear weapons labs. A permanent moratorium on all visits by citizens of sensitive foreign countries to classified facilities of nonnuclear labs seems far too harsh. The only way a foreigner could visit such facilities is if the Secretary of Energy issues a waiver after determining that the proposed visit is found to be ''necessary for the furtherance of civilian science interests of the United States.''

Perhaps the approach found in the defense bill is more prudent. The defense bill simply states that all citizens of sensitive countries need to have background checks conducted before they can visit the nuclear weapons labs, and there is to be a temporary moratorium on such visits until the Secretary and the FBI certify to Congress that these visits do not pose a risk to national security.

In my mind, it makes no sense to require a permanent moratorium on visits to nonnuclear weapons labs when the moratorium on visits to nuclear weapons labs contained in the Defense Authorization bill is a temporary one. I hope we can address this issue as this bill moves forward, and change the language to reflect the less draconian approach that is contained in the Defense Authorization bill.

History tells us that science requires collaboration and cooperation. the Manhattan Project consisted of American and foreign scientists. German engineers taught us how to launch our astronauts beyond our horizon. By placing such a restrictive moratorium on foreign visits to civilian facilities, this bill could make ti much harder for the United States to maintain its lead in science, including the science that supports our nuclear weapons programs. The amendment would also make it much harder to recruit and retain high caliber personnel by cutting off collaboration with foreign peers, both working overseas and the many who work in U.S. academic institutions.

Foreign citizens make up a significant portion of the U.S. science and engineering graduate student population. Forty-one percent of graduate students in physics and 43 percent of graduate students in computer science are non-U.S. citizens. (Source: National Science Foundation) There are some areas in which foreign nationals by virtue of their education and training have unique skills to contribute to the Laboratories' programs.

Interactions between employees of Russian nuclear institutes and United States weapons labs are a critical part of nonproliferation efforts. If Congress no longer allows visitors from sensitive countries to enter DOE labs, Lab employees could be prevented from traveling to at-risk foreign nuclear facilities. Barring foreign nationals from DOE Laboratories would also prevent demonstrations of U.S. technology to handle nuclear materials more safely and more securely.

The National Laboratories are involved with two Federal programs, the Nuclear Cities Initiative (NCI) and the Initiatives for Proliferation Prevention (IPP), that provide collaborative project opportunities for nuclear weapons scientists from the newly independent states of the Soviet Union. The objectives of the program is to strengthen nonproliferation by keeping nuclear scientists employed in their current institutions instead of working for countries or groups interested in developing nuclear weapons. The language in this bill could undermine these important nonproliferation programs.

It is my hope that we will improve upon this bill and will provide an authorization bill that makes sense. I believe that we are close to a viable piece of legislation, but I urge my colleagues to work together to polish this measure.

Mr. HALL of Texas. Mr. Chairman, I rise in qualified support of the Department of Energy Research, Development, and Demonstration Authorization Act of 1999. This bill has a lot of good things in it and reflects the hard work of Chairman SENSENBRENNER at the full committee level and Chairman CALVERT and Ranking Member COSTELLO of the subcommittee.

My support is qualified because I realize the bill could have been better. The committee did well in the traditional energy areas, but the alternative energy sources of the future are short-changed. The Office of Science accounts fared well, but the Spallation Neutron Source is funded at half the level it needs.

Energy research may be out of style when energy prices are relatively low, but we should not be caught up in short-term thinking. Developing new energy sources and getting the most out of current ones takes time and money well in advance of when the energy is needed. I just hope that when the next energy crunch hits, we don't look foolish for not having made the necessary energy investments in fiscal years 2000 and 2001.

On a positive note, I'm pleased that the funds for nuclear energy R&D and fossil energy R&D are at or above the president's request. These programs are essential to maintaining a balanced energy portfolio. Most of our energy currently comes from fossil fuels and will continue to do so for our lifetimes. The fossil energy R&D programs help us get more oil and gas out of the ground, make our large coal resources more environmentally acceptable, and otherwise stretch our fossil energy resources further into the future.

Unfortunately, other programs authorized in this legislation did not fare as well. Some of the most striking cuts are to Solar and Renewable Energy, which is down $84.4 million, Energy Conservation R&D, down $67.8 million, and the Spallation Neutron Source, down $96.1 million from the President's request.

Even more distressing is how energy and other research programs have been faring in the appropriations process this year. We have watched a pattern of research cuts in one appropriations bill after another. How can we expect to have a strong economy in the future when our priorities are so misplaced in the present?

Last week in committee, we developed an important multiyear computing and information technology bill (H.R. 2086) which gives a real boost to understanding how to build bigger and faster computers and to use them to solve even larger problems than we can dream of tackling today. Yet, we have watched the Appropriations Committee make cuts in these programs, agency by agency, to the point that the program we have authorized can't be carried out as designed. We worked hard to make NASA lean and mean only to have the appropriators decide to slash another billion from NASA's hide.

Now today we are bringing forward a carefully thought-out budget for energy research which, while not perfect, comes close to doing the job. Unfortunately, our friends on the Appropriations Committee have cut $580 million from the administration's budget for environmental and energy research. When we reduce actual funding to these levels, how can we expect to gain the understanding we need of how energy use affects the environment we live in?

How will we reduce our dependence on foreign oil? What assurance do we have, if we are unwilling to make the investments, that new energy technologies will be there when we need them?

I hope that my colleagues support today's amendments. Even if you don't, I hope you support the bill.

Voting for H.R. 1655 is the best way we have of sending a message to our colleagues on the appropriations committees and the negotiators who will finalize next year's budget that research in general and energy R&D in particular are critical to maintaining a high-quality way of life well into the next century.

Mr. KILDEE. Mr. Chairman, I rise in support of the amendment by Representative STUPAK regarding the Department of Energy (DOE) shipment of weapons grade plutonium from Los Alamos, NM, to Chalk River, Canada. This proposed route passes directly through my district in Michigan, and it could expose millions of citizens in Michigan and other parts of the United States to dangerous health consequences.

I have serious concerns about the proposed route, and I am also concern about the process used to choose it.

No public hearing was held regarding the proposed route, nor were emergency officials alerted in order to ensure adequate response capability in case of an accident. This is particularly troubling when compared to the Canadian Government's effort to hold public meetings and inform local officials.

The route itself is also troubling. It is the second longest route based on the options considered by DOE, and it is the second riskiest route in terms of dose risk to the American public and with respect to potential cancer fatalities. In addition, the route crosses three of the Great Lakes over two bridges. This exposes the largest fresh water lake system in the world to potentially devastating contamination.

The department proposal includes no military or law enforcement escort in the United States. This is particularly troubling when compared to the Royal Mounted Police escort which is proposed in Canada.

All of these issues prove that an agency hearing should be held, because it is vital to ensuring the safety of American citizens. The department should consider the matter in a thorough and open matter, and this amendment will help ensure that process takes place.

Ms. STABENOW. Mr. Chairman, I rise in support of the Stupak amendment today and urge my colleagues to support it. Many of us in the Michigan delegation are concerned about the process followed by the Department of Energy (DOE) in choosing the route from Los Alamos, NM, to Chalk River, Canada, for the transportation of Mixed Oxide Fuel. I received notification of this route only 2 days before it was to be announced, and the distribution of an environmental assessment by the DOE to the citizens of Michigan was inadequate, totaling less than 60 families. The Stupak amendment merely requests that a hearing is held for public information purposes before the route is finalized. The purpose of our efforts is not to suggest the route is inherently unsafe, but to ensure that citizens near the

route are given enough information about the project. Our constituents have a right to know the details, and a hearing would facilitate this process. Given that the Canadian Government balked at other proposed routes through key Canadian industrial areas, and that this route would pass over three of the Great Lakes, the largest supply of fresh water in the world, it seems only appropriate that the DOE provide a wider forum for information on this issue. I appreciate the opportunity to address this matter, and thank Congressman STUPAK for bringing this amendment to the floor today. I again urge my colleagues to vote yes on the Stupak amendment.

Mr. COSTELLO. Mr. Chairman, I have no requests for time, and I yield back the balance of my time.

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

The CHAIRMAN pro tempore (Mr. QUINN). All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered by section as an original bill for the purpose of amendment, and each section is considered read.

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.

Mr. SENSENBRENNER. Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The text of the committee amendment in the nature of a substitute is as follows:

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 ''Department of Energy Research, Development, and Demonstration Authorization Act of 1999''.

SEC. 2. DEFINITIONS.

For the purposes of this Act, the term—

(1) ''Department'' means the Department of Energy; and

(2) ''Secretary'' means the Secretary of Energy.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

(a) ENERGY SUPPLY.—There are authorized to be appropriated to the Secretary for Energy Supply civilian energy and scientific research, development, and demonstration and related commercial application of energy technology operation and maintenance and construction programs, projects, and activities for which specific sums are not authorized under other authority of law $432,366,000 for fiscal year 2000 and $452,577,000 for fiscal year 2001, to remain available through the end of fiscal year 2002, of which—

(1) $316,624,000 for fiscal year 2000 and $325,321,000 for fiscal year 2001 shall be for Solar and Renewable Resources Technologies, including—

(A) $3,708,000 for fiscal year 2000 and $3,819,000 for fiscal year 2001 for Solar Building Technology Research;

(B) $83,345,000 for fiscal year 2000 and $85,845,000 for fiscal year 2001 for Photovoltaic Energy Systems;

(C) $17,510,000 for fiscal year 2000 and $18,035,000 for fiscal year 2001 for Concentrating Solar Power, of which $2,000,000 for fiscal year 2000 and $3,000,000 for fiscal year 2001 shall be for experimental beamed power technology demonstrations;

(D) $75,396,000 for fiscal year 2000 and $77,658,000 for fiscal year 2001 for Biopower/Biofuels Energy Systems;

(E) $35,814,000 for fiscal year 2000 and $36,889,000 for fiscal year 2001 for Wind Energy Systems;

(F) $1,500,000 for fiscal year 2000 and $1,500,000 for fiscal year 2001 for the Renewable Energy Production Incentive Program;

(G) $6,000,000 for fiscal year 2000 and $6,000,000 for fiscal year 2001 for the International Solar Energy Program;

(H) $1,100,000 for fiscal year 2000 and $1,100,000 for fiscal year 2001 for the National Renewable Energy Laboratory;

(I) $33,500,000 for fiscal year 2000 and $35,000,000 for fiscal year 2001 for Geothermal, of which $4,000,000 for fiscal year 2000 and $4,615,000 for fiscal year 2001 shall be derived from amounts otherwise authorized under this subsection, from savings resulting from reductions in contractor travel pursuant to section 10(d);

(J) $3,348,000 for fiscal year 2000 and $3,448,000 for fiscal year 2001 for Hydropower;

(K) $41,303,000 for fiscal year 2000 and $42,542,000 for fiscal year 2001 for Electric Energy Systems and Storage; and

(L) $18,100,000 for fiscal year 2000 and $18,100,000 for fiscal year 2001 for Program Direction; and

(2) $115,742,000 for fiscal year 2000 and $127,256,000 for fiscal year 2001 shall be for Nuclear Energy, including—

(A) $37,000,000 for fiscal year 2000 and $37,000,000 for fiscal year 2001 for Advanced Radioisotope Power Systems;

(B) $6,070,000 for fiscal year 2000 and $6,070,000 for fiscal year 2001 for Test Reactor Area Landlord operation and maintenance;

(C) $1,430,000 for fiscal year 2000 and $1,944,000 for fiscal year 2001 for construction of Project 99–E–200, Test Reactor Area Electric Utility Upgrade, Idaho National Engineering and Environmental Laboratory;

(D) $1,500,000 for fiscal year 2000 and $2,500,000 for fiscal year 2001 for construction of Project 95–E–201, Test Reactor Area Fire and Life Safety Improvements, Idaho National Engineering and Environmental Laboratory;

(E) $13,500,000 for fiscal year 2000 and $16,000,000 for fiscal year 2001 for University Reactor Fuel Assistance and Support;

(F) $5,000,000 for fiscal year 2000 and $7,500,000 for fiscal year 2001 for Nuclear Energy Plant Optimization;

(G) $30,000,000 for fiscal year 2000 and $35,000,000 for fiscal year 2001 for the Nuclear Energy Research Initiative; and

(H) $21,242,000 for fiscal year 2000 and $21,242,000 for fiscal year 2001 for Program Direction.

(b) SCIENCE.—There are authorized to be appropriated to the Secretary for Science scientific and civilian energy research, development, and demonstration operation and maintenance and construction programs, projects, and activities for which specific sums are not authorized under other authority of law $2,657,761,000 for fiscal year 2000 and $2,691,465,000 for fiscal year 2001, to remain available until expended, of which—

(1) $715,090,000 for fiscal year 2000 and $753,110,000 for fiscal year 2001 shall be for High Energy Physics, including—

(A) $235,190,000 for fiscal year 2000 and $246,950,000 for fiscal year 2001 for High Energy Physics Research and Technology;

(B) $451,200,000 for fiscal year 2000 and $473,760,000 for fiscal year 2001 for High Energy Physics Facility Operations;

(C) $2,000,000 for fiscal year 2000 and $5,200,000 for fiscal year 2001 for construction of Project 00–G–307, Research Office Building, Stanford Linear Accelerator Center;

(D) $4,700,000 for fiscal year 2000 and $4,200,000 for fiscal year 2001 for construction of Project 99–G–306, Wilson Hall Safety Improvements Project, Fermi National Accelerator Laboratory; and

(E) $22,000,000 for fiscal year 2000 and $23,000,000 for fiscal year 2001 for construction of Project 98–G–304, Neutrinos at the Main Injector, Fermi National Accelerator Laboratory;

(2) $357,714,000 for fiscal year 2000 and $375,600,000 for fiscal year 2001 shall be for Nuclear Physics;

(3) $413,674,000 for fiscal year 2000 and $434,357,000 for fiscal year 2001 shall be for Biological and Environmental Research;

(4) $698,800,000 for fiscal year 2000 and $733,740,000 for fiscal year 2001 shall be for Basic Energy Sciences, including—

(A) $405,390,000 for fiscal year 2000 and $425,660,000 for fiscal year 2001 for Materials Sciences Research and Facilities Operations;

(B) $217,179,000 for fiscal year 2000 and $228,038,000 for fiscal year 2001 for Chemical Sciences Research and Facilities Operations;

(C) $18,820,000 for fiscal year 2000 and $19,761,000 for fiscal year 2001 for Engineering Research;

(D) $26,056,000 for fiscal year 2000 and $27,359,000 for fiscal year 2001 for Geosciences Research; and

(E) $31,355,000 for fiscal year 2000 and $32,923,000 for fiscal year 2001 for Energy Biosciences;

(5) $31,474,000 for fiscal year 2000 and $32,333,000 for fiscal year 2001 shall be for Computational and Technology Research, including—

(A) $17,174,000 for fiscal year 2000 and $18,033,000 for fiscal year 2001 for Mathematical, Information, and Computational Sciences; and

(B) $14,300,000 for fiscal year 2000 and $14,300,000 for fiscal year 2001 for Laboratory Technology Research;

(6) $1,000,000 for fiscal year 2000 and $1,000,000 for fiscal year 2001 shall be for Energy Research Analysis;

(7) $22,309,000 for fiscal year 2000 and $23,425,000 for fiscal year 2001 shall be for Multiprogram Energy Laboratories—Facility Support;

(8) $250,000,000 for fiscal year 2000 and $275,000,000 for fiscal year 2001 shall be for Fusion Energy Sciences, including $13,600,000 for fiscal year 2000 and $19,400,000 for fiscal year 2001 for Tokamak Fusion Test Reactor Decontamination and Decommissioning;

(9) $49,800,000 for fiscal year 2000 and $49,800,000 for fiscal year 2001 shall be for Science Program Direction;

(10) $17,900,000 for fiscal year 2000 and $13,100,000 for fiscal year 2001 shall be for Spallation Neutron Source research and development; and

(11) $100,000,000 for fiscal year 2000 shall be for construction of Project 99–E–334, Spallation Neutron Source, Oak Ridge National Laboratory, Oak Ridge, Tennessee.

(c) FOSSIL ENERGY RESEARCH AND DEVELOPMENT.—There are authorized to be appropriated to the Secretary for Fossil Energy Research and

Development civilian energy and scientific research, development, and demonstration and related commercial application of energy technology operation and maintenance programs, projects, and activities for which specific sums are not authorized under other authority of law $397,564,000 for fiscal year 2000 and $427,102,000 for fiscal year 2001, to remain available through the end of fiscal year 2002, of which—

(1) $126,609,000 for fiscal year 2000 and $126,614,000 for fiscal year 2001 shall be for Coal, including—

(A) $5,250,000 for fiscal year 2000 and $5,407,000 for fiscal year 2001 for Coal Preparation;

(B) $1,641,000 for fiscal year 2000 for Direct Liquefaction;

(C) $6,659,000 for fiscal year 2000 and $6,859,000 for fiscal year 2001 for Indirect Liquefaction;

(D) $2,200,000 for fiscal year 2000 and $2,310,000 for fiscal year 2001 for Advanced Clean Fuels Research Advanced Research and Environmental Technology;

(E) $3,000,000 for fiscal year 2000 for Advanced Pulverized Coal-Fired Powerplant;

(F) $7,010,000 for fiscal year 2000 and $7,220,000 for fiscal year 2001 for Indirect Fired Cycle;

(G) $38,661,000 for fiscal year 2000 and $39,821,000 for fiscal year 2001 for High-Efficiency-Integrated Gasification Combined Cycle;

(H) $15,077,000 for fiscal year 2000 and $15,529,000 for fiscal year 2001 for High-Efficiency Pressurized Fluidized Bed;

(I) $23,864,000 for fiscal year 2000 and $25,057,000 for fiscal year 2001 for Advanced Clean/Efficient Power Systems Advanced Research and Environmental Technology; and

(J) $23,247,000 for fiscal year 2000 and $24,410,000 for fiscal year 2001 for Advanced Research and Technology Development;

(2) $50,574,000 for fiscal year 2000 and $52,091,000 for fiscal year 2001 shall be for Oil Technology, including—

(A) $31,720,000 for fiscal year 2000 and $32,671,000 for fiscal year 2001 for Exploration and Production Supporting Research;

(B) $8,034,000 for fiscal year 2000 and $8,275,000 for fiscal year 2001 for Recovery Field Demonstrations; and

(C) $10,820,000 for fiscal year 2000 and $11,145,000 for fiscal year 2001 for Oil Technology Effective Environmental Protection;

(3) $107,916,000 for fiscal year 2000 and $108,831,000 for fiscal year 2001 shall be for Gas, including—

(A) $14,932,000 for fiscal year 2000 and $15,380,000 for fiscal year 2001 for Natural Gas Research Exploration and Production;

(B) $1,030,000 for fiscal year 2000 and $1,061,000 for fiscal year 2001 for Natural Gas Research Delivery and Storage;

(C) $41,808,000 for fiscal year 2000 and $41,808,000 for fiscal year 2001 for Natural Gas Research Advanced Turbine Systems;

(D) $9,330,000 for fiscal year 2000 and $9,610,000 for fiscal year 2001 for Natural Gas Research Emerging Processing Technology Applications;

(E) $3,108,000 for fiscal year 2000 and $3,201,000 for fiscal year 2001 for Natural Gas Effective Environmental Protection;

(F) $1,260,000 for fiscal year 2000 and $1,323,000 for fiscal year 2001 for Fuel Cells Advanced Research; and

(G) $36,449,000 for fiscal year 2000 and $36,449,000 for fiscal year 2001 for Fuel Cells Systems;

(4) $71,114,000 for fiscal year 2000 and $72,796,000 for fiscal year 2001 shall be for Program Direction and Management Support, including—

(A) $15,049,000 for fiscal year 2000 and $15,049,000 for fiscal year 2001 for Headquarters Program Direction; and

(B) $56,065,000 for fiscal year 2000 and $57,747,000 for fiscal year 2001 for Energy Technology Center Program Direction;

(5) $2,000,000 for fiscal year 2000 and $2,060,000 for fiscal year 2001 shall be for GP–F–100, Plant and Capital Equipment, at Energy Technology Center sites;

(6) $7,148,000 for fiscal year 2000 and $7,537,000 for fiscal year 2001 shall be for Cooperative Research and Development;

(7) $2,173,000 for fiscal year 2000 and $2,173,000 for fiscal year 2001 shall be for Fuels Conversion, Natural Gas, and Electricity;

(8) $5,000,000 for fiscal year 2000 and $5,000,000 for fiscal year 2001 shall be for Advanced Metallurgical Processes; and

(9) $25,000,000 for fiscal year 2000 and $50,000,000 for fiscal year 2001 shall be for a Fossil Energy Science Initiative to be managed by the Assistant Secretary for Fossil Energy in consultation with the Director of the Office of Science, for grants to be competitively awarded and subject to peer review for research relating to fossil energy. The Secretary shall submit to the Committee on Science and the Committee on Appropriations of the House of Representatives, and to the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate, an annual report on the activities of the Fossil Energy Science Initiative, including a description of the process used to award the funds and an explanation of how the research relates to fossil energy.

(d) ENERGY CONSERVATION RESEARCH AND DEVELOPMENT.—There are authorized to be appropriated to the Secretary for Energy Conservation Research and Development civilian energy and scientific research, development, and demonstration and related application of energy technology operation and maintenance programs, projects, and activities for which specific sums are not authorized under other authority of law $490,212,000 for fiscal year 2000 and $527,626,000 for fiscal year 2001, to remain available through the end of fiscal year 2002, of which—

(1) $204,935,000 for fiscal year 2000 and $210,845,000 for fiscal year 2001 shall be for the Transportation Sector, including—

(A) $129,714,000 for fiscal year 2000 and $133,606,000 for fiscal year 2001 for Vehicle Technology Research and Development;

(B) $23,500,000 for fiscal year 2000 and $24,205,000 for fiscal year 2001 for Fuels Utilization Research and Development, of which $2,500,000 for fiscal year 2000 and $2,750,000 for fiscal year 2001 shall be for biodiesel fuel research and development;

(C) $5,196,000 for fiscal year 2000 and $5,352,000 for fiscal year 2001 for Technology Deployment;

(D) $38,599,000 for fiscal year 2000 and $39,757,000 for fiscal year 2001 for Materials Technology; and

(E) $7,925,000 for fiscal year 2000 and $7,925,000 for fiscal year 2001 for Management and Planning;

(2) $155,131,000 for fiscal year 2000 and $159,534,000 for fiscal year 2001 shall be for the Industry Sector, including—

(A) $59,180,000 for fiscal year 2000 and $60,955,000 for fiscal year 2001 for Industries of the Future (Specific);

(B) $87,600,000 for fiscal year 2000 and $90,228,000 for fiscal year 2001 for Industries of the Future (Crosscutting); and

(C) $8,351,000 for fiscal year 2000 and $8,351,000 for fiscal year 2001 for Management and Planning;

(3) $70,014,000 for fiscal year 2000 and $72,115,000 for fiscal year 2001 shall be for the Building Technology, State and Community Sector (nongrants), including—

(A) $55,870,000 for fiscal year 2000 and $57,546,000 for fiscal year 2001 for Building Research; and

(B) $14,144,000 for fiscal year 2000 and $14,568,000 for fiscal year 2001 for Building Technology Assistance (nongrants);

(4) $35,132,000 for fiscal year 2000 and $35,132,000 for fiscal year 2001 shall be for Policy and Management; and

(5) $25,000,000 for fiscal year 2000 and $50,000,000 for fiscal year 2001 shall be for an Energy Efficiency Science Initiative to be managed by the Assistant Secretary for Energy Efficiency and Renewable Energy in consultation with the Director of the Office of Science, for grants to be competitively awarded and subject to peer review for research relating to energy efficiency. The Secretary shall submit to the Committee on Science and the Committee on Appropriations of the House of Representatives, and to the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate, an annual report on the activities of the Energy Efficiency Science Initiative, including a description of the process used to award the funds and an explanation of how the research relates to energy efficiency.

SEC. 4. GAS HYDRATE ENERGY AND SCIENTIFIC AND ENVIRONMENTAL RESEARCH AND DEVELOPMENT PROGRAM.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary, acting through the Assistant Secretary for Fossil Energy, shall commence a program of gas hydrate energy and scientific and environmental research and development.

(b) GRANTS, CONTRACTS, COOPERATIVE AGREEMENTS, INTERAGENCY FUNDS TRANSFER AGREEMENTS, AND FIELD WORK PROPOSALS.—

(1) ASSISTANCE.—The Secretary, acting through the Assistant Secretary for Fossil Energy, may award grants or contracts to, or enter into cooperative agreements with, institutions of higher education and industrial enterprises to conduct energy and scientific and environmental research, development, and demonstration programs on gas hydrate.

(2) PEER REVIEW.—Funds made available under paragraph (1) for initiating contracts, grants, cooperative agreements, interagency funds transfer agreements, and field work proposals shall be made available based on a competitive selection process and a peer review of proposals. Exceptions shall be considered on a case-by-case basis, and reported by the Secretary, acting through the Assistant Secretary for Fossil Energy, to the Committee on Science of the House of Representatives and the Committee on Energy and Natural Resources of the Senate 30 days prior to any such award.

(c) CONSULTATION.—The Secretary, acting through the Assistant Secretary for Fossil Energy, may establish an advisory panel consisting of experts from industry, institutions of higher education, and other entities as the Secretary considers appropriate, to assist in developing recommendations and priorities for the gas hydrate research and development program carried out under subsection (a).

(d) LIMITATIONS.—

(1) ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the amount made available to carry out this section for a fiscal year may be used by the Secretary, acting through the Assistant Secretary for Fossil Energy, for expenses associated with the administration of the program carried out under subsection (a).

(2) CONSTRUCTION COSTS.—None of the funds made available to carry out this section may be used for the construction of a new building or the acquisition, expansion, remodeling, or alteration of an existing building (including site grading and improvement and architect fees).

(e) DEFINITIONS.—For purposes of this section:

(1) CONTRACT.—The term ''contract'' means a procurement contract within the meaning of section 6303 of title 31, United States Code.

(2) COOPERATIVE AGREEMENT.—The term ''cooperative agreement'' means a cooperative agreement within the meaning of section 6305 of title 31, United States Code.

(3) GRANT.—The term ''grant'' means a grant awarded under a grant agreement, within the meaning of section 6304 of title 31, United States Code.

(4) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' means

an institution of higher education, within the meaning of section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

(f) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized under section 3(c)(3), $5,000,000 for fiscal year 2000 and $7,500,000 for fiscal year 2001 shall be available for carrying out this section.

SEC. 5. NOTICE.

(a) REPROGRAMMING.—The Secretary may use for any authorized activities of the Department under this Act—

(1) up to the lesser of $250,000 or 5 percent of the total funding for a fiscal year of a civilian energy or scientific research, development, or demonstration or related commercial application of energy technology program, project, or activity of the Department; or

(2) after the expiration of 60 days after transmitting to the Committee on Science and the Committee on Appropriations of the House of Representatives, and to the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate, a report described in subsection (b), up to 25 percent of the total funding for a fiscal year of a civilian energy or scientific research, development, or demonstration or related commercial application of energy technology program, project, or activity of the Department.

(b) REPORT.—(1) The report referred to in subsection (a)(2) is a report containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action.

(2) In the computation of the 60-day period under subsection (a)(2), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(c) LIMITATIONS.—In no event may funds be used pursuant to subsection (a) for a program, project, or activity for which funding has been requested to the Congress but which has not been funded by the Congress.

(d) NOTICE OF REORGANIZATION.—The Secretary shall provide notice to the Committee on Science and the Committee on Appropriations of the House of Representatives, and to the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate, not later than 15 days before any major reorganization of any civilian energy or scientific research, development, or demonstration or related commercial application of energy technology program, project, or activity of the Department.

(e) COPY OF REPORTS.—The Secretary shall provide copies to the Committee on Science and the Committee on Appropriations of the House of Representatives, and to the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate, of any report relating to the civilian energy or scientific research, development, or demonstration or related commercial application of energy technology programs, projects, and activities of the Department prepared at the direction of any committee of Congress.

SEC. 6. LIMITATION ON DEMONSTRATIONS.

The Department shall provide funding for civilian energy or scientific or related commercial application of energy technology demonstration programs, projects, and activities only for technologies or processes that can be reasonably expected to yield new, measurable benefits to the cost, efficiency, or performance of the technology or process.

SEC. 7. LIMITS ON GENERAL PLANT PROJECTS.

If, at any time during the construction of a civilian energy or scientific research, development, or demonstration or related commercial application of energy technology project of the Department for which no specific funding level is provided by law, the estimated cost (including any revision thereof) of the project exceeds $2,000,000, the Secretary may not continue such construction unless the Secretary has furnished a complete report to the Committee on Science and the Committee on Appropriations of the House of Representatives, and to the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate, explaining the project and the reasons for the estimate or revision.

SEC. 8. LIMITS ON CONSTRUCTION PROJECTS.

(a) LIMITATION.—Except as provided in subsection (b), construction on a civilian energy or scientific research, development, or demonstration or related commercial application of energy technology project of the Department for which funding has been specifically provided by law may not be started, and additional obligations may not be incurred in connection with the project above the authorized funding amount, whenever the current estimated cost of the construction project exceeds by more than 10 percent the higher of—

(1) the amount authorized for the project, if the entire project has been funded by the Congress; or

(2) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress.

(b) NOTICE.—An action described in subsection (a) may be taken if—

(1) the Secretary has submitted to the Committee on Science and the Committee on Appropriations of the House of Representatives, and to the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate, a report on the proposed actions and the circumstances making such actions necessary; and

(2) a period of 30 days has elapsed after the date on which the report is received by the committees.

(c) EXCLUSION.—In the computation of the 30-day period described in subsection (b)(2), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(d) EXCEPTION.—Subsections (a) and (b) shall not apply to any construction project which has a current estimated cost of less than $2,000,000.

SEC. 9. AUTHORITY FOR CONCEPTUAL AND CONSTRUCTION DESIGN.

(a) REQUIREMENT FOR CONCEPTUAL DESIGN.—(1) Subject to paragraph (2) and except as provided in paragraph (3), before submitting to Congress a request for funds for a construction project that is in support of a civilian energy or scientific research, development, or demonstration or related commercial application of energy technology program, project, or activity of the Department, the Secretary shall complete a conceptual design for that project.

(2) If the estimated cost of completing a conceptual design for a construction project exceeds $750,000, the Secretary shall submit to Congress a request for funds for the conceptual design before submitting a request for funds for the construction project.

(3) The requirement in paragraph (1) does not apply to a request for funds for a construction project, the total estimated cost of which is less than $2,000,000.

(b) AUTHORITY FOR CONSTRUCTION DESIGN.—(1) The Secretary may carry out construction design (including architectural and engineering services) in connection with any proposed construction project that is in support of a civilian energy or scientific research, development, and demonstration or related commercial application of energy technology program, project, or activity of the Department if the total estimated cost for such design does not exceed $250,000.

(2) If the total estimated cost for construction design in connection with any construction project described in paragraph (1) exceeds $250,000, funds for such design must be specifically authorized by law.

SEC. 10. LIMITS ON USE OF FUNDS.

(a) CONSTRUCTION OF SPALLATION NEUTRON SOURCE PROJECT.—None of the funds authorized by section 3(b)(11) may be obligated until—

(1) the Secretary certifies in writing to the Committee on Science of the House of Representatives and the Committee on Energy and Natural Resources of the Senate that senior project management positions for the project have been filled by qualified individuals; and

(2) the Secretary provides the Committee on Science and the Committee on Appropriations of the House of Representatives, and the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate, with—

(A) a cost baseline and project milestones for each major construction and technical system activity, consistent with the overall cost and schedule submitted with the Department's fiscal year 2000 budget, that have been reviewed and certified by an independent entity, outside the Department and having no financial interest in the project, as the most cost-effective way to complete the project;

(B) binding legal agreements that specify the duties and obligations of each laboratory of the Department in carrying out the project;

(C) a revised project management structure that integrates the staff of the collaborating laboratories working on the project under a single project director, who shall have direct supervisory responsibility over the carrying out of the duties and obligations described in subparagraph (B); and

(D) official delegation by the Secretary of primary authority with respect to the project to the project director; and

(3) the Comptroller General certifies to the Congress that the total taxes and fees in any manner or form paid by the Federal Government on the Spallation Neutron Source and the property, activities, and income of the Department relating to the Spallation Neutron Source to the State of Tennessee or its counties, municipalities, or any other subdivision thereof, does not exceed the aggregate taxes and fees for which the Federal Government would be liable if the project were located in any other State that contains a national laboratory of the Department. The Secretary shall report on the Spallation Neutron Source Project 99–E–334 annually, as part of the Department's annual budget submission, including a description of the achievement of milestones, a comparison of actual costs to estimated costs, and any changes in estimated project costs or schedule.

(b) INTERNATIONAL THERMONUCLEAR EXPERIMENTAL REACTOR (ITER) ENGINEERING DESIGN ACTIVITIES (EDA).—None of the funds authorized by this Act may be used either directly or indirectly for United States participation in International Thermonuclear Experimental Reactor (ITER) Engineering Design Activities (EDA).

(c) OFFICE OF SCIENCE.—None of the funds authorized by this Act may be used either directly or indirectly to fund the salary of an individual holding the position of Director or Deputy Director of the Office of Science, or Associate Director (except for the Office of Laboratory Policy and the Office of Resource Management), or Director, Office of Planning and Analysis within the Department's Office of Science unless such individual holds a postgraduate degree in science or engineering.

(d) TRAVEL.—Not more than 1 percent of the funds authorized by this Act may be used either directly or indirectly to fund travel costs of the Department or travel costs for persons awarded contracts or subcontracts by the Department. As part of the Department's annual budget request submission to the Congress, the Secretary shall submit a report to the Committee on Science and the Committee on Appropriations of the House of Representatives, and to the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate, that identifies—

(1) the estimated amount of travel costs by the Department and for persons awarded contracts or subcontracts by the Department for the fiscal year of such budget submission, as well as for the 2 previous fiscal years;

(2) the major purposes for such travel; and

(3) the sources of funds for such travel.

(e) TRADE ASSOCIATIONS.—No funds authorized by this Act may be used either directly or indirectly to fund a grant, contract, subcontract, or any other form of financial assistance awarded by the Department to a trade association on a noncompetitive basis. As part of the Department's annual budget request submission to the Congress, the Secretary shall submit a report to the Committee on Science and the Committee on Appropriations of the House of Representatives, and to the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate, that identifies—

(1) the estimated amount of funds provided by the Department to trade associations, by trade association, for the fiscal year of such budget submission, as well as for the 2 previous fiscal years;

(2) the services either provided or to be provided by each such trade association; and

(3) the sources of funds for services provided by each such trade association.

(f) REDUCTIONS.—Notwithstanding any other provision of this Act—

(1) each of the amounts authorized by this Act for fiscal year 2000 shall be reduced by 1 percent;

(2) each of the amounts authorized by this Act for fiscal year 2000, as reduced pursuant to paragraph (1), shall be further reduced by .7674 percent, with such reduction representing a reduction in travel costs; and

(3) each of the amounts authorized by this Act for fiscal year 2000 for administrative expenses, including program management, shall be further reduced proportionately to achieve additional savings of $30,000,000.

SEC. 11. MANAGEMENT AND OPERATING CONTRACTS.

(a) COMPETITIVE PROCEDURE REQUIREMENT.—None of the funds authorized to be appropriated by this Act for civilian energy or scientific research, development, and demonstration or related commercial application of energy technology programs, projects, and activities may be used to award a management and operating contract for a federally owned or operated civilian energy laboratory of the Department unless such contract is awarded using competitive procedures or the Secretary grants, on a case-by-case basis, a waiver to allow for such a deviation. The Secretary may not delegate the authority to grant such a waiver.

(b) CONGRESSIONAL NOTICE.—At least 60 days before a contract award, amendment, or modification for which the Secretary intends to grant such a waiver, the Secretary shall submit to the Committee on Science and the Committee on Appropriations of the House of Representatives, and to the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate, a report notifying the committees of the waiver and setting forth the reasons for the waiver.

SEC. 12. FEDERAL ACQUISITION REGULATION.

(a) REQUIREMENT.—None of the funds authorized to be appropriated by this Act for civilian energy or scientific research, development, and demonstration or related commercial application of energy technology programs, projects, and activities may be used to award, amend, or modify a contract of the Department in a manner that deviates from the Federal Acquisition Regulation, unless the Secretary grants, on a case-by-case basis, a waiver to allow for such a deviation. The Secretary may not delegate the authority to grant such a waiver.

(b) CONGRESSIONAL NOTICE.—At least 60 days before a contract award, amendment, or modification for which the Secretary intends to grant such a waiver, the Secretary shall submit to the Committee on Science and the Committee on Appropriations of the House of Representatives, and to the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate, a report notifying the committees of the waiver and setting forth the reasons for the waiver.

SEC. 13. REQUESTS FOR PROPOSALS.

None of the funds authorized to be appropriated by this Act may be used by the Department to prepare or initiate Requests for Proposals (RFPs) for a civilian energy or scientific research, development, and demonstration or related commercial application of energy technology program, project, or activity if the program, project, or activity has not been specifically authorized by Congress.

SEC. 14. PRODUCTION OR PROVISION OF ARTICLES OR SERVICES.

None of the funds authorized to be appropriated by this Act may be used by any civilian energy or scientific research, development, and demonstration or related commercial application of energy technology program, project, or activity of the Department to produce or provide articles or services for the purpose of selling the articles or services to a person outside the Federal Government, unless the Secretary determines that comparable articles or services are not available from a commercial source in the United States.

SEC. 15. ELIGIBILITY FOR AWARDS.

(a) IN GENERAL.—The Secretary shall exclude from consideration for grant agreements for civilian energy and scientific research, development, and demonstration or related commercial application of energy technology programs, projects, and activities made by the Department after fiscal year 1999 any person who received funds, other than those described in subsection (b), appropriated for a fiscal year after fiscal year 1999, under a grant agreement from any Federal funding source for a program, project, or activity that was not subjected to a competitive, merit-based award process, except as specifically authorized by this Act. Any exclusion from consideration pursuant to this section shall be effective for a period of 5 years after the person receives such Federal funds.

(b) EXCEPTION.—Subsection (a) shall not apply to the receipt of Federal funds by a person due to the membership of that person in a class specified by law for which assistance is awarded to members of the class according to a formula provided by law or under circumstances permitting other than full and open competition under the Federal Acquisition Regulation.

(c) DEFINITION.—For purposes of this section, the term ''grant agreement'' means a legal instrument whose principal purpose is to transfer a thing of value to the recipient to carry out a public purpose of support or stimulation authorized by a law of the United States, and does not include the acquisition (by purchase, lease, or barter) of property or services for the direct benefit or use of the United States Government. Such term does not include a cooperative agreement (as such term is used in section 6305 of title 31, United States Code) or a cooperative research and development agreement (as such term is defined in section 12(d)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(1))).

SEC. 16. INTERNET AVAILABILITY OF INFORMATION.

The Secretary shall make available through the Internet home page of the Department the abstracts relating to all research grants and awards made with funds authorized by this Act. Nothing in this section shall be construed to require or permit the release of any information prohibited by law or regulation from being released to the public.

SEC. 17. FOREIGN VISITORS PROGRAM.

(a) PROHIBITION.—Except as provided in subsection (b) or (c), the Secretary may not admit to any classified area of any federally owned or operated nonmilitary energy laboratory any individual who is a citizen of a nation that is named on the Department of Energy List of Sensitive Countries.

(b) WAIVER AUTHORITY.—(1) The Secretary may waive the prohibition in subsection (a) on a case-by-case basis with respect to individuals whose admission to a federally owned or operated nonmilitary energy laboratory is determined by the Secretary to be necessary for the furtherance of civilian science interests of the United States.

(2) Not later than 30 days after granting a waiver under paragraph (1), the Secretary shall transmit to the Committee on Science of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report in writing providing notice of the waiver. The report shall identify each individual for whom a waiver is granted and, with respect to each such individual, provide a detailed justification for the waiver and the Secretary's certification that the admission of that individual to a federally owned or operated nonmilitary energy laboratory is necessary for the furtherance of civilian science interests of the United States.

(3) The authority of the Secretary under paragraph (1) may not be delegated.

(c) APPLICATION.—This section shall not apply to the Ames Laboratory, the Environmental Measurement Laboratory, the Ernest Orlando Lawrence Berkeley National Laboratory, the Federal Energy Technology Center, the Fermi National Accelerator Laboratory, the National Renewable Energy Laboratory, the Princeton Plasma Physics Laboratory, the Radiological and Environmental Sciences Laboratory, the Stanford Linear Accelerator Center, or the Thomas Jefferson National Accelerator Facility.

AMENDMENT NO. 3 OFFERED BY MR. SENSENBRENNER

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. SENSENBRENNER: Page 27, lines 9 through 19, amend paragraph (3) to read as follows:

(3) The Comptroller General reports on the Congress, on the basis of available information, that the tax reimbursements that the Comptroller General estimates the Department would pay to its contractors as a cost of constructing the Spallation Neutron Source at Oak Ridge National Laboratory in Tennessee would be no more than the tax reimbursements it would pay if the same project were constructed at the Lawrence Berkeley National Laboratory in California, the Argonne National Laboratory in Illinois, the Los Alamos National Laboratory in New Mexico, or the Brookhaven National Laboratory in New York.

Page 36, line 5, insert ''the Lawrence Livermore National Laboratory, the Los Alamos National Laboratory,'' after ''Accelerator Laboratory.''

Page 36, lines 8 and 9, strike ''Stanford Linear Accelerator Center, or the Thomas Jefferson National Accelerator Facility'' and insert ''Sandia National Laboratories, the Stanford Linear Accelerator Center, the Thomas Jefferson National Accelerator Facility, or the Y–12 Plant''.

Mr. SENSENBRENNER. Mr. Chairman, this is a manager's amendment. It does two things. One, it clarifies the provisions for a GAO report on sales or use taxes for the Spallation Neutron Source, and, secondly, at the request of the Committee on Armed Services, the

amendment adds Lawrence Livermore, Los Alamos and Sandia National Labs and the Y–12 Plant to the list of labs in the bill excluded from the provision that prohibits citizens of a nation on the DOE's list of sensitive countries from entering any classified area of a federally-owned or operated non-military energy laboratory. This provision was included in the defense authorization bill that was approved earlier today. I know of no controversy on this amendment.

Mr. COSTELLO. Mr. Chairman, I rise in support of the manager's amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. SENSENBRENNER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TRAFICANT

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

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT:

At the end of the bill, add the following new sections:

SEC. 18. COMPLIANCE WITH BUY AMERICAN ACT.

No funds authorized pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the ''Buy American Act'').

SEC. 19. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

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

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 20. PROHIBITION OF CONTRACTS.

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, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.

Mr. TRAFICANT (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 Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, before I offer the amendment, let me say to the gentleman from Wisconsin, I think it is very important under his leadership, I would like to make this statement briefly. It has been reported that the Department of Energy labs have been selling technologies developed by our lab scientists using American taxpayer dollars to companies in Japan and Germany and those companies then compete against American companies in the United States. I want to cite a couple of examples briefly. The Lawrence Livermore National Laboratory supposedly sold 10 of 30 licenses, I would like to have an answer to that, for micropower impulse radar technology to Japan and Germany; and the Idaho National Environment Engineering Lab just announced it was going to give away, no less, American technology funded by American dollars to an Italian agriculture equipment company. Not only should the Department be buying American, if they are they should stop selling out American companies.

This is a ''Buy American'' amendment that I have offered to every other bill.

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

Mr. Chairman, I support the amendment.

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

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

Mr. Chairman, we support the amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment was agreed to.

AMENDMENT NO. 1 OFFERED BY MR. ANDREWS

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

The CHAIRMAN. The Clerk will designate the amendment.

The Clerk read as follows:

Amendment No. 1 offered by Mr. ANDREWS:

Page 17, after line 10, insert the following new subsection:

(e) ADDITIONAL AUTHORIZATION.—The Secretary shall designate $2,000,000 of the amounts authorized by this section for each fiscal year for biometric technology security, including Iris Recognition Technology.

Mr. ANDREWS. Mr. Chairman, I want to first thank the gentleman from Wisconsin (Mr. SENSENBRENNER), the gentleman from California (Mr. CALVERT), the gentleman from Illinois (Mr. COSTELLO), and the gentleman from Texas (Mr. HALL) for their cooperation in bringing this amendment forward. It calls for the Secretary of Energy to designate $2 million for the development of iris and other biometric technology for identification. The amendment, I believe, has three virtues:

First, it will significantly enhance security at our labs and other facilities in the short run; second, it will have the results of that successful technology shared with our military, with our other federal agencies such as aviation; and third, it is a further investment in the new economy of this country that is generating new products, new jobs and new opportunities.

I very much appreciate the cooperation we have received, and I would urge the amendment's adoption.

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

Mr. Chairman, let me say I support the amendment and will note that it is not an add on, but merely designates $2 million of the amounts in the account for this purpose. I think it is a constructive amendment and would urge the House to support it.

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

Mr. Chairman, we support the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. ANDREWS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. UDALL OF COLORADO

Mr. UDALL of Colorado. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. UDALL of Colorado:

Page 2, line 19, strike ''$432,366,000'' and insert ''$482,266,000''.

Page 2, line 20, strike ''$452,577,000'' and insert ''$504,595,630''.

Page 2, line 23, strike ''$316,624,000'' and insert ''$366,524,000''.

Page 2, line 24, strike ''$325,321,000'' and insert ''$377,339,630''.

Page 3, line 1, strike ''$3,708,000'' and insert ''$5,500,000''.

Page 3, line 2, strike ''$3,819,000'' and insert ''$5,665,000''.

Page 3, line 4, strike ''$83,345,000'' and insert ''$93,309,000''.

Page 3, line 5, strike ''$85,845,000'' and insert ''$96,108,270''.

Page 3, line 7, strike ''$17,510,000'' and insert ''$18,850,000''.

Page 3, line 8, strike ''$18,035,000'' and insert ''$19,415,500''.

Page 3, line 13, strike ''$75,396,000'' and insert ''$92,391,000''.

Page 3, line 14, strike ''$77,658,000'' and insert ''$95,162,730''.

Page 3, line 16, strike ''$35,814,000'' and insert ''$45,600,000''.

Page 3, line 17, strike ''$36,889,000'' and insert ''$46,968,000''.

Page 3, line 19, strike ''$1,500,000'' and insert ''$4,000,000''.

Page 3, line 20, strike ''$1,500,000'' and insert ''$4,120,000''.

Page 4, line 1, strike ''$1,100,000'' and insert ''$3,900,000''.

Page 4, line 2, strike ''$1,100,000'' and insert ''$4,017,000''.

Page 4, line 12, strike ''$3,348,000'' and insert ''$7,000,000''.

Page 4, line 13, strike ''$3,448,000'' and insert ''$7,210,000''.

Page 4, line 17, strike ''$18,100,000'' and insert ''$19,171,000''.

Page 4, line 18, strike ''$18,100,000'' and insert ''$19,746,130''.

Page 14, line 18, strike ''$490,212,000'' and insert ''$577,915,000''.

Page 14, line 19, strike ''$527,626,000'' and insert ''$619,502,480''.

Page 14, line 21, strike ''$204,935,000'' and insert ''$246,999,000''.

Page 14, line 22, strike ''$210,845,000'' and insert ''$254,409,000''.
Page 15, line 1, strike ''$129,714,000'' and insert ''$168,080,000''.
Page 15, line 2, strike ''$133,606,000'' and insert ''$173,122,400''.
Page 15, line 10, strike ''$5,196,000'' and insert ''$7,000,000''.
Page 15, line 11, strike ''$5,352,000'' and insert ''$7,210,000''.
Page 15, line 16, strike ''$7,925,000'' and insert ''$9,820,000''.
Page 15, line 17, strike ''$7,925,000'' and insert ''$10,114,600''.
Page 15, line 19, strike ''$155,131,000'' and insert ''$171,000,000''.
Page 15, line 20, strike ''$159,534,000'' and insert ''$176,130,000''.
Page 15, line 22, strike ''$59,180,000'' and insert ''$74,000,000''.
Page 15, line 23, strike ''$60,955,000'' and insert ''$76,220,000''.
Page 16, line 4, strike ''$8,351,000'' and insert ''$9,400,000''.
Page 16, line 5, strike ''$8,351,000'' and insert ''$9,682,000''.
Page 16, line 7, strike ''$70,014,000'' and insert ''$92,116,000''.
Page 16, line 8, strike ''$72,115,000'' and insert ''$94,879,480''.
Page 16, line 11, strike ''$55,870,000'' and insert ''$62,018,000''.
Page 16, line 12, strike ''$57,546,000'' and insert ''$63,878,540''.
Page 16, line 14, strike ''$14,144,000'' and insert ''$30,098,000''.
Page 16, line 15, strike ''$14,568,000'' and insert ''$31,000,940''.
Page 16, line 17, strike ''$35,132,000'' and insert ''$42,800,000''.
Page 16, line 18, strike ''$35,132,000'' and insert ''$44,084,000''.

Mr. UDALL of Colorado (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 Colorado?

There was no objection.

Mr. UDALL of Colorado. Mr. Chairman, I want to begin by thanking my colleague, the gentleman from Wisconsin (Mr. SENSENBRENNER), for his interest in working on my amendment. I also want to express my thanks to my colleague from New York (Mr. BOEHLERT) for working with me as well on the amendment.

I will be brief.

The amendment is quite simple. It restores authorization levels for the Department of Energy solar and renewable energy and energy efficiency research programs to the levels of the fiscal 2000 year request.

Mr. Chairman, our colleagues have heard me speak about the reasons why we need to invest more in renewable energy and energy efficiency programs. They benefit our economy by stimulating private sector activity and adding jobs, they reduce our reliance on imported oil, and they have a positive impact on air and water quality.

I want to just provide a few examples for the record of what these increased levels will accomplish:

$10 million will go into research on photovoltaic energy systems. While sales of PVs are at a billion dollar level this year, these systems cannot reach their true potential until we learn how to reduce their cost and increase their efficiency.

Another $10 million will go to wind energy systems. These systems again have dropped in price by about 80 percent, but we still have another 40 to 50 percent to go before wind energy can compete economically with other forms of energy. We forecast in the long run over 100,000 megawatts created through this source alone.

$17 million of the increase goes to biopower and biofuels. The additional research will permit restoration of projects dealing with co-firing with coal and modular systems development.

And finally, almost $40 million will be put back into the program for next-generation vehicles. This program is showing major potential in increasing auto fuel efficiency while also meeting our stringent environmental requirements.

Clearly, Mr. Chairman, this is an area where federal investment can really make an enormous difference. Renewable energy and energy efficiency is all about an investment in our future, the future of our security, protecting our environment and enhancing our competitiveness internationally. The authorization levels in 1655 do not give us sufficient flexibility to utilize the potential benefits these programs can provide. This amendment would give us that flexibility, and I urge its adoption.

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

Mr. UDALL of Colorado. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, I am proud to cosponsor this amendment with my colleague, and I would point out that this amendment is very simple. We want to put the House on record clearly stating that solar and renewable energy programs and energy efficient and conservation programs are a priority. That is really one of the major reasons we take up authorization bills, to state as a matter of policy what kinds of programs and funding levels we should be striving to provide to meet national needs.

So the question then is why, as a matter of policy, are these programs a priority? Two reasons: national security, as my colleague has mentioned, and environmental protection, as we both strongly identify with. And, oh, a third: they have been proven to work.

I am proud to say that the chairman and the ranking member have worked constructively with us on this, and it is my understanding that the chairman and the ranking member are going to accept this amendment. I applaud them on their good judgment and their reasoning abilities.

Mr. Chairman, I rise in support of the amendment I have introduced with Mr. UDALL. The point of this amendment is simple: We want to put the House on record clearly stating that solar and renewable energy programs, and energy efficiency and conservation programs, are a priority.

That's really one of the major reasons we take up authorization bills—to state, as a matter of policy, what kinds of programs and funding levels we should be striving to provide to meet national needs. We must not be careless or unrealistic in setting authorization levels, but nor are we bound by the same strictures as we are in taking up spending bills or the budget. This bill is a policy assessment primarily, not a fiscal assessment.

So the question, then, is: Why, as a matter of policy, are these programs a priority? Two reasons: national security and environmental protection. Oh, and a third—they've been proven to work.

Let me talk about security first. As a member of the Intelligence Committee, I am acutely aware of the potential threats faced by our country. And one threat about which we have become far too complacent is the susceptibility of our energy supplies to foreign manipulation. Our nation is far more dependent on foreign oil than it was at the time of the oil shocks of the 1970s. We need to find more ways to wean ourselves from this supply.

Our long-term security will also be bolstered by making our economy more energy efficient, both by improving our overall competitiveness and by making us less vulnerable to changes in energy supply. Yet we waste far more energy than do many of our economic competitors.

The second reason to support these programs is environmental. Despite the progress that we have made over the past 30 years in cleaning our air and water, we still have a lot of work to do, and indeed we are in danger of backsliding. Electric generation is still a major source of pollutants—particularly of pollutants that poison lakes in regions like the Adirondacks in my area. Our long-term hope is to move to more environmentally friendly forms of generation.

In addition, if we take the threat of global climate change seriously—and I think we should—we need to redouble our efforts to find economical alternatives to fossil fuels. Now let me emphasize that these programs have nothing to do with the Kyoto Protocol and indeed they predate any concern with climate change. They are a good idea in and of themselves that also just happen to reduce carbon dioxide emissions as well.

And these programs do work. Technologies that have been supported by the Department of Energy have saved consumers billions of dollars through advances in building design, solar and renewable energy, lighting design and other areas.

But some will ask, ''If this research is such a good idea, how come the private sector isn't doing more of it?'' The answer is pretty obvious. At a time of low energy prices, there is little incentive for the private sector to plow money into advances whose initial benefits will be more societal than private. This is the classic, textbook case economists make for public research funding.

And yet the sad history of federal energy program funding is that the federal government—which is supposed to have the public interest at heart—is just as short-sighted as the private sector.

Federal energy funding has tended to go up in times of energy crisis and down once those crises have passed. It's time to break that absurd pattern and to invest when times are

good, when funding is available, when there is still time to plan ahead and perhaps to forestall or even avoid the crises that we know full well lie ahead of us on our current path.

Now, the Committee has brought forward a reasonable bill, and I imagine some will say, ''I agree with all your arguments, but the bill already has taken them into account.'' But I think we can do better.

First, the funding levels in H.R. 1655 for energy conservation and efficiency are actually below those the House passed last month as part of the Interior appropriations bill. And the figures in H.R. 1655 are below those in the Senate Interior appropriations bill as well.

In terms of solar and renewal energy programs, our amendment would indeed authorize more than has been appropriated. But we believe that, again, as a matter of policy, we ought to be making these programs a higher priority. The shape of our energy future will determine our future security, prosperity and environmental health.

All those Members concerned with our energy future—in particular, the 150 member of the House Renewable Energy Caucus, should vote for this amendment. All those Members concerned with our environmental future should vote for this amendment, which will be scored by the League of Conservation Voters. All those Members from the Northeast who are concerned with the power plant emissions that foul our air, should vote for this amendment. And indeed every Member should vote for this amendment because it makes clear that this House understands how critical energy policy is to our future and how inadequate that policy is today.

Let me close by quoting from a report issued by the President's Council of Advisors on Science and Technology—a report issued by a panel that included significant corporate, as well as academic representation.

The report concluded that DOE's program ''are not commensurate in scope and scale with the energy challenges and opportunities the 21st century will present.'' I think we need to respond to those challenges and opportunities now—before there's an energy crisis, now—when times are good. I urge support for the Udall-Boehlert amendment.

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

Mr. Chairman, I am prepared to accept the amendment, but I do not think that it is fair to say that the Committee on Science has been parsimonious relative to solar renewable energy. The base bill recommends a 6.7 percent increase above appropriated 1999 levels to 401.9 million for fiscal 2000 and an additional 4 percent increase to $418.1 million for fiscal 2001. This amendment pluses those numbers up further at a time when we are operating under discretionary spending caps and under some severe budget constraints.

During my early years on the Committee on Science we, on a bipartisan basis, attempted to put some sense and some market forces into solar and renewable energy research because frankly the programs were overfunded following the 1979 oil crisis, and those efforts were successful; and I think we were able to better focus the money on it so that the taxpayers got more bang for the buck.

So I am going to tell my friends from Colorado and New York that there is going to be a little quid pro quo to my good judgment in support of this amendment, and that is going to be some vigorous oversight over the solar and renewable energy programs over the next year; and I hope that they will exercise equally good judgment to support that so that we do not go back to the morass of merely throwing money at the program like we did in the late 1970s and early 1980s, over two administrations, one a Democratic administration and one a Republican administration.

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

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

Mr. COSTELLO. Mr. Chairman, I strongly support the Udall of Colorado amendment.

Mr. Chairman, I rise in support of the Udall amendment to H.R. 1655.

This is not an appropriations bill, it's an authorization bill. If the appropriators do not have sufficient funds, then clearly all of these programs may have to be cut. All this amendment does is restore the authorization levels to the level of the President's request for these programs. Almost every other program authorized in this bill is at or above the President's request—why should these programs be any different?

H.R. 1655 only provides $75.4 of the $92.4 million requested for biopower and biofuels. These cuts will reduce R&D in areas that could lower the costs of producing ethanol. The ethanol industry currently provides 40,000 jobs, or $1 billion in household income. Displacing gasoline with ethanol in automobiles reduces carbon emissions by 95%; if you merely mix a 10% blend of ethanol with gasoline, you reduce emissions by 25–30%. Voting for the Udall amendment will help to continue the important R&D that could lead to the development of cheap, sustainable and clean energy sources such as ethanol.

I urge my colleagues to vote ''yes'' on the Udall amendment.

Mr. Chairman, I yield to the gentlewoman from California (Ms. WOOLSEY) who is a member of the committee.

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

Ms. WOOLSEY. Mr. Chairman, I would like to thank the gentleman from Wisconsin (Mr. COSTELLO) for accepting this amendment. I rise in support of the Udall of Colorado amendment.

I rise today in support of the Udall amendment. It is so important that we plan for our children's future, which includes making certain they have a clean environment and a sustainable energy source in years to come.

Our current dependence on foreign oil and fossil fuels can not continue indefinitely. Regrettably, this bill increases nuclear energy by $3.4 million above the President's request, but does not fully fund the Renewable Energy Program. This is an outrage.

How can we take care of our children and their future with such a short-sighted approach? Renewable Energy is efficient, cost effective, and unlimited in its capacity.

We need to capture these resources—wind, solar, biomass, and geothermal—and put them to better use. Not only do we solve our energy problem, but we save our environment as well so that our children and their children can grow up in a clean, safe and healthy world.

As a member of the Science Committee, I fought for this funding increase during our committee markup. It failed by a narrow margin. We can not let that happen again. I strongly urge my colleagues to vote ''yes'' on the Udall amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. UDALL).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. STUPAK

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

The Clerk read as follows:

Amendment offered by Mr. STUPAK:

Page 22, line 10, insert ''(a) IN GENERAL.—'' before ''The Department shall''.

Page 22, after line 15, insert the following new subsection:

(b) PARALLEX PROJECT.—The Secretary shall not, as part of the test and demonstration Parallex Project, select a route for the transportation of Mixed Oxide Fuel from Los Alamos, New Mexico, to Chalk River, Canada, without issuing a rule based on the record after an opportunity for agency hearing.

Mr. STUPAK (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 Michigan?

There was no objection.

Mr. STUPAK. Mr. Chairman, as I begin, first let me thank the gentleman from Wisconsin (Mr. SENSENBRENNER), the gentleman from California (Mr. CALVERT), and the gentleman from Illinois (Mr. COSTELLO) for their help and understanding on this very important amendment, to the residents of my district and to a number of other congressional districts throughout the country.

It concerns the shipment of nuclear material containing weapons-grade plutonium from Los Alamos, New Mexico, to Chalk River, Canada. The Department of Energy has proposed to ship fuel rods manufactured from plutonium, formerly used in nuclear weapons, across the West and the Midwest including St. Louis, Chicago, and a number of other population centers.

Behind me is a map of the route DOE has chosen.

At the outset let me say that it is, it is in the United States strategic interests to decrease the oversupply of weapons-grade plutonium in this country and Russia. Furthermore, I agree that it is important to maintain a partnership with Russia to encourage the destruction of their plutonium. However the process, the process that has been used to determine a route which the MOX fuel will take has been completely inappropriate and without

congressional or public input. The DOE prepared an environmental assessment, an EA, on the project which was distributed to only 52 residents in the State of Michigan for comment, none of whom live near the two bridges where the material will be transported.

Although DOE staff informed some congressional staff that more people were notified of the EA, they could provide no records of such input. The decision was made without a public hearing in Michigan. Even when the Michigan governor sought public hearing, DOE denied this request. None of the emergency response crews along the route have been notified of the shipment. One emergency response coordinator in my district stated there is no plutonium chapter in his disaster response manual.

Who has the responsibility, the jurisdiction, the liability and evacuation authority in case there is a transportation accident? The EA examined seven routes to Canada that would be appropriate for the transportation of this material.

DOE staff explained that the Canadian Government objected to two of the routes because they traveled through the golden triangle of heavily industrialized area in Canada. Canada objected to a third route due to concern that the police vehicle accompanying the fuel would not be allowed to transit an Indian reservation along the route. Canadians and the Canadian native tribes can object to the route, but U.S. citizens and Native American Indians cannot.

I would point out that the proposed route will travel over three of the five Great Lakes, the world's largest supply of fresh water and one of our country's greatest natural resources. The proposed route would pass along a minimum of four Native American tribes in my district. The DOE's own environmental assessment ranks the Sault Ste. Marie route, the one that is here on the map in the red, as both the second highest-risk route, the second highest exposure level and the second longest in distance of miles traveled.

Although the DOE argues that there is minimal amount of risk associated with the transport of this material, the risk was obviously high enough that the Canadian Government did not want it to go through their golden triangle. If the route is the second riskiest, then why is it chosen? Furthermore, the Mackinac Bridge where it will have to cross Lake Huron and Lake Michigan is undergoing maintenance, the same reason why the Blue Water Bridge in Port Huron, Michigan, was removed from consideration. If one route is chosen because a bridge is under repair, then why would DOE choose the Mackinac Bridge, the world's largest suspension bridge, which is undergoing maintenance as a suitable route?

My amendment would just simply delay the decision to choose the transportation route until there has been adequate opportunity for public comment on a particular route and the citizens, Members of Congress, governors and emergency response personnel have an opportunity to ask questions. The Canadian Government is affording their citizens the opportunity for comment, and we should demand our citizens have the same rights.

I agree it is important to dispose of the excess U.S. and Russian nuclear weapons material; however, I believe the process for determining the route should be made after, only after, the public has been notified of the proposed route and Department of Energy has solicited comments about the selection and to answer our questions.

I urge my colleagues, and I urge the leadership on this floor here today to support my amendment requiring, just requiring, a public hearing before choosing the route for this plutonium shipment.

Mr. Chairman, I thank the gentleman from Wisconsin (Mr. SENSENBRENNER), the gentleman from California (Mr. CALVERT), and the gentleman from Illinois (Mr. COSTELLO) for the opportunity to present this amendment.

□ 1430

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

Mr. Chairman, let me say, first of all, I want to thank the gentleman from Illinois (Mr. COSTELLO) and others for allowing us to present this amendment today. I want to commend my friend from Michigan (Mr. STUPAK). The gentleman's amendment, as he so articulately put it, would protect something that is extremely important: the right of the public to closely examine and respond to proposed shipments of radioactive plutonium through our communities.

This nuclear waste is, as one can imagine, inherently dangerous and proposals to ship it through our communities over the Great Lakes, the largest bodies of freshwater in the world, 20 percent of all the freshwater in the world, 95 percent of all the freshwater in our country, this has sparked a widespread concern about health and safety.

People in our region, the Great Lakes region, have many legitimate questions; and they have a right to know the risks to which their communities could be subjected. Are there alternative routes that would steer clear of major cities, towns, and avoid transporting this waste over water? How will it be shipped? What precautions will be taken to prevent an accident? Are such shipments vulnerable to theft and hijacking? What are the potential hazards if something goes wrong?

We need to answer these questions before we even consider any shipments that would put our families and our communities and our water at risk. Remember something. As I said, the freshwater in this region here represents 20 percent of the world's freshwater, which is in high demand given the fact that we have 6 billion people on this Earth, and it is exponentially increasing in demand, especially in Asia and other countries.

It is a serious problem, and this is a very fine resource. We cannot afford to put that resource at the risk of contamination.

Last year, I opposed a proposal to ship, as the gentleman from Michigan (Mr. STUPAK) pointed out, this weapons-grade plutonium through my district and across the Blue Water Bridge from Port Huron to Sarnia because the risks are too great.

I was just in my office now, and came down to the floor, talking to a member of the parliament, my counterpart across the way, Roger Gallaway, who expressed his dismay and his anger as well about these shipments potentially through our district.

Now the Department of Energy has come back with another route, this one passing through major cities like St. Louis, Chicago before crossing three of five of the Great Lakes. Then the new route would actually cross the Mackinac Bridge, the world's longest single-span suspension bridge, which stretches 5 miles over open water.

To make matters worse, the Department of Energy did not even bother to consult the emergency response team along the way. One would think that would be one of the first things that would be done here. Nor was there any public input that I have been able to ascertain. This proposed route is wrong and the people deserve to have their voice heard.

Here in this Congress we are accustomed to making laws, but there is another law out there that often takes precedence over what we do here, and it is called Murphy's Law: if something can go wrong, it probably will. So let us not take a chance with a truckload of radioactive plutonium spoiling our communities, poisoning our very precious resource, our water, our fresh water, and endangering our families.

The Stupak amendment establishes an important safeguard against such disasters by establishing an official public forum for exchange of information and for a careful scrutiny of any proposed shipment. It is necessary, it is a very necessary response, to a planning process that has been flawed from the beginning. I urge my colleagues to support the gentleman from Michigan (Mr. STUPAK) in his amendment.

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

Mr. Chairman, I am prepared to support this amendment, but I am absolutely shocked that an administration that was committed to preserving the environment would be planning such a thing. So perhaps we Republicans can help wake an administration that has been insensitive to environmental concerns such as those that the minority whip of the House of Representatives has brought to our attention to wake up. I urge support of the amendment.

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

Mr. Chairman, we strongly support and commend the gentleman from Michigan (Mr. STUPAK) for his amendment and move its adoption.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. STUPAK).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MS. BERKLEY

Ms. BERKLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Ms. BERKLEY:

Page 36, after line 9, insert the following new section:

SEC. 18. NUCLEAR WASTE TRANSMUTATION RESEARCH AND DEVELOPMENT PROGRAM.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall commence a program of research and development on the technology necessary to achieve onsite transmutation of nuclear waste into nonradioactive substances.

(b) GRANTS, CONTRACTS, COOPERATIVE AGREEMENTS, INTERAGENCY FUNDS TRANSFER AGREEMENTS, AND FIELD WORK PROPOSALS.—

(1) ASSISTANCE.—The Secretary may award grants or contracts to, or enter into cooperative agreements with, institutions of higher education and industrial enterprises to conduct a research, development, and demonstration program on the technology necessary to achieve onsite transmutation of nuclear waste into nonradioactive substances in a manner consistent with United States environmental and nonproliferation policy. The Secretary shall not support a technology under this section that involves the isolation of plutonium or uranium.

(2) PEER REVIEW.—Funds made available under paragraph (1) for initiating contracts, grants, cooperative agreements, interagency funds transfer agreements, and field work proposals shall be made available based on a competitive selection process and a peer review of proposals. Exemptions shall be considered on a case-by-case basis, and reported by the Secretary to the Committee on Science of the House of Representatives and the Committee on Energy and Natural Resources of the Senate 30 days prior to any such award.

(c) CONSULTATION.—The Secretary may establish an advisory panel consisting of experts from indust4ry, institutions of higher education, and other entities as the Secretary considers appropriate, to assist in developing recommendations and priorities for the research, development, and demonstration program carried out under subsection (a).

(d) LIMITATIONS.—

(1) ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the amount made available to carry out this section for a fiscal year may be used by the Secretary for expenses associated with the administration of the program carried out under subsection (a).

(2) CONSTRUCTION COSTS.—None of the funds made available to carry out this section may be used for the construction of a new building or the acquisition, expansion, remodeling, or alteration of an existing building (including site grading and improvement and architect fees).

(c) DEFINITIONS.—For purposes of this section:

(1) CONTRACT.—The term ''contract'' means a procurement contract within the meaning of section 6303 of title 31, United States Code.

(2) COOPERATIVE AGREEMENT.—The term ''cooperative agreement'' means a cooperative agreement within the meaning of section 6305 of title 31, United States Code.

(3) GRANT.—The term ''grant'' means a grant awarded under a grant agreement, within the meaning of section 6304 of title 31, United States Code.

(4) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' means an institution of higher education, within the meaning of section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

(f) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized under section 3(a)(2)(G), $2,000,000 for fiscal year 2000 and $4,000,000 for fiscal year 2001 shall be available for carrying out this section.

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

Ms. BERKLEY. Mr. Chairman, I rise to offer an amendment to H.R. 1655. This amendment is intended to help America harness the brain power of top scientists in a quest to solve one of the great technological challenges facing our Nation, neutralizing, not merely storing, high-level nuclear waste.

I would like to thank the chairman of the Committee on Science and the ranking member for their support of this amendment.

My colleagues in this chamber are well aware of my views on the proposed plan to bury nuclear waste in my home State of Nevada. I am adamantly opposed to it. I am not here today, however, to debate the Yucca Mountain project. Rather, I offer an amendment that I hope will capture the imagination of my colleagues, whether my colleagues oppose or support the Yucca Mountain program.

Billions of dollars are being spent studying how to store high-level nuclear waste because it is deadly. No matter where it is put, it is deadly, and the United States and the rest of the world have produced hundreds of thousands of tons of it. Even if we build a repository within a few years, it will be over capacity. We would have to build another multibillion facility and another and another as the next century unfolds.

There would still be thousands of tons of waste at the reactors sites across the country. All of this waste is just as toxic as the day it was generated. Even if it was generated 40 or 50 years ago, it is still just as toxic. It takes 250,000 years to fully neutralize it. The scientists who unlocked the power of the atom in the 1940s knew about this problem and the Federal Government knew about it; but with no solution immediately at hand they simply put their trust in science itself, believing that a process would be invented to neutralize high level nuclear waste.

I urge support of my amendment to H.R. 1655. The time is overdue to accept responsibility of finding a technological solution to nuclear waste, ridding the Nation of this threat.

My amendment would establish a nuclear waste transmutation research and development program. The goal is to develop the technology we need to transmute nuclear waste right at the reactor sites. Transmutation is a process which turns radioactive waste into nonradioactive substances.

This amendment fully complies with environmental and nuclear nonproliferation policies. It prohibits development of technology that could isolate plutonium and uranium. This amendment instructs the Secretary of Energy to commence a program of research and development, and it authorizes the secretary to award grants or contracts to industries and universities.

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

Ms. BERKLEY. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, we are very pleased to support this amendment and hope we can have a vote on it promptly.

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

Mr. Chairman, we are in strong support of the amendment.

Mr. GIBBONS. Mr. Chairman, I rise in support of the Berkley amendment. As most of you know, I have spoken at length to explain the reasons why nuclear waste should not be sent to an interim or permanent storage facility in Nevada.

I have been asked many times what the alternative is to permanent burial of high level nuclear waste. The answer is transmutation.

The word transmutation originates from the goal of ancient alchemists to transform, or transmute base metals into gold. Today scientists seek ways, and have developed proven systems to transmute radioactive waste into nonradioactive elements, thereby eliminating the radiological hazards and waste disposal problems.

The first mistake this country made in regards to the problem of spent nuclear fuel occurred in 1977, when President Carter halted all U.S. efforts to reprocess spent nuclear fuel.

The concern was that when reprocessing occurs it could potentially create a smaller, but refined fuel that could be stolen and used in nuclear weapons. He argued that the United States should halt its reprocessing program as an example to other countries in the hope that they would follow suit.

As we can see today other countries did not follow our example and in the end harmed our efforts to deal with spent nuclear fuel.

Senator DOMENICI understands this problem well and has presented a solution, a solution that is supported by this amendment before you today. He stated in regards to the transmutation of nuclear waste:

Let me highlight one attractive option. A group from several of our largest companies, using technologies developed at three of our national laboratories and from Russian institutes and their nuclear navy, discussed with me an approach to use that waste for electrical generation. They use an accelerator, not a reactor, so there is never any critical assembly.

There is minimal processing, but carefully done so that weapons-grade materials are never separated out and so that international verification can be used—but now

the half lives are changed so that it's a hazard for perhaps 300 years—a far cry from 100,000 years. This approach, called Accelerator Transmutation of Waste, is an area I want to see investigated aggressively.

We are realizing some of the benefits of nuclear technologies today, but only a fraction of what we could realize. [W]e aren't tapping the full potential of the nucleus for additional benefits. In the process, we are shortchanging our citizens.

While some may continue to lament that the nuclear genie is out of his proverbial bottle, I'm ready to focus on harnessing that genie as effectively and fully as possible, for the largest set of benefit for our citizens.

Senator DOMENICI is correct and we should not be shortchanging or endangering our citizens. And that is exactly what will happen if we fail to further the development and utilization of transmutation.

Let's not bury our hands in the sand, the same approach this country is currently taking with the permanent burial of our nuclear waste.

The alternative that we face is disastrous because the nuclear power industry has spent millions of dollars in their campaign to convince members of Congress that storage of high level nuclear waste in Nevada is sound science, fiscally responsible and poses no dangers to public health and safety.

Unfortunately, none of this is true. In 1987, in political haste, Congress arbitrarily selected Yucca Mountain, 95 miles northwest of Las Vegas (the fastest growing metropolitan city in the country), to host a permanent repository for high level nuclear waste.

Realizing that the Yucca Mountain project has become a failure and has needlessly expended millions of taxpayer dollars, the nuclear industry has now changed its focus to ''interim storage.''

This so-called interim storage lasts for over 100 years. Aside from the fact that Nevada has never benefitted from nuclear generated power, there are numerous reasons why this legislation is irresponsible, indefensible and wrong.

First, transporting nuclear waste recklessly endangers the rights of millions of private property owners across the United States and ignores over 20 years of environmental statutes. The private property implications could significantly add to the federal tab.

A precedent has already been set in New Mexico. In 1992, Mr. John Komis was awarded over $800,000 for the devaluation of his property because of the public's perceived fear of nuclear waste. The City of Santa Fe condemned 43 acres for construction of a highway to transport nuclear waste to the Waste Isolation Pilot Project site.

The District Court and the New Mexico Supreme Court both upheld a decision to award Komis the money because there was a perceived devaluation of land due to the transportation of nuclear waste adjacent to that land.

As this high level nuclear waste travels from the 109 nuclear reactors located primarily on the east coast to a facility in Nevada, the transportation routes cross 43 states and run through thousands of local communities across the country. Imagine the burden on the federal Treasury if all the property owners adjacent to these proposed transportation routes were awarded like Mr. Komis. The cost to the federal government would be staggering.

Second, permanent disposal clearly does not go far enough to protect our environmental and jurisdictional concerns. It still blatantly ignores many environmental and public health statutes, such as the Clean Water Act, Safe Drinking Water Act, and the Clean Air Act.

In addition, it completely ignores the public process that is specifically outlined in the National Environmental Policy Act of 1969, which requires federal agencies to consider alternatives, seek public comment and consider any and all environmental ramifications before proceeding with a major federal action.

Transportation of high level nuclear waste also warrants serious concern, because the consequences would be devastating. A 1985 DOE contractor report concluded that a severe, credible accident involving a single, current-generation rail cask could result in release of radioactive materials to the environment.

According to the study, release of only a small fraction of the cask's contents would be sufficient to contaminate a 42 square-mile area. The costs of cleanup after such an accident would exceed $620 million, and the cleanup effort would require 460 days, if it occurred in a rural area. Now imagine the cost of a similar cleanup in an urban area, realizing these costs cannot include the intangible cost of human life and health.

The environment and the health and safety of millions of people will be jeopardized because of political expediency.

With all the attention of the nuclear waste debate focusing on a solution that does not consider good, sound science, economic or social implications or health and safety or environmental issues it is easy to lose sight of possible solutions.

We need to shift the focus from concentrating on an industry wish list to a viable, realistic solution that considers these vitally important issues.

In truth, while we were developing the technology to transport the waste, we discovered and perfected the safest storage capability available. It is known as dry cask storage. The scientific, economic and safety arguments all result in dry-cask storage as the best solution to store high level nuclear waste. Articles in the San Francisco Chronicle and The Washington Post both aggressively support this approach to solving this dilemma.

This coupled with the technology of transmutation is truly the best long term solution for our country.

In the future, spent nuclear fuel could become a very valuable resource. With technology using transmutators with accelerators, we will be able to use spent nuclear fuel as an energy source and in the process drastically reduce the volume from approximately 90% unused nuclear fuel to less than 10% unused.

In addition, this substantially decreases the half-life of this dangerous substance. By keeping this spent fuel on site, it is the best environmental solution, and it is easily retrievable for the purpose of transmutation.

When taking a close look at the details, it is easy to see a realistic solution to the nuclear waste dilemma that the nation is facing. It is time to abandon the track of political expediency and look to sensible, responsible alternatives.

On-site, dry cask storage and transmutation does not bust the budget, does not endanger private property rights, public health and safety, nor does it roll back years of environmental statutes.

I urge my colleagues to support this amendment and support a common sense solution for our nations spent nuclear fuel.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Nevada (Ms. BERKLEY).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. 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 Ms. JACKSON-LEE of Texas:

Page 36, after line 9, insert the following new section:

SEC. 18. MINORITY RECRUITMENT AND EMPLOYMENT.

It is the sense of the Congress that the Department should increase its efforts to recruit and employ qualified minorities for carrying out the research and development functions of the Department.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I would like to particularly thank the ranking member, the gentleman from Illinois (Mr. COSTELLO), and thank the chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER), for allowing the dialogue on this amendment.

Let me emphasize that I am gratified that there has been some improvement because of the work of our Committee on Science on the idea of recruiting and employing qualified minorities, for carrying out the research and development functions of the Department of Energy.

We have spoken, as we move into the 21st century, of the importance of including and enforcing, or in emphasizing, diversity in our math and science technical and research areas. This amendment would ask or indicate that it was a sense of Congress that the Department of Energy would increase its efforts to recruit and employ qualified minorities for carrying out the research and development.

I would like to note in a visit that I had this past recess to Los Alamos National Laboratory, in reviewing the security issues I also asked questions about its diversity. Let me applaud them for the percentages of Hispanics that they have working in a number of their programs, but on the other hand they had very low numbers of American Indians, Asian Americans and African Americans.

If we are to move into the 21st century, it is crucial that in areas that produce income and research and advancement in science that it has a well-diversified population of researchers from American Indians, from African Americans, from Asians and Hispanics.

I could go on about the importance of this issue, but I would ask my colleagues to join me in supporting this amendment to emphasize diversity in research, one of the cutting stones of the 21st century, and the work of the 21st century, which is science and technology.

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

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I am very happy to support the gentlewoman's amendment and hope that it will be promptly voted upon, unanimously.

Ms. JACKSON-LEE of Texas. I thank the chairman for his support.

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

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Illinois.

Mr. COSTELLO. Mr. Chairman, we strongly support the amendment and urge its adoption.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank both of my colleagues for their support.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

The CHAIRMAN. Are there any further amendments?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MCHUGH), having resumed the chair, Mr. SUNUNU, 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. 1655) to authorize appropriations for fiscal years 2000 and 2001 for the civilian energy and scientific research, development, and demonstration and related commercial application of energy technology programs, projects, and activities of the Department of Energy, and for other purposes, pursuant to House Resolution 289, he reported the bill back to the House with an amendment 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 to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1655, the bill just passed.

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

There was no objection.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2490, TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2000

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 291 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 291

Resolved, that upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2490) 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, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

□ 1445

The SPEAKER pro tempore (Mr. SUNUNU). The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

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

Mr. Speaker, the proposed rule before the House today provides for consideration of the Conference Report to accompany H.R. 2490, the Treasury, Postal Service and General Government Appropriations bill for fiscal year 2000. The proposed rule waives all points of order against the conference report and against its consideration. The rule also provides that the conference report will be considered as read.

Mr. Speaker, the underlying legislation, which makes the appropriations for the Treasury Department, United States Postal Service, the executive office of the President, and certain Independent Agencies, is important legislation. A large portion of the activities funded under this bill are devoted to the salaries and expenses of approximately 163,000 employees who are responsible for administering programs such as drug interdiction, collection of revenues, presidential protection, violent crime reduction, and Federal financial management. Through a judicious bipartisan process of hearings and testimony, the Committee on Appropriations arrived at the funding levels contained within this legislation. The funding levels are consistent with this Congress's policy of fiscal discipline, yet provide sufficient funding for agencies within the bill's jurisdiction to carry out those important statutory responsibilities.

Americans who have experienced frustration with the Internal Revenue Service will be pleased to know that this legislation also appropriates funds necessary to carry out the IRS reforms that were passed by the last Congress and stand to benefit taxpayers all across America.

This legislation was crafted in a bipartisan manner. The gentleman from Arizona (Mr. KOLBE), chairman of the Committee on Appropriations Subcommittee on the Treasury, Postal Service and General Government, along with the ranking member, the gentleman from Maryland (Mr. HOYER) deserve accolades for not only their hard work, but also for working together. This rule and conference report deserve bipartisan support today.

It is understandable that some Members may not feel this is the perfect appropriations legislation, but this legislation does represent a consensus, bipartisan agreement. Members should be reminded that the legislation maintains the fiscal restraints mandated in the Balanced Budget Act of 1997.

Mr. Speaker, I urge my colleagues to support this rule and the underlying legislation.

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

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume. I thank the gentleman for yielding me the customary half-hour.

Mr. Speaker, I want to congratulate my colleagues, the gentleman from Arizona (Mr. KOLBE), the chairman of the subcommittee, and the gentleman from Maryland (Mr. HOYER) for their hard work in bringing this bill to the floor. It has certainly had its ups and downs, and I am very happy to lend my full support to the bill that is before us today. The conferees that brought the Treasury-Postal appropriations bill back from the grave, and they are to be congratulated.

Once upon a time, Mr. Speaker, this bill contained some cuts that would have made it very hard for some of our major agencies to function. It was so bad, Mr. Speaker, that it passed the House by only one vote. But today, those cuts have been reversed. Today, this bill funds the Treasury Department at $12 billion; it includes funding for the new law enforcement agencies; it funds the office of national drug control policy to the tune of $460 million. Mr. Speaker, this bill also allows government agencies to use appropriated money to provide child care for lower-income Federal employees, which will help them make sure their children are well taken care of when they work.

Finally, Mr. Speaker, this bill makes sure that the Federal employees receive a 4.8 percent COLA, equal to that of the military. Mr. Speaker, these people work hard for a living, and at the very least their salaries should keep up with inflation.

Mr. Speaker, once again, I thank the gentleman from Arizona (Mr. KOLBE) and the gentleman from Maryland (Mr. HOYER) for their hard work, and I urge my colleagues to support the rule and the bill.

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

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

What we see is that it is another example of bipartisan support of people who are working together in Washington, D.C., the gentleman from Massachusetts (Mr. MOAKLEY), the gentleman from Arizona (Mr. KOLBE), the gentleman from Maryland (Mr. HOYER), myself, we are trying to work together on these important issues that are important not only to people, but people who anticipate and expect that Republicans and Democrats alike are able to craft our business in a way that we can be successful.

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

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

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

Mr. ANDREWS. Mr. Speaker, I rise in support of both the rule and the bill because I appreciate the work that Chairman KOLBE and ranking member HOYER have done. I do want to note for the record my objections to one very unfortunate decision the conference made with respect to the issue of children's sleepwear.

In 1972, the Consumer Product Safety Commission adopted a rule which required clear understandable labeling for children's sleepwear, so before you put your infant to bed, you would have to know if the sleepwear was flame retardant or not. That is a standard that was lauded by emergency room physicians, nurses, arson investigators, firefighters around our country for a long time. It worked.

In 1996, for inexplicable reasons, that standard was loosened and weakened by the Consumer Product Safety Commission. Working with the gentleman from Pennsylvania (Mr. WELDON) and the gentlewoman from Connecticut (Ms. DELAURO), I was able to have included in the House version of this bill an amendment which effectively banned the import of children's sleepwear that did not have that safe labeling provision.

I appreciate the efforts of the gentleman from Arizona (Mr. KOLBE) and the gentleman from Maryland (Mr. HOYER) to cooperate with us in that respect and their efforts in conference. I regret the fact that the result of the conference was not satisfactory on that.

I will support this bill, nevertheless, because of its basic merits, but I would call upon the Speaker and others in leadership in this House to permit us to bring to the floor a freestanding bill that lets us have a fair debate as to whether or not this important children's sleepwear standard should, once again, become the law.

That is the proper forum for this. Just as strongly as I would urge passage of this bill, I would urge a fair procedure so that America's firefighters and arson investigators and nurses and emergency room physicians can be heard, and so that America's children can once again be protected.

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

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume to once again thank the gentleman from Arizona (Mr. KOLBE) not only for his judiciousness in the handling of this important matter, but also for making himself available if we needed him.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

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

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KOLBE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report to accompany H.R. 2490 and that I may include tabular and extraneous materials.

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

There was no objection.

CONFERENCE REPORT ON H.R. 2490, TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2000

Mr. KOLBE. Mr. Speaker, pursuant to the rule just adopted, I call up the conference report to accompany the bill (H.R. 2490) 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, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 291, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of September 14, 1999, at page H8201.)

The SPEAKER pro tempore. The gentleman from Arizona (Mr. KOLBE) and the gentleman from Maryland (Mr. HOYER) each will control 30 minutes.

The Chair recognizes the gentleman from Arizona (Mr. KOLBE).

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

Mr. Speaker, I am pleased today, along with the gentleman from Maryland (Mr. HOYER), to present to the House the conference report on the fiscal year 2000 Treasury and General Government Appropriations bill. This is a bill that not only meets the commitment we have made to the American people to reform modernize the Internal Revenue Service, but one that continues to strengthen our support for Federal law enforcement, to protect our borders against drugs, and to prosecute violations of our gun laws.

Mr. Speaker, before I begin, I would just like to say that I think that the staff always plays an essential role in preparing and supporting the committee at all stages of its annual appropriations bills, and I am surrounded today by the very valuable staff that has made this work very possible, and it is true also of the gentleman from Maryland (Mr. HOYER) whose staff is on the way.

I want to pay special tribute if I might to one individual, our congressional fellow, Clif Morehead, who leaves us at year end, having performed exemplary service for the House of Representatives. Clif has worked for this subcommittee for the past year, and after serving a year in the personal office of my distinguished ranking member, the gentleman from Maryland (Mr. HOYER), Clif will be leaving the committee to return to his work as a special agent with the U.S. Secret Service.

Clif has been a terrific asset to this subcommittee, bringing not only his experience and insight into Federal law enforcement from his Secret Service career, but also his understanding of how Congress and the Federal agencies operate from his previous work on defense issues, and as a Marine Corps officer.

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Whether it has been preparing for the hearings, doing the in-depth research, briefings, planning and organizing committee travel, including a very informative trip that we participated in to review counterdrug efforts in the Andes earlier this year, to the drafting and negotiations of the bill and its report, Cliff has been an invaluable staff member. I am grateful for his hard work.

Mr. Speaker, the Treasury Appropriations Subcommittee will soon bid farewell to our Congressional Fellow, Clifton, D. Morehead, as he begins his next assignment as Special Agent for the U.S. Secret Service. Special Agent Morehead has proven himself to be tremendous asset to the work of this Subcommittee, bringing with him the experience he has gained with the Secret Service, as a business manager for Procter and Gamble, and as a Marine Corps officer. Clif began his fellowship in 1998 in the office of the distinguished ranking member of this subcommittee, STENY HOYER, where he served as his legislative assistant for defense policy and appropriations issues. Clif therefore arrived in this subcommittee with a strong background in the technical issues and folkways of the appropriations process.

Serving as a member of my subcommittee staff, Clif has brought a unique perspective to bear on many of the lively debates and sometimes convoluted issues we face as we craft this appropriation bill, and in overseeing the agencies and programs in our jurisdiction. In

particular, Clif's insight and contribution has been invaluable on matters affecting law enforcement, national security, and management issues. Throughout his service here, Clif's unqualified professionalism, perceptiveness, great sense of humor and cool head have helped this Subcommittee and the Congress move forward on a wide range of policy and budgetary issues. His assistance in planning for and coordinating a complicated trip to the Andean countries to review the U.S. counternarcotics assistance programs there was of particular benefit to us.

Special Agent Morehead has served me, this subcommittee, and the House well: we are sorry to see him leave, and will miss him as a colleague and as a friend. Each of us on the Treasury Appropriations Subcommittee wish Clif all the best as he resumes his Secret Service career, and expect to see great things there.

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

Mr. KOLBE. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding. I would like to join the chairman of the committee in commending the work of Clif Morehead. This is an extraordinarily valuable program for the Federal Government, these exchange programs. They give the Members of various different agencies a perspective on how the Congress operates, and other agencies, but how this process works.

Clif Morehead is an extraordinary young man who has contributed a great deal to the quality of our work during the past frankly 24 months, first working in my office, where he was an invaluable asset, and then in the committee office, as well.

I want to join the chairman in commending Clif Morehead. He is an extraordinary asset of the Secret Service, and has been an outstanding asset of ours. I join with the gentleman from Arizona (Chairman KOLBE) in wishing him the very best as he returns to his position as an agent in the United States Secret Service, where I know he will continue to prove to be a valuable asset to our country.

Mr. KOLBE. Mr. Speaker, I thank the gentleman from Maryland (Mr. HOYER) for his kind remarks about Clif. Clif is on the floor with us today, and Clif, it is not our eulogy to you but rather a tribute to you, and we look forward to continuing to work with you.

Mr. Speaker, let me return to the conference report, if I might, and discuss for a moment some of the key parts about it.

This conference agreement provides $13.7 billion for agencies which come under the jurisdiction of this subcommittee. That is $240 million above the current fiscal year, an increase of less than 2 percent, but it is $220 million below what the President requested.

I am concerned to learn there are some Members who believe that this level of funding is both excessive and unnecessary. In fact, it is neither. Just to keep pace with inflation, the administration requested an increase of $600 million. That was before any of the initiatives, and before the mandatory requirements, such as Y2K readiness for the IRS, or workloads associated with the upcoming Presidential elections, the workload increase that will be caused during the upcoming Presidential election for the Secret Service, or for increases in the critical drug programs, such as the high-intensity drug trafficking areas or the Drug-Free Communities Act.

Mr. Speaker, a $240 million increase barely makes a dent towards putting together a bill that meets all of our current law enforcement responsibilities.

Clearly, this subcommittee was faced with a daunting task. I can tell the Members that without this funding level, the conference report before us now would not be pretty from anyone's perspective. The fact is, anything less than what is provided in the conference report would have fallen far short of our shared goals.

Mr. Speaker, on the one hand, I know my colleagues have concerns over these funding levels. On the other hand, I know that we all support the same things. We all support IRS restructuring and reform and improving customer service for our constituents. We all support hardening the borders against drugs and illegal contraband while improving the flow of legitimate commerce. We all support keeping our children off drugs and strengthening our communities and families. Finally, we all support keeping firearms out of the hands of criminals, adult and juvenile criminals, and giving State and local law enforcement officers the tools they need to enforce the firearms laws that we have adopted.

These are items which certainly ought not to be controversial. These are items that are funded within our conference allocation, and I think we can all agree they are not excessive, they are not unnecessary.

Finally, Mr. Speaker, let me address the issue of legislative items and the suggestion that somehow the conference agreement has put one over on some Members, including items which, for a variety of reasons, should not be included, or should not be in there in their present form.

Each year, this subcommittee is burdened with controversial legislative provisions that ultimately have to be negotiated in conference with the Senate. The fact is, once they are attached to the bill, we are responsible for negotiating differences with the Senate on behalf of the sponsors. So we did not put anything over on anybody in this conference report. The conferees negotiated to the best of their ability, and with nothing but the best of intentions. The conferees made every effort possible to accommodate the views of all Members, House and Senate, both sides of the aisle, on these different issues.

The agreement before us now reflects the very best intentions and the very best judgment of the conferees. I might add, it has received the unanimous and unqualified support of the House and Senate conferees. We have a bill that I believe can receive a majority of votes in both sides of the aisle, in both chambers, and one that I believe can and will be signed by the President of the United States.

I hope that, when some of my colleagues say they are threatening to vote against this measure because they disagree with the specifics of it or some of the controversial provisions, that they will reconsider that position. That would be a very shortsighted approach, and I urge Members to look at this conference report in its entirety.

This is an excellent conference agreement. It is strong on law enforcement, it is tough on drugs, and it continues our commitment to restructure and reform the IRS. I urge my colleagues to support this conference agreement.

H.R. 2490 - TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 2000

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
TITLE I - DEPARTMENT OF THE TREASURY						
Departmental Offices	123,151	134,630	134,206	133,168	134,034	+10,883
Salaries and expenses:						
Counterdrug (emergency funding)	1,500					-1,500
Y2K conversion (emergency funding)	1,238					-1,238
Y2K conversion (emergency funding)	1,890					-1,890
Automation enhancement:						
Y2K conversion (emergency funding)	37,403					-37,403
Y2K conversion (emergency funding)	2,762					-2,762
Y2K conversion (emergency funding)	12,500					-12,500
Y2K conversion (emergency funding)	6,731					-6,731
Department-wide systems and capital investments programs	28,690	53,561	31,017	35,561	43,961	+15,271
Office of Inspector General	30,678	32,017	30,716	30,483	30,716	+38
Inspector General for Tax Administration		112,207	112,207	111,340	112,207	+112,207
Treasury Buildings and Annex Repair and Restoration	27,000	23,000	23,000	15,000	23,000	-4,000
(Delay in obligation)	(-27,000)					(+27,000)
Financial Crimes Enforcement Network	24,000	28,418	29,656	27,681	27,818	+3,818
Violent Crime Reduction Programs:						
General programs authorized by section 190001(e):						
Bureau of Alcohol, Tobacco and Firearms	3,000	3,000	26,800	17,847	27,920	+24,920
United States Secret Service	22,628	3,196	4,200	21,950	4,200	-18,428
United States Customs Service	65,472	64,952	64,000	52,774	61,000	-4,472
Financial Crimes Enforcement Network	1,400	1,263		1,863	1,863	+463
Federal Law Enforcement Training Center				9,200	9,200	+9,200
Interagency crime and drug enforcement	24,000	49,716	27,000	28,366	14,817	-9,183
ONDCP	1,000					-1,000
Federal Drug Control Programs:						
High Intensity Drug Trafficking Areas Program	1,500					-1,500
Special forfeiture fund				49,000		
Subtotal	119,000	122,127	122,000	181,000	119,000	
Grants authorized by section 32401:						
Gang Resistance Education and Training: Grants	13,000	10,000	10,000	13,000	13,000	
Total, Violent Crime Reduction Programs	132,000	132,127	132,000	194,000	132,000	
Federal Law Enforcement Training Center:						
Salaries and Expenses	71,923	86,846	82,827	80,114	84,027	+12,104
Antiterrorism (emergency funding)	3,548					-3,548
Acquisition, Construction, Improvements, and Related Expenses	34,760	21,000	24,310	21,611	21,611	-13,149
Total, Federal Law Enforcement Training Center	110,231	107,846	107,137	101,725	105,638	-4,593
Interagency Law Enforcement: Interagency crime and drug enforcement	51,900	26,184	48,900		61,083	+9,183
Financial Management Service	196,490	202,670	201,320	200,054	201,320	+4,830
Y2K conversion (emergency funding)	6,000					-6,000
Federal Financing Bank (debt liquidation)	(3,317,960)					(-3,317,960)
Bureau of Alcohol, Tobacco and Firearms:						
Salaries and Expenses	546,074	584,859	567,059	570,345	565,959	+19,885
(Delay in obligation)	(-2,206)					(+2,206)
Rescission	-4,500					+4,500
Y2K conversion (emergency funding)	2,665					-2,665
Y2K conversion (emergency funding)	5,000					-5,000
Y2K conversion (emergency funding)	3,530					-3,530
Laboratory facilities and headquarters		15,000				
Total, Bureau of Alcohol, Tobacco and Firearms	552,769	599,859	567,059	570,345	565,959	+13,190
United States Customs Service:						
Salaries and Expenses	1,642,565	1,720,370	1,708,089	1,670,747	1,705,364	+62,799
(Delay in obligation)	(-9,500)					(+9,500)
Counterdrug (emergency funding)	106,300					-106,300
Y2K conversion (emergency funding)	10,200					-10,200
Y2K conversion (emergency funding)	1,701					-1,701
Subtotal	1,760,766	1,720,370	1,708,089	1,670,747	1,705,364	-55,402
Harbor Maintenance Fee Collection	3,000			3,000	3,000	
Operation, Maintenance and Procurement, Air and Marine Interdiction Programs	113,688	109,413	109,413	108,688	108,688	-5,000
Counterdrug (emergency funding)	162,700					-162,700
Subtotal	276,388	109,413	109,413	108,688	108,688	-167,700
Customs Services at Small Airports (to be derived from fees collected)	2,000	2,000	2,000	2,000	2,000	
Offsetting receipts		-2,000	-2,000	-2,000	-2,000	-2,000
Customs facilities, construction, improvements and related expenses (Counterdrug emergency funding)	7,000					-7,000
Total, United States Customs Service	2,049,154	1,829,783	1,817,502	1,782,435	1,817,052	-232,102

H.R. 2490 - TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 2000 — continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
Bureau of the Public Debt	172,100	177,819	176,919	176,983	177,819	+5,719
Y2K conversion (emergency funding)	1,000	.....	.....	.....	.....	-1,000
Payment of government losses in shipment	.....	1,000	1,000	1,000	1,000	+1,000
Internal Revenue Service:						
Processing, Assistance, and Management	3,086,208	3,312,535	3,270,098	3,291,945	3,312,535	+226,327
(Delay in obligation)	(-130,000)	.....	.....	.....	.....	(+130,000)
Tax Law Enforcement	3,164,189	3,336,838	3,301,136	3,305,090	3,336,838	+172,649
Earned Income Tax Credit Compliance Initiative	143,000	144,000	144,000	144,000	144,000	+1,000
Information Systems	1,265,456	1,455,401	1,394,540	1,450,100	1,455,401	+189,945
Y2K conversion (emergency funding)	483,000	.....	.....	.....	.....	-483,000
Y2K conversion (emergency funding)	22,312	.....	.....	.....	.....	-22,312
Information technology investments	211,000	.....	.....	.....	.....	-211,000
(Delay in obligation)	(-211,000)	.....	.....	.....	.....	(+211,000)
Net total, Internal Revenue Service	8,375,165	8,248,774	8,109,774	8,191,135	8,248,774	-126,391
United States Secret Service:						
Salaries and Expenses	600,302	661,312	662,312	638,816	667,312	+67,010
(Delay in obligation)	(-5,000)	.....	.....	.....	.....	(+5,000)
Antiterrorism (emergency funding)	80,808	.....	.....	.....	.....	-80,808
Y2K conversion (emergency funding)	3,000	.....	.....	.....	.....	-3,000
Y2K conversion (emergency funding)	695	.....	.....	.....	.....	-695
Acquisition, Construction, Improvements, and Related Expenses	8,068	4,923	4,923	4,923	4,923	-3,145
Total, United States Secret Service	692,873	666,235	667,235	643,739	672,235	-20,638
Net total, title I, Department of the Treasury	12,637,225	12,376,130	12,189,648	12,214,649	12,354,616	-282,609
Appropriations	(10,714,759)	(12,376,130)	(12,189,648)	(12,214,649)	(12,354,616)	(+1,639,857)
Rescissions	(-4,500)	.....	.....	.....	.....	(+4,500)
Emergency funding	(963,483)	.....	.....	.....	.....	(-963,483)
TITLE II - POSTAL SERVICE						
Payment to the Postal Service Fund	100,195	93,436	29,000	29,000	29,000	-71,195
(Delay in obligation)	(-71,195)	.....	.....	.....	.....	(+71,195)
Advance appropriations, FY 2001	.....	.....	64,436	64,436	64,436	+64,436
Total	100,195	93,436	93,436	93,436	93,436	-6,759
TITLE III - EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT						
Compensation of the President and the White House Office:						
Compensation of the President	250	250	250	250	250	.....
Salaries and Expenses	52,344	52,444	52,444	52,444	52,444	+100
Executive Residence at the White House:						
Operating Expenses	8,691	9,260	9,260	9,260	9,260	+569
White House Repair and Restoration	.....	810	810	810	810	+810
Special Assistance to the President and the Official Residence of the Vice President:						
Salaries and Expenses	3,512	3,617	3,617	3,617	3,617	+105
Operating expenses	334	345	345	345	345	+11
Council of Economic Advisers	3,666	3,840	3,840	3,840	3,840	+174
Office of Policy Development	4,032	4,032	4,032	4,032	4,032	.....
National Security Council	6,806	6,997	6,997	6,997	6,997	+191
Office of Administration	28,350	39,198	39,448	39,198	39,198	+10,848
Y2K conversion (emergency funding)	12,200	.....	.....	.....	.....	-12,200
Y2K conversion (emergency funding)	7,666	.....	.....	.....	.....	-7,666
Y2K conversion (emergency funding)	9,925	.....	.....	.....	.....	-9,925
Office of Management and Budget	60,617	63,495	63,495	63,495	63,495	+2,878
Office of National Drug Control Policy:						
Salaries and Expenses	48,042	43,133	52,221	21,963	22,951	-25,091
Counterdrug (emergency funding)	1,200	.....	.....	.....	.....	-1,200
Counterdrug Technology Assessment Center	.....	.....	.....	31,100	29,250	+29,250
Total	49,242	43,133	52,221	53,063	52,201	+2,959
Federal Drug Control Programs: High Intensity Drug Trafficking Areas Prog.	184,977	185,777	192,000	205,277	192,000	+7,023
Special forfeiture fund	214,500	225,300	225,000	127,500	216,000	+1,500
Counterdrug (emergency funding)	2,000	.....	.....	.....	.....	-2,000
Unanticipated Needs	1,000	1,000	1,000	.....	1,000	.....
Emergency funding	30,000	.....	.....	.....	.....	-30,000
Rescission	-10,000	.....	.....	.....	.....	+10,000
Total, title III, Executive Office of the President and Funds Appropriated to the President	670,112	639,498	654,759	570,128	645,489	-24,623
Appropriations	(617,121)	(639,498)	(654,759)	(570,128)	(645,489)	(+28,368)
Rescission	(-10,000)	.....	.....	.....	.....	(+10,000)
Emergency funding	(62,991)	.....	.....	.....	.....	(-62,991)

H.R. 2490 - TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 2000 — continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
TITLE IV - INDEPENDENT AGENCIES						
Committee for Purchase from People Who Are Blind or Severely Disabled	2,464	2,674	2,674	2,657	2,674	+210
Federal Election Commission	36,500	38,516	38,152	38,175	38,152	+1,652
Counterdrug (emergency funding)	243	.....	.....	.....	.....	-243
Federal Labor Relations Authority	22,586	23,828	23,828	23,681	23,828	+1,242
General Services Administration:						
Federal Buildings Fund:						
Appropriation	450,018	.....	.....	.....	.....	-450,018
Limitations on availability of revenue:						
Construction and acquisition of facilities	(492,190)	(102,194)	(8,000)	(76,979)	(74,979)	(-417,211)
Rescission of funds in P.L. 104-208	.....	.....	.....	(-20,782)	(-20,782)	(-20,782)
Repairs and alterations	(668,031)	(664,869)	(559,869)	(607,869)	(598,674)	(-69,357)
(Delay in obligation)	(-161,500)	.....	.....	.....	.....	(+161,500)
Installment acquisition payments	(215,764)	(205,668)	(205,668)	(205,668)	(205,668)	(-10,096)
Rental of space	(2,583,261)	(2,782,186)	(2,782,186)	(2,782,186)	(2,782,186)	(+198,925)
(Delay in obligation)	(-15,000)	.....	.....	.....	.....	(+15,000)
Building Operations	(1,554,772)	(1,590,183)	(1,590,183)	(1,590,183)	(1,580,909)	(+26,137)
(Delay in obligation)	(-68,000)	.....	.....	.....	.....	(+68,000)
Repayment of Debt	(91,000)	(100,000)	(100,000)	(100,000)	(100,000)	(+9,000)
Total, Federal Buildings Fund	450,018	.....	.....	.....	.....	-450,018
(Limitations)	(5,605,018)	(5,445,100)	(5,245,906)	(5,362,885)	(5,342,416)	(-262,602)
(Rescission of limitations)	.....	.....	.....	(-20,782)	(-20,782)	(-20,782)
Policy and Operations	109,594	122,158	110,448	120,198	116,223	+6,629
Y2K conversion (emergency funding)	12,701	.....	.....	.....	.....	-12,701
Y2K conversion (emergency funding)	4,800	.....	.....	.....	.....	-4,800
Y2K conversion (emergency funding)	5,002	.....	.....	.....	.....	-5,002
Y2K conversion (emergency funding)	18,796	.....	.....	.....	.....	-18,796
Y2K conversion (emergency funding)	7,108	.....	.....	.....	.....	-7,108
Office of Inspector General	32,000	33,917	33,317	33,858	33,317	+1,317
Allowances and Office Staff for Former Presidents	2,241	2,241	2,241	2,241	2,241	.....
Supplemental general provision (P.L. 106-31)	1,700	.....	.....	.....	.....	-1,700
Total, General Services Administration	643,960	158,316	146,006	156,297	151,781	-492,179
Merit Systems Protection Board:						
Salaries and Expenses	25,805	27,586	27,586	27,422	27,586	+1,781
Y2K conversion (emergency funding)	66	.....	.....	.....	.....	-66
(Limitation on administrative expenses)	(2,430)	(2,430)	(2,430)	(2,430)	(2,430)	.....
Federal payment to Morris K. Udall scholarship and excellence in national environmental policy foundation	.....	3,000	1,000	.....	2,000	+2,000
Environmental Dispute Resolution Fund	4,250	1,250	1,250	.....	1,250	-3,000
National Archives and Records Administration:						
Operating expenses	224,614	186,452	180,398	179,738	180,398	-44,216
(Delay in obligation)	(-7,861)	.....	.....	.....	.....	(+7,861)
Y2K conversion (emergency funding)	6,662	.....	.....	.....	.....	-6,662
Reduction of debt	-4,012	-5,598	-5,598	-5,598	-5,598	-1,586
Repairs and Restoration	11,325	13,518	13,518	21,518	22,418	+11,093
Records Center Revolving Fund	.....	22,000	22,000	22,000	22,000	+22,000
National Historical Publications and Records Commission:						
Grants program	10,000	6,000	6,000	6,250	6,250	-3,750
(Delay in obligation)	(-4,000)	.....	.....	.....	.....	(+4,000)
Rescission	.....	.....	-4,000	-3,800	-2,000	-2,000
Total, National Archives and Records Administration	248,589	222,372	212,318	220,108	223,468	-25,121
Office of Government Ethics	8,492	9,114	9,114	9,071	9,114	+622
Office of Personnel Management:						
Salaries and Expenses	85,350	91,584	90,584	91,584	90,584	+5,234
Y2K conversion (emergency funding)	2,428	.....	.....	.....	.....	-2,428
(Limitation on administrative expenses)	(91,236)	(95,486)	(95,486)	(95,486)	(95,486)	(+4,250)
Office of Inspector General	960	960	960	960	960	.....
(Limitation on administrative expenses)	(9,145)	(9,645)	(9,645)	(9,645)	(9,645)	(+500)
Government Payment for Annuitants, Employees Health Benefits	4,654,146	5,105,482	5,105,482	5,105,482	5,105,482	+451,336
Government Payment for Annuitants, Employee Life Insurance	34,576	36,207	36,207	36,207	36,207	+1,631
Payment to Civil Service Retirement and Disability Fund	8,703,180	9,120,872	9,120,872	9,120,872	9,120,872	+417,692
Total, Office of Personnel Management	13,480,640	14,355,105	14,354,105	14,355,105	14,354,105	+873,465
Office of Special Counsel	8,720	9,740	9,740	9,689	9,740	+1,020
Y2K conversion (emergency funding)	100	.....	.....	.....	.....	-100
United States Tax Court	32,765	36,489	36,489	34,179	35,179	+2,414
Total, title IV, Independent Agencies	14,515,180	14,887,990	14,862,262	14,876,384	14,878,877	+363,697
Appropriations	(14,399,368)	(14,887,990)	(14,866,262)	(14,880,184)	(14,880,877)	(+481,509)
Rescission	.....	.....	(-4,000)	(-3,800)	(-2,000)	(-2,000)
Emergency funding	(115,812)	.....	.....	.....	.....	(-115,812)

H.R. 2490 - TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 2000 — continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
Grand total	27,922,712	27,997,054	27,800,105	27,754,597	27,972,418	+49,706
Appropriations	(26,852,832)	(27,997,054)	(27,739,669)	(27,693,961)	(27,909,982)	(+1,057,150)
Rescissions	(-14,500)	.....	(-4,000)	(-3,800)	(-2,000)	(+12,500)
Advance appropriations, FY 2001	.....	.....	(64,436)	(64,436)	(64,436)	(+64,436)
Emergency funding	(1,084,380)	.....	.....	.....	.....	(-1,084,380)
(Limitations)	(5,707,829)	(5,552,661)	(5,353,467)	(5,470,446)	(5,449,977)	(-257,852)
(Rescission of limitations)	.....	.....	.....	(-20,782)	(-20,782)	(-20,782)
Scorekeeping adjustments:						
Bureau of The Public Debt (Permanent)	138,000	142,000	142,000	142,000	142,000	+4,000
Federal Reserve Bank reimbursement fund	126,000	128,000	128,000	128,000	128,000	+2,000
Trust fund budget authority	102,000	106,000	106,000	106,000	106,000	+4,000
US Mint revolving fund	15,000	11,000	11,000	11,000	11,000	-4,000
Sallie Mae	1,000	1,000	1,000	1,000	1,000	.....
Federal buildings fund	-30,000	4,000	-195,000	-97,000	-119,366	-89,366
Postal service advance appropriation, FY 2000	-71,195	71,195	71,195	71,195	71,195	+142,390
Postal service advance appropriation, FY 2001	.....	.....	-64,436	-64,436	-64,436	-64,436
General provision (sec. 408)	5,000	.....	.....	.....	.....	-5,000
Ethics Reform Act adjustment	-2,000	.....	.....	.....	.....	+2,000
Emergency funding	-1,084,380	.....	.....	.....	.....	+1,084,380
Outlay adjustment and BA adjustment	.....	.....	3	.....	.....	.....
GSA general provision (sec. 410)	.....	.....	.....	-118,407	.....	.....
Conveyance of land to the Columbia Hospital for Women (sec. 410)	.....	.....	.....	.....	-8,000	-8,000
NOAA retirement provision (sec. 654)	.....	.....	.....	.....	5,650	+5,650
Total, scorekeeping adjustments	-800,575	463,195	199,762	179,352	273,043	+1,073,618
Total mandatory and discretionary	27,122,137	28,460,249	27,999,867	27,933,949	28,245,461	+1,123,324
Mandatory	13,656,152	14,533,811	14,533,811	14,533,811	14,539,461	+883,309
Discretionary	13,465,985	13,926,438	13,466,056	13,400,138	13,706,000	+240,015

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

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

Mr. Speaker, again I want to thank the the gentleman from Arizona (Chairman KOLBE) and his staff for their leadership and work on this bill. This has been in some respects a difficult bill, and in other respects a relatively easy bill. Within the 302(b) allocation level that had been provided to this subcommittee, this is a very good conference report. Even though we were not able to fund the courthouse construction within the constraints of this allocation, this report deserves bipartisan support.

Mr. Speaker, I was one, and I know the Chair shares my view, that believes we should be moving forward on courthouse construction. There is a backlog in the criminal justice system which certainly requires this, as does the civil side of the court dockets. Notwithstanding the fact that we have not been able to do that, the balance of the bill warrants the support of both sides of the aisle.

This conference report funds the Treasury Department at $12.355 billion, which is $21 million below the President's request. However, it is certainly sufficient to give to the Treasury the ability to do the job that we expect of them.

Included within this amount is $3.3, almost $3.4 billion for the Treasury's five important law enforcement agencies. Those agencies comprise, Mr. Speaker, 40 percent of law enforcement at the Federal level. In addition, I am happy to note that this bill fully funds the IRS at the requested level, providing for enhanced customer service and the restructuring of the IRS recently mandated by this Congress.

As my colleagues know, this is one of the major problems I raised with respect to the bill as it passed the House. I was very concerned that we were not providing the resources necessary to implement the reform program that we had adopted just a short time ago.

Happily, in conference, we have now provided the resources so that that reform can be fully implemented. I have talked personally, as I know the chairman has, to Mr. Rissotti, and he believes that, given the resources in this bill, that he will be able to meet the expectations that the Congress has to ensure that citizens are treated well and served effectively and efficiently by the Internal Revenue Service.

This bill also funds many drug activities, including $460 million for the Office of National Drug Control Policy. This important, yes, even critical office has the lead role in coordinating all of this government's efforts in the war against drugs.

Within this $460 million, $192 million is for the very successful high-intensity drug trafficking program, $185 million for the ONCDP, National Youth Antidrug Media Campaign, and $30 million for the third year of the Drug-Free Communities Act. I think the gentleman from Arizona (Chairman KOLBE) received a request from almost every Member of the Congress, it seemed, to fully fund this drug-free communities effort.

While we could not fully fund the General Services Administration within the 302(b) allocation, GSA is funded near the requested level, including funding for needed border stations in several States, and the first stage of the project to consolidate the Food and Drug Administration at White Oak, in Maryland.

This bill addresses the rate of increase also for Federal employees' compensation. Just a few minutes ago, maybe an hour ago or so, we passed the defense authorization bill, which authorizes a 4.8 percent level for the military. Happily, this bill, pursuant to the parity language adopted by this House on two different occasions this year, funds Federal employees at the same rate.

I thank the chairman for his leadership and assistance in accomplishing that objective. Both he, Senator CAMPBELL, and Senator STEVENS were very supportive of this objective, and I thank them for their efforts in that regard.

In addition, Mr. Speaker, we have extended the authority for voluntary early retirement for Federal employees in this bill, critical as we downsize in a smart way. Clearly an across-the-board RIF is very inefficient. It does not necessarily remove those employees who are no longer needed, and is, both from an efficiency standpoint and from an economic standpoint, a very poor way to manage our service.

This language, which gives permanent authority to OPM to authorize early outs, will be extraordinarily helpful, I think, in managing well the Federal Government.

Finally, Mr. Speaker, this conference report provides government agencies with the authority to use appropriated dollars to provide child care for low-income Federal employees. I know this has some controversy to it and I know that the chairman has indicated that he intends to have our committee very closely monitor this initiative, and I look forward to working with him on this effort.

Mr. Speaker, this is a good conference report. It deserves bipartisan support. Mr. Speaker, indeed, I would hope that every Member of the House, on both sides of the aisle, could support this report. I thank the chairman for his leadership and his work, and join him in his words of praise, again, for the competency and commitment of our staff in reaching this result.

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

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

I thank the gentleman from Maryland (Mr. HOYER), the ranking member, for his kind comments, and I would say that it has also been a great pleasure for me and my staff to work with him. We do not always agree on everything, and we will not, that is the nature of this body, that is the nature of the legislative process. But it also is the nature of the legislative process experience on appropriations that we work together to solve problems, and work together to make sure that we have a government that functions for the best interests of all of our citizens.

I think that this bill reflects the very best of that process, and certainly both with his staff and with the ranking minority member and the other members of the subcommittee, I think we have achieved a result that we can all be quite proud of.

Mr. Speaker, I am pleased to yield 5 minutes to the distinguished gentlewoman from Maryland (Mrs. MORELLA), who has been very instrumental in working for child care provisions in legislation.

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

Mr. Speaker, I rise in very strong support of this conference report. I want to very much thank the gentleman from Arizona (Chairman KOLBE) for his leadership and hard work on this important bill. It has been inch by inch hard work, diligent work, every step of the way.

I also want to commend the ranking member, my colleague, the gentleman from Maryland (Mr. HOYER) for the work that he has done. He has done a yeoman's job, and it is a great product that has come about. I also want to thank my colleagues from both sides of the aisle for working with me to ensure that the legislation incorporates the provisions of my bill, H.R. 206, the Federal Employee Child Care Affordability Act.

This important and yet simple legislation would allow Federal agencies to use funds from their salary and expense accounts to help low-income Federal employees pay for child care. The legislation does not require any additional appropriations. It would be up to individual agencies to determine whether or not to use funds from their salary accounts to help provide child care. Agencies, not employees, would make payments to child care providers to help lower-income Federal employees pay for their child care.

One of the greatest challenges that families face is finding safe, affordable day care. America's lack of safe, affordable day care is not a new problem, but its consequences are becoming more dire. It does require new, innovative solutions.

In 1995, 62 percent of women with children younger than 6 and 77 percent of women with children between the ages of 6 and 17 were in the labor force. Federal employees working, for example, at the National Institutes of Health in my district face significant financial choices in paying for child care.

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A GS–6 secretary earning $26,000 per year as a single parent of a 1-year-old child would have to pay $11,440, more than half of her after-tax salary, on child care alone. This is a personal example. Put simply, without help from her employer, she would not be able to afford to work and raise her child.

This legislation gives federal agencies the flexibility similar to that enjoyed by the Department of Defense to tailor their child care programs to meet the particular needs of their employees. The Department of Defense, writing in support of my legislation, stated that these provisions will help remedy the current situation creating ''the 'have's and the have not's' between the Department of Defense and other federal agencies because other agencies lack the authority to subsidize personnel costs.'' That is a quote.

Mr. Speaker, I want to point out that these child care provisions do not grant regulatory authority to the Office of Personnel Management that could lead the way to federalized child care. Mr. Speaker, I am dismayed at the level of misinformation that is being spread against these common sense provisions. The conferees explicitly stated that any regulations promulgated by OPM pursuant to this authority ''shall only address the use of appropriated funds to provide child care services and improve the affordability of child care for lower income employees.''

Mr. Speaker, by empowering agencies to work as partners with employees to meet their child care needs, Congress truly will be encouraging family-friendly federal workplaces in higher productivity. Retaining our good civil servants is essential to the well-being of our democracy.

In addition to empowering our agencies to create family-friendly workplaces, I am pleased that the conference report provides a 4.8 percent pay increase for our federal civilian employees, equaling the pay increase provided for uniformed military personnel and other legislation.

I am encouraged that this legislation includes the victory that we won during the debate on the fiscal year 1999 Treasury, Postal bill providing for contraceptive coverage in the Federal Employee Health Benefits Program. Contraceptives help couples plan wanted pregnancies and reduce the need for abortions. This conference report ensures that we will continue treating prescription contraceptives the same as all other covered drugs in order to achieve parity between the benefits offered to male participants in FEHB plans and those offered to female ones.

Mr. Speaker, I am also pleased about the inclusion of language that would require federal agencies to have a policy in place to address sex discrimination and harassment. It is a provision that steps in the right direction to counter the roadblocks for women in federal employment and can only bring us closer to creating a highly effective work force as we face the challenges of the new millennium.

I think this conference report is important. I think it reflects a sensible compromise between multiple interests.

Again, I want to thank the gentleman from Arizona (Mr. KOLBE), and thank the gentleman from Maryland (Mr. HOYER), the ranking member, for the very good work. I encourage all of my colleagues to support these important provisions to help federal employees and their families.

Mr. Speaker, I include for the RECORD the following letter from the General Counsel of the Department of Defense:

GENERAL COUNSEL OF THE
DEPARTMENT OF DEFENSE,
Washington, DC, May 18, 1999.

Hon. CONSTANCE A. MORELLA,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSWOMAN MORELLA: This is in response to your request for the views of the Department of Defense on H.R. 206, the Federal Employee Child Care Affordability Act, and how it would benefit the Department of Defense.

The Department of Defense has no objections to the proposed legislation and in fact will benefit from H.R. 206.

The Department of Defense is committed to providing quality affordable child care for both military and civilian employees of the Department. We also are active partners with both the Office of Personnel Management and the General Services Administration in trying to share ''lessons learned'' from the military child care experiences with the rest of the Federal government. One of the lessons we have learned is that quality child care costs more than most lower income and lower ranking members of our community, both military and civilian, can afford. Because of this, we established a policy where families pay child care fees based on their total family income. We pay the balance from funds appropriated to the Department of Defense for its operations and maintenance.

H.R. 206 would provide other Federal agencies the authority to lower the cost of child care for lower income families in a similar manner to how the Department of Defense has done this. The bill, if enacted, would make it easier for us to become partners with other Federal agencies when we are colocated in Federal buildings or leased facilities. For example, many of our military recruiting offices are located with other Federal agencies in buildings conveniently located for the communities they serve. Your legislation, if enacted, would permit us to offer more affordable care to these very critical personnel.

The current Federal child care policies create the ''have's and the have not's'' between the Department of Defense and all other Federal agencies because other agencies lack the authority to subsidize personnel costs. H.R. 206 would assist other Federal agencies in moving closer to the military in quality, cost and availability of child care by decreasing the gap in funding. Requiring any appropriated funds to be used to improve the affordability of child care for lower income employees would move other Federal child care programs closer to the military model which subsidizes child care for lower income employees. This sets the stage to make the entire Federal Government a model for the country in the provision of affordable child care.

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this report for the consideration of the Committee.

Sincerely,

JUDITH A. MILLER.

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

Mr. Speaker, I want to talk for a moment on language that is in the statement of managers for the conference report on the Treasury and General Government's appropriations bills. This deals with the issue of a report that is to be submitted to Congress on personal search inspections policies and practices of the U.S. Customs Service.

Because of the implications the personal search policy has for individual rights, Congress clearly needs to monitor proposed policies and their implementation. We have anticipated and we expect that Customs Service will prepare this report, a report that will cover changes being implemented, together with an action plan for further improvement in its personal search policies, and that they would submit this to the Secretary of the Treasury for approval and transmittal to the Committee on Appropriations.

Let me make note of the fact that Commissioner Kelly has taken steps that demonstrate his commitment to improving Customs' policy on personal search of international passengers at our airports. The search process has been made less invasive. Supervisors are being made more accountable by being more closely involved in decisions to conduct a personal search.

I think it is clear that the commissioner is committed to fairness in the processing of international passengers and making sure that there is no racial bias in selecting who is searched. But this does not diminish our responsibility as a Congress to oversee this issue and to make sure that individual rights are being protected.

Mr. Speaker, I am happy to yield such time as he may consume to the gentleman from Maryland (Mr. HOYER) if he would like to add any comments to this.

Mr. HOYER. Mr. Speaker, I thank the gentleman from Arizona (Mr. KOLBE), and I agree with him. Allegations of unfair treatment by Customs personnel toward minorities at international airports is certainly taken seriously by this committee. This is an area where we need to exercise our oversight responsibilities.

The United States Customs Service has taken these allegations seriously as well and has undertaken a thorough review of its policies. More importantly, an independent panel has been appointed to review the practices of personal searches at the Customs Service and by the Customs Service.

The Personal Search Review Commission is chaired by a widely respected individual, Ms. Constance Newman, and includes three esteemed officials from other agencies. As someone

who has had the opportunity of working with Connie Newman over the years, I have full confidence in her fairness, in her thoroughness, and in her impartiality.

The collective experience, knowledge, and insight of the commission will provide a firm basis for an objective analysis of the Customs Service's methods for carrying out this aspect of their mission.

In addition, Mr. Speaker, Mr. Sanford Cloud, the President of the National Conference for Community and Justice, has been selected to be an independent advisor to the Commission of the Customs Service on personal search matters.

In this time of change at Customs, it is imperative that Congress be provided with the information to evaluate the modifications in personal search policy. That is why we intend for this report to be prepared by the Customs Service with the approval of the Secretary of Treasury and Under Secretary for Enforcement on the changes and its implementation.

I thank the chairman for allowing us to clarify this matter so that we fully understand the import of the language that is included in our bill.

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

Mr. COBURN. Mr. Speaker, I thank the gentleman from Arizona (Chairman KOLBE) for yielding me the time, and I do want to express my appreciation to him and the gentleman from Maryland (Mr. HOYER). They had a difficult job this year within the parameters that were given to them. In the Treasury, Postal, there is no question of very key important facets to our Government agencies. I, however, wanted to speak, because I am adamantly opposed to this bill as it is written, and I wanted to spend a minute so that my colleagues can know why.

In this bill, we have a 4.8 percent increase for federal workers. A third of them will receive another 3 percent increase. That is a 7.8 percent increase. Now, as we look at what the average federal worker, and this comes from the Federal Government statistics, not my statistics, the average Federal Government worker who works in the D.C. area, Maryland, Virginia and the D.C. area, their present average salary is $57,371.

With this increase, which is four-tenths of a percent above what the President asked for, they will receive on average a $2,754 a year raise. That is $1.40 an hour is what the average federal employee is.

Now, I want to contrast with, we are going to give our seniors in Social Security a 1.8 percent increase. That is what we are going to give the seniors that are out there struggling to make it on their Social Security.

The money that is going to be used to enhance the federal employees far above the level of the other people's average salary, and if my colleagues look at the whole average federal employee salary in this country, $44,886, which is 2½ times the average family income in the State of Oklahoma, that is what the average federal worker's salary is, they will receive over $1 an hour increase.

The four-tenths of a percent increase above what the President requested, and do not get me wrong, I think we should increase the pay for federal employees, is a $330 million bill. Do my colleagues know where that money is going to come from? It is going to come dead out of Social Security. So not only are we not supplying our seniors with what they should have through an equitable Social Security system, but what we are doing is we are taking $330 million that ultimately will come from Social Security, because the agreement reached between the Congress and the President of the United States will be violated by the end of this year as far as the budget caps.

We just had the President say he is not going to pass the tax cut; and, yet, he is going to ask the Congress to spend more money. So if we are not going to give a tax cut to the American people and we are going to spend more money, then if we are going to do that, let us pony up a little bit more for the seniors. If we are going to steal their Social Security money anyway, why do we not give them more than a 1.8 percent cost of living adjustment that is not even covering their Medicare costs or their prescription drug costs.

There is a second reason that I am against this bill. I am not against child care. The Morella idea is a good idea. We should care for our children. But the extension of that idea will not work without ultimately what her bill, which will eventually be on the floor to authorize this, says, that there will be a federal mandated standard for federal child care centers.

The other thing about the Morella language that is in this bill is that it is discriminatory. Only can one have the federal benefit if one goes to a federally approved day care. If one wants one's neighbor to care for one's child, if one wants one's children to care for one's child, one does not get the benefit. So only if one comes to Big Daddy, Big Brother, will one get that benefit.

I would hope that the Members of this body will vote against this bill and put it back into perspective. We are not in position where we can give a $2,000 a year raise to every federal employee.

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

Mr. Speaker, I am inclined to debate at length the presentation of the gentleman from Oklahoma (Mr. COBURN), the last speaker, but I understand his point. I do not agree with it.

In fact, I would make the observation that we have a system whereby the federal employees are compared with comparable positions in the private sector. That report is done pursuant to the Bureau of Labor Statistics. In fact, for comparable work done in the regions of the country, it is done regionally so it is not over-inflated for high cost areas and low cost areas, but by region, our federal employees for comparable work done in the private sector are 20 to 30 percent behind.

Now, the reason the salaries sound high is because we have NIH scientists, we have NASA engineers, we have law enforcement officials that are skilled and, for instance, in FBI, college graduates, doing some of the most sophisticated criminal investigations possible and DEA and ATF and other agencies. We have at the IRS highly skilled and paid personnel to carry out very sophisticated financial responsibilities and analysis.

So that, yes, by comparison with the overall, they are high. But just as well, Michael Jordan's salary by comparison was high. I tell people that Abe Pollin could have gotten 100 people to apply for the Bullets at $250,000 a year. There would have been no lack of people applying to play.

Now, the fact of the matter is Abe Pollin would never have won a game because, at $250,000, which is a lot of money by our standards, by anybody's standards, he would not have gotten competitive ball players.

That is the nature of some of the things that we do in the federal service, very sophisticated, requiring highly skilled people. In the competitive market, one pays what the market pays.

As I pointed out before the gentleman from Oklahoma (Mr. COBURN) got here, we just passed the defense authorization bill, I obviously do not know whether he voted for or against it, in which we included 4.8 percent adjustment for military pay because we want to keep them and we want to be able to recruit. The law calls for parity, and that is what we are providing for in this bill.

Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from New York (Ms. VELÁZQUEZ), the ranking member of the Committee on Small Business.

Ms. VELÁZQUEZ. Mr. Speaker, I thank the gentleman from Maryland from yielding me this time.

Mr. Speaker, I would like to commend the conferees for including in this conference report my amendment which provides funding for grants to local and State programs to combat money laundering. This program is the linchpin of the anti-money laundering strategy outlined by my bill, the Money Laundering and Financial Strategy Act of 1998.

We all know how the plague of drugs continue to rock this country. In the United States alone, estimates put the amount of drug profits moving through the financial system as high as $100 billion. We need to be serious about facing down this threat. Indeed, recent revelations about Russian organized crime laundering money through the Bank of

New York shows us that we need to be serious. That means giving our State and local officials the tools they need to follow the money.

This appropriation will be used to stop those who bring drugs into our neighborhoods and into our kids' lives. Together with the national anti-money laundering strategy, which will soon be released, we are sending a strong message that the free ride is over.

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

Mr. Speaker, let me just, if I might, respond to a few of the comments that were made by the gentleman from Oklahoma (Mr. COBURN).

□ 1530

Let me say that I have the greatest respect for the gentleman from Oklahoma (Mr. COBURN). He has been the conscience of this House, he has been a fiscal hawk, and he has forced those of us on the appropriations committees, and all the committees, to answer questions in a way that I think we need to have answers, not only to our colleagues but to the American people.

So I salute him for the work that he has done and I appreciate it. It may not have always have made my days easier, but it is okay. I think it makes for a better bill in the long-run.

But if I might, let me just talk about a couple of things that he mentioned. He talked about the fact that this is $240 million over last year. In my opening remarks, the gentleman from Oklahoma (Mr. COBURN) was not on the floor at that time, but I noted that that $240 million, which is less than a 2 percent increase over the current year, is considerably short of what we would need—$600 million—to maintain current levels. That is just to keep the current operations going.

Now, one can argue that we ought to make it more efficient, that we ought to be more productive, and that there ought to be ways to make Government do better with less. And I do not disagree with that. I think through the years, for example in the IRS, we have done that very substantially. We have brought the number of employees down in IRS by 20,000. We have brought the amount of money that we have spent in IRS substantially. We do have a much more efficient Internal Revenue Service.

But it, nonetheless, gives us a benchmark I think for where we can compare things. And clearly, the amount of money needed to make all the services that were in our bill last year stay just the same, keep on automatic pilot, would be $600 million. We are only taking $240 million over that from last year.

In just two accounts, IRS tax processing, for example, it would take $118 million more to maintain current levels. In tax law enforcement, it would take $137 million to maintain current levels. Those two accounts alone, and those are just two accounts of IRS, which is just one very large part of our entire bill, those two accounts alone require more than we are giving this bill just to maintain current services.

So it is clear we are not even maintaining current services with the proposed spending increases. We are doing it frankly by cutting out spending in other areas, and a lot of that comes in courthouse spending that we are not able to do this year.

So I would just make that note that I believe that we do need to have these additional resources if we are to have efficiencies in the Internal Revenue Service.

All of us on this floor, I believe all of us that are here at this moment, and I believe my colleague from Oklahoma, voted for the IRS modernization legislation, which requires much more consumer friendly, much more customer orientation on the part of the Internal Revenue Service. That costs money. We have shifted a lot of people over from IRS tax law enforcement to customer service. It requires more money and more time in order to do that.

That is one of the things that we did not do when we passed the bill on this floor in July. We were not able to give all the money we needed for the new initiatives that this body has authorized for the Internal Revenue Service. We attempted to do that with the money that has been restored in the conference committee. So I think it is reasonable.

I also think that this subcommittee has been very diligent in going after agencies to make sure that we are spending every dollar as wisely as possible.

Does that mean we cannot do more? No. We can do more. Does that mean we can do better? Yes, we can do better. The agencies can do better and the Office of Management and Budget can help us with that as they prepare the request for this next year. But I think this bill will stand the test of time.

Let me also just finally mention the issue of pay increases for Federal workers. The gentleman from Oklahoma (Mr. COBURN) said that he thought it was not fair that Federal employees were getting more than retirees were getting into their annual adjustment. We all know the difficulty that that poses for us from a fairness standpoint or from a political standpoint. But we also know that those two items are based on very different kinds of adjustments.

One for workers, as the gentleman from Maryland (Mr. HOYER) has pointed out, is based on an employment index, that has to do with what is the comparable pay on the outside for workers.

We are in a very tight labor market. Labor costs have been going up fairly dramatically in the last couple of years. Fortunately, inflation has not been going up as rapidly. So we find ourselves with this anomaly, and it is an anomaly based on historic conditions, where inflation remains very low, but thanks to productivity gains and other gains, we have been able to increase real wages more rapidly in the last couple of years.

Now, this was true last year. The difference was not as great, but it was true last year as well.

Many of us can remember going back 15, 16, 17 years ago to the early 1980s when Social Security recipients and Federal retirees were getting 12 and 13 percent COLA adjustments, while Federal workers were getting 3 and 4 percent pay increases. The difference was much more dramatic going the other direction.

So I would just say that these are based on two different indexes and we ought not to start to mix apples with oranges on that issue.

Finally, let me just say on the issue of the pay increase, the fact that this legislation mandates a 4.8 instead of the 4.4 percent that had been requested by the President.

The Members will remember that earlier this year we gave that larger increase to the military because it was felt that we needed to do that in order to try to catch up. There was a sense that the same kind of fairness needed to be given to civilian employees. And so, in the bill that was adopted here on the floor of the House of Representatives, we included a provision, a sense of Congress provision, that Federal civilian employees should get the same 4.8 percent increase.

Subsequently, after the President announced that he was going to agree to a 4.8 percent adjustment, we decided to write it into the bill. That is why we have a 4.8 percent increase in our legislation.

So I would just want to make those points at this time.

I respect what the gentleman from Oklahoma (Mr. COBURN) has suggested to us, but I think this bill does stand any test and I think it can be fully justified.

Mr. HOYER. Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma (Mr. COBURN).

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

Mr. Speaker, I value the Federal employees that work in my district. This is not about any individual employee. But the average Federal employee's salary in this country is greater than the average salary in this country by $4,000.

So they may be unlike comparisons, but there is an unfairness inherently when the average American makes $4,000 more than the average Federal employee. That is number one.

Mr. HOYER. Mr. Speaker, if my friend will yield for a question on that point, I ask him, how much does the average doctor make above the average salary?

Mr. COBURN. Probably significant. I do not know what the average doctor's salary is. But I also know that the average doctor has 8 years additional education and debt that the average

Federal employee does not have, the average.

Mr. HOYER. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I did not say the average Federal employee.

The gentleman does want to continue to compare apples to apples. The reason I use the NBA analogy is because they make far more than any of us contemplate ever making perhaps in our lifetime in a year.

Why do they do so? Because the marketplace demands that if an owner of an NBA team wants to have the opportunity of winning, he must hire the skill levels necessary to accomplish that objective. The skill level required, and the gentleman knows my point, is such that we need to pay more.

Now, I asked the question for doctors not because I think doctors should not be well compensated. They have to go through extraordinary difficulty to acquire the skills that I want in my doctor. I want my doctor to be highly skilled; and, therefore, I know in the marketplace, in a free market, I am going to have to pay that doctor, society is going to have to pay that doctor, commensurate with the skills required.

What I suggested during my response to the intervention of the gentleman was that we have the requirement for some highly skilled people in the Federal service. The Federal Government does some extraordinarily difficult, complicated things requiring high skills. NIH doctors. That goes into the average my colleague is talking about. But I will tell my colleague, the average NIH research doctor at NIH makes far less than his private sector counterpart. I think the gentleman would probably concede that.

So when we take the average across the country and compare not just average salaries but compare skill levels, the report of every report that has come out since I have been in Congress in 1989 when we had Ronald Reagan and George Bush and now Bill Clinton in office, it did not really vary in terms of administrations, was that there was a substantial pay gap between the private sector when we compare comparable duties and responsibilities with the public sector. That is my point.

So my colleague continues to say ''average,'' and that is correct, but many of our people do not have average skills any more than a doctor has average skills.

Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Speaker, I would make two points.

I would concede that there is a difference in mix. I do not deny that. But I also say that if we look at the attrition from the Federal Government, it is one-fifth the rate of private industry today. So that, on an economic sense, says that they are not running away and that they are not being underpaid.

Mr. HOYER. Mr. Speaker, would the gentleman make that point again.

Mr. COBURN. Mr. Speaker, I said the attrition rate in the Federal Government versus private industry is about one-fifth.

Number two is, we did need to raise military pay, but we do not pay military on average anywhere close to what we are paying Federal civilian employees. And to say because we are trying to bring them up to retain when we do not have the retention problem in the rest of the government I think is not an accurate argument.

The final point I would make: In last year's appropriation there was over $400 million for buildings in this bill that are not in there this year. So the real expenditure that the American people needs to know is this bill has gone up $640 million. Because we are not buying $400-plus million worth of buildings this year. We are applying that to run the IRS and some of the other agencies that we run.

So even though the net is only up this additional $240 million, I think it is accurate to say that. And I am not saying we do not necessarily need to do that. My complaint was on the $330 million, Mr. Chairman, not the $240 million.

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise in support of the conference report for H.R. 2490, the Treasury, Postal Service, and General Government Appropriations Bill for fiscal year 2000.

The bill reported out of conference is a sound bill and a significant improvement over the House-passed version. Specifically, the $240 million that irresponsibly was cut from the House bill at the direction of the Republican leadership, was restored in the conference on the bill. As a result, this conference report is unanimously supported by the both the House and Senate conferees.

The conference report provides $13.7 billion dollars in funding for the important agencies and programs within the bill. The conference report includes increased funding for the Bureau of Alcohol, Tobacco, and Firearms to enforce our gun and tobacco laws and provides increases in funding for key drug control programs, such as a $10 million increase for the Drug Free Communities Act, a $5.5 million increase for the High intensity Drug Trafficking Areas program, and a small increase for the drug technology transfer program. Additionally, the conferees approved funding for a much-deserved 4.8% raise for our hard-working federal employees.

I am particularly pleased that the conference report contains two important measures for American families. The first is a provision that would ensure that mothers have the right to breastfeed their babies anywhere on federal property that they have a right to be. It may seem shocking that this legislation is actually needed. However, this provision was attached by Representative CAROLYN MALONEY in response to several instances in which women were asked to stop breastfeeding their babies or leave federal museums, parks, and galleries. preventing or discouraging mothers from nursing their babies is simply not acceptable. I am pleased that the federal government will now set an example for the country by encouraging the healthy and natural act of breastfeeding.

I am also pleased that Congresswoman MORELLA's provision that allows federal agencies to use their own funds to help low-income federal employees pay for child care was included in the conference report. With the severe shortage of affordable, high-quality child care in our country, this provision is critically needed.

While this is a good bill overall, the strict funding limitations our committee was forced to adhere to means it is certainly not a perfect bill. There are several agencies and programs in this bill that deserved and truly needed additional funding. Specifically, I am very concerned that new federal courthouse construction projects will receive no funding in this bill.

The federal war on crime and drugs has greatly increased the workload of the federal courts. Accordingly, the number of judges and court employees has grown. However, our court facilities have not even come close to keeping pace with this growth. I am particularly aware of this need for new courthouses because the proposed federal courthouse project in my district in Los Angeles is first on the General Services Administration's priority list for fiscal year 2000.

The Central District Court in Los Angeles is the largest district court in the nation, covering seven counties and over 17 million people. The court still operates out of the original courthouse, built over 60 years ago, in 1938. The existing facility lacks the adequate space to house the current court operations. In fact, according to the Judicial Conference, these facilities were officially ''out of space'' in 1995. This lack of space has created delays, inefficiencies, and large backlogs of cases.

Moreover, security is insufficient to protect those who work in and utilize the court facilities. Among other problems, the Judicial Conference found that the current facilities in Los Angeles have ''critical security concerns,'' including ''life-threatening'' security deficiencies documented by the U.S. Marshals service. These conditions are simply unacceptable.

In addition, not providing the funding needed to modernize our court facilities will only cost us more money in the long run. According to GSA delaying funding of new courthouse projects increases costs by an average of 3 to 4% annually, meaning that the 16 courthouses on GSA's priority list, which would cost $532 million in FY 2000, will cost the taxpayers significantly more in years to come. I sincerely hope that the Administration and my colleagues in Congress will not allow this short-sighted strategy regarding out nation's courts to continue.

In closing, given the current budgetary constraints, the conference report on the Treasury, Postal and General Government Appropriations bill is a fair bill. Chairman KOLBE and Ranking Member HOYER deserve to be commended for crafting a sound bill under these adverse circumstances. As a new member of the Appropriations Committee, I am pleased to support this conference report and I urge my colleagues to do so as well.

Mrs. MALONEY of New York. Mr. Speaker, I rise in support of this conference report.

Mr. Speaker, this bill is an example of bipartisan leadership at its best. And I want to commend Chairman KOLBE and Ranking Member HOYER for their tireless work on this bill.

I am particularly pleased that this bill includes strong language dealing with the Federal Election Commission.

Not only does this bill give the FEC its full funding request, but it also includes three sensible provisions that will help the FEC operate more efficiently.

Last night, I was proud to stand with my good friend and colleague from Maryland in supporting the Shays-Meehan campaign finance reform bill.

By passing this bill today, we will help the FEC—the agency that is charged with enforcing our campaign finance laws—operate in a more efficient manner and better enforce the law.

It is also worth noting that the FEC provisions in this bill are very similar to language that was included in the Thomas substitute debated last night.

At that time, the gentleman from Maryland very wisely suggested that we should pass the Thomas substitute tomorrow.

In this bill, he seems to be getting at least part of his wish.

So I applaud the gentleman from Maryland, and the gentleman from Arizona for their bipartisan leadership on this issue.

I am also happy to note that an expanded version of my Right to Breastfeed amendment was accepted by the Conference Committee.

This landmark bill will ensure a woman's right to breastfeed her child on any federal property. For too long, new mothers have been shooed away from federal buildings, national parks, national museums, and federal agencies simply because they were feeding a child.

Until now, they have had little recourse. Now, the law of the land will be clear: The federal government supports a woman's decision to breastfeed her child.

I want to thank my colleagues LUCILLE ROYBAL-ALLARD, CHRISTOPHER SHAYS, and CONNIE MORELLA, who worked closely with me on this bill.

I am pleased to see that the conference committee retained contraceptive coverage for federal employees provision from last year. This is a victory for women of reproductive age, who routinely pay 68% more than men in out of pocket health care costs. This will also go a long way toward reducing unwanted pregnancies and therefore reduce abortions.

I would also like to commend my good friend and colleague CONNIE MORELLA of Maryland, who has been a leader on child care issues, got a version of her bill, H.R. 206, included in this conference report.

I was very pleased to support this provision allowing executive branch agencies to use their existing funds to help provide child care service for their employees.

I congratulate her for that, and I applaud the conference committee for treating child care issues with such importance.

This bill shows how much we can accomplish for the American people when we work together on a bipartisan basis. I congratulate my colleagues on both sides of the aisle.

Mr. PASCRELL. Mr. Speaker, there is much in this bill that I find to be particularly worthy. Unlike last year, when the Members of this House fought for months over the details of this legislation, the conferees were able to return a final product to this House that a majority of people on both sides of the aisle could support. In particular, I am pleased that this Congress has finally provided our hard working federal employees a 4.8% pay raise. The pay gap between government workers that make this country function and white collar workers in the private sector grows every year. This situation, which failed to be redressed until this year, has negatively impacted the hundreds of thousands of households that are headed by government employees. As a result of the bipartisan agreement embodied by this conference report, thousands of government workers will have an easier time making ends meet.

The Conference Report on H.R. 2490 also contains several other important provisions. First, it makes good on the promise that this Congress made to the American people in the last Congress when we tried to make the Internal Revenue Service more consumer friendly. We do this by fully funding the I.R.S., which will use the funds to continue the administrative reforms necessary to fulfill the intent of H.R. 2676 (P.L. 105–206). It also continues to require health plans that cover federal employees to make contraceptives available as part of their prescription drug coverage. This will assist family planning and reduce abortions. I further applaud the provision in the section funding the United States Customs Service that requires our customs officers to curb the discriminatory treatment of minorities at agency check points, as well as the funding for the crucial fight against drug trafficking.

I could detail more provisions in this conference report that I support, but suffice it to say that I would have voted for this bill had it not been for one provision, the cost of living increase for Members of Congress. For that reason alone, I cast my vote against H.R. 2490.

When I was elected to Congress in 1996, I was, in essence, hired by the people of the Eighth Congressional District of New Jersey. Prior to Election Day 1996, I made an agreement with these people to take the salary of the job that they hired me to do. Implicit in this arrangement was my promise to neither vote for nor accept any pay raise prior to another election. When the Members of this House voted to increase our own salaries in 1997, I voted against it. When my paycheck demonstrated the effect of this pay raise, I returned it to the United States Treasury. My stance on this issue is intensely personal, and I have no expectation that others should follow my lead. It is simply a matter of keeping my word to those I represent.

Unfortunately, my colleagues in the 106th Congress have again deemed it necessary to raise their own pay. This deed was accomplished via the same tactic that was used last year, a procedural vote that I would contend that less than half of the people inside the Beltway understand, much less the American people. This is regrettable. If we are going to raise our own pay, it should be done via a straight up or down vote in circumstances that we can all understand. A pay raise should not be tucked in an appropriations bill that almost all of us could support without its presence. There is much here that I want to support. However, to do so would be to break the agreement that I made with the people of the Eighth Congressional District over two years ago. Many say that your word is your bond and I couldn't agree more. I am not willing to sacrifice mine to make a politically popular vote.

Mr. PORTMAN. Mr. Speaker, I rise in support of this conference report on the Treasury-Postal Appropriations bill.

I do so particularly because of two areas of funding in the bill—the first being the important anti-drug efforts of the National Youth Anti-drug Media Campaign and the Drug Free Communities Act. These are both measures that I strongly believe will make a difference in our fight against substance abuse by reducing demand for illegal drugs. These measures are the key to winning the so-called war on drugs.

I am also pleased that this conference report restores funding to reform the IRS. Last year, we passed this historic IRS Restructuring and Reform Act, the most dramatic reform in over 45 years. The Clinton Administration initially opposed the effort but ultimately agreed with a strong, bipartisan majority in this House that reform was needed.

Mr. Speaker, this appropriations bill honors the commitment to reforming the IRS that we made last year. It funds the very important customer service improvements that were mandated by the legislation we passed last year, including a dramatic taxpayer-friendly reorganization of the whole IRS that will improve customer service for every taxpayer—and including the very popular Tele-File program that lets taxpayers file their tax returns much more easily through the telephone.

Second, it funds the desperately needed computer modernization effort. Every Member of this House has heard horror stories, I know I have, from our constituents who have received erroneous computer notices where the left hand of the IRS does not know what the right hand is doing. I have been very critical of the IRS as have other Members. By investing in improved IRS technology, we will be protecting our constituents from the kind of computer problems we have all seen.

We also need to expand access to taxpayer-friendly electronic filing—and this funding will enable us to move forward on that front. Right now there is a 22 percent error rate on paper filing, compared to less than a 1 percent error rate on electronic filing. That is why we mandated that the IRS work hard on electronic filing and in fact we set a goal of 80 percent electronic filing for the IRS by 2007.

Finally, this funding will enable the IRS to complete its Y2K preparations during this calendar year. While the thought of IRS computers crashing may bring glee to the hearts of many, think about the consequences. Think about no refund checks. Think about erroneous IRS notices sent to innocent taxpayers who think they have paid their taxes in a timely way and in an appropriate way. Think about the unnecessary audits that might result. This appropriations bill gives the IRS the tools it needs to complete its Y2K preparations.

I believe we are making progress in reforming the IRS, and this appropriations bill gives Commissioner Rossotti the resources to continue these efforts. But make no mistake about it, Mr. Speaker. The Clinton Administration's continued failure to send a full slate of nominees for the new IRS Oversight Board to the Senate is a cause for very deep concern. I am deeply troubled by this continued failure—now eight months past the statutory deadline—and I believe it raises serious questions about this Administration's commitment to reforming this troubled agency. I strongly urge the Administration to stop delaying and send the IRS Oversight Board nominations to the Senate.

☐ 1545

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

Mr. KOLBE. Mr. Speaker, I urge Members to vote in favor of this conference report.

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

The SPEAKER pro tempore (Mr. PEASE). Without objection, the previous question is ordered on the conference report.

There was no objection.

MOTION TO RECOMMIT OFFERED BY MR. MURTHA

Mr. MURTHA. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the conference report?

Mr. MURTHA. Mr. Speaker, I am in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. MURTHA moves to recommit the conference report on the bill, H.R. 2490, to the Committee of Conference.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

Mr. COBURN. 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 61, nays 359, not voting 13, as follows:

[Roll No. 425]

YEAS—61

Bartlett	Graham	Pelosi
Berkley	Green (TX)	Phelps
Boswell	Gutknecht	Pickering
Cannon	Hayworth	Salmon
Carson	Hilleary	Scarborough
Chabot	Hostettler	Shadegg
Coburn	Inslee	Shows
Condit	John	Smith (MI)
Costello	Johnson, Sam	Smith (WA)
Cramer	Jones (NC)	Souder
Crane	Kasich	Stabenow
Danner	Largent	Tancredo
Deal	Lucas (KY)	Tanner
DeMint	Luther	Taylor (MS)
Deutsch	Manzullo	Tiahrt
Duncan	McIntosh	Tierney
Edwards	Miller (FL)	Toomey
Fletcher	Murtha	Turner
Goode	Nadler	Udall (NM)
Goodlatte	Pascrell	
Gordon	Pease	

NAYS—359

Abercrombie	Barrett (NE)	Bliley
Ackerman	Barrett (WI)	Blumenauer
Aderholt	Barton	Blunt
Allen	Bass	Boehlert
Andrews	Bateman	Boehner
Archer	Becerra	Bonilla
Armey	Bentsen	Bonior
Bachus	Bereuter	Bono
Baird	Berman	Borski
Baker	Berry	Boucher
Baldacci	Biggert	Boyd
Baldwin	Bilbray	Brady (PA)
Ballenger	Bilirakis	Brady (TX)
Barcia	Bishop	Brown (FL)
Barr	Blagojevich	Brown (OH)
Bryant	Hoeffel	Ose
Burr	Hoekstra	Owens
Burton	Holden	Oxley
Buyer	Holt	Packard
Callahan	Hooley	Pallone
Calvert	Horn	Pastor
Camp	Hoyer	Paul
Campbell	Hulshof	Payne
Canady	Hunter	Peterson (MN)
Capps	Hutchinson	Peterson (PA)
Capuano	Hyde	Petri
Cardin	Isakson	Pickett
Castle	Jackson (IL)	Pitts
Chambliss	Jackson-Lee (TX)	Pombo
Chenoweth	Jenkins	Pomeroy
Clayton	Johnson (CT)	Porter
Clement	Johnson, E. B.	Portman
Clyburn	Jones (OH)	Quinn
Coble	Kanjorski	Radanovich
Collins	Kaptur	Rahall
Combest	Kelly	Ramstad
Conyers	Kennedy	Rangel
Cook	Kildee	Regula
Cooksey	Kilpatrick	Reyes
Cox	Kind (WI)	Reynolds
Coyne	King (NY)	Riley
Crowley	Kleczka	Rivers
Cubin	Klink	Rodriguez
Cummings	Knollenberg	Roemer
Cunningham	Kolbe	Rogan
Davis (FL)	Kucinich	Rogers
Davis (IL)	Kuykendall	Rohrabacher
Davis (VA)	LaFalce	Rothman
DeFazio	LaHood	Roukema
DeGette	Lampson	Roybal-Allard
Delahunt	Lantos	Royce
DeLauro	Larson	Rush
DeLay	Latham	Ryan (WI)
Diaz-Balart	LaTourette	Ryun (KS)
Dickey	Lazio	Sabo
Dicks	Leach	Sanchez
Dingell	Lee	Sanders
Dixon	Levin	Sandlin
Doggett	Lewis (CA)	Sawyer
Dooley	Lewis (GA)	Saxton
Doolittle	Lewis (KY)	Schaffer
Doyle	Linder	Schakowsky
Dreier	Lipinski	Scott
Dunn	LoBiondo	Sensenbrenner
Ehlers	Lofgren	Serrano
Ehrlich	Lowey	Sessions
Emerson	Lucas (OK)	Shaw
Engel	Maloney (CT)	Shays
English	Maloney (NY)	Sherman
Eshoo	Markey	Sherwood
Evans	Martinez	Shimkus
Everett	Mascara	Shuster
Ewing	Matsui	Simpson
Farr	McCarthy (MO)	Sisisky
Fattah	McCarthy (NY)	Skeen
Filner	McCollum	Skelton
Foley	McCrery	Slaughter
Forbes	McDermott	Smith (NJ)
Ford	McGovern	Smith (TX)
Fossella	McHugh	Snyder
Fowler	McInnis	Spence
Frank (MA)	McKeon	Spratt
Franks (NJ)	McKinney	Stark
Frelinghuysen	Meehan	Stearns
Frost	Meek (FL)	Stenholm
Gallegly	Meeks (NY)	Strickland
Ganske	Menendez	Stump
Gejdenson	Metcalf	Stupak
Gekas	Mica	Sununu
Gephardt	Millender-McDonald	Sweeney
Gibbons	Miller, Gary	Talent
Gilchrest	Miller, George	Tauscher
Gillmor	Minge	Tauzin
Gilman	Mink	Taylor (NC)
Gonzalez	Moakley	Terry
Goodling	Mollohan	Thomas
Goss	Moore	Thompson (CA)
Granger	Moran (KS)	Thompson (MS)
Green (WI)	Moran (VA)	Thornberry
Greenwood	Morella	Thune
Gutierrez	Myrick	Thurman
Hall (OH)	Napolitano	Towns
Hall (TX)	Neal	Traficant
Hansen	Nethercutt	Udall (CO)
Hastings (WA)	Ney	Upton
Hayes	Northup	Velazquez
Hefley	Norwood	Vento
Herger	Nussle	Visclosky
Hill (IN)	Oberstar	Vitter
Hill (MT)	Obey	Walden
Hilliard	Olver	Walsh
Hinchey	Ortiz	Wamp
Hinojosa	Owens	Waters
Hobson	Oxley	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)

NOT VOTING—13

Clay	Jefferson	Pryce (OH)
Etheridge	Kingston	Ros-Lehtinen
Hastings (FL)	McIntyre	Sanford
Houghton	McNulty	
Istook	Price (NC)	

□ 1612

Messrs. JACKSON of Illinois, PAUL, WALSH, Ms. GRANGER, Mrs. CLAYTON, Mr. MARTINEZ, Ms. WOOLSEY and Mr. DELAHUNT changed their vote from ''yea'' to ''nay.''

Messrs. TIERNEY, DUNCAN, EDWARDS, Ms. BERKLEY, and Messrs. MANZULLO, GUTKNECHT, GOODE, TURNER, FLETCHER, DEUTSCH, SHOWS, SMITH of Michigan, CONDIT, HOSTETTLER, COSTELLO and BOSWELL changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

(By unanimous consent, Mr. ARMEY was allowed to speak out of order.)

LEGISLATIVE PROGRAM

Mr. ARMEY. Mr. Speaker, I rise to make an important announcement regarding the floor schedule for the rest of today and the balance of the week.

Mr. Speaker, it is very obvious that Members are concerned about the safety regarding making flights home before the arrival of the approaching storm. My office has been in contact with the major airlines flying out of both Reagan and Dulles airports, and they are warning us to expect delays and many cancellations beginning this evening and into tomorrow.

Mr. Speaker, in order to give the Membership the greatest window of opportunity to make flights back to their districts, we are concluding legislative business on the House floor after this next vote.

Mr. Speaker, we are further meeting with key appropriators who will be contacted by the Speaker's office in order for them to use this time to continue their work on the appropriations conference reports.

A notice with next week's legislative agenda will be delivered to all Members' offices later this week, and I wish all my colleagues safe travel home, and of course our prayers will be with all those affected by this hurricane.

The SPEAKER. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 292, nays 126, not voting 15, as follows:

[Roll No. 426]

YEAS—292

Abercrombie	Aderholt	Andrews
Ackerman	Allen	Archer

Armey
Bachus
Ballenger
Barrett (NE)
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Cannon
Capps
Capuano
Cardin
Castle
Chambliss
Clement
Clyburn
Combest
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crowley
Cubin
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Eshoo
Everett
Ewing
Farr
Fattah
Filner
Foley
Forbes
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goodling
Granger
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Hansen
Hastings (WA)
Hayes
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Horn
Hoyer
Hunter
Hyde
Isakson
Jackson (IL)
Jackson-Lee (TX)
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kelly
Kennedy
Kildee
Kilpatrick
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (OK)
Maloney (CT)
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pastor
Payne
Pease
Pelosi
Peterson (PA)
Pickett
Pomeroy
Porter
Portman
Quinn
Rahall
Rangel
Regula
Reyes
Reynolds
Rodriguez
Rogers
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Serrano
Sessions
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (TX)
Snyder
Spence
Stark
Stenholm
Stupak
Sununu
Sweeney
Talent
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tierney
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—126

Baird
Baker
Baldacci
Baldwin
Barcia
Barr
Barrett (WI)
Bartlett
Barton
Berkley
Berry
Boswell
Canady
Carson
Chabot
Chenoweth
Coble
Coburn
Collins
Condit
Crane
Cunningham
Danner
Deal
DeFazio
DeMint
Deutsch
Doolittle
Duncan
Ehlers
Evans
Fletcher
Ford
Franks (NJ)
Gibbons
Goode
Goodlatte
Gordon
Goss
Graham
Green (WI)
Gutknecht
Hall (TX)
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hoekstra
Holt
Hooley
Hostettler
Hulshof
Hutchinson
Inslee
Istook
Jenkins
Johnson, Sam
Jones (NC)
Kaptur
Kasich
Kind (WI)
Kucinich
Largent
LoBiondo
Lucas (KY)
Luther
Maloney (NY)
Manzullo
Mascara
McInnis
McIntosh
Miller (FL)
Miller, Gary
Minge
Moran (KS)
Pascrell
Paul
Peterson (MN)
Petri
Phelps
Pickering
Pitts
Pombo
Radanovich
Ramstad
Riley
Rivers
Roemer
Rogan
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanders
Schaffer
Sensenbrenner
Shadegg
Shays
Shows
Smith (NJ)
Smith (WA)
Souder
Spratt
Stabenow
Stearns
Strickland
Stump
Tancredo
Tanner
Taylor (MS)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Turner
Udall (CO)
Udall (NM)
Watkins
Weldon (FL)
Weygand
Wise
Wu

NOT VOTING—15

Brady (TX)
Clay
Clayton
Etheridge
Hastings (FL)
Houghton
Jefferson
Kingston
McIntyre
McNulty
Price (NC)
Pryce (OH)
Ros-Lehtinen
Sanford
Slaughter

□ 1630

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

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2824

Mr. BALDACCI. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 2824.

The SPEAKER. Is there objection to the request of the gentleman from Maine?

There was no objection.

COMMUNICATION FROM THE HONORABLE ROSCOE G. BARTLETT, MEMBER OF CONGRESS

The SPEAKER pro tempore (Mr. PEASE) laid before the House the following communication from the Honorable ROSCOE G. BARTLETT, Member of Congress:

U.S. HOUSE OF REPRESENTATIVES,
September 13, 1999.

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

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule VIII of the Rules of the House that my office has received a subpoena for documents issued by the Circuit Court for Baltimore City, State of Maryland.

After consultation with the Office of General Counsel, I have determined to comply with the subpoena.

Sincerely,

ROSCOE G. BARTLETT,
Member of Congress.

ADJOURNMENT TO FRIDAY, SEPTEMBER 17, 1999

Mr. GREEN of Wisconsin. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. on Friday, September 17, 1999.

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

There was no objection.

ADJOURNMENT FROM FRIDAY, SEPTEMBER 17, 1999 TO TUESDAY, SEPTEMBER 21, 1999

Mr. GREEN of Wisconsin. Mr. Speaker, I ask unanimous consent that when the House adjourns on Friday, September 17, 1999, it adjourn to meet at 12:30 p.m. on Tuesday, September 21, 1999 for morning hour debates.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GREEN of Wisconsin. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SUNUNU). 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.

MANY REASONS TO OPPOSE H.R. 1402

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. GREEN) is recognized for 5 minutes.

Mr. GREEN of Wisconsin. Mr. Speaker, what do the following groups have in common: The National Taxpayers Union and the Teamsters? The Consumer Federation of America and the AFL–CIO? Citizens Against Government Waste and the Snack Food Association? Newspapers from the New York Times and USA Today to the Washington Post to the Houston Chronicle?

Mr. Speaker, the answer is simple. All of these groups oppose the outdated milk pricing system currently in effect. And yet soon, Mr. Speaker, this House will take up legislation that will raise milk prices for consumers and will reimpose a Soviet-style dairy policy.

Now, the antireform dairy folks, those who are supporting this legislation, House Resolution 1402, I believe should be ashamed of themselves. Now, there is one thing that we agree upon, myself and those who support H.R. 1402. We agree that our dairy farmers are hurting. No one understands the plight of dairy farmers better than I, better than any of us who come from States like Minnesota and Wisconsin. In the last 10 years, my State of Wisconsin has lost more dairy farms than most States ever had.

Mr. Speaker, to drive the point home in a very real way, please realize this: that by this time tomorrow, by this time tomorrow, Wisconsin will have lost five more dairy farms.

But despite that fact, the fact that we do need to do something, H.R. 1402 is the wrong way to go. It is the wrong way to go because it pits farmer against farmer, region against region, State versus State, through an outdated pricing policy that gives producers more money for their fluid milk based upon their proximity to the City of Eau Claire, Wisconsin.

Second, H.R. 1402 is the wrong way to go because it is based on typewriter era technology. This system was created over 60 years ago, 60 years ago when we did not have the interstate transportation system, when we did not have refrigerated trucks. It is an outdated policy.

The third reason is if, as if we needed more reasons, the third reason to reject H.R. 1402, quite frankly, it is a tax on milk to consumers. As a result of H.R. 1402 and the system it seeks to reinforce and reimpose, our consumers, consumers all across America, working families, will pay more for their milk to the tune of hundreds of millions of dollars each and every year.

We should oppose H.R. 1402 because it is antitrade, antifree-market, anticompetitive. At the very time when we are pushing nations all around the world to open up their markets, to become more entrepreneurial, more free-market based, here in this country, this bill would reimpose and reinforce trade barriers. It would block the flow of dairy products between the States. That is wrong-headed.

Finally, we should oppose H.R. 1402 and the system it seems to reimpose because it is absurd. Can my colleagues imagine if we priced oranges based upon the proximity, their proximity of production to the city of Miami, or if we paid more for computer software based upon how far it was located and produced from the city of Seattle, or chocolate from Hershey, Pennsylvania. No, we cannot, because we would never have such an absurd system, and yet, that is exactly, that is precisely what we do for fluid milk. Producers get more for more fluid milk based upon how close they are to the City of Eau Claire.

It is time for reform; it is time to move into the 21st century using new technologies and market-based forces; it is the time now to reject H.R. 1402, to allow Secretary Glickman's reforms to go into effect.

FOREIGN OPERATIONS BILL CAN MAKE A DIFFERENCE IN PROMOTING PEACE AND PROSPERITY IN THE CAUCASUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, yesterday, this House voted to appoint Members to the House Senate Conference for the fiscal year 2000 foreign operations appropriations bill. This evening I want to call on the conferees to support certain key provisions to help the people of Armenia and Nagorno Karabagh and to promote the goals of peace and economic growth in the entire south Caucasus region.

During the August recess, several colleagues and I took part in a congressional delegation to the south Caucasus. Our itinerary included stops in Armenia, Nagorno Karabagh, and Azerbaijan. We met with the presidents and other political leaders, American business people and investors and aid workers implementing humanitarian assistance programs. We also had the opportunity to meet with people who had been victimized by the conflicts and the natural disasters that have struck the region.

I hope that our recent visit to Armenia, Nagorno Karabagh, and Azerbaijan has helped to generate added momentum for a negotiated settlement that could open up new avenues for greater regional integration and cooperation. I applaud the fact that the presidents of Armenia and Azerbaijan have met several times in the last few months in an effort to resolve the Karabagh conflict. In our meetings with all three presidents, we suppressed the importance of direct negotiations maintaining the 1994 cease-fire and other confidence-building measures.

The fiscal year 2000 foreign operations bill approved by the House and the Senate included a number of initiatives that will help to promote regional cooperation, security and economic growth in the southern Caucasus region. I appreciate the works of the appropriators and would ask the conferees to include the following items in the final version of this legislation.

First, Mr. Speaker, I hope the conferees will adopt the Senate earmark of $90 million for Armenia with a sub earmark of $15 million for the earthquake zone in the Gyumri area of northern Armenia which is still trying to recover from the devastating 1988 earthquake. It is important for the United States to maintain our support and partnership with Armenia as that country continues to make major strides towards democracy as evidenced by the May 30 parliamentary elections, as well as market reforms and increasing integration with the west. U.S. assistance also serves to offset the difficulties imposed on Armenia's people as a result of the blockades maintained by Azerbaijan and Turkey. The needs in the earthquake zone particularly for new housing construction requires special assistance.

I also strongly support the language in the House version directing the Agency for International Development to expedite delivery of $20 million to the victims of Nagorno Karabagh, those victims residing in Nagorno Karabagh itself through September 30 of 2000. Last month in Stepanekart, I met with the organizations administering these aid programs and was impressed with their needs as well as their ability to deliver necessary services. This assistance previously appropriated, but not yet obligated, is as the House language makes clear not to be provided to the governments of Azerbaijan or Armenia.

I also urge the conferees to adopt the House language stating that the extent and timing of U.S. and multilateral assistance other than humanitarian assistance to the government of any country in the Caucasus region should be proportional to its willingness to cooperate with the Minsk Group and other efforts to resolve regional conflicts. The leaders of Armenia, Nagorno Karabagh, and Azerbaijan all understand the importance the U.S. places on progress being made with the peace process, and I stress the potential for a peace dividend in my discussions with the leaders in August and believe that all countries of the south Caucasus need to be mindful that U.S. assistance is dependent upon movement towards peace.

I also urge that the conferees adopt the House language supporting the confidence-building measures discussed in the April 1999 summit here in Washington in furtherance of a peaceful resolution of the NK conflict especially in the vicinity of Nagorno Karabagh. These measures include strengthening compliance with the cease-fire, studying post-conflict regional development such as transportation routes and infrastructure, establishing a youth exchange program and other collaborative initiatives to foster greater understanding among the parties, and reduce hostilities.

Finally, Mr. Speaker, I want to stress the importance of maintaining section 907 of the Freedom Support Act. There is a clear bipartisan support in both houses for preserving this law which restricts certain direct government-to-government assistance to Azerbaijan until that country lifts its blockades of Armenia and Nagorno Karabagh.

The bottom line is that the conditions for lifting section 907 have not

been met, and I hope the government of Azerbaijan will recognize that it is in Azerbaijan's own interests to lift the blockades so that section 907 will no longer be necessary. In the meantime, Congress must be clear: until steps are taken by Azerbaijan to lift the blockade, section 907 stays.

LET US QUICKLY REJECT THE 13 MONTH FISCAL YEAR

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

Mr. CHABOT. Mr. Speaker, from time to time, we hear some pretty wacky ideas in Washington, none wackier than a recent suggestion, apparently emanating from the other body that the Congress adopt a 13-month fiscal year so as to circumvent the budget caps we agreed to back in 1998 which, as I recall, was a standard 12-month year. What will we call the newly created 13th month? Taxember? Spenduary?

And what will our big government friends think of next in their ongoing fiscal assault on hard-working, taxpaying families. An 8-day week? A 30-hour day? With more time for everybody to work for the tax man?

I have a really unique suggestion. Let us keep our promises, stand by the commitment we made to the American people. Let us honor those spending caps that the Congress and the President agreed to only about a year ago. Let us give the American people something they are not accustomed to, a Congress and a President who keep their word. I guess that is something you see only once in a blue moon, or, as they say, only in a 13-month year.

REMEMBERING JIM ''CATFISH'' HUNTER, HALL OF FAME PITCHER

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 of North Carolina. Mr. Speaker, last week America lost a legendary figure in the game of baseball. The town of Hertford and the State of North Carolina lost a friend and a hero. Hall of Fame pitcher Jim ''Catfish'' Hunter passed away, just one year after being diagnosed with ALS, the same disease that took the life of former Yankee first baseman Lou Gehrig.

□ 1645

Mr. Speaker, Jim ''Catfish'' Hunter is a grand example of what a sports hero should be. He played baseball because he loved the game. The success he gained was secondary. During his career, no matter how impressive his accomplishments or how great the public recognition, he never forgot his family or his community. In fact, he lived the kind of life that movies are based on.

Jim Hunter was raised in rural eastern North Carolina as the fourth of eight children. As a boy, he excelled in sports. In high school, professional scouts began taking interest in his pitching skills. Hunter's natural talent and dedication to the game led to a remarkable career which elevated a young country boy to a national sports hero. He was given the name Catfish in 1964 when former Oakland A's Charlie Finley signed the 18-year-old to play baseball.

Hunter admitted that he enjoyed hunting and fishing, and the A's owner apparently insisted on the name Catfish. Jim Catfish Hunter went on to win five world championship rings and a plaque in baseball's Hall of Fame.

As an 8-time All Star, he pitched in 6 World Series, helping to win three championships in Oakland and two more with the Yankees. His 15-year baseball career ended in 1979, but not before he won 224 games, pitched a perfect game, and in 1974 received the American League's Cy Young Award.

Jim Catfish Hunter gained the kind of superstardom that could have changed most men, but he remained the same unassuming man he was when he left Eastern North Carolina. Mr. Speaker, John Ruskin once said, ''The first true test of a truly great man is his humility.'' Mr. Speaker, if this is the test, then Catfish Hunter will certainly be remembered as a great man.

At age 33, Jim Catfish Hunter retired from baseball and moved back to North Carolina, not far from where he was raised, to concentrate on his family. He had married his high school sweetheart Helen, and together they had three children, sons Todd and Paul, and a daughter, Kim. Hunter has been quoted as saying he would have given up all of his money and fame for the health to watch his grandson Taylor grow.

But Jim Hunter was a fighter. Instead of shying away from the disease, he worked to raise awareness of his illness in hopes of finding a cure. In fact, last May, Hunter attended the opening of the Jim Catfish Hunter ALS Foundation in Hartford, North Carolina. The event fell on May 8, the 31st anniversary of his perfect game.

Mr. Speaker, we remember him as more than just a great ball player. He was a wonderful man who loved his family and his community. In fact, I imagine he would like to be remembered as Jim Hunter, the husband, father, grandfather, and friend, rather than Catfish Hunter, the Hall of Fame baseball pitcher.

Today we celebrate his life and the legacy that he has left for future athletes. Mr. Speaker, the Nation and the game of baseball are better off because Jim Catfish Hunter passed this way.

The SPEAKER pro tempore (Mr. PEASE). Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

(Ms. JACKSON-LEE of Texas 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 Florida (Mr. WELDON) is recognized for 5 minutes.

(Mr. WELDON of Florida addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. LIPINSKI) is recognized for 5 minutes.

(Mr. LIPINSKI addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ON THE RELEASE OF FALN TERRORISTS BY THE WHITE HOUSE

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. Mr. Speaker, last week, as some Members of the body know and many Americans know, a number of terrorists that engaged in a reign of terror across this Nation during the seventies and eighties were part of a group known as the FALN, that were responsible and proudly claimed responsibility for 130 bombings, if not more, killing innocent people and maiming innocent people.

It became news in the last several weeks because they were offered clemency by the White House. Despite the fact that they rejected the initial offer of clemency because they thought conditions placed upon them were too humiliating, ultimately they agreed and now they are free, with the exception of two, who rejected the offer.

At the time, those of us who opposed the offer of clemency objected, for a number of reasons. One, these are evil people. They sought to hurt, kill, and maim innocent people. They sought, in a way, the overthrow of the United States government because they did not get their way through a civilized, normal democratic process known as the rule of law, known as elections.

They sought the independence of Puerto Rico. They did not get their way, so they resorted to bombs. They resorted to killing. They resorted to maiming. They were terrorists.

At the time, we brought forward some of the victims: A police officer was blinded for life, another who was blind in one eye, another who lost his leg, another whose husband was killed in the tavern bombing in 1975, another family who lost their father and husband in 1975. We said, we are sending the absolutely wrong signal to terrorists, because we are emboldening people around the world who are going to contemplate terrorism on our soil.

It did not take long, Mr. Speaker. Just a few days ago there was a statement put out by one Filiberto Ojeda Rios. He put out this statement: ''If they,'' the United States, ''start bombing Vieques again, and they threaten

the island's population, or those carrying out acts of civil disobedience, they will have to face the consequences, because Los Macheteros will not remain with their arms crossed. You can be sure of that.''

He added that Puerto Rico should take advantage of ''this historic moment and battle against the revolutionary offenses being developed by the United States government, among others.''

Why is this important? Because this gentleman was the leader of Los Macheteros, a ruthless terrorist organization that claimed responsibility for bombings and other acts of violence, along with the FALN, throughout the seventies and eighties. He emerged from a decade of hiding this week with this statement that I just read that was broadcast over radio.

One of the prisoners who has been released, who is now free, was a member of this organization. So here we have it, just several days after some of these terrorists were set free, after several days we sent the wrong signal that we are going to tolerate terrorists, negotiate with terrorists, coddle terrorists; just several days after, someone who has been in hiding for a decade rears his ugly head once again.

Yesterday in the other body there was a hearing, and in an effort to try to get to the bottom of what happened here, why the White House would reach this mind-boggling conclusion to release people who were part of a network, who had no remorse, offered no apologies, no contrition for this act that innocent people could be killed, and it could have been anywhere in this country, it could have been any American family just having lunch who could have been killed, the White House office of deputy counsel to the President responded that the reason why they were granted clemency, among other things, they do not pose a danger to society.

These are people who were videotaped making bombs. These are people who were proudly part of an organization that killed innocent people. These were people who were convicted of seditious conspiracy. Some of them at their trial said that they wanted to kill the sentencing judge. Some of them said that if they could, they would kill anybody. These are the people that this White House has chosen to send back into society.

To this very day, we do not know why. I would think the American people and the victims, especially, deserve to know.

ANNOUNCEMENT REGARDING SUBMISSION OF AMENDMENTS ON H.R. 1875, CLASS ACTION JURISDICTION ACT OF 1999

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

Mr. DREIER. Mr. Speaker, this afternoon a Dear Colleague letter will be sent to all Members informing them that the Committee on Rules is planning to meet the week of September 20 to grant a rule for consideration of H.R. 1875, the Class Action Jurisdiction Act of 1999.

Yesterday the Committee on the Judiciary filed its report on this legislation, House Report 106–320. The Committee on Rules may grant a rule which would require that amendments be preprinted in the CONGRESSIONAL RECORD.

In this case, amendments must be preprinted prior to consideration of the bill on the floor. Amendments should be drafted to the version of the bill ordered reported by the Committee on the Judiciary. Members should use the office of legislative counsel to ensure that their amendments are properly drafted, and should check with the office of the parliamentarian to be certain that their amendments comply with rules of the House.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1402, CONSOLIDATION OF MILK MARKETING ORDERS

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 106–324) on the resolution (H. Res. 294) providing for consideration of the bill (H.R. 1402) to require the Secretary of Agriculture to implement the Class I milk price structure known as Option 1A as part of the implementation of the final rule to consolidate Federal milk marketing orders, which was referred to the House Calendar and ordered to be printed.

CONGRESS SHOULD REPEAL ANTIQUATED SHIPPING LAWS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. SCHAFFER) is recognized for 5 minutes.

Mr. SCHAFFER. Mr. Speaker, U.S. shipping laws can add as much as $1 to the cost of a bushel of export wheat. These antiquated policies should be repealed, and the sooner, the better.

No sector of the U.S. economy is more susceptible to international trade barriers and foreign economic market conditions than agriculture. This fact has become increasingly evident for the past couple of years as Colorado's farmers and ranchers have struggled to market their goods to an ever-expanding global marketplace replete with faltering foreign economies and highly subsidized competitors.

Compounding these profound challenges is a package of special interest laws that have been preserved in America's law books for almost 80 years.

Along with my colleagues on the House Committee on Agriculture, I have worked extensively to pull these regulations out by their roots. U.S. shipping laws impose great costs and burdens on Colorado producers while providing the least benefits to our Nation. In many cases, these regulations have far outlived their original purpose, yet remain on the books, persistently chipping away at the profits and livelihoods of rural Americans.

The most onerous of these policies is one which former U.S. Senator Hank Brown of Colorado worked actively to eliminate during his service in the United States Senate, an outdated maritime law known as the Jones Act.

Passed in 1920 in an effort to strengthen the U.S. commercial shipping fleet, this law mandates any goods transported between two U.S. ports must travel on a vessel built, owned, manned, and flagged in the United States, no exceptions. Unfortunately, over the years the U.S. domestic fleet has languished under the Jones Act, because the Act itself has made it prohibitively expensive to build new ocean-going vessels in U.S. shipyards.

In fact, only two bulkers have been built in U.S. shipyards in the last 35 years, which has left our country with the oldest fleet in the industrialized world. To contract for a new ship would cost an American operator over three times the international non-subsidized rate, almost assuring that no new bulkers are built in the United States.

Still, those few carrier owners who operate U.S.-flagged vessels enjoy an absolute business monopoly. Effectively shielded from any form of international market competition by the U.S.-only policy, known as ''cargo preference'', operators charged artificially inflated shipping rates, fees and other expenses all underwritten by those who can still afford to ship their products.

Because of this, agricultural producers today do not have access to domestic deep sea transportation options available to their foreign competitors. There are no bulk carriers operating on either coast of the United States, in the Great Lakes, nor out to Guam, Alaska, Puerto Rico, or Hawaii. Colorado producers are thus placed at a competitive disadvantage. Foreign producers are able to ship their products to American markets at competitive international rates, whereas U.S. producers cannot.

Colorado producers also need access to deep sea transportation options because other modes of transportation are often expensive, unpredictable, or unavailable. The rail car shortage we experienced in 1997 could have been averted if just 2 percent of America's domestic agricultural production could have traveled by ocean-going vessel.

With continued record harvests anticipated across the West, and bottlenecks and congestion on rail lines, this could easily happen again. Colorado farmers are therefore vulnerable to artificially high rail rates at a time when commodity prices are already depressed. This in turn raises the cost of production, lowers income, and makes it more difficult for Colorado producers to compete against subsidized foreign products.

Finally, Mr. Speaker, while Congress continues fighting for open foreign markets, reducing unnecessary costs and regulations and promoting sales of American products abroad, the Jones Act continues to impose additionally artificial costs and burdens on Colorado's hard-working agriculture producers.

Senator Brown's fight to repeal the Jones Act was the right fight for Colorado farmers, and it still is.

□ 1700

GLOBAL DAY OF ACTION FOR WTO TURNAROUND RALLY

The SPEAKER pro tempore (Mr. PEASE). Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, this November, representatives from 135 Nations are meeting in Seattle to decide the all-important global trading agenda for the World Trade Organization.

Unfortunately, these trade bureaucrats and their army of attorneys are not going to discuss the overwhelming need to reform the World Trade Organization before expanding it. They are not going to talk about fighting the spread of AIDS in Africa or stamping out slavery in Thailand. They are not going to talk about Mexican workers who are paid pennies an hour to work in shiny American factories or Indonesian children who work 18-hour days for less than a dollar a day to make a pair of shoes that sell in this country for $120.

Rather than address the fact that so many of the world's people continue to live in grinding poverty and continue to barely survive, most of them on less than $1 a day, the trade bureaucrats in Seattle are going to discuss how to sell them compact discs and cellular phones.

My colleagues can count on this, our own United States Trade Representative is not going to mention that millions of American children are growing up in poverty while their parents continue to struggle to find jobs that pay a livable wage. Our own U.S. Trade Rep. is not going to mention that, even though Wall Street is booming, 90 percent of its benefits go to the richest 5 percent of Americans, and our own United States Trade Rep. will not mention that the living wage for most Americans has not increased appreciably in nearly 30 years.

The WTO has weakened the standards we erected to ensure our children are not exposed to imported foods soaked with the same pesticides we banned in the United States. The WTO has undermined the laws and regulations we created in Congress that were intended to protect our privacy, our health, and our environment. The WTO has made improving the lives of workers less important than improving the rights of property holders and intellectual property rights.

Instead of creating a global supermarket for America's goods and Services, we have created a system of rules that puts more emphasis on property rights than on human rights. So it is vital that we in Congress, that the American people, realize just what is at stake when the world's largest assembly of millionaires meets in Seattle this year.

We have got to keep fighting to make labor, standards, and environmental rights and human rights as important to our trade bureaucrats as intellectual property rights.

SECURITY ISSUES FACING OUR COUNTRY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Pennsylvania (Mr. WELDON) is recognized for 60 minutes as the designee of the majority leader.

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise tonight to discuss security issues facing this country and to focus the bulk of my discussion on the issue that is going to be, I think, a major issue for the rest of this year and well into the Presidential elections next year, and that is a national debate on who lost Russia. What caused the current economic and political instability that is occurring in that nation that still possesses a vast supply of nuclear material, weapons, weapons of mass destruction, and pose a significant security threat to America?

Before I talk about Russia and present some perspectives, I would like to first of all commend the Congress, Members on both sides of the aisle, for the passage today of the final conference report on the defense authorization bill. This bill, which passed the House with an overwhelming margin, is a tribute to the gentleman from South Carolina (Mr. SPENCE) and the gentleman from Missouri (Mr. SKELTON), the two leaders on defense issues in this Congress, and to all the Members who worked hard on giving our military the best possible support in terms of resources to meet the challenges and threats of the 21st Century.

I am concerned that the bill does not have enough in the way of resources to meet the level of deployments that have been entered into by this administration and by the President. In fact, the level of deployments over the past 7 years are now at 33, and that, in fact, compares to 10 deployments in the previous 40 years from World War II until 1990.

We cannot continue to have our troops stationed around the world, involved in harm's way in every possible place, from the Balkans and Kosovo to Macedonia and Somalia and Central America and now perhaps East Timor, and provide less resources to pay for all these deployments. That has been our big problem over the past several years.

So while this bill does not address all of our needs, it certainly is the best possible legislation that we can come up with given the amount of dollars that the administration made available and the amount that we in the Congress were able to plus up above the President's request. I would hope the President would sign this bill into law as quickly as possible.

There was some last-minute controversy raised because of provisions dealing with changes in the management of our Department of Energy-run laboratories. But I can say this, Mr. Speaker, that those changes are needed. They are important, and they are critical.

We could not have passed DOE reform legislation in my mind that the President would have signed had it been in a freestanding bill, and, therefore, including it as a part of our defense authorization bill was extremely important.

The second issue I would discuss briefly, Mr. Speaker, is an announcement that is going to be made tomorrow by the administration regarding a change in the policy over encryption. Encryption is the technology that we use in the information age to protect and secure transmissions of data.

Up until this point in time, we have had strict limitations on the type and capability of encrypted software that we allow our companies to sell overseas. The reason is that we do not want terrorist groups in rogue States to be able to get the capability to classify their communications so that our national security agency and intelligence community cannot get into the kinds of transmissions involving illegal activities and drug sales and arms transfers that is so important to our security.

For the past several years, it has been a stalemate. Many of the software companies have been pushing very hard to pass legislation to remove all limitations on being able to sell encryption software abroad at any bit strength, any capability.

Many of us in the Congress who are concerned about security issues and Members of the Permanent Select Committee on Intelligence on both sides of the aisle have raised our voices and have said we cannot just in one fell swoop wipe away the controls that allow us to maintain the kind of access to secure systems that allow America to protect our troops abroad as well as our homeland here.

In fact, in each of the last two sessions of Congress, I have offered successfully amendments in the Subcommittee on Defense to the encryption bill, overwhelmingly supported by Democrats and Republicans, to slow down this process and to force us to look at the security concerns.

We have said during our opportunities to amend this bill, both last year and most recently in July or August, this past summer, that we were looking for a compromise, that we were looking for a way that we, in fact, could allow our companies to maintain

their market share worldwide but also, at the same time, provide mechanisms for the national security agency and the intelligence community to make sure that they were being consulted when this technology was being sold.

In a meeting I had with Deputy Secretary of Defense John Hamre just 1 hour ago in my office, he told me that tomorrow the administration will be announcing what I think will be a successful compromise that will allow industry to be happy but will allow those of us who have security concerns to be happy that we are, in fact, not giving away capability to our adversaries that may come back to haunt us.

This compromise which has yet to be worked out in terms of legislative language will do three things. It will allow a process to be kept in place to make sure that our intelligence and defense community have a process before an application is granted for an encrypted software to be sold overseas above the 64-bit strength capability. This gives our technical people the ability to monitor the kind of software encryption that we are selling so that they understand the implications of the sale.

Secondarily, the companies will certify the end user of this encrypted algorithm software so that we know where the encryption is going, to make sure it is not going near the hands of a terrorist group or perhaps a nation that is a direct opponent of the U.S., thus could cause security problems for us.

The third provision would allow the Defense Department and the administration and intelligence community to oppose the sale of this more capable encryption to a nation or to an entity that we feel would pose a security threat to America.

Based on these three conditions, the administration and Dr. Hamre are going to announce this change tomorrow, and I am convinced that this change would not have occurred were it not for the efforts of members of the national security committee, and Permanent Select Committee on Intelligences who stood up and cast very difficult votes.

The intense lobbying campaign by the private software companies who have significant PACs and who were having a significant influence on Republican and Democrat Members brought tremendous pressure to bear on many Members who wanted to make sure that our security was not being jeopardized.

In last year's vote in the House Subcommittee on Defense and last year's Permanent Select Committee on Intelligence and in this year's votes in the House Subcommittee on Defense and Permanent Select Committee on Intelligences, Democrats and Republicans stood together.

They said that we want to make sure, in spite of the tremendous pressure by these software companies, that we give every possible consideration to our security concerns. Those security concerns apparently are now being met. Tomorrow we will hear the outline of the specifics from the administration.

I have offered my support to Dr. Hamre to work to develop bipartisan legislation to amend the Safe Act, the Goodlatte bill, to provide for a compromised solution to what has been a stalemate in this country over the exportation of encrypted software.

I want to particularly thank the Members of Congress who were leaders in this effort and who, without their support, this compromise would not have occurred.

On the Committee on Armed Services in particular, I want to thank the gentleman from Virginia (Mr. SISISKY). He was the cosponsor of the amendment that I offered this year which passed in the committee with a vote of 46 to 8. Overwhelming support by Republicans and Democrats. That bipartisan support was obtained because of the leadership of the gentleman from Virginia (Mr. SISISKY) on the Democrat side.

I would also thank our distinguished ranking member the gentleman from Missouri (Mr. SKELTON) who took a leadership role in this effort in the committee, supported by the gentleman from South Carolina (Chairman SPENCE).

The other leaders on the Committee on Armed Services were the gentleman from New Jersey (Mr. ANDREWS), the gentleman from Hawaii (Mr. ABERCROMBIE), and the gentleman from Nevada (Mr. GIBBONS). Each of these Members took the tough stand. They stood up under tremendous pressure and intense lobbying by private industry to say that we had to stand up for the security concerns of the intelligence community, the national security agency.

It is because of their efforts and the efforts of the leaders on the Permanent Select Committee on Intelligence, particularly the gentleman from Florida (Mr. GOSS) and the gentleman from Washington (Mr. DICKS) that we were able to reach this compromise which, hopefully, all of us can rally around legislatively. I am looking forward to working together to achieve a balance.

I have already discussed this in a very preliminary way with the gentleman from Virginia (Mr. GOODLATTE) who is the chief sponsor of this legislation. I want to applaud him for being responsive to our reaching out to try to find a way to deal with the concerns of industry and their economic success and the concerns that we have relative to America's security.

Mr. Speaker, the real topic that I wanted to address tonight is the beginning of what I think will be a major national debate over the next 14 months that should occur over the issue of who lost Russia.

Mr. Speaker, 8 years ago the people inside of the Communist-dominated Soviet Union were excited, were anxious, and were looking forward to what they saw coming: A major revolution of a Communist-dominated superpower, one of only two superpowers in the world at that time, that was repressive of their rights, that was repressive of the freedom of information and access to the kinds of freedoms we enjoy in America in free markets. The Soviet people were just chomping at the bit to throw off communism and become a free market democratic nation.

☐ 1715

What happened? That revolution occurred. Gorbachev started it in a very heoric manner, followed by Boris Yeltsin, who, again in a very heroic manner, held the effort to lead the Soviet Union away from communism, away from a closed central economy to free markets and democracies.

Unfortunately, Mr. Speaker, here we are 8 years later, those Russian people who for 70 years were dominated by communism are today looking back and they are saying to America, where is the realization of the dream that you promised? Where is the success of our economy? Where are the freedoms from the kinds of oppression and criminal activity that we see all over our country today? Where is the growth of our country economically as a major player in the world's economy? Where is the economic benefit?

Instead, many of those same people are worse off today than they were under communism. Senior citizens, who rely on pensions, have seen inflation running up in the hundreds and thousands of percentage increases over the last 8 years, have looked at their savings dwindle to nothing. The people who have relied on job growth have not seen any significant job increase except for a very small percentage of Russians, many of whom were connected to Yeltsin's inner circle, members of the Intelligencia, or, ironically, members who were well connected to the communist leadership of the previous 70 years.

In fact, Mr. Speaker, the amount of dismay in Russia today is unbelievable. I think it was best summed up by a member of the Russian Duma who I had the pleasure of doing a press conference with at the height of our bombing of Kosovo, which the Russians found offensive and because it did not initially involve them, found the running contradictory to our trying to improve relations.

He said, for 72 years, the Soviet communist party spent billions of dollars to try to convince the Russian people that America and its people were evil. But the Russian people, the 95 percent who were never able to join the communist party, did not believe the propaganda, did not believe the rhetoric coming out of Moscow that America was an evil nation. They rejected the plea of the communists that America was their long-term enemy.

He went on to say that, in a matter of a few short months and years, we have managed to do what the Soviet

communist party could not do in 70 years. Because of our failed policies, because of our situation involving Kosovo, we have, in fact, convinced many Russians that we are an evil nation, that we are the enemy of Russia, that the success that we guaranteed would occur with free markets and democracy has not occurred, and that we are, in fact, part of the reason why Russia is having the economic and political turmoil that exists in that country today.

Mr. Speaker, I do not think any one of us in this country can blame any one person for Russia's problems, but I can tell my colleagues they are severe.

It hit me 2 years ago when I was asked by the Speaker of the Russian Duma to attend a conference in Moscow representing the U.S. to talk about why more western companies were not investing in the Russian economy. I went over and represented America and was there joined by parliamentarians and ministerial leaders from 13 other western nations.

I was accompanied by representatives of the American Chamber of Commerce in Russia and the U.S. Russian-American Business Council, both groups representing the bulk of our American companies doing business in Russia. And I had to be given, in a very embarrassing way, the following statistic:

Since the Russians threw off communism and went to a democracy and a free market economy in 1991, there had been only $10 billion of western investment into the Russian economy. During that same period of time, there had been $350 billion of investment in the Chinese economy.

Now, I am not here to say that we should not invest in China. In fact, I have supported the normalization of our relations with China. But how is it that the reward for the world's only other superpower in transforming from a communist nation to its free democracy would have such little positive impact yet the reward for a nation that retains communist domination would be so much greater in terms of western and U.S. investment? Three hundred fifty billion to China, $10 billion to Russia, just in the 6 years from 1991 until 1997, which was when this conference occurred.

The Russian people throw up their hands and they ask the question, what went wrong? The members of the Duma, people who I have worked with for the past 5 years, friends of mine, all the factions, say to me, Congressman Weldon, how is it that America has guaranteed and helped support $20 billion of U.S. guaranteed IMF and World Bank funding, and actually it is much higher than that, and $1 billion a year of U.S. Treasury funding, taxpayer dollars, into our country and yet most, if not all, of that money has been siphoned off by crooks, by corrupt business leaders, by thugs, by friends of Boris Yeltsin, by people who are well connected in Moscow who took hard-earned American and western individuals' money through their taxes paid to their governments and put that money in Swiss bank accounts and U.S. real estate investments instead of benefiting the changes that were necessary for the Russian people?

Mr. Speaker, for those people, who I agree with, who say that, well, we cannot blame one person, we cannot blame Bill Clinton for the fiasco in Russia, I would agree. But I would say this, Mr. Speaker: There certainly is, in my opinion, a significant amount of responsibility that this administration must bear for where Russia is today.

Just 3 years ago, former Russian Ambassador Pickering, who is now the number-three person in the State Department, was touting around the world in speeches that within 3 years Russia will be a stable economy, it will be a world-class economy, it will solve its economic problems. And look at where we are today.

Last August, a major economic collapse, devaluation of the ruble, long lines at banks with Russian people trying to withdraw their savings, instability. Now we have revelation after revelation of Russian bankers, Boris Yeltsin's friends, friends of the establishment, who siphoned off hundreds of millions of dollars, western dollars designed to help build homes and bridges and schools and roads and to reform the coal industry, gone, evaporated, benefiting a few and leaving the Russian people in disarray and in dismay.

It is absolutely essential, Mr. Speaker, that this body conduct a thorough examination of what happened and what went wrong with our policies toward Russia since 1991.

Now, I am not going to be partisan and say that we should not look back to the Bush administration. Because we should, because that is when the reforms in Russia started. But, Mr. Speaker, I can say without any hesitation that there is no doubt in my mind that the policies of this administration, starting with the president and those of the chief Russian advisor to the President, Strobe Talbott, have had a direct impact on the destabilization of Russia's economy and their political situation.

Why would I make such statements, Mr. Speaker? Well, let me try to explain them. And in explaining them, let me look at where we have been, the kinds of decisions we have made, and perhaps what we should do in the future to change our position with Russia.

First of all, Mr. Speaker, our policy for the past 8 years has largely been focused around a president-to-president relationship. Everything focused on Bill Clinton and Boris Yeltsin. As long as those two men were cooperating, were trustworthy of each other, had a common understanding of the working relationship, that was the most important thing our country focused on, reinforcing Boris Yeltsin under any circumstance. And that was the policy of our State Department and that was and still is the policy of our administration.

When Boris Yeltsin called the Duma a bunch of rogues and crooks and thieves, which some of them are, what did our administration say? It did not disagree with Boris Yeltsin and say that we should help to build a more stable institution of a parliament. It remained silent. And those people in Russia mistook that silence as though somehow we were embracing Boris Yeltsin's notion that the parliament in Russia did not matter.

In fact, Mr. Speaker, last year I arrived in Moscow in September, the day that President Clinton was leaving; and one of the most respected members of the Russian Duma, the former Soviet ambassador to Washington, speaks fluent English, current chairman of the Committee on International Affairs, and a pro-Western leader, the Vladimir Luhkin, called me into his office and he said, Curt, I have some very disturbing news that is running through our Duma and you need to confront the administration to see if this happened.

I said, What is the matter, Vladimir? He said, We have received word that Boris Yeltsin and your president had discussions privately as to what the position of the U.S. would be if Yeltsin decided to disband and ignore the Duma completely, in direct violation of the Russian constitution. Vladimir Luhkin said to me, Curt, if that discussion took place, that is going to cause serious problems because our Constitution mandates that we have a balance of power, similar to what you have in America, and for your president to even engage in that kind of a discussion would be very destabilizing.

I went back to the administration and I raised that issue, and I was assured at that time that our President never had that discussion with Boris Yeltsin.

We will probably never know the answer to that, but I took the administration at face value. But I did believe, with no doubt in my mind, that all of our policy considerations for 7 years, 8 years, have been focused around the premise that under every circumstance we must make sure that Boris Yeltsin is strong. And if we follow that, a similar attitude prevailed in the relationship between Vice President Gore and Victor Chernomyrdin, the Gore-Chernomyrdin Commission, much of which I supported, was designed to focus on their relationship.

Where we failed, Mr. Speaker, was to reach out to the other power centers in Russia, to reach out to the other factions and the Duma.

Some of the administration officials would say to me, Well, wait a minute. What did you want us to do? Help the communist gain more power in Russia? Negotiate with the communists?

To that I say this, Mr. Speaker: How does the administration rectify that statement when the communists in Russia were, at least, elected in free and fair elections, when the administration has put so much effort into a

government in China that is entirely communist with no free and fair elections?

So if their policy is that in Russia we will reinforce Yeltsin under any circumstance at any cost because we were fearful of the communists, what in the heck is our relationship with China, which is totally dominated by one party communist regime, with no free and fair elections and many concerns about human rights and access to markets?

So I do not buy that argument. But the policies of this administration, constantly reinforcing the notion that under any circumstance we could not let anything to happen to embarrass Boris Yeltsin, have contributed to where we are today and the instability in Russia today.

Let us look at the facts, Mr. Speaker. We have arms control agreements with Russia. Those arms control agreements require that when there is a violation, we hold those Russian entities accountable.

Yesterday, Mr. Speaker, on the House floor, in spite of a memo from the administration that the President would veto the bill, every Member of this body, every Republican and every Democrat who voted, voted in favor and against the President in favor of requiring the administration to impose sanctions on entities transferring technologies to Iran.

That is as direct a slap in the face of the policies of this administration as anything I have seen in the 13 years I have been here. It was not a partisan issue, because every Democrat joined every Republican.

Now, why would we have to resort to passing this legislation forcing the administration to impose sanctions when violations occur? The reason is, Mr. Speaker, because over the past 7 years we have seen time and time again violations of arms control agreements by Russia and China, and we have ignored them.

Mr. Speaker, I was in Moscow the December before the presidential election of Boris Yeltsin to his second term. The Washington Post had just reported a front page story that we had caught Russia transferring accelerometers and gyroscopes to Iraq.

□ 1730

Mr. Speaker, accelerometers and gyroscopes are the guidance systems that guide missiles. They are the devices that make missiles more accurate, the kind of missiles that killed our 28 young troops in Desert Storm when Saddam fired that Scud missile into the barracks, the kind of guidance system that North Korea wants for their missiles aimed at America and aimed at South Korea. The Washington Post reported in a front page story, above the fold, we have caught the Russian entities illegally transferring this technology.

I was in Ambassador Pickering's office in January of that year and I said, ''Mr. Ambassador, I'm sure you saw the Washington Post article. What was the response of the Russians when you asked them to explain what we found them doing?''

And he said, ''Congressman, I haven't asked the Russians yet.''

I said, ''Why would you not ask them? The Washington Post reported the story in December and they reported this transfer took place 6 months beforehand. Why wouldn't you ask the Russians? You're our representative here.''

He said, ''Mr. Congressman, that request has got to come from the White House.''

So I came back to Washington and I wrote to President Clinton. I said, ''Mr. President, you must have read the Washington Post story. This would be a gross violation of an arms control agreement, the Missile Technology Control Regime. If this occurred, what are you doing? And have you asked the Russians yet to explain what we have found?''

The President wrote me a three-page response in April of that year. ''Dear Congressman Weldon,'' to paraphrase, ''if what the Post said is true, you're right, it would be a gross violation of that treaty, and I assure you we will take aggressive steps to implement the requirements of that treaty.''

But the President went on to say, ''We have no evidence, we have no proof that it occurred.''

Mr. Speaker, here is the proof. A Soviet accelerometer and a Soviet gyroscope, markings in Russian on both of them. These were clipped from Russian SSN–19 missiles that were on their submarines aimed at American cities. Evidently, as Russia decommissioned some of these nuclear devices and ICBMs, someone clipped off the guidance systems which only three countries manufacture, the U.S., Russia and China, although some European countries, but in terms of our relationship, the U.S., Russia and China, very expensive devices. Iran, Iraq, Syria, Libya, North Korea cannot build this quality of device. This is the proof, Mr. Speaker. They are real. And it was not just one time and it was not just one set.

Mr. Speaker, we have in America over 100 sets of these devices. They are the ones we caught. And it did not happen once. It did not happen twice. We caught the Russians transferring these devices to Iraq three times. What did the administration do in spite of President Clinton's letter? We did nothing. When I questioned the administration, why did we not do anything when the President told me that we were going to hold Russian entities accountable? The response was very quietly, ''Well, Congressman, we got assurances from Russia that they would conduct a criminal investigation and they would go after anyone they caught who had done this.'' That criminal investigation ended that year, Mr. Speaker. There were no sanctions filed. The devices were transferred, perhaps thousands of them, and these guidance systems then can be placed into missiles or redesigned or reverse engineered so Iran, Iraq, Syria, Libya and North Korea have better ways to aim their missiles with accuracy at American cities and American troops.

Now, why would we not impose sanctions that are required, Mr. Speaker, especially if this administration claims that arms control agreements are so important? In fact, Mr. Speaker, I did a floor speech 14 months ago, and people can get this from the CONGRESSIONAL RECORD at that time where I documented 37 violations of arms control agreements like this one by the Russians and the Chinese since 1991, since the President took office. In those 37 violations, we caught the Russians and the Chinese sending these kinds of devices to Iraq, sending other technology to Iran, sending chemical and biological and nuclear technology to Syria, Libya, Iran, Iraq, China, North Korea, Pakistan and India, 37 times. That was not my investigation. That research work was done by the Congressional Research Service, an agency that serves Republicans and Democrats, has no partisan nature to it, they simply do the work that we ask them to do. Their study documented 37 violations. How many times did we impose sanctions? Twice. The two times we imposed sanctions were when we caught China transferring M–11 missiles and ring magnets to Pakistan and then we waived the sanctions after 2 years.

Now, why would we not impose the required sanctions when we caught the Russian entities transferring technology? It gets back to the policy of this administration toward Russia. Boris Yeltsin was running for election as the President of Russia. We did not want to embarrass Boris Yeltsin. Every step of the way, the President gave Boris Yeltsin the benefit of the doubt. ''We won't embarrass you, Mr. President, we won't do anything to undermine your leadership in Russia, even if you're allowing things to occur that we know are direct violations of these agreements.''

In fact, Mr. Speaker, in a book that was written by Washington Times defense writer Bill Gertz called ''Betrayal'' which I encourage every one of our colleagues to read, in the back of that book is an irrefutable document. In the back of Bill Gertz' book ''Betrayal'' is the presidential memo cabled from Bill Clinton to Boris Yeltsin in the year he was running for reelection that basically said this and people can read it for themselves: ''Mr. President, I'll make sure that we don't do anything to undermine your chances for reelection. I will make sure that we don't do anything to embarrass you as you embark upon your effort to be reelected.''

Mr. Speaker, that has been our policy for 7 years, not just during the election year. We have been so enamored with the relationship between Bill Clinton and Boris Yeltsin that even when

Yeltsin was not dealing with the problems that we knew were there, we ignored them, we pretended it did not happen, we made up excuses.

The same policy, Mr. Speaker, applied to a Navy lieutenant in what in my mind is the most outrageous story I have heard in the 13 years I have been in Congress. A 16-year career Navy officer by the name of Lieutenant Jack Daly, in our naval intelligence service, was assigned duty up in the Seattle area working with our Canadian military friends to monitor Russian trawlers that we knew were spying on our nuclear submarine fleet. Lieutenant Daly and his Canadian counterpart would fly helicopter missions and take photographs of these Russian trawlers that we knew were spying on our ships. We knew that because we had seen evidence in the trawlers of sonobuoys, devices that are used to put out in the water to monitor the routes of submarines. And we saw these ships coming into port with no cargo and leaving with no cargo. We knew they were spy ships for the Russians.

Mr. Speaker, Lieutenant Daly and his Canadian counterpart who were assigned to intelligence operations made a mistake. They did their job. They were flying in a helicopter, taking photographs of a Russian ship called the Kapitan Man. They were photographing the ship because it was a Russian spy ship spying on our submarines. They were taking photographs of the ship from their helicopter. The Russian ship saw the helicopter, and they activated a laser generator, aimed the laser at the helicopter and lasered the eyes of both of the individuals, Lieutenant Daly and his Canadian colleague.

They knew immediately they had some problem. They did not know what it was. They landed, they went to the medical site at their base there, and the doctors examined them and said, ''You've had some kind of damage.'' They flew them down to our laser specialist in Texas at our military medical facility and they confirmed that he had been lasered by a laser that is not normally available anyplace that ordinary people can access. They were told that the laser came from that Russian ship.

Now, Mr. Speaker when they came back to shore from the helicopter and reported to the DOD command officers that they think something had happened, DOD immediately wanted to go on board the ship, to board it, to see whether or not they had been lasered. Bill Gertz in his book, Mr. Speaker, for every Member of this body to know and to read and to document, for the first time reveals the classified cables between the State Department and the Department of Defense and our embassy in Moscow and the Russians. An American was harmed, doing his job, and yet we find evidence that there were discussions by the man who is currently our ambassador in Moscow, Jim Collins, about how we have to control this situation, we do not want to offend Russia, we do not want to embarrass Boris Yeltsin. So the military was told, ''Don't board the ship. Don't board the Russian trawler. Don't look for that device.''

And the military said, ''Wait a minute. We've had a career officer harmed. We want to go on board the ship.'' ''Then fine,'' the State Department said, ''you can only board the public areas of the vessel.''

Mr. Speaker, how stupid are we? We are going to board a Russian trawler that we know is a spy ship, we are going to look for a laser generator, and we are telling the inspectors that they cannot go into the nonpublic areas? Where do we think the Russians are going to put the laser generator, on the front deck? I mean, cut me a break. Are we that stupid or naive?

No, Mr. Speaker, the point was we wanted to give Russia an out. We knew what happened. Again, the policy, ''Don't do anything to embarrass Boris Yeltsin. Ignore the reality. Pretend it did not occur.'' That is what we did. But the worst part about that, Mr. Speaker, is Lieutenant Daly's career was ruined. He had had a stellar career up until that point in time, he was bypassed for two promotions, his superior officer told him this, and I want to quote what he said to him. He said, ''Jack, you don't know the pressure I'm under to get rid of your case.'' Amazing, Mr. Speaker, in America, that a 16-year career naval intelligence officer who is harmed by a Russian laser generator, only trying to get the satisfaction of his country defending him, would be told by his superior officer, ''Jack, you don't know the pressure I'm under to get rid of this case.''

Finally, because of the pressure of NORM DICKS, a good friend on the Democrat side, and Members on this side, including myself who have raised a stink on this issue, who have told Secretary Cohen and the Navy that we will not tolerate this activity, just last week the administration announced they are now going to re-review whether or not Lieutenant Daly has been mistreated in his effort to secure a promotion to the next rank in the service, another indication of this overriding policy of reinforcing Yeltsin and that relationship under any circumstances.

But let us get to the real problem, and that deals with the IMF funding. Mr. Speaker, we had a golden opportunity. The reformers took over and when Yeltsin first started out, he was a Godsend. He was standing up, reinforcing Gorbachev, standing on top of those tanks and defying the Communists to take him out as Russia was moving toward democracy and free markets. All of us, and me included, stood behind him and said, ''We want you to succeed.'' But we got mixed up along the way, Mr. Speaker. We got so enamored with Yeltsin that when he did stupid things, instead of saying, ''Mr. President, these people that you're putting in charge of these state enterprises, these multibillion-dollar enterprises that are going to become your banking system, these people that are going to run your huge state enterprises, are not qualified. You're picking them on the basis of friendship and ties as opposed to what is best for your country.'' We set in motion the beginning, in my opinion, of the economic turmoil that Russia is experiencing today.

Mr. Speaker, all along the way, when we saw Yeltsin doing stupid things, when we saw the oligarchs, the seven oligarchs, most of whom were no more qualified to be the manager of a big bank than I am in Russia, we stood back and we did not engage, because we did not want to offend Boris Yeltsin, we did not want to offend the group of intelligentsia and the oligarchy that was running Russia, because we felt that was our solution.

For the first few years it worked, when Yeltsin was strong and Clinton was strong, the policy worked and our countries were making some progress but we were not willing to be candid. Where are we today? Yeltsin's popularity is less than 5 percent, our own President has his own problems, but in Russia, what are the Russian people saying? ''America, you're not our friend. You saw these things occurring and you did nothing.''

☐ 1745

You knew what was going on. How can the Russian people respect us today, Mr. Speaker? They saw what was happening. How can the members of the elected Duma respect us? The only time we came to them was when after the fact and all the economic problems occurred, and the IMF was very weary about putting more money into Russia. We said to the Duma, ''You've got to pass tough legislation. You've got to reform your finance system. You've got to collect more taxes. You've got to make your people pay electric bills and water bills, which they never paid before under communism. You've got to get tough with your people or we're not going to give you more money.''

And the Duma basically thumbed their nose at the IMF, they thumbed their nose at Yeltsin, and they thumbed their nose at America. Why? Because the Duma deputy said, and I think rightfully so, ''Wait a minute. You now come to us in 1998 and 1999, and you ask us to pass tough reforms, but you did not involve us when all of this honey was being given out. You didn't involve us when you were sending Boris Yeltsin's friends the billions of dollars of IMF and World Bank money, when you were sending everything through central Moscow siphoned off by Yeltsin's crony friends instead of helping the Russian people, and now you want us to make the tough decisions. You want us to go to our constituents who see the turmoil in our country, and you want us to do the right thing.''

Is there any wonder the Duma said, ''No way''?

Mr. Speaker, our policies failed. We failed to help Russia establish a true democracy, a strong president, and Yeltsin could have been for the long term a strong President, ended up not being a strong President. And a strong parliament, one that could work in tandem, as we have in this country, a check and a balance.

Instead, we put all of our eggs into Yeltsin's basket, and we ended up with a basket of broken eggs, and now we are being asked to pay the price, and it is not small chicken feed, Mr. Speaker. Twenty billion dollars at a minimum into Russia's economy.

Is there any benefit to the Russian people? I would say no.

Three hundred million dollars for the coal industry to help Russian coal miners; where did that money go? It ended up lining somebody's pocket, building some residences on the French Riviera, buying real estate property in America, and leaving the Russian people holding the bag to pay all that money back.

And where was America? Where was America telling the Russians the tough things they had to hear?

When we saw the Russians transferring technology, we did not have to embarrass Boris Yeltsin. We simply had to offer him our help to work with him to identify the people selling this technology and to tell him we are going to take efforts to go after those companies. We do that in America all the time. If a company in America is illegally selling products to nations that are unstable, we make no hesitation about punishing them. I do not care if they are in my district or not. I want them punished. The same thing should have applied in Russia. If we had entities that we knew were violating arms control agreements, we should have punished them, and we should have been consistent, and we should have been fair, and we should have showed them that our goal was not to embarrass Yeltsin, it was not to embarrass Russia. It was to stop proliferation to nations like Iran, Iraq, Syria, Libya, and North Korea. That is the problem.

And when we saw the IMF money being drained away, we should have told President Yeltsin that we are not going to tolerate this, we are not going to stand for this. But what did we do? We turned our head. We turned our cheek.

There is a report running in the media that Vice President Gore was given at least one major CIA brief that linked Chernomyrdin directly to corruption in Russia. The Vice President is a good friend, was a good friend of Chernomyrdin, wrote across that document: Bull, and you complete the rest, and sent it back to the CIA. He did not want to hear it; he did not want to hear the facts.

We wonder why Russia is an economic and political basket case today, Mr. Speaker. Our policies encouraged the kind of disarray that we are currently seeing in Russia's economy.

There is an alternative way, Mr. Speaker, and as we begin hearings on who lost Russia, as we saw the New York Times 3 weeks ago on a front-page magazine story on who lost Russia and then followed that up with a Washington Post story this past weekend, and as the Congress begins to hold hearings on this whole issue, and by the way, Mr. Speaker, I think that Congress also has to bear some of the responsibility, and that includes my own party, and as I said before, some of these policies started under President Bush, so I am not saying it is all partisan, but I can tell you this President and his administration have exacerbated the problem unbelievably.

But how do we solve it? Well, there are some solutions.

Mr. Speaker, I am Russia's toughest critic, but I am Russia's best friend. I have been there 19 times. I know the Russian people; I know their leaders. When I saw the possibility that this Congress would not support more IMF funding and that Russia perhaps could have a meltdown, complete meltdown, with a major nuclear force still in place, more destabilized today than any point in time under communism because under communism they had discipline, they had the rule of law, they did not have the corruption they have today. Today they have corruption, they do not have the rule of law, and they have instability.

So I was concerned that I needed to get our colleagues to support the President even though I disagree with the positions he was taking in terms of IMF funding. So I went to Moscow and arrived the day the President left a year ago, and I took with me, Mr. Speaker, a set of eight principles because I knew the Duma was opposed to IMF funding just as the Congress was.

Now you might say why would the Russian Duma be against us putting another $4 billion in the Russian economy. Well, why? Because the Duma knew Yeltsin's cronies and friends, and they were going to be left to hold the bag to pay the bill, and they were going to be asked to pass the reforms and had no say in where the money was going or how it was being spent. That is why they opposed IMF funding.

So I said to my Duma friends, ''Here are eight principles. Look at these eight principles. If you can agree with these principles, I will go back to Washington, to my leadership in Congress, and I'll see if they'll agree that you pass these principles in the Duma in the morning,'' since it was an 8-hour time difference, ''and we'll pass these eight principles in the Congress in the afternoon on the same day. These principles will guide all funding going into your country from the west, international funding, World Bank funding, funding from the IMF and U.S. funding, a billion dollars a year going to Russia.''

What are the eight principles? Here they are, Mr. Speaker, in summary. I will put the full eight principles in the CONGRESSIONAL RECORD.

Number one, Mr. Speaker, that we establish a joint U.S.-Russian legislative oversight commission of elected officials to monitor every dime of money going into Russia, not to say where it should go; that is up to administrations; but to monitor where it is going. Today there is no such capability, and much of the money is being siphoned off illegally, and the Russian Duma has no ability to monitor what Yeltsin does with the money or his people. So establish a legislative oversight commission, Democrats and Republicans joining with all the factions of the Duma and the Federation Council and monitor where the money is going.

Number two, to focus our resources on programs like housing mortgages that benefit and create a Russian middle class. If you look at America's economy, our success economically is because when housing starts are up, our economy is strong, and our housing starts are up when mortgage rates are low. Russia has no mortgage system. Three years ago, Charles Taylor and I went to Moscow and we said to the Russian leaders, ''Work with us on a private mortgage program like our Freddie Mac and Fannie Mae, and if you agree to our tight discipline, we will go to the Congress and try to get some seed money.'' The Duma deputies agreed.

Here is the document we produced, Mr. Speaker, 2 years ago: Housing For Our People, a picture of the Capitol Building and the Duma. You know there is no White House in either picture? There is no Washington White House, and there is no White House where President Yeltsin works. It is the two capital buildings. It is where the two parliaments work, the parliaments of the Duma wanting to establish a private, western style housing mortgage financing system.

Our goal was in this second principle to say that programs that encourage a middle class are what we should be providing funds for.

Number three, that we should agree that western resources should be made available to reform-minded regional governments. Russia is a large Nation, over 60 States and oblasts, and many of the regions are doing good things. They are privatizing their property, they are collecting more taxes, they are having people pay for their utilities. But because all the money went through Yeltsin in Moscow, those regions were not being recognized and rewarded. The money was being siphoned off to Yeltsin's cronies, and the regions who are reforming were standing there saying, ''We're doing the things you told us, America; when are you going to help us?'' And the help never came, and our policy was let us focus on regions where they are doing good things and help them continue to do good things.

All around Russia, out in Siberia, Vladivostok, St. Petersburg, Nizhni-

novgorod, Samara, all around the country, the fourth principal: Deny Moscow-based institutions any additional funds where we know they have abused IMF World Bank and U.S. dollars. If we know a bank is corrupt, hard and fast rule, they get no more money. And in fact let us go after those perpetrators and try to collect the money they abused.

Number five, reform International Monetary Fund. This was a recommendation that I got after talking to George Soros in his office in New York to convene a blue ribbon task force that the IMF would then listen to that would tell it how to be responsive and make reforms to be more accountable to emerging economies like Russia.

Number six, and boy is this significant to put the horse in front of the cart. Reforms would precede and not follow. Resources. No reforms, no money. You make the reforms you have asked for, and then we will provide the resources you need, but no money until you do the reforms.

Number seven, have a 90-day plan to establish a relationship between CEOs of American companies and Russian enterprises, a one-on-one relationship so they can learn how we develop profits in America to make their companies more profitable in Russia, to learn how to motivate workers, how to manage their costs.

And the last item: To bring 15,000 young Russian students to America, undergraduate and graduate, have them attend our business, economic and finance schools all across the country, pay their way over, and get our schools to give them an education with the understanding they must go back to Russia to live. They cannot stay in America, in effect creating a new generation, the next generation of Russia's free market leaders.

Mr. Speaker, the Duma agreed to all eight principles, all eight principles. They said, ''We'll do the reforms if you tell us that you're going to let us march to where the money's gone. If you let us have a say, if the regions are recognized, we'll do it,'' and they passed it.

It came back to Washington, and I went to Speaker Gingrich. Speaker Gingrich said, ''Well, Curt, I don't know whether we want to do this, that is the administration's prerogative. Let me talk to the White House.''

The White House said, ''We don't need those guidelines. We don't need those principles.

The eight principles in their entirety are as follows:

JOINT STATEMENT OF PRINCIPLES GOVERNING WESTERN AND IFI ASSISTANCE TO RUSSIA

(Draft Prepared by Congressman Curt Weldon)

(1) Focus Western resources on programs—like housing—that will develop a Russian middle class

Funds flowing from Western governments and International Financial Institutions (IFI) should be directed to segments of the Russian economy where they will help develop a broad Russia middle class, who will in turn have an economic stake in democratic institutions and greater economic reform. One such sector is housing, where there is an overwhelming need for greater investment and the Russian people face tremendous shortages. A major impediment to a robust housing market is that all but the most wealthy Russians lack a mechanism to finance the purchase of a home. Development of a mortgage finance system, with longer term loans (20 to 30 years) and reasonable interest rates, would greatly strengthen the Russian economy, increasing employment, tax revenues, and economic and political stability.

(2) Make Western resources available to reform minded regional governments

Some significant portion of the funds from Western governments and IFIs should flow from the Russian central government to the Oblasts and Krais, which are the source of most of the economic reforms occurring in Russia. Tax reform, privatization, land reform are all areas where the regions have accomplished far more than the central government in Moscow. In determining the flow of these resources to the regions, priority should be given to those regions that have and are implementing the strongest reform programs. The criteria for evaluating the effectiveness of regional economic reform programs should be clearly identified, which will assure all regions that they are being treated equitably and provide the necessary incentives for regions to implement viable economic reform agendas.

(3) Deny corrupt Moscow-based financial institutions access to Western resources

Greater steps must be taken to ensure accountability for previous and future resources provided by Western governments and IFIs. The simple notion that any bank, government agency, regional government, or NGO that cannot account for previously supplied funding should be ineligible for future funds must be strictly enforced. This will have the practical effect of preventing the large, corrupt Moscow based banks from accessing future IFI resources.

(4) Establish a joint Russian—U.S. legislative oversight commission to monitor Western resources

Opposition to further assistance from IFIs run strong in both the U.S. Congress and the Russian Duma. One way to counter this tendency and promote a stronger Duma is to create a joint Russian-U.S. Legislative Oversight Commission, composed of Members of Congress and Duma Deputies and staffed by experts in both legislatures, to monitor the use of Western government and IFI funding to ensure that the designated end recipient, not only receives the resources but uses them for the intended purposes.

(5) Reform the International Monetary Fund (IMF)

Both the Congress and Duma should urge the International Monetary Fund to establish an International Blue Ribbon Commission composed of the most prominent financial experts to make recommendations for reforming the IMF to achieve greater transparency and more effective programs with less financial risk. If the IMF is unwilling to create such a commission, then the Congress and Duma should consider creating its own commission of experts and then press the IMF to implement the recommendations.

(6) Put the horse in front of the cart: make reforms precede—not follow—resources

In all too many cases, resources from IFIs come first and promised reforms come much later, if at all. It is time to make reform precede—not follow—important economic reforms at the national and regional levels. The Yeltsin administration, the Duma, and the financial oligarches have every incentive to promise reform prior to receiving financial assistance, but they have very little incentive to make good on the promises of reform, which in the short term are often difficult for the government to implement and painful for the Russian citizens to endure.

(7) Jointly develop a 90 Day Action Plan to reform de facto bankrupt industrial giants

Working the Congress and the Duma, the Administrations should empanel a group of international financial experts and give them 90 days to develop a comprehensive program to reform, privatize, or shutter the industrial behemoths that are essentially bankrupt and uncompetitive in a market economy but are kept limping along by subsidies because of local political imperatives and the fact that in many areas they represent the only source of employment. Many formerly state owned enterprises (for example—food processing plants, breweries, and confectionary enterprises) have made successful transitions which make products without government subsidies that compete with imported items—clear evidence that Russian enterprises can be competitive.

(8) Western government and IFI resources should go to civilian agencies and programs—not to prop up the Russian military industrial complex

Nothing could do more to endanger U.S.-Russian cooperation, especially in the eyes of the Republican Congress, than using funding from Western governments and IFIs to prop up the ailing military and military-industrial complex. Both the Administrations and the legislatures need to make sure that proper controls are put in place to prevent such an eventuality.

STATE DUMA

Commission of the State Duma for Monitoring of the Preparation and Realization of the Joint Program of the State Duma of the Federal Assembly of the Russian Federation and the Congress of the United States of America on Housing Construction in Russia ''A Home for Our Family.''

To the Deputies of the State Duma.
Federal Assembly.
Russian Federation.
From SD RF Deputy V.E. Tsoy.
From Member of the House of Representatives of the U.S. Congress Curt Weldon.

DEAR COLLEAGUES: The complicated socio-economic and political situation in which the population of Russia finds itself, allows us to address you with the following suggestions:

1. Concentrate Western resources on programs such as mortgage credit and housing construction, which will enable the development of a middle class in Russia.

Funds flowing from the U.S.A. and international financial institutions should be directed at those segments of the Russian economy which will enable broad development of a Russian middle class, which, in its turn, will have an economic interest in the existence of democratic institutions and the realization of more carefully thought out economic reforms in Russia. One such sector is housing, where larger investment is needed and where the population is confronted with an absence of additional sources of financing. The main obstacle in the path to a healthy housing market is that, for all but the most well-to-do Russians, there is no mechanism for financing the purchase of a home. Creation of a mortgage finance system with longer term loans (20–30 years) and reasonable interest rates would considerably

strengthen the Russian economy—increasing employment, the growth of tax receipts for the budget, and economic and political stabilization.

2. Secure access to U.S. financial resources and the resources of international financial institutions for subdivisions of the Russian Federation that are disposed to carrying out reforms and which have a high ratio of investment attractiveness that meets the demands of the leading international financial credit institutions, or has the potential to meet them in the near future.

A significant part of the financial resources coming from the U.S.A. and international financial institutions should be directed to those Russian oblasts and krais in which real economic reforms are already occurring. Tax reform, privatizations, and land reform are all areas where the regions have accomplished far more than the central government in Moscow. In determining the distribution of these funds to the regions, priority should be given to those in which there are more serious programs of reform. The criteria for evaluating the effectiveness of regional economic reform programs should be clearly defined. This will allow the regions to be sure that they will be objectively evaluated and guarantee them the necessary incentives for the establishment of effective economic reform programs.

3. After auditing, stop the financing of those projects in which serious financial infractions were committed during their realization.

More decisive measures should be taken to ensure accountability for previously allocated funds provided by the U.S.A. and international financial institutions. Strict fulfillment of financing, agreements by banks, government organizations, regional governments, or non-governmental organizations that have not been able to account for previously provided financial funds should be required. In the future such establishments, should not receive financial resources. The return of allocated funds from unscrupulous matters needs to be achieved through joint efforts and these funds directed toward the realization of specific programs approved by the State Duma of the Russian Federation and the Federation Council. This will have the practical effect of preventing future access to Western governments' and international financial institutions' funds by large and unreliable banks and other organizations.

4. Create a joint Russian-American oversight commission to monitor expenditures allocated by the U.S.A. and by the international financial structures of Russia make up of 8 members of the U.S. Congress and 8 deputies of the State Duma of the RF, with 2 co-chairs.

The negative feelings to further aid from the international financial institutions are intensifying in both the U.S. Congress and the State Duma of the RF. One way to counter the tendency and strengthen the authority of the State Duma and the U.S. Congress is to create a joint Russian-American legislative commission on oversight for verification of funds flowing from the U.S.A. and international financial institutions. Ensuring the funds are used as intended by the end consumer is under the control of the aforementioned commission.

5. Reform of the International Monetary Fund.

The U.S. Congress and the State Duma of the RF should request that the International Monetary Fund create an International Expert Commission, composed of the most prominent financial experts, to draw up recommendations for reforming the IMF. These should be directed toward achieving more transparency in its structures and increasing the effectiveness of programs while decreasing financial risk. If the IMF does not want to create such a commission, then the U.S. Congress and the State Duma of the Russian Federation should think about creating a bilateral commission of experts for subsequent work with the IMF on its realization.

6. The financing of different reform programs in the Russian economy will be conducted only after the passing of a Federal law on a foreign borrowing program taking into account the position of the regions where these programs will be realized.

In the majority of cases, the funds from international financial institutions flow long before the promised reforms are advanced, if they are advanced at all. It's time to make it so that reforms precede and not follow the financing of important economic reforms at the federal and regional levels. The administration of RF President B.N. Yeltsin and the RF Government issued guarantees while not controlling the fulfillment of these obligations that have heavy consequences for the population of Russia.

7. In the course of 180 days a bilateral working group of members of the U.S. Congress and the State Duma of the Russian Federation will prepare a plan according to an expert evaluation of further operations on the issue of the bankrupt industrial enterprises of the Russian Federation.

The U.S. Congress, the State Duma, and the administrations of both countries should create a working group of international financial experts and give them 180 days to work out a comprehensive program to reform, privatize or shutter industrial enterprises which, in practice, are bankrupt and uncompetitive in market economy conditions. They continue to remain afloat due to subsidies connected with local political imperatives and the fact that, in many regions, they are the only sources of employment. Many former state enterprises (light processing industries, food, etc.) have made successful transitions and produce goods that compete with imported products without government subsidies. This is clear evidence that Russian enterprises can be competitive. That notwithstanding, the expert commission should prohibit financing of military-industrial complex enterprises from investment funds which have been attracted to accomplish social programs for the Russian population.

8. Development of an initiative for the organization of commercial and financial education.

In accordance with intergovernment agreements, 15,000 Russian students and graduate students should be enrolled in American colleges and universities in a regular course of study. All Russian students who take part in this program will return to Russian upon completion of their educational program. The goal of such a program is to ensure a qualified corps of specialists in Russia.

Respected colleagues, we ask you, after becoming acquainted with our suggestions, to express your opinions.

Sincerely,

V. TSOY,
Chair of the Commission, Deputy of the State Duma, Russian Federation.

C. WELDON,
Member of the House of Representatives, U.S. Congress.

[DISCUSSION DRAFT ON RUSSIAN HOUSING]

To propose principles governing the provision of International Monetary fund assistance to Russia.

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Russian Economic Restoration and Justice Act of 1999''.

SEC. 2. PRINCIPLES GOVERNING INTERNATIONAL MONETARY FUND ASSISTANCE TO RUSSIA.

The Bretton Woods Agreements Act (22 U.S.C. 286–286mm) is amended by adding at the end the following:

''SEC. 61. PRINCIPLES GOVERNING INTERNATIONAL MONETARY FUND ASSISTANCE TO RUSSIA.

''(a) CONDITIONS AND LIMITATIONS OF ASSISTANCE.—The Secretary of the Treasury shall instruct the United States Executive Director at the Fund to use the voice and vote of the United States to urge the Fund—

''(1) to not provide any assistance to the government of the Russian Federation or of any political subdivision of the Russian Federation or to any other entity in the Russian Federation, until there is in effect a Russian federal law that implements the economic reforms described in subsection (b); and

''(2) to provide assistance to the Russian Federation or a political subdivision of the Russian Federation only to aid the implementation of such reforms.

''(b) ECONOMIC REFORMS.—The economic reforms described in this subsection are the following:

''(1) Land reform, including private ownership of land.

''(2) Further privatization of state-owned industrial enterprises.

''(3) Tax reform, including increased collection of tax obligations.

''(4) Development of effective commercial law, including the ability of individuals to seek enforcement of contracts by an effective judicial system.

''(5) Establishment of residential mortgage financing system for middle class individuals residing in the Russian Federation.

''(6) The development of criteria for evaluating the effectiveness of regional economic reform programs in the Russian Federation, and the use of such criteria to assure that Western resources are provided to the political subdivisions of the Russian Federation on an equitable basis, taking into account the necessity to provide incentives for political subdivisions to implement viable economic reforms and to reward those that have made progress in implementing such reforms.

''(7) The development of steps to make the recipients of Western resources in the Russian Federation accountable for the use of such resources.''

SEC. 3. RUSSIAN-AMERICAN FINANCIAL OVERSIGHT COMMISSION.

(a) IN GENERAL.—The Speaker of the House of Representatives and the President of the Senate shall seek to enter into negotiations with the State Duma and the Federation Council of the Russian Federation for the establishment of a commission which would—

(1) be composed of 8 Members of the United States Congress and a total of 8 Deputies from the State Duma and Federation Council;

(2) monitor expenditures of the funds provided to the government of the Russian Federation or a political subdivision of the Russian Federation by the United States or the international community, for the purpose of evaluating that the funds are used for only for the purposes for which provided; and

(3) create a working group of financial experts tasked with developing a comprehensive program to reform, privatize, or close industrial enterprises in the Russian Federation that are bankrupt and are (or would be) not competitive under conditions of a market economy without significant government financial support.

(b) MEMBERSHIP.—On the successful conclusion of negotiations under subsection (a), the Speaker of the House of Representatives and the President of the Senate are jointly authorized to appoint 8 Members of Congress to

the commission established pursuant subsection (a).

SEC. 4. SENSE OF THE CONGRESS ON ESTABLISHMENT OF JOINT UNITED STATES-RUSSIAN FINANCIAL EDUCATION PROGRAM.

It is the sense of the Congress that the United States and the government of the Russian Federation should conclude an agreement under which students in the Russian Federation would enroll in colleges and universities in the United States at undergraduate and graduate levels for the purpose of developing a network of financial specialists in the Russian Federation, and students so enrolled would, on completion of their studies in the United States, be required to return to the Russian Federation and work for the federal or a regional government in Russia.

SEC. 5. IMF REFORM COMMISSION.

The Secretary of the Treasury shall instruct the United States Executive Director at the Fund to use the voice and vote of the United States to urge the Fund to create a commission, composed of prominent international financial experts, for the purpose of drawing up recommendations for reforming the Fund, with a view to achieving more transparency in the structures of the Fund and increasing the effectiveness of Fund programs while decreasing financial risk.

SEC. 6. RUSSIAN HOUSING LOAN PROGRAM.

(a) LOAN PROGRAM.—There is hereby established a pilot housing loan program for the people of Russia, with such funds as may be made available, as the means by which the average Russian citizen may attain affordable home ownership.

(b) RESTRICTIONS.—None of the funds under this section may be made available—

(1) for transfer to the Government of Russia; or

(2) for the purposes of providing Russian military housing.

(c) ESTABLISHMENT OF ADMINISTERING CORPORATION.—Funds appropriated under this section shall be administered in the following manner:

(1) Such sums as may be made available for this pilot Russian housing loan program shall be administered directly through a nonprofit corporation (hereinafter the ''Corporation''), consisting of a 12-member Board of Directors, the members of which shall be:

(A) Former President George Bush or his designee.

(B) Former President Jimmy Carter or his designee.

(C) Two members appointed by the Speaker of the United States House of Representatives.

(D) One member appointed by the minority leader of the United States House of Representatives.

(E) Two members appointed by the majority leader of the United States Senate.

(F) One member appointed by the minority leader of the United States Senate.

(G) Two members appointed by the Chairman of the Russian State Duma.

(H) Two members appointed by the Chairman of the Russian Federation Council.

(2) A Chairman of the Board of Directors shall be selected from among the 12 board members. The chairman shall serve a single 2-year term. The entire Board of Directors shall serve a 2-year term and have the authority to select other officers and employees to carry out the purposes of the Fund and the program.

(d) LOAN SIZE AND TYPE.—Since it is the intent of the housing loan program to provide loans for the average middle-income potential Russian home buyer, loans shall range between the equivalent of $10,000 to $50,000 (U.S.). This amount shall be determined by the Corporation and shall fluctuate in accordance upon market conditions. Loans shall be for a term of 10 to 30 years and may be prepaid at any time without penalty. Loan payments shall be amortized on a basis of level monthly payments.

(c) WORKING GROUPS.—The Corporation shall have the authority to establish working groups comprised of Russian and American experts, for the purpose of making recommendations on topics essential to the success of the program, including, but not limited to—

(1) the preparation of the necessary legal and regulatory changes;

(2) the involvement of United States housing trade and labor associations in providing materials, training, and joint venture capital;

(3) ensuring adequate offsite infrastructure for new housing sites; and

(4) other issues as deemed appropriate by the Corporation.

___

H.R. —

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

SECTION 1. PRINCIPLES GOVERNING INTERNATIONAL MONETARY FUND ASSISTANCE TO RUSSIA.

The Bretton Woods Agreements Act (22 U.S.C. 286–286mm) is amended by adding at the end the following:

''SEC. 62. PRINCIPLES GOVERNING INTERNATIONAL MONETARY FUND ASSISTANCE TO RUSSIA.

''(a) CONDITIONS AND LIMITATIONS OF ASSISTANCE.—The Secretary of the Treasury shall instruct the United States Executive Director at the Fund to use the voice and vote of the United States to urge the Fund—

''(1) to not provide any assistance to the government of the Russian Federation or of any political subdivision of the Russian Federation, or to any other entity in the Russian Federation, until there is in effect a Russian federal law that implements the economic reforms described in subsection (b); and

''(2) to provide assistance to the Russian Federation or a political subdivision of the Russian Federation only to aid the implementation of such reforms.

''(b) ECONOMIC REFORMS.—The economic reforms described in this subsection are the following:

''(1) Land reform, including private, ownership of land.

''(2) Further privatization of state-owned industrial enterprises.

''(3) Tax reform, including increased collection of tax obligations.

''(4) Development of effective commercial law, including the ability of individuals to seek enforcement of contracts by an effective judicial system.

''(5) Establishment of residential mortgage financing system to develop a middle class residing in the Russian Federation.

''(6) The development of criteria for evaluating the effectiveness of regional economic reform programs in the Russian Federation, and the use of such criteria to assure that Western resources are provided to the political subdivisions of the Russian Federation on an equitable basis, taking into account the necessity to provide incentives for political subdivisions to implement viable economic reforms and to reward those that have made progress in implementing such reforms.

''(7) The development of steps to make the recipients of Western resources in the Russian Federation accountable for the use of such resources.''.

SEC. 2. RUSSIAN-AMERICAN FINANCIAL OVERSIGHT COMMISSION.

(a) IN GENERAL.—The Speaker of the House of Representatives and the President of the Senate shall seek to enter into negotiations with the State Duma of the Russian Federation for the establishment of a bipartisan commission which would—

(1) be composed of 8 Members of the United States Congress representing both political parties, and 8 Deputies of the State Duma who are broadly representative of political interests;

(2) monitor expenditures of the funds provided to the government of the Russian Federation or a political subdivision of the Russian Federation by the United States or the international community, for the purpose of evaluating that the funds are used only for the purposes for which provided; and

(3) create a working group of financial experts tasked with developing a comprehensive program to reform, privatize, or close industrial enterprises in the Russian Federation that are bankrupt and are (or would be) not competitive under conditions of a market economy without significant government financial support.

(b) MEMBERSHIP.—On the successful conclusion of negotiations under subsection (a), the Speaker of the House of Representatives and the President of the Senate are jointly authorized to appoint 8 Members of Congress to the commission established pursuant subsection (a).

SEC. 3. SENSE OF THE CONGRESS ON ESTABLISHMENT OF JOINT UNITED STATES-RUSSIAN FINANCIAL EDUCATION PROGRAM.

It is the sense of the Congress that the United States and the government of the Russian Federation should conclude an agreement under which students in the Russian Federation would enroll in colleges and universities in the United States at undergraduate and graduate levels for the purpose of developing a network of financial specialists in the Russian Federation, and students so enrolled would, on completion of their studies in the United States, be required to return to the Russian Federation and work for the federal or a regional government in Russia.

Speaker Gingrich, my Republican leader, said,'' I'm not going to bring that up, Curt, as a bill.''

So it is not just the Democrats' fault, Mr. Speaker. The President of the United States did not listen, Strobe Talbott thought he knew it all, and our Speaker did not respond either.

Speaker is gone now, Mr. Speaker, and I am asking this Congress to consider a new dialogue with Russia where we in the Congress, the Senate and the House, the Duma and the Federation Council come together and we take control of this relationship in setting out some basic parameters, not in dictating when and where money should be used, but laying out parameters like the ones that I negotiated and discussed with my Russian friends as the chairman of the Duma Congress initiative with the gentleman from Maryland (Mr. HOYER) and passed this in both bodies and tell whatever President wins election next year these are the parameters for our relationship with Russia in the future.

Mr. Speaker, I also developed what I call a new vision for Russia, a series of principles of how we can assist Russia in getting through these difficult times. I would also ask to insert in the RECORD at this time my new vision for Russia:

ESTABLISHING A NEW FRAMEWORK FOR U.S.-RUSSIAN RELATIONS

Working with my colleagues in the Duma, I have developed a joint statement of principles governing Western and IFI assistance to Russia. For too long, the United States has poured money into Russia without proper control or oversight. As a result, this money has lined the pockets of the wealthy, while average Russians have seen no improvement in their standards of living. Therefore, I am working on a bold new agenda so that this money will be made available to reform-minded regional governments. In order for financial assistance to make an effect on the lives of the Russian people, we must ensure that the system is reformed before the money is invested.

STABLIZING RUSSIA'S NUCLEAR ARSENAL

An original supporter of the Nunn-Lugar Cooperative Threat Reduction (CTR) program, I have worked tirelessly against proposed funding reductions in that effort—working to defeat amendments that would cut CTR funds and related amendments which would withhold CTR funds pending official reports and action from the Russian government. I was also instrumental in extending Nunn-Lugar assistance beyond dismantlement support to assisting former Soviet states with better protection of their nuclear assets, as well as establishing better systems of control and accountability.

EMPOWERING THE RUSSIAN STATE DUMA

In 1996, I created the Duma-Congress Study Group, an on-going parliamentary exchange between the U.S. Congress and the Russian Duma. The goal of the Study Group is to foster closer relations between our two legislatures so that we can help address key bilateral issues, across a wide range of substantive issues. The future of Russian's democracy is dependent on the strength of the Duma, and I hope that these continuing discussions on substantive issues will provide a basis upon which to continue building. I have also initiated a similar exchange program for staff members of the U.S. Congress and the Russian Duma in an effort to establish a personal and direct communication link for the staff support of our two countries' legislatures.

CREATING A RUSSIAN MIDDLE CLASS

A successful mortgage finance system will reduce unemployment, increase democratization, strengthen the banking system, create wealth for Russian families, encourage commercial reforms, and increase the housing stock. With mutual support between the Russian Duma and the United States Congress, I believe that these goals can be achieved. I remain committed to the establishment of a mortgage finance system, and I will continue to pursue legislation in this area in the U.S. Congress.

DEVELOPING RUSSIA'S ENERGY SECTOR

In 1992, recognizing that energy was the key to transforming the former Soviet republics, and that energy cooperation between the United States and the FSU could infuse much-needed hard currency into the three energy-producing republics of the former Soviet Union, I formed the United States-Former Soviet Union Energy Caucus. The group, composed of U.S. legislators, works with U.S. oil companies and Russian Duma and government counterparts to enable energy development projects in oil and gas-rich Russia. Development benefits Russians by ensuring economic development in their country and providing them with sorely-needed cash, and U.S. energy companies and the American people with new sources to meet our continuing energy needs.

ENCOURAGING INVESTMENT IN RUSSIA

In January of 1998, I was the U.S. representative to Speaker Seleznev's conference on Russian Economic Development. I have also been working actively in my home state of Pennsylvania to encourage U.S. companies to invest in Russia. My work in this arena has included the creation of the Pennsylvania-Russia Business Council which has, with my assistance, conducted five successful workshops on U.S. investment in Russia.

ASSURING RUSSIA'S SOCIAL NEEDS

Education is the key to the future. In order for Russia's democracy to succeed, a new generation of Russians must be educated in the tenets of freedom. I am currently advocating a program which would enroll 15,000 Russian students in American colleges and universities. Following their graduation from these programs, these students would be required to return to Russia and become part of a qualified corps of future leaders and specialists.

IMPROVING THE HEALTH OF THE RUSSIAN PEOPLE

Healthcare is rapidly becoming a global service. In Greater Philadelphia, the region which I represent, I am currently supporting an effort in which the hospitals have agreed to work cooperatively on a new initiative to jointly provide healthcare services for international patients. I am also working on a proposal to bring modular hospitals to Russia. These two unique efforts will provide increased access to quality healthcare for the Russian people.

DEVELOPING RUSSIA'S TECHNOLOGY

As Chairman of the House Military Research and Development Subcommittee, I have played a lead role in sustaining and expanding U.S.-Russian cooperative technology development programs. Not only have I worked to ensure funding for early warning sharing programs like RAMOS and APEX, but I established a separate line item in the missile defense budget specifically for cooperative work in this field. This year, the Clinton Administration has canceled the RAMOS program, suggesting that alternative cooperative projects be pursued. Recognizing the critical role of this program in establishing cooperative links on early warning sharing and in enabling pursuit of mutual defenses, I will lead the fight this year to preserve the RAMOS effort.

WORKING WITH RUSSIA'S SCIENTISTS

In an effort to sustain the work of Russian scientists and prevent proliferation of critical technologies, I have asked Academician Velikhov of the Kurchatov Institute to develop a proposal that would enable Russian scientists and engineers who developed missile technology comparable to that which was transferred to Iran for application in its Shabab-3 to work with the Ballistic Missile Defense Organization in identifying those technologies transferred to Iran and in helping the U.S. counter that technology. In addition, I am supporting other proposals that would ensure continued U.S. support for underemployed Russian scientists and engineers.

HELPING RUSSIA COMBAT RADIOACTIVE WASTE

I have been a leader in the U.S. Congress in raising awareness regarding the need to confront and cooperatively address the issue of radioactive waste dumping in the Arctic Ocean. I held hearings on this matter, and called Alexei Yablokov to testify on the findings of the Bellona Foundation, which documented volumes of evidence on Russian nuclear dumping which was previously unconfirmed. I have since worked to fund Navy research on this issue and worked through Global Legislators for a Balanced Environment (GLOBE) to encourage continued attention to and research on this problem. I have also supported U.S.-Russia collaboration on nuclear waste identification and cleanup work, holding several hearings on U.S. and Russian waste problems and potential cooperative projects, and securing funding through the Arctic Military Environmental Cooperation program in 1999 for sponsorship of a conference in Russia to address this issue.

And finally, Mr. Speaker, I would say that in dealing with Russia it is very simple, and you know I think Ronald Reagan had it right. Remember when Ronald Reagan called the Soviet Union ''Evil Empire''? Well, you know something, Mr. Speaker? The 95 percent of the Russians who were not members of the Communist Party heard him and agreed with him. They knew that their country was the Evil Empire. They knew that it was abusing their rights. They knew the communism was not good for them. They respected Ronald Reagan because he spoke the truth.

Russians respect strength, they respect consistency, and they respect candor. When they see you turning your cheek, when they know that you know that things are going wrong, when they see you pretend things are not what they are, when they see you bolster up a man who is not doing what is in the best interest for Russia, they lose respect.

☐ 1800

That is why the Russians today have no respect for us, in my opinion, Mr. Speaker.

We have to earn the respect of the Russians by being strong, by being candid, and by being transparent and consistent. If we do that, I am convinced Russia can be an equal, stable partner of us.

We have to ask the tough questions. We have to ask what Russia is doing building a multibillion underground complex in the Ural Mountains at Yamantau Mountain, the size of the Washington beltway, deep enough to withstand a nuclear first strike hit.

This administration has not been able to get the answer to that question because they will not pursue the issue. I work with the CIA on a regular basis; and I can say today, the administration knows no more about that project today than they did 5 years ago when I first raised it.

We do not have the respect of the Russians under the current relationship and policies. Therefore, I am convinced that this body needs to explore in great detail what we have done wrong, what we have done right and, most importantly, lay out a plan for the future, a plan that looks at where Russia is today; and what we can do as

a Nation, working with the Russian people who are our friends, to build a new Russia, a strong Russia, a Russia with a freely elected president who works closely with our President and a new Duma that works with our Congress, a freely elected Duma, even if it includes Communists.

Remember what I said, Mr. Speaker. How can this administration say that we had to work with Yeltsin because of our fear of the Communists? At least the Communists in Russia were elected in free and fair elections, as much as we did not like it.

I wish I could say the same about the Communists in China, which this administration falls all over on a regular basis. If the Communists are those elected by the Russian people, we have to work with them. It does not mean we have to embrace them. It does not mean we do not want to help the pro-Western forces, the formers like the Apple party, the Yabloko party, the Nash Dom, the People's Power party. We still work with them, but we work with all factions in Russia.

My hope is, as we complete this first half of this session, the focus on Russia becomes a dominant focus. As we approach the presidential elections, this country needs to have a national debate in a constructive way over what happened, why did it happen, where did $20 billion go, what did we get for that investment, and why are the Russian people more negative about America today than they were when they were dominated by a Soviet Communist system?

THE BUDGET OF THE UNITED STATES

The SPEAKER pro tempore (Mr. FLETCHER). Under the Speaker's announced policy of January 6, 1999, the gentleman from Texas (Mr. STENHOLM) is recognized for 60 minutes as the designee of the minority leader.

Mr. STENHOLM. Mr. Speaker, I want to say that the gentleman from Pennsylvania (Mr. WELDON) has had just a fascinating discourse on a subject which is of extreme importance. I want to commend him for the diligence in which he has pursued a subject that is every bit of importance to our country as he has indicated that it is, and he makes a lot of sense and this is one Member that looks forward to working with him in the days ahead in this very important area.

What I have taken this hour for, and I will be joined by several of our Blue Dog colleagues, is to once again talk about perhaps a little more mundane subject, the budget of the United States and the policies, or lack thereof. A lot of what the gentleman from Pennsylvania (Mr. WELDON) has talked about some of the shortcomings of the Congress and the administration in dealing with Russia, I think, can also be said of this body in dealing with the budget.

Today, I guess we had a little ceremony in which we have now sent the tax cut down to the President, which he will veto, as he should. One of the policy objectives that the Blue Dogs have suggested all year long is let us be conservative with our actions now as we enjoy the newness of dealing with surpluses.

We are for cutting taxes. Let no one be mistaken about that, but the Blue Dogs have suggested all along that there is a good way and a bad way to get to tax cutting. The bad way, we believe, is what the House and Senate concurring have said to the President, of having a tax cut with projected surpluses that may or may not materialize.

What the Blue Dogs have said, quite clearly, all year long, let us deal with Social Security and Medicare first. Let us have an open and honest debate on the floor of the House, with the best ideas winning, as to how we fix Social Security for the future, because everyone now knows and admits quite publicly that the future of Social Security is bleak unless we, this Congress, make some tough decisions and very, very soon.

We ducked on that one, and I must say that our President ducked on that one, which was unfortunate. Just because the President ducks is no sign that we in the Congress should duck. Here, at least some of us, the gentleman from Arizona (Mr. KOLBE) and I, and we have been joined by colleagues on both sides of the aisle now, a few, proposing a Social Security fix.

That is not what I am here to talk about tonight. What I am talking about tonight is the rhetoric that we continue to hear about why we need to have a big tax cut first before we deal with Social Security, before we deal with Medicare, before we deal with Medicaid, before we deal with these very important subjects.

These are projected surpluses and one of the dangers that some of us see, particularly the Blue Dog Democrats, and I suspect there are some on both sides of the aisle that see the same danger, spending a projected surplus before it is real can get very dangerous; just like in families. If they have built up a debt on their credit card or personal debt to where it is becoming difficult to pay the interest on that debt and suddenly come into some money, most families will pay down their debt first before they go out and reward themselves with a new car or reward themselves with new options.

That is not what the Congress has voted to do. That is not the issue today.

To those that say well, we are only returning your money to you, that is true but they conveniently overlook one fact. Not only is it your taxes that we talk about and every dime that we spend is your money, but also your debt of $5.6 trillion that we have built up, $4 trillion of it basically in the last 10 years, 15, it is your debt.

The Blue Dogs suggest that now is the time to be a little bit conservative with our children's and grandchildren's future. Instead of once again rewarding us, as this tax cut would do over the next 10 years, we say use this opportunity to pay down the debt so that our children and grandchildren will not have as much debt to pay and as much taxes to pay in order to pay the interest on that debt.

We think that makes a lot of sense. Unfortunately, we have not been able to convince a majority of the House and the Senate concurring that it does make sense, and we understand and we play by those rules and we also very strongly played by the rule that said if one is going to be critical of the other guy's proposal they better have something that they are for. The people back home in the 17th district that I represent, that is what they demand of me.

As we have discussed and asked the question over and over, what do you want to do with this surplus, most people openly and honestly say, pay down the debt.

I do not know why different Members get different answers to this question, except sometimes we ask it differently. If I ask the question, do you want to have a tax cut or do you want us to spend the money, you say tax cut. That would be my answer.

Then we get into another little problem because we have had a whole lot of rhetoric around this body over the last several weeks now, and we are still playing this giant game of chicken of who is going to blink first on the caps, who is going to be the first one to admit that already this year we are spending the Social Security trust fund?

Now, we have tried to outdo each other as to who has the best lockbox, who is going to do the best job of not touching Social Security trust funds next year. Well, I would say to my colleagues, let me share a little secret. We have already done it. This Congress has already dipped into the Social Security trust fund. No matter how we want to score it, it has already happened; little things like declaring the census an emergency, $4 billion; conveniently using OMB scoring when it suits our purpose of being able to score spending $16 billion cheaper.

I used to work with my friends on the other side of the aisle quite regularly on this argument when we finally got around to saying our scorekeeper is the Congressional Budget Office. The White House has the Office of Management and Budget. We have the Congressional Budget Office. It is bipartisan. It is our scorekeeper. Let us quit fussing about whose numbers and whose projections we are going to use. Let us agree on the Congressional Budget Office.

Every once in awhile we would say, where there is differences why do they not just add up the two and divide by two and take an average and that becomes something that we can use that is consistent.

Well, by conveniently thus far using $16 billion of OMB scoring, it allows us to spend money. Well, this might help us on the budget caps debate, but it does not change the bottom line when we finish the year.

Any spending for any purpose, whether it is an agricultural emergency, which we have, whether it is the health care emergency that we have in rural America, whether it is the short-changing of home health care, which we are doing under current law, unless we change it, all of these spending decisions are going to be real dollars. So somehow, some way I hope that we can find a way to accept what the gentleman from Texas (Mr. TURNER) and I and, if the gentleman from Texas (Mr. SANDLIN) does not get over here I have a statement that I want to put in for him, and if some of our colleagues who are perhaps here and are going to be joining us soon, we the Blue Dogs are both extending our hand to both the leadership of the House and to the President of saying take another look of what we propose and how we propose it and if they do not like what we are talking about, perhaps there is some compromises that can be reached.

One thing we feel very strongly about, that we should not spend projected surpluses for any purpose until they materialize. If they do and we pay down the debt, to me and to us, the best tax cut we can give all of the American people is to reduce the debt sufficiently that the Federal Reserve is convinced that we will maintain fiscal responsibility in our spending habits and instead of increasing interest rates over the next several months, as they have done twice in the last month, month and a half, if we can bring interest rates down we know that a 1 percent reduction in the interest rate that affects student loans, credit card bills, home mortgages, car auto loans, all of the things that all of working America use every day, it is estimated at $200 billion to $250 billion a year.

Why is that so difficult for our colleagues who continue to believe that the best tax cut is the one that they send to the President of which he is going to veto? I do not understand. We do not understand that.

To those that suggest spending, let me make this suggestion, and this is a Blue Dog suggestion. This has been in our budget proposal all year. Let us all acknowledge the fact that spending caps have worked. We, the last two, three, four Congresses, have done a fairly responsible job in reducing discretionary spending. In fact, we went a little too far in the area of defense and we are now having to put some of it back because this is no longer a safe world, and we heard the gentleman from Pennsylvania (Mr. WELDON) talking about a little different component of that.

The caps have worked. But why is it so difficult to admit that perhaps what we did in 1997, in which most people acknowledged then that it was going to be difficult to make those cuts because we back end loaded it, what does that mean in plain English?

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It said, Congress, in 1997, chose not to make the tough decisions, we punted it to the 1999 Congress. That is why we are having such a difficult time.

Why do we not go back and do it the way we used to do it around here, 2 years ago, 3 years ago, 5 years ago, 10 years ago. Why do we not go back and have a new set of budget caps on appropriation bills that are set and will be agreed to by a majority on both sides of the aisle of what the new spending restraints ought to look like. As I answered a businessman's question earlier today in another meeting I was in, he said when in 1997 when the Congress did what you did, the markets reacted favorably, because they believed that you were going to get a fiscally responsible Congress for a change and markets react to that, and I said there is no reason why we cannot do that again. We can do the same thing again. We can have a new set of caps that we live with that will get us on track. Why is it so difficult for us to do?

Let me pause right now and recognize one of my colleagues, the gentleman from Texas (Mr. TURNER) for any comments that he might like to add at this time.

Mr. TURNER. Mr. Speaker, I thank the gentleman for yielding. I want to compliment the gentleman on his strong leadership that he has given to us in this Congress on fiscal issues. He has always stood for fiscal conservatism, and I think the issues that we are talking about today we need to have a full debate and discussion on them.

I had the opportunity over the last few weeks during our August recess to stop in 70 communities in my east Texas district, and I did a little coffee shop tour and I went around and visited with folks in those coffee shops where we all know they solve a lot of problems early in the morning. And I just talked to them about this tax reduction proposal that had just passed in the Congress, I talked to them a little bit about the national debt, and it was indeed refreshing to me to see how well the people of my district understand what is really going on here in Washington. A lot of folks up here have talked about a surplus, and we all know the truth of the matter is the surplus that is being talked about is merely a projection of what might happen over the next 10 years. In truth and fact, it is based on some assumptions that may not even turn out to be true. We really may never have a surplus.

In fact, I will not forget what one gentleman told me down in Willis, Texas at the first stop that I made at the Willis City Hall, and he said to me, after I began to talk about the surplus and the national debt, he raised his hand and he said, Congressman, he says, you all do not have any surplus in Washington, you have a $5 trillion national debt. You cannot have a surplus if you owe $5 trillion. And that makes a lot of sense.

It is hard to understand how, after the Federal Government spent more money every year for 30 years, ran up a $5.5 trillion national debt that we would come up here in this hallowed hall and declare we have a surplus, particularly when the surplus is only an estimate. It is not here yet; we have not seen it yet; it may never show up. And yet, the majority in this Congress saw fit to pass a $792 billion tax reduction over 10 years that absorbed all of the anticipated, hoped for, not here yet surplus in the general fund of the Federal budget.

Now, that was just irresponsible. The people of this country understand that it was irresponsible, and they understand that if one is fiscally conservative, one pays their debts. And now that we have a hope of better economic times in the Federal budget, what we ought to be doing is paying down that $5.5 trillion national debt.

The Blue Dog Democrats made a proposal on the floor of this House just before the recess when we were debating that $792 billion tax cut. We had an alternative that we voted for. In fact, most of the Democrats in this House voted for it. That was a very simple plan. It said, if we do have a surplus over the next 10 years, what we ought to do is dedicate half of it to paying down that national debt, and we ought to set aside 25 percent of it to be sure that we save Social Security and Medicare, both of which, by the way, are going into bankruptcy. After all, 30 years from now, they tell us there are going to be twice as many people over 65 in this country as we have today. And the projections have been before this Congress for months, for years, that Social Security and Medicare will be insolvent.

Mr. Speaker, we have been real lucky with Social Security for a long time. We put more money in the trust fund every year in payroll taxes than we took out in benefits. But to tell us that in 15 years when most of us baby boomers begin to retire, that is going to change. We are going to be paying out more money in benefits every year than we take in.

One of the reasons that we feel so strongly about paying down the national debt is that it will allow us to pay back that debt that we owe the Social Security Trust Fund, because somebody some years ago in this Congress decided it was a smart thing to do to use the surplus in the Social Security Trust Fund to run the rest of the government that was running in a deficit instead of borrowing it from the public. So it borrowed from Social Security. We are going to need that money in the Social Security Trust Fund real soon. It is time to start paying back that debt, and we can do that, by paying down the national debt, because $800 billion of that $5.5 trillion

national debt is owed to the Social Security Trust Fund, and we need to pay it back.

We also think that it is important to dedicate 25 percent of any future surplus to save Social Security, to save Medicare, and the final 25 percent should be dedicated to reducing the taxes of the American people. That is a balanced plan; that is a plan that preserves the economic security of this country; it preserves the retirement security of all of us; it preserves our health care security. It is the right thing to do for America. It is not an irresponsible plan that would give away in a tax reduction plan all of a surplus that is not even here yet.

Now, there were some on the floor of this House that argued in favor of that tax cut and they said well, we cannot trust this Congress, because if they get a surplus, they are going to spend it. Well, that is pretty cynical, particularly when coming from folks that currently are in the majority. We have enough sense in this body, collectively, to save the surplus, to pay down the debt, to save Social Security, to save Medicare. We have that ability. We just need to sit down at the table together, work together in a bipartisan way and do the right thing.

The President is right to veto this $792 billion tax cut. It is the wrong thing to do for America, and if we pay down the debt, we can actually do more for working families than anything in this $792 billion tax cut. In fact, if we look at the tax cut closely, what we will find is that there is really no tax cut next year. The tax cut follows the anticipated surplus which, as I said, may never show up. But next year, under that tax plan, only six-tenths of 1 percent of the total tax cut would be realized, and most families would not even get anything. In fact, an average family making $50,000 a year would not see any significant tax reduction until the tenth year when they would see $300 in tax reductions.

Now, we can do more for working families in this country simply by paying down the national debt, because the economists tell us that paying down the national debt will reduce interest rates for all of us, and a mere 2 percent reduction in interest rates for a family that is paying off a $50,000 home mortgage would save that family over $800 in interest costs, almost three times what they would get out of this irresponsible tax cut in the tenth year of the plan.

So, Mr. Speaker, let us do the right thing. Let us lay it on the table. Let us be honest with the American people. They already understand that there is no surplus in Washington, and they understand that we need to pay down the national debt. That is the right thing to do.

I appreciate the gentleman from Texas (Mr. STENHOLM), and the leadership he has given, and the gentleman from Arkansas (Mr. BERRY), who has also worked very hard on this issue, and I think if we persist in our efforts, ultimately, both sides of the aisle will see the wisdom of doing the right thing.

Mr. STENHOLM. Mr. Speaker, I thank my friend for making those comments. Let me fill in a couple of blanks, or supply a little bit more information on Social Security before I recognize the gentleman from Arkansas (Mr. BERRY).

When we are talking about Social Security, I think it is important that everybody understands why some of us are as concerned about the tax cut. For example, a lot of folks have really questioned me quite personally when I have said on this floor, as I am about to say now, this tax cut that is going to the President is the most fiscally irresponsible bill to come before this Congress in the 20 years that I have been here. And I say that for one reason and one reason only, and that is, when we look at the effect of the proposed tax cut, at least the one that was talked about, not the one that was conferenced, because it is interesting, when we sunset a tax bill in 8 years, that one is interesting. But the effect of a tax cut literally explodes by about $4.5 trillion in the second 10 years.

Now, my colleague talked about the baby boom and the Social Security Trust Fund and it being exhausted, and the year is 2034. That is when the Social Security Trust Fund under current projections will be exhausted provided we do not do anything. Well, it is our hope and expectation that we will do something, and therefore, when we talk about this, there is no reason for anyone 65 years of age and older, in fact, 55 years of age and older to worry about that. That is a given.

But in 2014, that is only 14 years from now, that is when we will begin paying out more out of the Social Security Trust Fund than will be paid in. That is when the problem becomes a reality. It will take $7.4 trillion of money from somewhere between 2014 and 2034 in order just to meet the current obligations of the Social Security Trust Fund. And the Blue Dogs have said, why do we want to do that? Why would the Congress, for any reason, want to increase the liabilities on the ability of the Federal Treasury to make the commitments that we promise everyone on Social Security, why would we want to reduce the amount of revenue available to pay off those commitments at exactly the same time that the baby boomers are going to be retiring at the top of their numbers.

I do not understand that. I have never understood why the leadership of the House this year did not choose to fix Social Security first, but they did not, we did not. And therefore, we find ourselves in a position of having a bill go down to the President which he will veto, which he should veto; it is in the best interests of our country that he veto it. Then, it will be in the best interests of our country that we now begin to look at putting together the kind of a compromise piece of legislation that will fix Social Security, fix Medicare, deal with rural health problems, and I hope that my colleague, the gentleman from Arkansas (Mr. BERRY), since he has been the coordinator and the chairman in the Blue Dog effort dealing with health care might have a few comments about that, and I would recognize him at this time, the gentleman from Arkansas (Mr. BERRY), for any comments that he might like to add to this discussion.

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Mr. BERRY. Mr. Speaker, I want to thank my distinguished colleague, the gentleman from Texas, for his great leadership on this matter. I do not know of any Member of this House that has worked harder or been more dedicated to the cause of seeing that this Nation is fiscally responsible than the gentleman from Texas (Mr. STENHOLM).

I also want to thank my other distinguished colleague, the gentleman from Texas (Mr. TURNER), for his efforts here this evening, and also all the time he has been in the House.

We are a great Nation. We have been unbelievably successful. The reason that we have been successful is because we have made good decisions over the years. We cannot be this successful without making good decisions. It is absolutely amazing to me that we are even having this discussion.

We all know, and as my colleague, the gentleman from Texas (Mr. TURNER) just talked about, as we were in the district over the August recess, we would go from one spot to the next and meet with people, and they are not up here dealing with this every day like we are, but they do not have to be. They know that this is a bad idea. They know that this tax cut, they know this surplus, is a fantasy. They know that the surplus does not exist. They know that if we do this tax cut, we are going to put ourselves in worse shape than we are already in.

They also understand very well what it takes for us to be successful. Certainly, the best thing that we could possibly do for our children and grandchildren, and those that come after us, would be to pay this debt off. Certainly we should not spend any surplus until it is there, and then we should pay the debt off and take care of social security and Medicare.

Mr. Speaker, my colleague, the gentleman from Texas, mentioned health care a few minutes ago. We have got a commitment to our senior citizens in this country that we made a long time ago, and it is the right thing to do, that we are going to provide them with health care in their senior years. That is a commitment that we cannot and should not walk away from. We should use the monies, while we have the opportunity, to take care of social security, to take care of Medicare, and be sure they are there for all of us for years to come. It is just unbelievable to me that we would talk about doing anything else.

Then we should pay this debt off, use any major portion of an accumulated surplus in these times of prosperity to increase the national savings by improving the financial integrity of the Federal Government. Reducing the national debt is the best long-term strategy for the U.S. economy.

Reducing our national debt will provide a tax cut for millions of Americans because it will restrain interest rates, saving them money on mortgages, new mortgages, auto loans, credit card payments. Each percentage point increase in interest rates would mean an extra $200 to $250 billion in mortgage costs to Americans.

Reducing the national debt will protect future generations from increasing tax burdens. Currently more than 25 percent of individual income taxes go to pay the interest on our national debt. Every dollar of lower debt saves more than $1 for future generations, a savings that can be used for tax cuts or for covering the baby boomers' retirement without tax increases.

Federal Reserve Board Chairman Alan Greenspan has repeatedly advised the Congress that the most important action we could take to maintain a strong and growing economy is to pay down the national debt. Earlier this year, Chairman Greenspan testified before the Committee on Ways and Means that debt reduction is a much better use of surplus than tax cuts.

He said,

> The advantages that I perceive that would accrue to this economy from a significant decline in the outstanding debt to the public in its virtuous cycle on the total budget process is a value which I think far exceeds anything we could do with the money.

Virtually all mainstream economists agree that using the surplus to reduce the debt will benefit the economy and stimulate economic growth by increasing national savings and boosting domestic investment. Increasing national savings is vital to achieving the productivity growth that will be necessary to compensate for the reductions in the labor force in the next century.

All of this is very simple. It is not complicated. We are making it complicated to achieve political goals that will not last, and will cause us tremendous problems in the future.

Again, I want to thank my colleagues from Texas for their leadership in this matter. Certainly the gentleman from Texas (Mr. STENHOLM), as I said, has been a granite rock in this fight to see that we are fiscally disciplined. Again, I want to thank him for his leadership in this area, and challenge all of us to make good decisions to see that this country continues to be successful for the many, many years to come, and certainly for our children and grandchildren and those who come after us.

Mr. STENHOLM. Mr. Speaker, I thank the gentleman for his comments and his leadership within the Blue Dog Coalition, trying to do that which we talk about today. We get accused of a lot of things in Congress. Some of it we deserve, some of it we do not deserve. But one thing that has kind of bugged us is the lack of serious attention to policy.

We spent about 4 hours today in the Committee on Agriculture dealing with agricultural problems, of which we have been a little derelict in dealing with our policy decisions. Decisions were made that have not quite worked out. When we make a decision that does not quite work out, what we do is change it. We have a budget of about $1,700,000,000,000, every dollar of which benefits somebody. It is important to somebody. It is our decision or our responsibility to decide which is the most important, and to be as frugal as we possibly can with our taxpayer dollars. That does not mean that we ignore real problems. When they are there, we deal with them.

Mr. Speaker, I yield to the gentleman from Texas (Mr. TURNER).

Mr. TURNER. Mr. Speaker, the gentleman from Arkansas (Mr. BERRY) and I have been in this Congress, in this House, a little over 2 years now, and the gentleman has been here over 20 years. I would be interested in the gentleman's observations about the impact of our budget situation on Medicare, Medicaid, particularly in light of the fact that so many of us have begun to hear from the health care providers, the hospitals in our district, that they are increasingly feeling the pinch of reductions in reimbursement rates under Medicare.

In fact, in Texas they estimate that there may be as many as 50 hospitals closed if we in the Congress fail to provide some additional funds for Medicare. We all know in this projected budget surplus, the assumption is that there will not be any increase in Medicare. In fact, it goes down under the Balanced Budget Act of 1997, and thereafter remains below the increase that would be necessary just to keep up with inflation.

I think a lot of our health care providers understand that, and they are warning us that unless we are going to be willing to act responsibly with regard to funding Medicare and Medicaid, that we may lose some of our hospitals. For those of us in rural areas of the country, to lose a hospital would virtually close down our communities.

Mr. STENHOLM. This is one subject, Mr. Speaker, that the gentleman in the Chair now, the gentleman from Louisiana (Mr. COOKSEY), if the rules would permit him to participate in the debate at this time, I believe we would have a four-way discussion of some of the needed changes as it pertains to Medicare.

The gentleman brings up a very good and valid point. The balanced budget agreement of 1997 was a good agreement. I supported it, and everyone who was here supported it, if Members claimed to be fiscally responsible, fiscally conservative.

Do I regret supporting it? No. That was the proper thing to do. There were compromises reached dealing with Medicare and Medicaid and other spending that needed to be done, and it was judged by the best judge of our actions, the market, to be responsible, because the market reacted favorably to what we did.

Unfortunately, there were some unintended consequences. Some of the proposals that were made and the changes in the delivery of health care have had unintended consequences. When we have unintended consequences, reasonably intelligent people make decisions to change that which we did not intend.

We have a unique situation today in which, because we have always done it this way, we reimburse some hospitals more than others. If you happen to be in a major metropolitan area, you can get reimbursed 30 percent or 40 percent more for doing the same thing than in that rural small town hospital.

We hear this, and a lot of times our constituents raise the flag of concern, and we react to them. Sometimes they are crying wolf when they ought not to be, or they are making it out worse than it really is.

But in this case, I do not think there is anyone out there today that suggests that the rural health care concerns are not very real. I always ask, whatever subject we are talking about, when somebody says they have a problem with the government and I am involved, I ask them to prove it to me, show me, give me some hard numbers.

I will not mention names, but I will use this example. There are two hospitals, one in my district, one I used to represent just outside my district, two hospitals 20 miles apart. One is in the Dallas-Fort Worth metropolitan area. The other is just outside. They brought me the hard evidence. The one in the rural area received $900,000 less last year for doing the exact same services, apples to apples. The only difference is the reimbursement area.

Mr. Speaker, I would hope that most folks, both at HCFA, health and human services, and we in the Congress in the relevant committees, would say, as we say privately, it seems, those with the responsibility, say, yes, that is wrong. It needs to be changed.

Here it is, September 15. I met with about 20 of my 24 hospitals when I was home during the August break, all of them with an urgency of the fact they are running in the red and they are having a difficult time, saying, when are you going to make some of these changes?

I hope next week. I hope we will truly bring this to the floor, to the relevant committees, deal with it in a responsible way. But that is the thing that gets overlooked from time to time here. We made a decision with the balanced budget agreement, but that is not written in stone, particularly if it is having unintended consequences and is not working as was intended.

I do not think any reasonable people, and I would like to believe that our

colleagues, those who are in urban areas that are not having this problem of payment reimbursement for Medicare and Medicaid, I would wish they would not be adverse to taking a few cuts. We have taken them. But if not there, the least we can do is raise the reimbursement level to the doctors and nurses and hospitals in rural areas up to a level that will meet their expenses.

That is something that I guess we have always seen, and perhaps in my 20 years, but not too long ago we recognized that health care was spiralling out of control. We all acknowledged that we have to do something about that, and we have, in a bipartisan way. Not everything we have done has been bad. But sometimes you have unintended consequences.

Another one we have had now is dealing with home health care. We made some decisions on numbers that have had a very adverse effect on home health care delivery in rural areas. I would hope that we could change that, too.

Mr. TURNER. If the gentleman will continue to yield, Mr. Speaker, one of the other things that comes to my mind as a member of the Committee on Armed Services is the fact that all this projection about a surplus does not take into account the very serious and legitimate needs that we have for funding national defense.

I was a cosponsor of the legislation that we passed overwhelmingly in this House, and that has moved through the Senate and is now signed by the Senate, to create a national missile defense system for the United States to protect us against the growing threat of ballistic missile attack from nations like Iran, Iraq, North Korea.

Yet, there is absolutely nothing in that estimate of a surplus that would allow any funds to be spent to develop a national missile defense system.

I know the gentleman from Arkansas (Mr. BERRY) is very familiar with the problems being faced by agriculture, the problems of emergency expenditures. I know the gentleman certainly would be able to enlighten us some on the pressures on agriculture and the emergency spending that invariably we have to deal with that again is not accounted for in that estimate of surplus.

Mr. BERRY. That is absolutely right, Mr. Chairman, if the gentleman will continue to yield. We not only have emergency spending we are going to have to do for agriculture this year to keep it in business.

As my colleague, the gentleman from Texas, also just mentioned, these terrible shortfalls that we have in rural hospitals and all rural health care providers, home health care, all these things are creating a desperate situation in rural America.

We also had this shortfall in the way we pay the men and women that fight for this country and serve in our Armed Forces.

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It is absolutely unconscionable that we would put them in a situation where they are putting their lives on the line every day, and, at the same time, they have to worry about whether or not their families back home are being taken care of. They know that their families are living below the poverty level, and we should not, a great Nation that we are, ask our men and women in uniform to make a sacrifice like that at the same time we are asking them to protect us.

All of these things just do not make any sense, and we know that we are going to eventually have to deal with them, and we should make allowances for that in how we spend our money and allocate our monies in this country.

Mr. STENHOLM. Mr. Speaker, the light of this conversation now between the three of us, if we were conducting a town hall meeting in the 17th District of Texas, someone would be just itching to stand up and say, ''Yep, there you go. You are already talking about spending. That is why we need the tax cut so you will not spend it.'' To which my response is pretty simple: ''If you do not believe that necessary spending on defense is a prudent expenditure of your dollars, you are right.''

But last time I checked, one of the most important responsibilities that this Congress has is to maintain the national defense because, without a strong America, all of these other arguments will pale.

Mr. TURNER. Mr. Speaker, I know the gentleman from Texas and the gentleman from Arkansas (Mr. BERRY) have heard from our veterans. At many of our town meetings, I have heard veterans come and talk to me about the problems they have experienced in getting veterans care because of some of the reductions that have already been put in place.

Mr. STENHOLM. Mr. Speaker, what I say to that constituent of mine, okay, what we are saying in the Blue Dog budget, we are prepared to make the tough decisions and squeeze the budgets. We will work with our colleagues on both sides of the aisle to get the most fiscally responsible budget that we can possibly get. We submit that we have got one, and it has been proposed. I am sure that now that we are through this little exercise of the tax cut to the exclusion of everything else that we will get serious about this, and my colleagues will find that they will not find a more fiscally responsible budget that can get 218 votes than the one that we proposed 6 months ago.

Mr. TURNER. Mr. Speaker, I am very confident that, if we can bring both sides of this House together and get them down to the table, that we could come up with a plan that would look very much like the plan that the Blue Dog Democrats proposed months ago, which was, as the gentleman says, a balanced budget and one that took care of the legitimate needs that we face in this country.

One of the interesting subjects that I have heard the gentleman address before that I want to ask him about is the impact of a $794 billion tax cut that the President is going to veto here in just a few days. What that would do, not just on the short term, but the next 10 years, which is what we have been talking about, but what would happen in the out years if we were to take such an action as reducing taxes by that much when we do not even have a surplus to do it from.

Mr. STENHOLM. Mr. Speaker, that was the thing I was talking about a moment ago, which is why I call this the most fiscally irresponsible action because it is back-end loaded. We have had a little flury. I am not sure everybody in the country has seen this, but we had some folks in the other body suggest the way to get through this cap business is to increase by 1 month the number of months in a year. Apparently, they did it with a straight face.

Now, back home, folks would be laughing about that. But I thought for a moment that, well, maybe that is a good way to see how serious the Y2K problem is if we could just postpone it for 30 days. We can see what is going to happen in there. But that is what some folks have seriously talked about doing. Well, that is not a good way to do business.

The debt, $5.6 trillion, that is what we owe. We owe. The tax cut, $792 billion is projected, but they back-end loaded it. Instead of front-end loading, instead of moving spending, some are suggesting now let us spend it in the next 2 weeks because then it will not count against the caps next year. They conveniently overlook that spending is spending, and that is still going to come out of Social Security Trust Fund. Make no mistake about it. One cannot disguise the real numbers no matter how we debate it on the floor of the House.

But that tax cut literally explodes by $4.5 trillion from 2011 to 2020 in its effect on the drain of the Treasury which some people honestly want to do. They believe that is good policy. We tried that in the 1980s, and we participated. We were going to squeeze the revenue and balance the budget, and we borrowed $4 trillion trying out that little experiment. I do not want to do that.

Now, I am not going to be around the Congress in 2014, but I do not want the actions that we take or do not take this year to put that burden on the 2014 Congress.

The gentleman from Texas (Mr. TURNER) is young enough, he is probably going to be here. The gentleman from Arkansas (Mr. BERRY) is young enough, he is probably going to be here. But I am not going to be in the Congress in 2014, I do not believe for a moment. Why would we do that? That is why we have taken as strong a position as we have on the Social Security question, which is separate, but very important.

We are not quite there yet as far as getting a solution, but I have resolved that Cindy and I, my wife, and I have two grandchildren, Chase and Cole, 4 years old and 2 years old, and I resolved when they were born, my being in Congress, that I did not want them to look back 65 years from today and say, if only my granddad would have done what in his heart he knew he should have done when he was in the Congress, we would not be in the mess we are in today. That is the spirit in which we participate today.

That is why I have enjoyed my association with all of my Blue Dogs, the two that have joined us today, and all, in the policy discussions that lead us to be able to come to the floor and to say these things and not apologize to anybody.

We sincerely believe that paying down the national debt is the best thing that this Congress ought to do, with no exceptions. Then we believe that we ought to deal with the five priority areas that we outlined, and we have already talked about them: defense, agriculture, health care, education, and veterans.

In some of those instances, we are prepared to say we need to spend some additional dollars in the short term to make the investment so that our country will meet those obligations. But we do it within the spirit of all of the Social Security Trust Funds going against the debt, paying down the debt, half of any projected surpluses being set aside, and then meeting those priorities, including a tax cut with the other 50 percent of that debt. That is what we are here to talk about today.

Mr. Speaker, I yield for any additional comments. We have got a few more minutes. If we are through, I am always a great believer, once one has said everything that needs to be said, nothing else needs to be said, and we will let these folks go home.

Mr. TURNER. Mr. Speaker, I want to say that the gentleman from Arkansas (Mr. BERRY) and I appreciate the compliment about our age. I am not sure we deserve it. But it has been a pleasure to join the gentleman from Texas (Mr. STENHOLM) and the gentleman from Arkansas (Mr. BERRY) in this dialogue this evening.

Mr. BERRY. It certainly has, Mr. Speaker. I think that the point that the gentleman from Texas (Mr. STENHOLM) made about our grandchildren, grandparents love to talk about their grandchildren, but I think that the point that the gentleman makes, that I do not want to have to face my grandchildren 20 years from now and look them in the eye and let them ask me, ''Why did you not do something when you had the chance?''

I think we all know what we need to do, and it is a matter of having the political will and the courage to do the right thing and see that we do not leave our children and grandchildren with this huge debt to pay off. I think that is the responsibility that we have.

We also have an obligation to the five areas that the gentleman just mentioned to see that they get taken care of, too. But, again, it has been a pleasure for me to join my colleagues this evening. I thank both of my colleagues for their leadership in this area.

Mr. STENHOLM. Mr. Speaker, lest anyone misunderstand, the main point that we have made regarding the tax cut, we totally acknowledge all taxes belong to the taxpayer. We acknowledge that. I have no difficulty with those that say, if there is a surplus, we are going to return it to you because you can better make the decision of how to spend it, unless we are talking about national defense, and I would question that statement.

But what we add to this, that simple statement is, also, it is your debt. The $5.6 trillion is current taxpayer debt of which you, if you are in your 30s, 40s, 50s, or 60s, you have enjoyed the fruits of the spending of this $5.6 trillion. Why not take some of your dollars to pay down that debt. The choice is to increase the debt and to pass it on to your children and grandchildren.

The Blue Dogs say that is wrong. We encourage the President to do that which he is going to do, that is veto the tax bill. Then we hope that we can settle down and deal in a responsible way with the budget that does what we have talked about today.

Mr. SANDLIN. Mr. Speaker, the American people have spoken. They do not want Republicans to jeopardize this country's economic growth by forcing through an irresponsible, reckless tax cut and ignoring the growing national debt.

I am a strong advocate of a sound budget and fiscally responsible tax cuts, but the best tax cut we can give the American people is a promise we will first pay down the national debt by setting aside some of the true surplus—the non-Social Security surplus.

Our first priority in a budget discussion should be debt reduction. However, the Republicans have chosen to ignore this fiscal necessity and make promises they can't fulfill. Our primary goal should be to maintain the strong and growing economy that has benefited millions of Americans. Using that simple objective as our guide, it is clear that the best course of action this body could take is to use any budget surpluses to start paying off the $5.6 trillion national debt. Reducing the national debt is clearly the best long-term strategy for the U.S. economy.

Economists from across the political spectrum agree that using the surplus to reduce the debt will stimulate economic growth by increasing national savings and boosting domestic investment. Paying down our debt will reduce the tremendous drain that the federal government has placed on the economy by running up a huge national debt.

Listen to the American public—our constituents are telling us to meet our obligations by paying down the national debt. The folks I represent understand that, when you have some extra resources, you pay your debts first. They don't understand how we can be talking about giving away money we don't have on tax cuts we can't afford. They want us to use this opportunity to pay down our debt.

We hear a lot of talk about ''giving the American people their money back''. We should start by paying off the debt. The best tax cut we could provide for all Americans, and the best thing that we can do to ensure that taxes remain low for our children and grandchildren, is to start paying down our $5.6 trillion national debt.

Reducing our national debt will provide a tax cut for millions of Americans by restraining interest rates. Lower interest rates will put money in the pockets of working men and women by saving them money on variable mortgages, new mortgages, auto loans, credit card payments, and other debts. The reduction in interest rates we have had as a result of the fiscal discipline over the last few years has put at least $35 billion into the hands of homeowners through lower mortgage payment considering that more than twenty five percent of all individual income taxes go to paying interest on our national debt. These economic realities should teach us a valuable lesson: fiscal discipline, demonstrated by paying down the debt, is the best way to keep putting money into the hands of middle class Americans and ensure that future generations can enjoy a prosperous, stable economy.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. PRICE of North Carolina (at the request of Mr. GEPHARDT) for today and the balance of the week on account of Hurricane Floyd hitting his district.

Mr. ETHERIDGE (at the request of Mr. GEPHARDT) for today after 1:30 p.m. on account of Hurricane Floyd hitting his district.

Mr. MCNULTY (at the request of Mr. GEPHARDT) for today after 3:00 p.m. on account of personal reasons.

Mr. HASTINGS of Florida (at the request of Mr. GEPHARDT) for today on account of official business.

Mr. SHAW (at the request of Mr. ARMEY) for today until 3:00 p.m. on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. LIPINSKI, for 5 minutes, today.

(The following Members (at the request of Mr. GREEN of Wisconsin) to revise and extend their remarks and include extraneous material:)

Mr. WELDON of Florida, for 5 minutes, today.

Mr. FOSSELLA, for 5 minutes, today.

Mr. CHABOT, for 5 minutes, today.

ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Administration, reported

that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2488. An act to provide for reconciliation pursuant to sections 105 and 211 of the concurrent resolution on the budget for fiscal year 2000.

ADJOURNMENT

Mr. STENHOLM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 55 minutes p.m.), under its previous order, the House adjourned until Friday, September 17, 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:

4161. A letter from the Director, Conservation Operations Division, Natural Resources Conservation Service, USDA, transmitting the Service's final rule—Technical Assistance (RIN: 0578–AA22) received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4162. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Officials Not to Benefit Clause [DFARS Case 99–D018] received September 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4163. A letter from the Director, Office of Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Multiyear Contracting [DFARS Case 97–D308] received August 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4164. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Oral Attestation of Security Responsibilities [DFARS Case 99–D006] received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4165. A letter from the Alternate OSD Federal Register Liaison Officer, Department of Defense, transmitting the Department's final rule—Civilian Health and Medical Program of the Uniformed Service (CHAMPUS); Prosthetic Devices [DOD 6010.8–R] (RIN: 0720–AA49) received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4166. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Acquisitions for Foreign Military Sales [DFARS Case 99–D020] received September 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4167. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting the 1998 annual report regarding the Department's enforcement activities under the Equal Credit Opportunity Act, pursuant to 15 U.S.C. 1691f; to the Committee on Banking and Financial Services.

4168. A letter from the Federal Register Liaison Officer, Regulations & Legislation Division, Office of the Thrift Supervision, Department of the Treasury, transmitting the Department's final rule—Letters of Credit, Suretyship and Guaranty [No. 99–34] (RIN 1550–AB21) received September 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4169. A letter from the Director, Financial Crimes Enforcement Network, Department of the Treasury, transmitting the Department's final rule—Amendment to the Bank Secrecy Act Regulations—Definitions Relating to, and Registration of, Money Services Businesses (RIN: 1506–AA09) received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4170. A letter from the Acting, General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Truth in Savings—received August 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4171. A letter from the Acting General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Loan Interest Rate [12 CFR part 701] received September 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4172. A letter from the Acting General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Organization and Operation of Federal Credit Unions—received September 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4173. A letter from the Acting Director, Mine Safety and Health Administration, transmitting the Administration's final rule—Health Standards for Occupational Noise Exposure (RIN: 1219–AA53) received September 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4174. A letter from the Assistant General Counsel for Regulatory Law, Office of Environment, Safety, & Health, Department of Energy, transmitting the Department's final rule—Radioactive Contamination Control Guide [DOE G 441.1–9] received September 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4175. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers [Docket No. 99F–0994] received September 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4176. A letter from the Chairman, National Committee on Vital and Health Statistics, Department of Health and Human Services, transmitting the Second Annual Report to Congress on the Implementation of the Adminstrative Simplification Provisions of the Health Insurance Portability and Accountability Act, pursuant to Public Law 104–191, section 263 (110 Stat. 2033); to the Committee on Commerce.

4177. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Regulation of Fuel and Fuel Additives: Extension of California Enforcement Exemptions for Reformulated Gasoline Beyond December 31, 1999 [FRL–6432–1] received September 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4178. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Louisiana: Final Authorization of State Hazardous Waste Management Program Revisions [FRL–6431–2] received September 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4179. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the Unregulated Contaminant Monitoring Regulation for Public Water Systems [FRL–6433–1] (RIN: 2040–AD15) received September 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4180. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designated Facilities and Pollutants; North Dakota; Control of Emissions From Existing Hospital/Medical/Infectious Waste Incinerators; Correction [FRL–6421–9] received August 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4181. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revisions for Six California Air Pollution Control Districts [CA 009–0143a; FRL–6420–4] received August 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4182. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision: Bay Area Air Quality Management District, Kern County Air Pollution Control District, Monterey Bay Unified Air Pollution Control District, South Coast Air Quality Management District [CA 172–0157a; FRL–6420–3] received August 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4183. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; South Coast Air Quality Management District; Ventura County Air Pollution Control District; Mojave Desert Air Quality Management District [CA 126–163a; FRL–6419–9] received August 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4184. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maryland; Control of VOC Emissions from Reinforced Plastics Manufacturing [MD077a–3034; FRL–6419–1] received August 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4185. A letter from the Special Assistant, to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Cedar Key, Florida) [MM Docket No. 99–72 RM–9323] received September 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4186. A letter from the Legal Counsel, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Parts 2 and 15 of the Commissions Rules to Further Ensure That Scanning Receivers Do Not Receive Cellular Radio Signals [ET Docket 98–76, FCC 99–58] received August 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4187. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory

Commission, transmitting the Commission's final rule—Acquisition Regulation (NRCAR) (RIN: 3150–AF52) received September 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4188. A letter from the Chief Counsel, Foreign Assets Control, Department of the Treasury, transmitting the Department's final rule—UNITA (Angola) Sanctions Regulations: Implementation of Executive Orders 13069 and 13098 [31 CFR Part 590] received August 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

4189. A letter from the Assistant Secretary for Export Administration, Bureau of Export Administration, Department of Commerce, transmitting the Department's final rule—Editorial Clarifications and Revisions to the Export Administration Regulations [Docket No. 990811216–9216–01](RIN: 0694–AB81) received September 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

4190. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Exports and Reexports of Commercial Changes and Devices Containing Energetic Materials [Docket No. 990811214–9214–01] (RIN: 0694–AB79) received September 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

4191. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Chemical Weapons Conventions; Revisions to the Export Administration Regulations; States Parties; Licensing Policy Clarification [Docket No. 990416098–9237–02](RIN: 0694–AB67) received September 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

4192. A letter from the Executive Director, Committee for Purchase from People Who Are Blind or Severely Disabled, transmitting the Committee's final rule—Procurement List Additions and Deletions—received September 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4193. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severly Disabled, transmitting the Committee's final rule—Procurement List Additions and Deletions—received September 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4194. A letter from the Secretary, Securities and Exchange Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar years 1996, 1997 and 1998, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

4195. A letter from the Chairman, Federal Election Commission, transmitting the Commission's final rule—Public Financing of Presidential Primary and General Election Candidates [Notice 1999–17] received September 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

4196. A letter from the Acting Assistant Secretary of the Interior, Bureau of Land Management, Department of the Interior, transmitting the Department's final rule—Location, Recording, and Maintenance of Mining Claims or Sites [WO–620–1430–00–24] (RIN: 1004–AD31) received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4197. 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; Species in the Rock Sole/Flathead Sole/''Other Flatfish'' Fishery Category by Vessels Using Trawl Gear in Bearing Sea and Aleutian Islands Management Area [Docket No. 990304063–9063–01; I.D. 083199A] received September 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4198. 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 Off Alaska; Pollock in Statistical Area 620 of the Gulf of Alaska [Docket No. 990304062–9062–01; I.D. 083099C] received September 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4199. 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; Pollock in Statistical Area 610 of the Gulf of Alaska [Docket No. 990304062–9062–01; I.D. 083099B] received September 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4200. 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 Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Commercial Closure From Fort Ross to Point Reyes, CA; Inseason Adjustment from Cape Flattery to Leadbetter Point, WA [Docket No. 99043–913–01; I.D. 072299C] received September 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4201. A letter from the 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; Thornyhead Rockfish in the Western Regulatory Area of the Gulf of Alaska [Docket No. 990304062–9062–01; I.D. 080599D] received September 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4202. A letter from the Director, Bureau of Justice Assistance, Department of Justice, transmitting the Department's final rule—Public Safety Officers' Educational Assistance Program [OJP(BJA)–1216f] (RIN: 1121–A51) received September 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4203. A letter from the Rules Administrator, Federal Bureau of Prisons, Department of Justice, transmitting the Department's final rule—Cost of Incarceration Fee [BOP–1079–F] (RIN: 1120–AA75) received August 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4204. A letter from the Director, Policy Directives and Instructions Branch, INS, Department of Justice, transmitting the Department's final rule—Adding Portugal, Singapore and Uruguay to the List of Countries Authorized to Participate in the Visa Waiver Pilot Program [INS No. 2002–99] (RIN: 1115–AF99) received August 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4205. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Time of Designation and Using Agency for Restricted Area R–2211 (R–2211), Blair Lake, AK [Airspace Docket No. 99–AAL–13] (RIN: 2120–AA66) received September 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4206. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Mojave, CA [Airspace Docket No. 99–AWP–2] received September 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4207. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Amend Title of the Vancouver, BC, Class C & D Airspace, Point ROBERTS, Washington (WA) [Airspace Docket No. 99–AWA–11] (RIN: 2120–AA66) received September 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4208. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Amend Controlling Agency Title for Restricted Area R–7104, Vieques Island, PR [Airspace Docket No. 99–ASO–11] (RIN: 2120–AA66) received September 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4209. 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; Parsons, KS [Airspace Docket No. 99–ACE–36] received September 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4210. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Realignment of Federal Airway; Columbus, NE [Airspace Docket No. 98–AGL–49] received September 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4211. 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; Grain Valley, MO [Airspace Docket No. 99–ACE 28] received September 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4212. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Realignment of Federal Airway; Rochester, MN [Airspace Docket No. 98–AGL–37] received September 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4213. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F27 Series Airplanes Equipped with Rolls-Royce 532–7 ''Dart 7'' (RDa–7) Series Engines [Docket No. 98–NM–364–AD; Amendment 39–11288; AD 99–18–22] (RIN: 2120–AA64) received September 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4214. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Model 328–100 Series Airplanes [Docket No. 98–NM–112–AD; Amendment 39–11287; AD 99–18–21] (RIN: 2120–AA64) received September 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4215. 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. 29708; Amendment No. 1946] received September 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4216. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class D Airspace; Lake Hood, Elmendorf AFB, and Merrill Field, AK Revision of Class E Airspace; Elmendorf AFB and Merrill Field, AK [Airspace Docket No. 99–AAL–16] received September 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4217. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—User Fees for Licenses, Certificates of Registry, and Merchant Mariner Documents [USCG–1997–2799] (RIN: 2115–AF49) received August 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4218. A letter from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting the Department's final rule—Pipeline Safety: Qualification of Pipeline Personnel [Docket No. RSPA–98–3783; Amendment 192–86; 195–67] (RIN: 2137–AB38) received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4219. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Year 2000 (Y2K) Reporting Requirements for Vessels and Marine Facilities; Enforcement Date Change [USCG–1998–4819] (RIN: 2115–AF85) received August 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4220. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Disaster Assistance; Redesign of Public Assistance Project Administration (RIN: 3067–AC89) received August 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4221. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Consolidated Returns—Consolidated Overall Foreign Losses and Separate Limitation Losses [TD 8833] (RIN: 1545–AW08) received August 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4222. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Boyd Gaming Corporation v. Commissioner [T.C. Docket Numbers 3433–95 and 3434–95] received September 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4223. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Hospital Corporation of America and Subsidiaries v. Commissioner [109 T.C. 21 (1997)] received September 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4224. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Internal Revenue Service V. Waldschmidt (In re Bradley) (M.D. Tenn. 1999), aff'g 222 B.R. 313 (Bankr. M.D. Tenn. 1998) received September 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4225. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Estate of Mellinger v. Commissioner [112 T.C. 4(1999)] received September 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4226. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Vulcan Materials Company and Subsidiaries v. Commissioner [Docket No. 11680–88] received September 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4227. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—St. Jude Medical, Inc. v. Commissioner [Tax Ct. Dkt. No. 5274–89] received September 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4228. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Revision of the Tax Refund Offset Program [TD 8837] (RIN: 1545–AV50) received September 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4229. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Inflation-Indexed Debt Instruments [TD 8838] (RIN: 1545–AU45) received September 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4230. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—July—September 1999 BOND Factor Amounts [Rev. Rul. 99–38] received September 8, 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. BURTON: Committee on Government Reform. H.R. 28. A bill to provide for greater access to child care services for Federal employees (Rept. 106–323 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. REYNOLDS: Committee on Rules. House Resolution 294. Resolution providing for consideration of the bill (H.R. 1402) to require the Secretary of Agriculture to implement the Class I milk price structure known as Option 1A as part of the implementation of the final rule to consolidate Federal milk marketing orders (Rept. 106–324). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the committee on the Judiciary discharged from further consideration. H.R. 28 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 28. Referral to the Committee on the Judiciary extended for a period ending not later than September 15, 1999.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. DEFAZIO (for himself, Mr. MCDERMOTT, and Mr. WU):

H.R. 2868. A bill to guarantee States and counties containing Federal forest lands consistent compensation for the loss of property tax revenues from such lands instead of a percentage of the declining revenues derived from timber sales; to the Committee on Agriculture, and in addition to the Committee on Resources, 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. BEREUTER:

H.R. 2869. A bill to authorize the Secretary of Transportation to carry out highway and bridge projects to improve the flow of traffic between the States of Nebraska and Iowa and to direct the Secretary to designate certain highways in those States as an Interstate System route; to the Committee on Transportation and Infrastructure.

By Mr. CAPUANO (for himself, Mr. CLAY, Mr. DELAHUNT, Mr. FROST, Mr. LAFALCE, Ms. LEE, Mr. GONZALEZ, Mr. MCGOVERN, Mr. MOAKLEY, Mr. OLVER, Mr. PASCRELL, Ms. PELOSI, Mr. TIERNEY, Mr. TOWNS, and Mr. WEINER):

H.R. 2870. A bill to amend title XVIII of the Social Security Act to provide for coverage of vision rehabilitation services under the Medicare Program; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DREIER (for himself and Mr. POMEROY):

H.R. 2871. A bill to promote youth financial education; to the Committee on Education and the Workforce.

By Mr. ENGLISH:

H.R. 2872. A bill to amend the Higher Education Act of 1965 to increase the maximum Pell grant from $3,125 to $7,000 over 3 fiscal years; to the Committee on Education and the Workforce.

By Mr. ENGLISH:

H.R. 2873. A bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for contributions to education individual retirement accounts, to increase the amount which may be contributed to such accounts, to permit such accounts to be used to pay elementary and secondary education expenses and training expenses of older individuals, and for other purposes; to the Committee on Ways and Means.

By Mr. GIBBONS (for himself and Mr. HANSEN):

H.R. 2874. A bill to amend the Wild Free-Roaming Horses and Burros Act to provide for delegation to States of the powers and duties under that Act regarding management of wild free-roaming horses and burros, and for other purposes; to the Committee on Resources.

By Mr. HERGER:

H.R. 2875. A bill to amend the Klamath River Basin Fishery Resources Restoration Act to provide for tribal representation on the Klamath Fishery Management Council, to clarify allocation of the annual tribal catch, and for other purposes; to the Committee on Resources.

By Ms. LOFGREN:

H.R. 2876. A bill to amend the Federal Rules of Evidence regarding testimonial privileges of parents, children, and members of the Secret Service; to amend title 18 of the United States Code to restrict prosecutorial conduct with respect to sexual activity not unlawful under Federal law, and for other purposes; to the Committee on the Judiciary.

By Mr. MATSUI:

H.R. 2877. A bill to amend title IV of the Social Security Act to coordinate the penalty for the failure of a State to operate a State child support disbursement unit with the alternative penalty procedure for failures to meet data processing requirements; to the Committee on Ways and Means.

By Mr. MCDERMOTT (for himself, Mr. STARK, Mr. RUSH, Mr. ROMERO-BARCELÓ, Mrs. MINK of Hawaii, Mr. FROST, Mr. NADLER, Ms. SLAUGHTER, Mr. LEWIS of Georgia, Mr. FRANK of Massachusetts, Mr. HINCHEY, and Mr. WEINER):

H.R. 2878. A bill to protect the privacy of health information in the age of genetic and other new technologies, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. NORTHUP (for herself, Mr. FLETCHER, Mr. TALENT, Mr. WOLF, Mr. DICKEY, Mr. LAZIO, Mr. BONILLA, Mr. POMBO, Mr. HASTERT, Mr. PORTMAN, Mr. OXLEY, Mr. COX, Mr. THOMAS, Mr. SHAYS, Mr. MORAN of Kansas, Mr. SCHAFFER, Mr. MILLER of Florida, Mr. KOLBE, Mr. FOLEY, Mr. HAYWORTH, Mrs. MORELLA, Mr. GILCHREST, Mr. SHIMKUS, Mr. HASTINGS of Florida, Mr. MEEKS of New York, Mr. BRADY of Pennsylvania, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BROWN of Ohio, Mr. MANZULLO, Mr. HOUGHTON, Mr. MCINTOSH, Mr. GUTKNECHT, Mr. HOEKSTRA, Mr. GIBBONS, Mrs. KELLY, Mr. WATTS of Oklahoma, Mr. ETHERIDGE, Mrs. JONES of Ohio, Ms. MCKINNEY, Mr. PASTOR, Mr. HINCHEY, Mrs. CLAYTON, Mr. WYNN, Mr. FATTAH, Mr. GREENWOOD, Mr. HILLIARD, Mr. CUNNINGHAM, Mr. ENGEL, Mr. SPRATT, Mr. LEACH, Mr. THOMPSON of Mississippi, Mr. ARMEY, Mr. TIERNEY, Mr. SANDLIN, Mr. OWENS, Ms. CARSON, and Mr. TRAFICANT):

H.R. 2879. A bill to provide for the placement at the LINCOLN Memorial of a plaque commemorating the speech of Martin Luther King, Jr., known as the ''I Have A Dream'' speech; to the Committee on Resources.

By Mr. PORTMAN (for himself, Mr. MATSUI, Mrs. JOHNSON of Connecticut, and Mr. TANNER):

H.R. 2880. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for land sales for conservation purposes; to the Committee on Ways and Means.

By Mr. SHAW:

H.R. 2881. A bill to allow the collection of fees for the provision of customs services for the arrival of certain ferries; to the Committee on Ways and Means.

By Mr. VENTO:

H.R. 2882. A bill to regulate the use by interactive computer services of personally identifiable information provided by subscribers to such services; to the Committee on Commerce.

By Mr. ISTOOK:

H.J. Res. 66. A joint resolution proposing an amendment to the Constitution of the United States restoring religious freedom; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule VII, sponsors were added to public bills and resolutions as follows:

H.R. 21: Ms. BROWN of Florida.
H.R. 27: Mr. GOODLATE.
H.R. 44: Mr. CUNNINGHAM.
H.R. 65: Mr. COBURN.
H.R. 303: Mr. COBURN and Mrs. MALONEY of New York.
H.R. 354: Mr. GOSS and Mr. HALL of Texas.
H.R. 383: Ms. BERKLEY.
H.R. 405: Mrs. MEEK of Florida, Mr. WAMP, and Mr. LAHOOD.
H.R. 492: Mr. SANDLIN.
H.R. 505: Mr. BLAGOJEVICH.
H.R. 528: Mr. GOODE and Mr. MANZULLO.
H.R. 534: Mr. CONYERS, Ms. DUNN, Mr. LARGENT, Mr. SHADEGG, Mr. SHIMKUS, Mrs. NORTHUP, and Mr. PETRI .
H.R. 673: Mr. DIAZ-BALART.
H.R. 710: Mr. BLUMENAUER, Mr. EWING, and Mr. BLUNT.
H.R. 783: Mr. PICKERING.
H.R. 792: Ms. GRANGER.
H.R. 804: Mr. INSLEE and Mr. MOORE.
H.R. 826: Mr. DAVIS of Illinois.
H.R. 828: Mr. MOLLOHAN.
H.R. 860: Ms. BERKLEY.
H.R. 933: Mrs. THURMAN.
H.R. 988: Mr. BAIRD.
H.R. 1070: Mr. TERRY.
H.R. 1075: Mrs. THURMAN.
H.R. 1076: Mrs. THURMAN.
H.R. 1088: Mr. DOOLITTLE.
H.R. 1102: Mr. MALONEY of Connecticut.
H.R. 1142: Mr. CHAMBLISS, Mr. KNOLLENBERG, Mr. PICKERING, Mr. CALLAHAN, and Mr. GOODLING.
H.R. 1160: Mr. JEFFERSON.
H.R. 1171: Mr. VENTO, Mrs. THURMAN, and Mr. PETERSON of Minnesota.
H.R. 1221: Mr. WATT of North Carolina and Ms. LEE.
H.R. 1246: Mr. PRICE of North Carolina.
H.R. 1256: Mr. BLAGOJEVICH and Mr. CANNON.
H.R. 1272: Mr. ARMEY.
H.R. 1344: Mr. EDWARDS.
H.R. 1349: Mr. LAZIO, Mr. MCKEON, and Mr. ROHRABACHER.
H.R. 1355: Mrs. MCCARTHY of New York.
H.R. 1488: Mr. KUCINICH and Mr. WEXLER.
H.R. 1495: Mr. GEJDENSON.
H.R. 1625: Mr. GILMAN and Mr. TRAFICANT.
H.R. 1629: Mr. SANDLIN, Mr. LUCAS of Kentucky, and Mr. HINOJOSA.
H.R. 1671: Mr. LEVIN.
H.R. 1686: Mr. COOK.
H.R. 1708: Mr. LAHOOD and Ms. PRYCE of Ohio.
H.R. 1775: Mr. DELAHUNT.
H.R. 1776: Mr. BLUMENAUER, Mr. NORWOOD, Mr. JENKINS, Mr. WU, Mr. BASS, and Ms. LEE.
H.R. 1785: Mr. GUTIERREZ, Ms. SCHAKOWSKY, Mr. FORD, and Mr. CLAY.
H.R. 1787: Mr. BLUMENAUER.
H.R. 1857: Mr. FORD, Mr. TURNER, and Ms. KAPTUR.
H.R. 1858: Mr. BOUCHER.
H.R. 1871: Mr. MCCOLLUM.
H.R. 1887: Mr. NEY and Mr. FALEOMAVAEGA.
H.R. 2029: Mr. TANCREDO and Mr. DOOLITTLE.
H.R. 2121: Mr. BARRETT of Wisconsin, Mr. MCDERMOTT, and Mr. HINCHEY.
H.R. 2286: Mr. SANDLIN.
H.R. 2339: Ms. ESHOO, Ms. CARSON, and Ms. MCCARTHY of Missouri.
H.R. 2362: Mr. WELDON of Pennsylvania, Mr. GRAHAM, Mr. SESSIONS, Mr. HOSTETTLER, and Mr. DEMINT.
H.R. 2366: Mr. NUSSLE.
H.R. 2389: Mr. HAYES, Mrs. CUBIN, Mr. NORWOOD, Mr. PHELPS, Mr. BERRY, and Mr. LUCAS of Kentucky.
H.R. 2418: Mr. GRAHAM and Mr. CLEMENT.
H.R. 2420: Mr. WELDON of Florida, Mr. BRADY of Texas, Mr. FLETCHER, Mr. COOK, Mr. SAWYER, Mr. SMITH of Washington, and Mr. GOODLING.
H.R. 2441: Mr. BARR of Georgia.
H.R. 2451: Mr. PASTOR.
H.R. 2453: Mr. DELAY.
H.R. 2498: Mr. LUTHER and Mrs. CLAYTON.
H.R. 2505: Mr. WU and Mr. BOUCHER.
H.R. 2539: Mr. DIXON and Mr. BECERRA.
H.R. 2560: Mr. TANCREDO.
H.R. 2573: Mr. LANTOS, Mrs. MALONEY of New York, Mr. FATTAH, and Mrs. MEEK of Florida.
H.R. 2626: Mr. BACHUS and Mr. CONYERS.
H.R. 2631: Mr. FILNER, Mr. BALDACCI, Mr. PALLONE, Mr. GORDON, Mr. WISE, and Mrs. MINK of Hawaii.
H.R. 2635: Mr. GRAHAM.
H.R. 2657: Mr. LANTOS.
H.R. 2658: Ms. JACKSON-LEE of Texas.
H.R. 2659: Mrs. CHRISTENSEN.
H.R. 2708: Mrs. JONES of Ohio, Mr. HORN, and Mr. OSE.
H.R. 2719: Mr. CAPUANO.
H.R. 2725: Mr. WATKINS.
H.R. 2809: Ms. BALDWIN, Ms. MCKINNEY, Mr. MEEHAN, Ms. NORTON, Mr. BLAGOJEVICH, Ms. ESHOO, Mr. OLVER, and Mr. FARR of California.
H.R. 2810: Mr. FORBES.
H.R. 2814: Mr. YOUNG of Alaska, Mr. GIBBONS, Mr. SCHAFFER, Mr. HUNTER, and Mr. PETERSON of Pennsylvania.
H.J. Res. 47: Mr. GORDON.
H. Res. 41: Mr. BLAGOJEVICH, Mr. LUTHER, and Mr. VENTO.
H. Res. 89: Ms. LEE.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2824: Mr. BALDACCI.

United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE *106th* CONGRESS, FIRST SESSION

Vol. 145 WASHINGTON, WEDNESDAY, SEPTEMBER 15, 1999 *No. 120*

Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Dr. Richard Foth, Falls Church, VA.

We are pleased to have you with us.

PRAYER

The guest Chaplain, Dr. Richard Foth, offered the following prayer:

Gracious Father, we come to You on this fresh September morning with full hearts. Thank You for letting us be a part of the fabric of this country which is so richly endowed both physically and spiritually. Help us never to forget that it is by Your grace we are here and that ''to whom much is given, much is required.''

We pray particularly for those in the path of a storm, whether politically in the Senate of the United States or physically on our southeast coast. Give them wisdom, judgment, and strength for the journey.

As the fall agenda in this deliberate body is engaged in this Chamber, which has been the battleground for ideas and the sanctuary for our freedoms over the years, help our Senators not to be weary in well-doing. Buttress them with patience in the face of a thousand voices calling them to act in small, immediate ways which erode principle and derail the larger good.

We join our hearts at this moment with the thousands of other ordinary citizens across America who, today and every day, lift this band of 100 gifted leaders to You.

In that Name above every name, we pray these things.

Amen.

PLEDGE OF ALLEGIANCE

The Honorable PAT ROBERTS, a Senator from the State of Kansas, 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.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. ROBERTS). The distinguished acting majority leader is recognized.

SCHEDULE

Mr. SHELBY. Mr. President, today the Senate will immediately begin 1 hour of debate on the Wyden amendments Nos. 1625 and 1626, both regarding airline reporting. Votes on those amendments have been scheduled to occur at 11 a.m. Further amendments to the Transportation appropriations bill are anticipated. Therefore, Senators may expect votes throughout the day. It is hoped, however, that Senators who have amendments will work with the chairman and the ranking member to schedule the offering of their amendments in a timely manner so we can expedite this bill. Today the Senate may also resume consideration of the Interior appropriations bill in an attempt to complete action on the bill.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT—Resumed

The PRESIDING OFFICER. The clerk will report the bill.

The legislative assistant read as follows:

A 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.

Pending:

Wyden amendment No. 1625, to make available funds for the investigation of unfair or deceptive practices and unfair methods of competition by air carriers, foreign air carriers, and ticket agents involving the failure to disclose information on the overbooking of flights.

Wyden amendment No. 1626, to make available funds for the investigation of unfair or deceptive practices and unfair methods of competition by air carriers and foreign air carriers involving denying airline consumers access to information on the lowest fare available.

The PRESIDING OFFICER. The distinguished Senator from Oregon is recognized.

Mr. WYDEN. I thank the Chair.

AMENDMENTS NOS. 1625 AND 1626, AS MODIFIED

Mr. President, I ask unanimous consent that in the second proviso of each of my two amendments, the words ''It is the sense of the Senate'' be inserted.

The PRESIDING OFFICER. Is there an objection?

The Chair hears none, and it is so ordered.

Mr. WYDEN. I thank the Chair.

The amendments (Nos. 1625 and 1626), as modified, are as follows:

AMENDMENT NO. 1625

On page 65, line 22, before the period at the end of the line, insert the following: '': *Provided,* That the funds made available under this heading shall be used to investigate pursuant to section 41712 of title 49, United States Code, relating to unfair or deceptive practices and unfair methods of competition by air carriers, foreign air carriers, and ticket agents: *Provided further,* It is the sense of the Senate that, for purposes of the preceding proviso, the terms 'unfair or deceptive practices' and 'unfair methods of competition' include the failure to disclose to a passenger or a ticket agent whether the flight on which the passenger is ticketed or has requested to purchase a ticket is overbooked, unless the Secretary certifies such disclosure by a carrier is technologically infeasible''.

AMENDMENT NO. 1626

On page 65, line 22, before the period at the end of the line, insert the following: '': *Provided,* That the funds made available under this heading shall be used (1) to investigate pursuant to section 41712 of title 49, United States Code, relating to unfair or deceptive practices and unfair methods of competition by air carriers and foreign air carriers, (2) for monitoring by the Inspector General of the compliance of air carriers and foreign carriers with respect to paragraph (1) of this

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proviso, and (3) for the submission to the appropriate committees of Congress by the Inspector General, not later than July 15, 2000, of a report on the extent to which actual or potential barriers exist to consumer access to comparative price and service information from independent sources on the purchase of passenger air transportation: *Provided further,* It is the sense of the Senate that, for purposes of the preceding proviso, the terms 'unfair or deceptive practices' and 'unfair methods of competition' mean the offering for sale to the public for any route, class, and time of service through any technology or means of communication a fare that is different than that offered through other technology or means of communications''.

Mr. WYDEN. Mr. President and colleagues, these two amendments are essential to begin to ensure that passengers in this country get a fair shake with respect to airline service.

We have seen in recent months that the airline industry is going to great lengths with their so-called customer service pledge to try, through a series of voluntary promises, to show to the American people that they are really committed to improving airline service.

The fact is, Mr. President and colleagues, two studies that have just come out demonstrate that these voluntary promises by the airline industry really are not worth much more than the paper on which they are written. So I am very pleased to come to the floor of the Senate today with my good friend, the chairman of the subcommittee, Senator SHELBY, and the ranking minority member, Senator LAUTENBERG, to make it very clear that in two key areas—overbooking and making sure that passengers can be informed of the lowest fare available—the inspector general will be directed to investigate promptly when in fact consumers are ripped off in those areas.

Let me touch specifically on both of those provisions.

The first deals with the overbooking issue. In addition to my friend from Alabama, the chairman of the subcommittee, I am very pleased Senator CAMPBELL has joined us in this effort, as well as Senator FEINGOLD from this side of the aisle. It is truly bipartisan.

The reason it is needed is that if this morning you call an airline and inquire about purchasing a ticket on a flight and they are overbooked, that airline does not have to tell you they are overbooked before they take your money.

We do not think that is right. We think the public has the right to know. Certainly the airline ought to be in a position to sell you a ticket even if they are overbooked, but it ought to be the consumer's right to have that information before they actually put their money down.

So the first proposal we are offering today makes sure that consumers will be informed in these instances of overbooking.

The second amendment we are offering deals with making sure that passengers can be adequately informed of the lowest fare available on flights. Finding the lowest airfare is one of the great mysteries of Western life. Today on any given flight, there may be as many different fares as there are passengers on the plane. So with respect to this matter of making sure the passengers can be informed of the lowest fare available, I offer a second amendment, again with the chairman of the subcommittee, Mr. SHELBY, and the ranking minority member, Senator LAUTENBERG, to make sure that passengers will be in a position to be informed of the lowest fares.

Some airlines right now are giving customers with computers a price break just because they have a computer to access the web site. We have all heard about the digital divide. In fact, some folks have the technology; others do not. The current situation penalizes the technology have-nots; they have to pay a higher fare. Of course, when the airlines have you, the customer, on the phone, they have in fact ''got you.'' You may not own a computer or have access to one. You have to pay whatever price the airline quotes you.

No matter how a customer contacts an airline—at the ticket counter, over the phone, or through the airline's web site—it is the view of the sponsors of this amendment—myself, the distinguished chairman of the subcommittee, Mr. SHELBY, and the distinguished ranking minority member, Senator LAUTENBERG—that the consumer ought to be informed.

Right now, on a voluntary pledge that has been made by the airline industry, there is a lot of high-sounding rhetoric in telling customers about the lowest fare, but the harsh reality is it is essentially business as usual.

In fact, I think it is worth noting the language in the pledge, as it stands today, to offer the lowest fare available. What the pledge by the airline industry stipulates today is: If a consumer uses the phone to call an airline and asks about a specific flight on a specific day in a specific class, the airline will tell you the lowest fare. That is something that they are already required to do by current regulation.

Not only will they not provide you relevant information about lower fares on other flights on the same airline, they will not even tell you about lower fares that are probably on their web page.

For example, a Delta agent recently quoted a consumer over the phone a round trip fare to Portland—my hometown—of $400. Five minutes later, the consumer found a price for $218 for the exact flight on Delta's web page.

I do want to leave time for other colleagues to be able to speak on these amendments. Both of the amendments, it seems to me, hit critical issues with respect to disclosure to airline passengers of information that they need to make their travel choices.

We are not calling for a constitutional right to a fluffy pillow on an airline flight or a jumbo bag of peanuts. We are saying the public has the right to know.

We had 100,000 people bumped last year, and we are finding, in the first 6 months of this year, consumer complaints are growing at an unprecedented level with respect to airline service.

Unfortunately, this voluntary pledge by the airline industry is essentially toothless. They give you three kinds of rights: First, a set of rights that you already have, and that deals with the disabled; second, rights that they are reluctant to actually write into the legalese that constitute the real contract between the consumer and the airline—these are known as contracts of carriage; and, finally, the consumers' rights that are ignored altogether.

The Wyden-Shelby-Lautenberg amendments we will be voting on at 11 o'clock ensure that those rights which are being ignored altogether would be protected, that in the future consumers will be informed when a flight is overbooked. Consumers would be in a position to learn the lowest fare available, and if that is not the case, under this amendment the Department of Transportation is directed to go on out and investigate that as a deceptive trade practice, and the consumer is protected.

So I will reserve the remainder of my time. We may have other colleagues who want to speak. But again, I express my appreciation to the chairman of the subcommittee, Senator SHELBY. He and Senator LAUTENBERG have worked very closely with us on this amendment.

I reserve the remainder of my time and yield the floor.

Mr. SHELBY addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SHELBY. Mr. President, I will be brief. But I want to take a couple minutes to commend the Senator from Oregon for having the courage and the foresight and tenacity to push these amendments because they make a lot of sense.

All of us travel by the airlines. We want our airlines to do well. We want them to respond to all the people in the market. But we want it to be done upfront and, I think, upright. I am not sure that is going on today. That is why I believe this legislation is necessary. I think it is a step in the right direction.

We all go back to the deregulation of the airlines. I want to deregulate everything. But I want competition to be out there in the marketplace, including the airlines, to where people will have a choice. I am not sure we have a choice today in the airline industry because we have such concentration. We all fly. We want some basic rights.

I believe the passengers, who are the customers who support the airlines—without customers there will be no airlines—ought to have a say. I believe that is the thrust of the amendments offered by the Senator from Oregon. That is why I support them.

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. SHELBY. 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. SHELBY. Mr. President, I know we have a scheduled vote at 11 o'clock this morning. We have equal time here. I ask unanimous consent that the running of the quorum call time on the clock be charged against both sides equally.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SHELBY. 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. ROCKEFELLER. 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. ROCKEFELLER. Mr. President, if I might ask the distinguished senior Senator from New Jersey, are we dealing with two amendments or a sense-of-the-Senate resolution?

Mr. LAUTENBERG. We are dealing with two sense-of-the-Senate resolutions that the Senator from Oregon has offered now, a substitute for an earlier amendment.

Mr. ROCKEFELLER. Well, a sense-of-the-Senate resolution is preferable in that it doesn't become law and is not binding. It also implies, as I would believe, that perhaps the case for the amendments is not as strong as it once appeared to be.

I want to speak vehemently against whatever form this takes, whether it is two amendments or a sense-of-the-Senate resolution. There is no question that the Senator from Oregon is concerned with safety. The Senator from Oregon has the luxury of dealing with flights far better than does the Senator from West Virginia. He has a consistent record on that. I also need to say, however, that when he brought up what was to be two amendments—both of which I disagree with and which I ask my colleagues to vote against, whether in amendment form or resolution form—the Senator didn't give any advanced notice about it. He didn't inform those charged with responsibility for aviation issues on the Commerce Committee before he brought this matter up, for example.

Customer service is a problem we have been working on in the Commerce Committee. What I need to point out is that on this very day the airlines are coming out with their plans to implement what Senator MCCAIN, Senator HOLLINGS, Senator GORTON, and the Senator from West Virginia directed and worked with them to do to improve customer service. Today they are coming out with a plan to address precisely the problems the Senator is bringing up.

People talk about Washington intervening and Washington trying to do something on its own because Washington always knows best. This is probably a classic case of that—especially on what looks like a tremendously popular consumer issue that can easily get a lot of attention. But we always have to ask the question, is it the right public policy? My reaction in this case is, no, it is the wrong public policy.

We sat down with the airlines and we had a very long series of negotiations. We got them to agree to a whole series of things which they are coming out with today, which we haven't actually seen yet, for improving customer service. They are coming out with their detailed service plans on this very day, at the same time that we are voting here on these resolutions. What is interesting is that in the principles we negotiated with the airlines both of the problems contemplated by these resolutions are specifically addressed, and will be elaborated upon in the specific plans of each airline.

Now I don't have the advantage of is having the plans before me because they are being announced today. But we pushed the airlines hard and they came back with suggestions; and then we went to them again and said that is not good enough, and they came up with more. We also informed the airlines that we would be working on legislation to direct the Department of Transportation to exercise oversight and monitoring of airlines customer service plans and how they are implemented.

We are also working on legislation to increase penalties—if we can ever get to the FAA reauthorization bill, which a lot of people don't talk about—including increases in baggage liability limits, civil penalties for consumer violations, and fines for mistreatment of disabled passengers. We took a very tough approach with the airlines, saying to them, look, we are going to give you this chance because we think you know better than we do how wide a seat ought to be.

We think that when it comes to the cost of the fare, or informing passengers of cancellations or delays, you can do a better job for passengers than if we dictated to you how to do it.

And at the same time we said to the airlines: If you don't come forth with meaningful service improvements and if you are not effective in implementing these commitments, then we are going to come back at you with legislation.

We were very clear in our message to them. Senator MCCAIN, Senator HOLLINGS, Senator ROCKEFELLER, and Senator GORTON—all of us—were very clear about the consequences. We are committed to considering a legislative solution to make the airlines do these things, but first we are going to give them a chance to clean up their own houses.

The main difference between these resolutions and our approach is that we don't want to legislate right out of the gate. We may have to end up legislating, if they don't improve things. But let's give them an opportunity first.

Consider the case of Southwest Airlines and the question of overbooking. Routinely 35 to 40 percent of the people who make reservations on Southwest don't show up for the flight. Do they have an overbooking procedure on 90 percent of their flights? Yes, they do. They need to do that since on average 35 to 40 percent of their passengers don't show up for each and every flight.

On one hand, it seems as if overbooking is an easy thing to do something about. But in practice it is a more complicated question. So, shall we give the industry that knows it has problems a chance, albeit under pressure and restrictions from the Congress and the DOT, but nonetheless a chance to solve their problems themselves? Or shall we simply say we are going to do it for you, and this is how you are going to do it?

Again, if they don't come forward, if they don't do this correctly, then we may very well move legislatively. I have said it frequently to them in private and in public that we move to legislate if they don't take this voluntary approach quite seriously, and we will direct and mandate that these customer service improvements be done. But I think to take the heavy-handed approach right out of the box is the wrong way to go.

I think it is also ironic, I have to say, that the focus is on overbooking and access to low fares, without giving equal attention to the problems of air traffic control. We aren't paying any attention at all to the underlying problems—the infrastructure problems that are the root cause of many customer complaints, including overcrowding, scheduling problems, cancellations and no-shows.

The airlines have until December 15 to get their detailed plans fully implemented. I think we ought to give them the chance.

The inspector general of DOT is monitoring and watching each and every airline for any failure to carry out the principles and promises. If they are not effectuated, that will be considered a violation by the DOT.

But is there anything really that wrong with giving the people who know how to do it and who will compete with one another to do it best a chance to self-regulate under this very unusual and extraordinary pressure that they find themselves from myself and Senator GORTON? Or do we simply say, no, we know how to do it best, and we are going to do it for you?

I hope my colleagues will understand that this a resolution that doesn't do much good for airline passengers. What

will do good by the traveling public is the plan which the airlines are announcing today, and then the oversight and the implementation of those plans, which we will watch very closely and then evaluate how they've done. If they are ineffective in it, then we will move right to legislation. But for heaven's sake, let's not start off that way and pretend we can do all of this better than they can.

I yield the floor. I reserve the remainder of my time.

Mr. LAUTENBERG. I thank the Senator from Oregon.

Mr. President, I think what the Senator from Oregon is doing this morning is offering some help for sat-upon air passengers—people who are totally discouraged by the treatment they get from our airlines. I am not saying the airlines are not a good, effective part of our communications system or that they don't care. Not at all. But they have to be a little more sensitive to what the passengers need. The passengers need to know whether or not reservations they have made are going to be honored. They have to know whether or not they are buying right. If you go into a department store, you see signs telling you how much an article costs. When you call up an airline for reservations, you never know whether you have three seats in L class, or two seats in Y class, or six seats in E class, and you don't know whether you are getting what you are getting.

I think there is an expression that is used commonly around here—''a right to know.'' The passengers have a right to know. They have a right to know that when they get to that airport, the seat they have reserved which they paid for is going to be available for them.

There is no one whom I like less to disagree with than my friend from West Virginia, the distinguished Senator from West Virginia. But the airlines may know, to use his expression, ''how wide a seat is.'' But they don't want to tell you how wide the seating spaces are in their airplanes compared to others.

I fly, as most here do, at least twice a week—once up and once back from my home district in my State.

I find that the space gets narrower and narrower. I think we ought to let people know. Give them a choice. Give them a right to know. We are not telling them the seat size. I don't want to do that.

I have found one thing. Sometimes if you offer enough carrots as an incentive, you wind up with carrot soup. You don't wind up with a satisfied user. That is what we are talking about. The airlines have voluntarily agreed to do some things; that is, if you can find out, and if you understand what they are talking about when they do it.

I see nothing wrong in the sense-of-the-Senate resolutions the Senator from Oregon is introducing. I think he is doing us all a favor, and that is highlighting what the problem is. It is not law that he is proposing. What he is suggesting is something for us to all think about as we consider legislation, or recommending rules to the FAA that the FAA ought to take up. We are focusing.

I must say this to the Senator from West Virginia. In my opening remarks and in the remarks of the chairman of the subcommittee, what we are talking about is the shortages that we are seeing in funding for FAA.

I know I heard it repeated by the distinguished Senator from Alabama. I said we are underfunding the FAA. That is because the whole transportation budget is inadequate for the things we have to do. It shouldn't be. But the system is safe. People do get there most of the time now—late. But the fact is we are concerned about funding the FAA and the overcrowding of the skies.

We want the air traffic control system to operate well.

I sit lots of times in the second seat in a small airplane. I hear what is going on. It is not always what you like to hear—that you have to wait a half hour to take off, that you have to wait a half hour or divert to land because it is too crowded. We are concerned about that.

But also I make mention of a cause of mine—to make sure that we have high-speed rail in this country to take care of the 200-mile trip, or the 250-mile trip from New York to Washington, or Boston to New York, or Boston to Washington—relatively short trips—to relieve some of the pressure in the skies at the same time that we build the system.

I yield the time. I thank the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 15 minutes 50 seconds.

Mr. WYDEN. Thank you.

Mr. President, first, in the package of amendments with respect to overbooking and making sure the passenger has the lowest fare available, that has nothing to do with seat size. I think all of our colleagues know it.

The reason the Consumer Federation of America and Consumers Union put on the floor for each Member of this body a strong endorsement letter for these two amendments this morning is that they think the public has a right to know this basic information. That is all these two amendments are about.

The fact is that my good friend from West Virginia has a difference of opinion with respect to the airline industry voluntary pledges.

I agree with the General Accounting Office and the Congressional Research Service. They came out with reports this week that essentially showed that with respect to these voluntary industry pledges, there is no ''there'' there. These voluntary industry pledges either involve rights that the consumer already has, No. 1, rights that the airline industry is unwilling to write into the contract between the airline and the consumer, known as contracts of carriage, or rights that are essentially ignored altogether, which are overbooking.

Nobody is talking about micromanagement or a constitutional right to fluffy pillows. We are talking about basic information for the public.

What has happened since the voluntary industry agreement of earlier this summer is, two congressional reports have come out—a report by the Congressional Research Service and a report by the General Accounting Office. Let me read from a portion of what the General Accounting Office has said. The General Accounting Office said with respect to the key measures in the voluntary package—ensuring customer service from an airline, cosharing partners, a refund provision, a special needs provision—these are already required.

The airline industry has tried, with a lot of hocus-pocus with the voluntary pledges, to convince the Congress and the American people that they really are responding substantively when in fact this is essentially old wine in new bottles.

That is why this morning the Consumers Union and the Consumer Federation have put on to the desks of each Member of this body a strong endorsement letter. This is about the public's right to know, the public's right to disclosure of information in two areas: The lowest fare; second, with respect to overbooking. That is what this issue is about.

Members can either be with the passengers or Members can be with the airline industry, which the General Accounting Office and the Congressional Research Service said this week has offered voluntary pledges that are woefully deficient because they essentially do nothing other than restate current law.

I yield the floor, and I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. SHELBY. Mr. President, I yield what time I have to the distinguished Senator from Washington.

The PRESIDING OFFICER. The distinguished Senator from Washington is recognized for 1 minute 20 seconds.

Mr. GORTON. Mr. President, this is another example of Members of the Senate attempting to say they know much more about a particular business than do the people who run that business and depend upon customer satisfaction in order to run it profitably.

Fortunately, it is now only a sense-of-the-Senate resolution. However, it nonetheless, with respect to involuntary exclusion from planes, applies to about 1 person in 10,000 and is therefore a sledgehammer used to crush a fly, and does it in a way which will be either ineffective because the information that passengers get will be of no

use to them or will cut down on the number of tickets that are sold which will raise the prices passengers pay.

The provision about Internet pricing, if implemented, will simply mean there will be no lower prices offered on the Internet than there are elsewhere. That will also raise the prices some passengers pay.

The voluntary attitudes of the airlines are only beginning to go into effect. Even the GAO report quoted by the Senator from Oregon reads:

> The real deal is what the individual airlines come out with in the plans. Once they do, they can be held accountable.

We ought to leave this to that accountability and not decide we know the airline business better than the airlines themselves.

The PRESIDING OFFICER. The time allotted to the distinguished Senator has expired.

Does the Senator from Oregon yield time to the distinguished Senator from Montana?

Mr. WYDEN. I understand I have about 10 minutes remaining. Would my good friend from Montana like 3 or 4 minutes?

Mr. BURNS. It will only take about a minute. I am opposing the amendment, so the Senator may want to rethink the allotment of that time.

Mr. WYDEN. Why don't I give 3 minutes to my good friend from Montana, and then I will use my remaining time to wrap up.

Mr. BURNS. I thank my friend from Oregon. I will be very brief.

In the Commerce Committee, we struck a deal with the airlines. Today they are going to the FAA with their plan. What we have seen to this point is an outline of what they plan to do. What they plan to give to the FAA, with the FAA exceptions, we should agree to and keep the word of the Commerce Committee that that is the way we are going to do business.

I think we are trying to micromanage. I expect I am the only one who should be concerned about seat width. I fly just as much as anyone else. In fact, to go round trip between here and Montana, we probably have more seat time than we really want.

The chairman of the Subcommittee on Aviation on the Commerce Committee had a very successful hearing in Kalispell, MT. We ought to look at the root of some of the problems, and that is pilot shortage. We had an outstanding hearing on how it affects rural States such as my State of Montana.

I shall oppose these two amendments. I thank my good friend from Oregon. He has been more than gracious with his time.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I don't see any other speakers. I will be very brief in wrapping up.

Again with respect to these voluntary pledges that have been made by the airline industry, I think it is worth noting exactly what the General Accounting Office said about this so-called customer service first program.

The General Accounting Office found that of the 16 pledges the airline industry made in their voluntary customer first package, 3 of them are already required by Federal law, 4 of them are already required by what are known as the contracts of carriage, legal contracts, and the vast majority of them aren't written in at all. They are not written in any way with respect to key areas such as making sure consumers are adequately informed about the lowest fares, making sure customers are informed about delays, cancellations, and diversions, returning checked bags within 24 hours, credit card refunds, informing passengers about restrictions on frequent flier rules, and having customer service representatives to actually help the public.

That is what the General Accounting Office said.

I am very hopeful we will see some of the airlines individually go beyond what is being proposed in their voluntary package.

In reading the General Accounting Office and the Congressional Research Service reports that have come out since this voluntary agreement was entered into, anyone will see how woefully inadequate the consumer protections are for the public in this country. In fact, these contracts of carriage, which are legalese and technical lingo that spells out the contract between the consumer and the airline, the Congressional Research Service found most of the front-line airline staff didn't even know what these contracts of carriage were. The consumer would basically have to do somersaults to try to get information about them. It is largely not available, even at the ticket counter in many instances. It shows again how reluctant these airlines are, in the vast majority of instances, to truly inform the public.

At the end of the day, passengers have three types of rights: Rights in effect they already have; rights that will not be spelled out in the contract; and, finally, rights that are being ignored altogether. That is why the Consumers Union today is urging the Senate to adopt these two amendments. They are on the side of the passengers. They understand the voluntary pledges that have been made by the airline industry lack teeth. They are gobbledegook.

I urge my colleagues to strongly support these two amendments, agree with the Consumers Union rather than with the airline industry, and let's ensure that at a time when complaints are at a record level, which is the situation we find ourselves in today, we are making sure the passengers can get a fair shake when it comes to learning about the lowest fare available and learning about their rights when there has been an overbooking.

I yield the floor.

The PRESIDING OFFICER. Does the Senator from Oregon yield the remainder of his time? The Senator has 6 minutes.

Mr. WYDEN. I yield the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1625, as modified.

The amendment (No. 1625), as modified, was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question now is on agreeing to amendment No. 1626, as modified.

The amendment (No. 1626), as modified, was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. SHELBY. Mr. President, I ask unanimous consent that all first-degree amendments to the Transportation appropriations bill must be filed by 12 noon today, Wednesday, September 15, with the exception of one amendment by each leader and a managers' package of amendments.

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

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

The PRESIDING OFFICER (Mr. HUTCHINSON). 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.

THE ECONOMIC CONVULSION IN AGRICULTURE

Mr. WELLSTONE. Mr. President, I was just at a gathering of family farmers from the State of Minnesota. I want to give a report on what many of these farmers from Minnesota had to say. I know the Chair has met with farmers from his State and is well aware of the economic pain.

This was a gathering of the Farmers Union farmers, although I think as they have traveled from Senate office to Senate office and House office to House office, they speak for many farmers in the country. Their focus is on what can only be described as an economic convulsion in agriculture.

I know this is not only a crisis in the Midwest but it is also a crisis in the South and throughout the entire nation. On present course, we are going to lose a generation of producers. Whether we are talking about farmers in Minnesota or farmers in Arkansas, many very hard-working people are asking nothing more than a decent price for the commodities they

produce. These farmers, who want a decent price so they can have a decent standard of living and so they can support their children, are going to go under.

I will talk a little bit about policy, but, most importantly, I want to talk about families. I think it is important to bring this to the attention of the Senate. On the policy part, I would prefer, if at all possible, to avoid a confrontation about the Freedom to Farm bill. I thought it was ''freedom to fail'' when the bill passed in 1996. I thought it was a terrible piece of legislation; other Senators at that time thought differently. Part of the legislation gave producers more flexibility, which was good. However, the problem we are facing now is the flexibility doesn't do any good because, across the board prices are low and farmers can't cash-flow.

I don't know whether the Chair has had this experience in Arkansas. He probably has. Many farmers will come up to me, and often these farmers will be in their 40's or 50's. They will say: Right now, I am just burning up my equity. I am digging into everything I have in order to keep going. I want to ask you a question: Should I continue to do that? Do I have a future, or should I just get out of farming?

People don't want to get out of farming. They don't want to leave. This is where they farm. This is where they live. This is where they work. The farm has been in their family for four generations.

We have to make a major modification in our farm policy. The modification has to deal with the problem of price. It is a price crisis in rural America. We have to get this emergency assistance package passed. Conferees must meet and report a bill to Congress so that we can get assistance out to farmers now. I think the emergency package must include a disaster relief piece. The Senate version includes no funding for weather related disasters. Although I am supportive of an emergency relief package, I still don't think the Senate-passed version targeted the assistance towards those people who need the most help.

The point is, these producers want to know whether they have a future beyond 1 year. They can't cash-flow on these prices, whether it be for wheat, for corn, for cotton, for rice, for peanuts, or whether it be for livestock producers. They simply cannot cash-flow. They cannot make it. They can work 20 hours a day and be the best managers in the world, and they still won't make it.

I do think we have to raise the loan rate to get the price up. We have to do that. We have to have some kind of a way that our producers have some leverage in the marketplace to get a better price. I think we also need to have a farmer-owned reserve. A farmer-owned reserve would enable our producers to hold on to their grain until they can get a better price from the grain companies.

Whatever the proposal is, I say to all of my colleagues, for our producers—and I imagine it is the same in Arkansas—time is not neutral. It is not on their side. I don't think we can leave this fall without making a change. We have to pass the emergency assistance package, and we have to deal with the price crisis. I have heard discussion about how we are going to leave early. We cannot leave early.

I also want to talk about the whole problem of concentration of power. This is an unbelievable situation. What we have is a situation where our producers, such as our livestock producers, when negotiating to sell, only have three or four processors. They have the Smithfields, the ConAgras, the IPBs, the Hormels and the Cargills. The point is, you have two, three or four firms that control over 40 percent, over 50 percent, sometimes 70–80 percent of the market.

Pork producers are facing extinction, and the packers are in hog heaven. The mergers continue, and we have all of these acquisitions. We need to put free enterprise back into the food industry.

I have had a chance to review the Sherman Act and the Clayton Act and the work of Estes Kefauver and others. We have had two major public hearings, one in Minnesota and one in Iowa, with Joel Klein, who leads the Antitrust Division of the Justice Department, and Mike Dunn, head of the Packers and Stockyards Administration within the Department of Agriculture. Our producers are asking the question: Why, with these laws on the books, isn't there some protection for us? We have all sorts of examples of monopoly. We want to know where is the protection for producers.

It is critical to pass some stronger antitrust legislation. I know Senator LEAHY is doing a great job with his legislation. I am pleased to join with him. I know part of what the Leahy legislation is going to emphasize is that the U.S. Department of Agriculture can ask for a family farm rural community impact statement. It must address the impact these acquisitions and mergers will have on communities. We want to see that USDA has the authority to review these mergers and acquisitions. We want to see that when people break the law and are practicing collusive activities, there are going to be very stiff penalties. We want to set up a separate division within the Justice Department that deals with agriculture and conducts an investigation and an impact study. Again, we need to have some strong antitrust legislation on the books.

This ought to be a bipartisan issue. I think this is one issue on which all the farm organizations agree. We must have some antitrust action. We must have some bargaining power for the producers. We must put free enterprise back into the food industry.

Until we pass this legislation, I will have an amendment on the floor calling for a moratorium on any further acquisitions or mergers for agribusinesses with over $50 million in revenue. We need to take a look at what is going on. We need to pass some legislation now or we need to have a moratorium for one year until we pass legislation. I think there is going to be a considerable amount of support for this. The reason I think there is going to be a lot of support is that I think many of my colleagues have been back in their States, and for those of us who come from rural States, from agricultural States, you can't meet with people and not know we have to take some kind of action.

I want to bring to the attention of my colleagues just what this crisis means in personal terms. I get nervous about the discussions we have about statistics. We talk about loan rates, we talk about target prices, deficiency payments and LPDs. I want to put this crisis in personal terms.

Let me talk, first of all, about the wonderful wisdom of a Kansas farmer.

I want to share a conversation I had with a Kansas farmer, who offered a great analogy that goes right to the heart of what is happening to our livestock producers, in particular, pork producers who are facing extinction while the packers are in hog heaven:

> Hogs can be mean, nasty and greedy animals. When a hog farmer raises hogs, he knows well enough to separate the big boars from the little hogs. No hog producer would put a boar in the same pen with small pigs. The boar would literally attack and kill the smaller pigs.

Yet while no producer would make such an illogical decision, we as a nation have shamelessly allowed the big boars within our own market pen. That is exactly what is happening. The large corporate ''pigs'' have been attacking and killing the smaller producers.

Now, let me just recite a little bit of historical context. These are words that were spoken on the floor. I read this piece and thought of the latest Smithfield effort to gobble up another company. These words were spoken on the floor of the Senate by Wyoming Senator John B. Kendrick in 1921, in support of the Packers and Stockyards Act:

> Nothing under the sun would do more to conduce to increase production in this country and ultimately to cheapen food products for the people of the Nation than a dependable market, one wherein the producer would understand beyond a shadow of doubt that he would not merely get what is called a fair market, but would get the market for his products based on the law of supply and demand. The average producer in this country is a pretty good sport. He is not afraid to take his chances, but he wants to know that he meets the other man on the dead level and does not have to go against stacked cards.

That is exactly what is at issue. Everywhere the family farmers look, whether it be on the input side, or to whom they sell, you have monopolies. We have to, as Senators, be willing to be on the side of family farmers and take on these monopolies. Who do we

represent? Are we Senators from Smithfield, ConAgra or Cargill, which is a huge company in my State. Or, are we Senators who represent family farmers in rural communities?

I had a meeting with about 35 small bankers, independent bankers, community bankers, from rural Minnesota. It was unbelievable; all of them were saying they have not seen anything such as this crisis in their lifetimes. They said if we continue the way we are going right now, we are going to lose these farms. Our hospitals are going to shut down, our businesses are in trouble, our dealers and banks are in trouble. We are not going to be able to support our schools.

This is about the survival of many of our communities, and these bankers they are right. I would, in 1999, like to associate myself with the remarks of Senator John B. Kendrick in 1921. He goes on to say:

It has been brought to such a high degree of concentration that it is dominated by a few men. The big packers, so-called, stand between hundreds of thousands of producers on the one hand, and millions of consumers on the other. They have their fingers on the pulse of both the producing and consuming markets, and are in such a position of strategic advantage; they have unrestrained powers to manipulate both markets to their own advantage and to the disadvantage of over 99 percent of the people of our country. Such power is too great, Mr. President, to repose it to the hands of any man.

I have been doing a lot of traveling during August meeting with farmers. I have been, certainly, to every single rural community in Minnesota and to gatherings in South Dakota, Iowa, North Dakota, Missouri, and Texas. Each and every time, I will tell you, it is incredible when you speak to farmers. You have 700 or 800 pork producers at a rally, for example, and they know from personal experience who the enemy is. They can't believe that IBP is making record profits while they are going under. How can it be these packers make all this money and the prices for our products don't go down in the grocery stores? Meanwhile, our family farmers, our producers, are facing extinction? What is going on?

When we passed the Sherman Act in late the 1800s, we did it, to protect consumers; but, we also said we as a nation value competition. We thought the food industry was important. We thought we ought to have a lot of producers. We thought we ought to have a wide distribution of land ownership. We thought it was important to have rural communities. Somebody is going to farm land in America. When our family farmers in the Midwest or the South are driven off the land, the mentality seems to be not to worry about it. The argument is made that somebody will farm the land. Somebody will own the animals. But the problem is that it will be these big conglomerates owning the land and the animals. The health and vitality of rural America is not based upon the number of acres of land somebody owns or the number of animals; it is based upon the number of family farmers who live in the community, buy in the community, care about the community.

As far as our national interest is concerned, this is a food scarcity issue. When these big conglomerates finish muscling their way to the dinner table and driving these family farmers out, what will be the price we pay for the food? Will it be safe? Will it be nutritious? Will there be land stewardship? Will you have producers that care about the environment? I think the answer is no.

This is a transition that America will deeply regret. We in the Senate must take action. We must take action to deal with this crisis, and it is a crisis. It is a price crisis. We have to get the loan rate up to get the price up. We have to have a moratorium on all of these acquisitions and mergers.

Eunice Biel from Harmony, MN, a dairy farmer, said:

We currently milk 100 cows and just built a new milking parlor. We will be milking 120 cows next year. Our 22-year-old son would like to farm with us. But for us to do so he must buy out my husband's mother (his grandmother) because my husband and I who are 46-years-old, still are unable to take over the family farm. Our son must acquire a beginning farmer loan. But should he shoulder that debt if there is no stable milk price? We continuously are told by bankers, veterinarians and ag suppliers that we need to get bigger or we will not survive. At 120 cows, we can manage our herd and farm effectively and efficiently. We should not be forced to expand in order to survive.

Lynn Jostock, a Waseca, MN, dairy farmer, said:

I have four children. My 11-year-old son Al helps my husband and I by doing chores. But it often is too much to expect of someone so young. For instance, one day our son came home from school. His father asked Al for some help driving the tractor to another farm about 3 miles away. Al was going to come home right afterward. But he wound up helping his father cut hay. Then he helped rake hay. Then he helped bale hay. My son did not return home until 9:30 p.m. He had not yet eaten supper. He had not yet done his schoolwork. We don't have other help. The price we get at the farm gate isn't enough to allow us to hire any farmhands or to help our community by providing more jobs. And it isn't fair to ask your 11-year-old son to work so hard to keep the family going. When will he burn out? How will he ever want to farm?

Above and beyond that, I will just tell you that there is a lot of strain in the families. Families are under tremendous economic pressure, and they are under tremendous personal pressure.

As long as I am talking about families, I want to tell you that in my State of Minnesota there are farmers who talk about taking their lives. There are a number of people who are involved in the social services who are doing an awful lot of visits now to farms. And an awful lot of farmers are right on the edge. Do you want to know something? Their suffering is needless and unnecessary. This is not the result of Adam Smith's ''invisible hand.'' This is not some inexorable economic law. It is not the law of physics. It is not gravity that dictates that family farmers must fall.

We have it within our power to change farm policy and to give these producers a chance. We should not leave. We should not go home until we write some new agricultural policy, a new farm policy that will really make a difference for people.

I am open to all suggestions. I am not arrogant about this. But I will tell you one thing I am insistent upon. I am going to be out on the floor talking about this issue. I am insistent that we take some action. We can't just turn our gaze away from this and act as if it is not happening.

Jan Lundebrek from Benson, a Minnesota bank loan officer:

As a loan officer at a small town bank, I received a check for $19 for the sale of a 240-pound hog. I immediately went across the street to the grocery store and looked at the price of ham. The store was selling hams for $49. I wrote down that price and showed it to the producer. Then we decided to ask the grocer about the difference. Where does it go? Somebody is getting it, but it isn't the farmer.

We have policies to keep our country safe. We have a defense policy, we have an education policy, but we don't have a policy to protect our strength. We don't have a food policy that protects our farm communities and consumers who spend $49 for a 10-pound ham that the farmer can't even buy through the sale of a 240-pound hog.

Now we have Smithfield that says it wants to buy Murphy. A merger of yet two more of these large packers is just outrageous. I want a moratorium on these mergers and acquisitions. I don't want these big livestock packers to be pushing around family farmers and driving them off the land.

Jan Lundebrek, this is a brilliant example. I want to speak for you, Jan, on the floor of the Senate—A Benson, MN, bank loan officer:

As a loan officer at a small town bank, I received a check for $19 for the sale of a 240-pound hog. I immediately went across the street to the grocery store and looked at the price of hams. The store was selling hams for $49. I wrote down that price and showed it to the producer. Then we decided to ask the grocer about the difference. Where does it go? Somebody is getting it, but it isn't the farmer.

Let me again point this out. You spend $49 for a 10-pound ham, and this farmer is getting $19 for a 240-pound hog.

I mentioned the Sherman Act and the Clayton Act. I feel as if I am speaking on the floor of the Senate in the late 1800s. Where is the call for antitrust action? Teddy Roosevelt, where are you when we need you?

We have to get serious about this.

Richard Berg, Clements farmer:

My dad died when I was 9-years-old. Two years later, when I turned 11, I began to farm full time with my older brother. He and I still farm together. This year I will bring in my 48th crop. The farm we own has been in the Berg family for more than 112 years.

When we began farming we would get up at 4 a.m. to do chores. Then we would go to

school. During the evening, after we returned from school, we went back to work farming.

My brother and I each own 360 acres. I never had a line of credit until the past five years. We always made enough to save some and buy machinery when we needed it. Now I have a line of credit against the land that I own that I am always using.

I invested in a hog co-op a few years ago and a corn processing facility. I have a lot of equity tied up there. Neither venture is making money. They're losing money.

There's no one after me who is going to farm.

Les Kyllo, Goodhue dairy farmer:

My grandfather milked 15 cows. My dad milked 26. I have milked as many as 100 cows, and I'm going broke. They made a living out here and I didn't. Since my son went away to college, my farmhands are my 73-year-old father and my 77-year-old father-in-law who has an artificial hip.

I have a barn that needs repairs and updates that I can't afford. I have two children that don't want to farm. At one point, in a 30-mile radius, there were 15 Kyllos farming. Now there are three. And now I'm selling my cows. My family has farmed since my ancestors emigrated to the United States.

When I leave farming, my community will lose the $15,000 I spend locally each year for cattle feed; the $3,000 I spend at the veterinarian; the $3,600 I spend for electricity; or the money I spend for fuel, cattle insemination and other farm needs.

By the way, I would like to thank these farmers. I don't know whether other Senators realize this. I am sure they do. I am sure that people listening to our discussion on the floor realize this. But you know, when people tell you the story of their lives and allow you to talk about them and their strains, they do not do that except if they hope that if enough of us realize what is really going on, we will make the change. That is what they are hoping for. That is what they are hoping for, and that is what we should do.

Alphonse Mathiowetz, Comfrey farmer:

''We were there 43 years and it took 43 seconds to take it all away.'' Alphonse and LaDonna, his spouse, farmed the same land in Comfrey for 43 years. In the spring of 1998 a tornado tore through their community taking with it the work of their lifetime, their farm machinery, their buildings, their trees, their corn bins and their retirement. The Mathiowetz family lost more than $200,000 of equity to the tornado, none of which will be recovered.

Alphonse and LaDonna chose to rebuild their home on the farmstead. Not because they wanted to, but because if they did otherwise the reimbursement they received from their insurance company would have been highly taxed. It was the only financial decision available to the couple.

''I guess it's a blessing to retire, but not this way, watching the farm go away in bulk on an iron truck.''

Steve Cattnach, Luverne small businessperson (insurance agent):

Two local farmers who raise hogs came in both in the same week to withdraw money from their Individual Retirement Accounts. During the course of 10 days the time it takes for the money to arrive both were in twice asking about when their checks would arrive.

A local farmer who has 2 1,200-hog finishing facilities wanted to help his cash-flow by reducing the insurance coverage on his hog buildings from $180,000 each to $165,000 each. The terms of the policy allowed the coverage to be reduced, but the farmer's lender wouldn't allow the coverage to be reduced because the farmer, after 3 years of finishing hogs in those buildings, still owed $180,000 on each building. During those 3 years, he had only paid interest on the money he had borrowed.

Laura Resler, Owatonna farmer:

I have farmed with my husband for 20 years. When we started, we raised two breeds of purebred hogs and sold their offspring as breeding stock. Each animal sold for $300 to $500 per animal. But the increase in size of hog operations made our small breeding stock operation a money-losing venture. Also milked cows to produce manufacturing grade (Grade B) milk. But $10 per hundredweight is not enough to pay the bills, so we had to give up the cows. From the time my husband, Todd, was 18 until now, when he's 41, he's worked for absolutely nothing. Now he works at a job in town so we have funds on which to retire. Our hope is to give our son the farm that's been in the family for generations and let our daughter have the house. But you can't cash-flow a 4–H livestock project. How can he cash-flow the farm?

Many of these youngsters growing up on these farms are not going to be able to farm because these farmers are going to be gone. I have heard people say: Senator WELLSTONE, you come out here and talk about this. What is to be done? Raise the loan rate; get the price up.

If Members don't want to do that, come out here and talk about other ways we can change policy in order to make it work.

Is there any Senator who wants to come to the floor of the Senate, given the economic pain, the economic convulsion, the broken dreams, the broken lives and broken families in rural America, who wants to say stay the course? Is there any Senator who wants to do that? I don't know of any Senator who thinks we should stay the course.

If that is the case, let's have an opportunity for those who have some ideas about how to change this policy so people can get a decent price and there can be some real competition. We want an opportunity to be out here, to introduce those amendments, to introduce those bills, to have votes, and to try to change this. That is what I am talking about.

Darrel Mosel has been farming for 18 years. When he started farming in Sibley County, which is one of Minnesota's largest agricultural counties, there were four implement dealers in Gaylord, the county seat. Today there is none. There is not even an implement dealer in Sibley County.

The same thing has happened to feedstores and grain elevators. Since the farm policies of the 1980s and the resulting reduction in prices, farmers don't buy any new equipment; they either use baling wire to hold things together or they quit. The farmhouses have people in them, but they don't farm. There is something wrong with that.

Again, when he started farming in Sibley County there were four implement dealers in Gaylord, the county seat. Today there is not one—not one. This isn't just the family farmers going under, it is the implement dealers, the businesses, our communities. This is all about whether or not rural America will survive.

Ernie Anderson, a Benson farmer:

Crop insurance has and is ruining the farmer. Because yields of disaster years are figured when calculating the premiums costs, a farmer's yield on which he can buy insurance decreases. As it decreases, it becomes apparent that paying a crop insurance premium doesn't make financial sense because when there is a loss, the claim amount of damaged crops isn't enough to pay the price to put crops in the ground. Crop insurance is supposed to help me. It's not supposed to put me out of business.

Randy Olson, strong, articulate Randy Olson, a college student, beginning farmer, comes home from college each weekend to help on the farm. In March he came home from school and his parents looked like they aged 5 years. The price of milk had dropped from $16.10 in February to $12.10 in March. No business can afford a drop in price like that over a short period of time.

You love your parents, you see them hurt, and it makes you mad.

And prices are going up right now, but it is a heck of a dairy policy if, due to the drought in some areas of the country, Minnesota dairy farmers can do better. That is not a dairy policy.

Gary Wilson, an Odin farmer, received the church newsletter in the mail. What is normally addressed to the entire congregation had been addressed only to farmers. The newsletter said farmers should quit farming if it is not profitable. If larger, corporate-style farms were the way to turn a profit, the independent farmer should let go and find something else to do.

What he doesn't understand is that farmers are his congregation. If we go he won't have a church.

Not only that, Gary, but, again, I will just repeat it. The health and the vitality of our rural communities are not based upon how many acres of land someone owns or how many animals someone owns; it is how many family farmers live and buy in the community. The health and the vitality and the national interests of our Nation are not having a few conglomerate exercising their power over producers, consumers and taxpayers.

Testimony from Northwest Minnesota—this is more painful. John Doe 1 from East Ottertail, MN. Despite the ongoing difficulties, it is amazing, the steadfast willingness of this family to try to hold things together. The farm is farmed by two families, a father and his son. Since dairy prices fell in the second quarter of 1999, there was not enough income for this family to make the loan payments and to provide for family living and cover farm operating expenses. The farm credit services would not release the loan for farm operating assistance, so the family had to borrow money from the lender from

which they are already leasing their cows. They have not been able to feed the cows properly because of the lack of funds. Because they cannot adequately feed their dairy herd, their milk production has fallen and is considerably lower than the herd's average production.

In addition, because there was no money for family living expenses, the parents had to cash out what little retirement savings they had so the two families had something to live on day to day. The son and wife had to let their trailer house go since they could not make the payments, and they moved into a home owned by a relative for the winter.

Most of their machinery is being liquidated. However, there are a few pieces of machinery that go toward paying off their existing debt. The family will sell off 120 acres of land in their struggle to reduce their debt.

Recently, the father has been having serious back troubles and has been unable to help his son with the work. This is tremendous stress, both physically and mentally, on the son. The son has decided he is going to have to sell part of the herd in order to reduce the herd to a number that is more manageable for one person. In addition, the money acquired from selling off part of the herd will be applied toward their debt.

The son hopes these three items combined—selling machinery, land, and parts of the herd—can pay off enough of their debt that he might be able to do some restructuring on the reminder of the farm and to reduce loan repayments to a manageable amount where there is something left to live on after the payments are made. That is what they hope for.

By the way, as long as we are talking about bad luck, in a very bitter, ironic way, at least for me, my travel in farm country in Minnesota and many other States in the country has made me acutely aware of the fact that we are going to have to talk again. Senator BOB KERREY of Nebraska was eloquent when he mentioned we will have to talk about health care that goes with health care coverage that comes with being a citizen in this country.

Do you know what is happening with our farmers? A lot of the farmers, because of this failed policy, because of these record low prices, because of record low income, because, financially, they have their backs to the wall, what do they give up on? They give up on health insurance coverage. So they do not even have any health insurance. Of course, for many of these producers, being able to afford this health insurance coverage in the first place is very difficult. They don't get the same deal that you get if you are working for a big employer. Now many of them say: We cannot afford it. So they have given up on their health insurance coverage, hoping they and their loved ones will not be ill. But you know what? The more stress there is, whether it is more mental stress or more physical stress, the more likely people will be struggling with illness.

John Doe 2, from Goodridge, MN—I say John Doe 2 because these are farmers who do not want their names used, and I respect that. This family has gone through a divorce. The father and three children are operating the farm. The farmer has taken an off-farm job to make payments to the bank and has his a 12-year-old son and 14-year-old daughter operating the farming operation unassisted while he is away at work. The neighbors have threatened to turn him in to Human Services for child abandonment, so he had to have his 18-year-old daughter quit work and stay home to watch the younger children. The 12-year-old boy is working heavy farm equipment, mostly alone. He is driving these big machines and can hardly reach the clutch on the tractor. It is this or lose the farm.

This story really gets to me because this is really complicated. One more time. The family has gone through a divorce and the father and three children are operating the farm.

As long as I am going to take some time to talk about what is happening to family farmers, this is unfortunately not uncommon. The strain on families is unbelievable.

So the father, since he is alone, a single parent, was forced to take an off-farm job to make payments to the bank. His 12-year-old son and 14-year-old daughter are operating the farming operation unassisted while he is at work.

I think a lot of us would say: Wait a minute. You cannot do this. The neighbors, thinking the same thing, have threatened to turn him in to Human Services because they say this is not right.

He has an 18-year-old daughter. He says to her: You have to quit work and stay home to watch the two younger children. The 12-year-old boy is working heavy farm equipment, mostly alone. He is driving these big machines and he can hardly reach the clutch on the tractor. But it is this or lose the farm. That is what is happening out there. This is a convulsion.

I say to my colleague from North Dakota, who is on the floor, I have been saying the reason the farmers in Minnesota have given me their stories and the reason I want to take the time to focus on this is we want an opportunity to change this policy. We want an opportunity to be out here with amendments and with legislation that will lead to some improvement.

Mr. President, John Doe 3.

Mr. DORGAN. I wonder if the Senator from Minnesota will yield.

Mr. WELLSTONE. Mr. President, I will not yield the floor but I will be pleased to yield for a question.

Mr. DORGAN. Mr. President, I appreciate the Senator from Minnesota yielding for a question. I suppose some people get irritated about those of us, Senator WELLSTONE, myself, Senator CONRAD, Senator HARKIN, and others who come to the floor to talk so much about the plight of family farmers. But at a time when our newspapers trumpet the growing economy and the good news on Wall Street with a stock market that keeps going up, at the same time we have a full-scale crisis in rural America with grain prices for family farmers in constant dollars being about where they were in the Great Depression.

I held a meeting with Senator WELLSTONE in Minnesota. I held a hearing with Senator HARKIN in Iowa. During the August break we held a hearing in North Dakota under the auspices of the Democratic Policy Committee, and we heard the same thing we have been hearing; that is, we have a serious problem with low prices. You cannot solve this without dealing with prices. Farmers are paying more for what they purchase and getting less for what they sell.

I wanted to just mention two items and then ask the Senator from Minnesota a question. We had a Unity Day rally in North Dakota; 1,600 farmers came. The most memorable moment, I guess, was from a fellow named Arlo, who was an auctioneer. He told of doing an auction sale at this family farm. A little boy came up to him at the end of the sale and grabbed him by the leg, and with tears in his eyes, shouted up at him, he said: You sold my dad's tractor.

The auctioneer, named Arlo, he kind of put his hand on the boy's shoulder to calm him down a bit. The boy wasn't to be calmed. He had tears in his eyes. He said: I wanted to drive that tractor when I got big.

That is what this is about. The mother who lost her farm, who wrote to me and said during the auction sale her 17-year-old son refused to come out of the house to help with the auction sale, refused to come out of his bedroom. That was not because he is a bad kid, but because he so desperately wanted to keep that family farm and was so absolutely heartbroken and could not bring himself to participate in the sale of that farm. That is the human misery that exists on today's family farms.

They are the canary in the mine shaft, with this kind of economic circumstance. Somehow there is a suggestion that what matters in this country is the Dow Jones Industrial Average and not a beautiful wheat field or cattle in the pasture or a hardware store on Main Street. Somehow it is just all numbers and it doesn't matter whether we have a lot of farmers or a couple of corporate farms.

I ask the Senator from Minnesota during his travels—I know Senator WELLSTONE was not only in Minnesota but all around this country in August at farm unity rallies—if he heard anyone, anywhere, believing the so-called Freedom to Farm bill made any sense at all? That is the Freedom to Farm bill that pulls the rug out from under family farmers and says it doesn't matter what the market price of grain is,

you operate the market. You don't need a safety net. A lot of other folks in the country have safety nets, but the farmers are told, no, you don't need a safety net.

Did the Senator find anybody in this country who said: I wrote that bill, I stand behind that bill, that bill makes good sense, and that bill is working?

(Mr. BUNNING assumed the chair.)

Mr. WELLSTONE. Mr. President, let me give my colleague from North Dakota kind of a two-part answer to that question; first of all, farmers and citizens in the community are speaking out, because this is all about rural America. It is a strong and clear voice saying: You have to change the policy. This is not working. We are going under. We cannot get a decent price for what we produce. We cannot cash-flow.

So I can very honestly, truthfully say not at one farm gathering anywhere in Minnesota, and I was at a lot of them that not just the farmers showed up at these gatherings. It was farmers bankers, business people, implement dealers, and clergy. It was the community. I promise you, that in the parts of the State I visited approximately fifty percent of the crowd was Republican. But not one of them was defending this farm policy, this Freedom to Farm or ''freedom to fail.''

The second thing I said on the floor of the Senate, and my colleague might want to ask me a follow-up question, I do not see how anybody in the Senate or House of Representatives who has been out there with people can say stay the course. You cannot. We have to change the course. There is just no question about it.

I do not care if we call it a modification. You know what I mean. We can go over it. People can talk about a modification; they can talk about a correction.

I used to hear people on the floor of the Senate say ''stay the course.'' I do not hear them saying ''stay the course'' anymore.

I say to my colleague from North Dakota, the reason I am out here for a while is because I want to make it clear that we want an opportunity to be on this floor with legislation that will make a difference, that will raise the loan rate, get the price up, deal with the problems of all the acquisitions and mergers, and try to put free enterprise back into the food industry. We want to make a difference in order to get this emergency financial assistance package passed. We want to be out here, and we want that opportunity.

The second thing I was saying is that in no way, shape, or form should we adjourn without addressing this crisis. I cannot believe when I read in the papers there is this discussion about leaving. I cannot believe there are people who are saying let's get out of here as soon as possible. No, we have work to do. We should not leave until we take the responsibility as legislators, as Senators who represent our States, to write a new farm bill or make the corrections or modifications that will deal with the price; that will give people a chance to farm and stay on their land. My colleague is absolutely right with his question. He is right on the mark.

Mr. DORGAN. If I can further inquire of the Senator from Minnesota, he is going to be joined and is joined by a number of our colleagues who insist we do something about this farm problem. It is not satisfactory to watch the auction sales occur across the heartland of this country. If you take a look at what is going on in our country and evaluate where we are losing population—I have a map I have shown many times on the floor of the Senate where I have outlined in red all of the counties that have lost more than 10 percent of its population, and we have a huge red circle in the middle of America. Those counties are losing population.

We are depopulating the farm belt in this country because somehow we are told the future of agriculture is the future of corporate agriculture, corporate agrifactories. We can raise hogs by the thousands; we can raise chickens by the millions; we do not need real people driving tractors; we do not need real people living on the land; corporations can farm America from California to Maine.

When that happens, if that happens, this country will have lost something very important. I do not know whether the Senator from Minnesota has read Richard Critchfield. He is an author who has passed away. He was from Fargo, ND, originally. He went on to become a world-renowned author. He wrote a lot of books about rural America. One of the things he wrote about was the refreshment of family values in this country always rolled from family farms to small towns to big cities. The seedbed of family values was always coming from America's family farms—raising a barn after a disaster, the pie socials, the gatherings on Saturday in the small town to celebrate the harvest, the family values that come from living on the land, raising food for a hungry nation, raising children in a crime-free environment, building a school, building communities, building churches, building a way of life.

Somehow we are told those are values that do not matter. What matters is the marketplace, the market system, so if huge grain companies decide when a farmer plants a crop and harvests a crop and takes it to the market that the crop is not worth anything, that is the way life is.

At the same time that farmer is driving a crop to the elevator and told the food does not have any value, we have old women climbing trees in the Sudan foraging for leaves to eat because they are desperately on the verge of starvation. There is something broken about this system. Family farmers are told with the Freedom to Farm they are free. Are you free from monopolistic railroads that overcharge? They do. In our North Dakota, our Public Service Commission said they overcharge over $100 million just in our State, and most of that is from farmers.

Are you free of grain trade monopolies that choke the economic life out of farmers? They are not free from that.

Are you free from mergers and concentrations so that in every direction a farmer looks they find two or three firms controlling it all? Do you want to fatten up a steer and ship the steer to a packing plant? Good for you because you have three choices that slaughter 80 percent of the steers in America.

Do you think that is a deck that is stacked against you? Or how about this, free from trade agreements that stack the deck against family farmers? Try to take a load of durum wheat into Canada. I did once. We had millions—12 million bushels—of Canadian durum wheat shipped into this country undermining our market in the first 6 months of this year alone.

I went up with a man named Earl in a 12-year-old orange truck with 200 bushels of durum. All the way to the border, we found these trucks with millions of bushels of wheat coming south. I know I have told the story before. If people are tired of hearing it, it does not matter to me a bit. I will continue talking about it because it talks about the fundamental unfairness of our trade.

We got to the border with Earl's orange truck and 200 bushels. We were stopped at the border because you cannot get that American durum into Canada. Why? Because our trade agreements that have been made by trade negotiators who have forgotten who they work for are incompetent trade agreements that sold out the interests of family farmers in this country. Farmers have every right to be very angry about it and ought to demand it changes.

Those are a few areas—mergers and concentration, grain trade, railroads, bad trade agreement, and a Freedom to Farm bill that says price support for farmers do not matter much. We know how wrong that is.

The question for this country of ours is this: We ramped up as a nation a few years ago to save Mexico in times of serious financial crisis. Will a country that is willing to ramp up its effort to save a neighbor, will a country that is willing to commit $50 billion to save Mexico decide that it is worth saving family farmers in times of crisis? We have people who say it is not worth that, we ought not take the time, we do not have the ability, we do not have the money, we do not have the ideas, they say.

This is not rocket science. It is easy. I say, change the Freedom to Farm bill to a bill that says how about freedom to make a decent living. If you grow food and are good at it, there ought to be a connection between efforts and reward. We ought not have the notion there are minimum wages and minimum opportunities and all kinds of

other safety nets across the country, but for families who stay on American farms and raise their kids and support small towns, there is nothing but a bleak future because corporations are taking over what they do, and that is just fine for the future, some will say.

It is not fine for the future. This is about who we are as a country, who we want to be. It is about the soul of this country, and if this country, as Thomas Jefferson used to say, does not care about broad-based economic ownership and opportunity for the American people, then it will quickly lose its political freedoms as well.

Political freedom relates to economic freedom. Economic freedom comes from broad-based economic ownership, and nowhere is that more important and more evident than in the production of this country's food.

I ask the Senator from Minnesota one question: Isn't it the case that there are 7 million people in Europe farming who get a decent price for their farm product because the countries of Europe have been hungry and have decided, as a matter of national security and economic and social policy, they want families living on the farm operating European farms? Isn't it the case that is the policy in Europe—and God bless them and good for them—and that policy is contrasted with folks, some in this Chamber, who say that ought not be the policy? Our policy ought to be to say whatever happens happen; if corporations farm America, that is fine. Isn't that the case? Isn't that the dichotomy of the two policies?

Mr. WELLSTONE. Mr. President, I thank the Senator from North Dakota for his question. I appreciate it.

First of all, let me go back to a comment I made earlier, as long as the Senator from North Dakota brings up the example of Europe. I am going to continue to give other examples and talk about what is happening to other farmers in my State of Minnesota in a moment. I intend to stay out on the floor of the Senate and talk about farm prices for a while. I have a ruptured disk in my back, and as long as I can stand, which maybe not be that much longer but a while, I will continue to speak.

What is happening is this pain is not Adam Smith's invisible hand. It is not the law of physics. It is not gravity that farmers must fall down. The only inevitability to what is happening to our producers is the inevitability of a stacked deck, a stacked deck which basically ripped away in the ''freedom to fail'' bill any kind of safety net, a stacked deck that does not give our farmers any kind of leverage in the marketplace.

Whatever happened to farmer-owned reserves? Whatever happened to raising the loan rate to give people better targeting power, a better target price vis-a-vis the grain companies? And what in the world are we doing about three and four packers who dominate 60 to 70 percent of the market vis-a-vis our livestock producers?

So I say to my colleague from North Dakota, yes, the Europeans have decided, given their experience in two wars, food is precious. They do not want people going hungry. They value family farmers, and they think it is in their national interest to support family farmers, and therefore the Europeans have a policy that protects that. I completely agree with my colleague who says we ought to also care as much about family farmers as the Europeans do.

When some of my colleagues say, let's rely on the market, farmers kind of smile and say: Free enterprise? Where is it? We want free enterprise. We want competition. But please explain to your colleagues in the Senate that a few packers dominate the market. They are making record profits while we're facing extinction.

One example that I think says it all is an example I read earlier, which I cannot find right now. I will have to come back to it. It is about the economics of this.

I will talk about John Doe 3 from Euclid, MN, a farmer waiting for a foreclosure of his real estate. But first, I ask my staff to find the example of a grocery store and what farmers are being paid for hogs.

Here is the example: Again, Jan Lundebrek of Benson, MN, a loan officer at a small town bank, received a check for $19 from the sale of a 240-pound hog: ''I immediately went across the street to the grocery store and looked at the price of hams. The store was selling hams for $49. I wrote down that price and showed it to the producer. Then we decided to go ask the grocer about the difference.''

She is the loan officer. ''Where does it go? Somebody's getting it, but it isn't the farmer,'' says this Minnesota bank loan officer, Jan Lundebrek of Benson. ''We have policies to keep our country safe. We have a defense policy. We have an education policy. But we don't have a policy to protect our strength. We don't have a food policy to protect our farms, communities, and consumers who spend $49 for a 10-pound ham that the farmers can't even buy through the sale of a 240-pound hog.''

So $49 for a 10-pound ham, and this farmer gets $19 for a 240-pound hog.

I am going to go back to the stories of farmers in my State, but as long as I am taking some time on the floor of the Senate seeing Senator DORGAN out here triggered another thought. He was saying the other night, at a Farmers Union gathering, that his parents were Farmers Union members, and he went to many blessed Farmers Union picnics and gatherings. And then he went on to say: My parents would never have believed that. Senator DORGAN, his roots are rural America. He said: My parents would have never believed I would have had a chance to be a Senator. They certainly would not believe that I would be getting an award from the Farmers Union.

The only thing I could think of saying at this gathering to the pork producers that were there was: I'm more committed to you than any other Senator, which catches people's attention. I heard Senator DORGAN talk about his background and I thought of my own. The reason why I bring up this story is every time I am at a gathering of pork producers, I am thinking of my mother, Minnie Wellstone, who is up there in Heaven, smiling, I am sure, and saying: Paul, good Jewish boy that you are, what are you doing speaking at all these gatherings of pork producers and organizing with these farmers?

So I said at this gathering to Senator DORGAN: If you think your parents would be surprised, believe me, my mother and father would be very surprised. My mother, Minnie Wellstone, was a cafeteria worker. This was her life. Her philosophy was that people should get a decent wage for their work.

In many ways, this is what we are talking about. We are saying, if we believe as a country that a person who works hard, 40-hours a week, almost 52 weeks a year, ought to make a living wage and be able to support his or her family, then shouldn't the men and women who provide the food and fiber for our nation make at least a living wage?

I think the vast majority of the people agree they should. The vast majority of people believe they should get a decent price. But that is not what is happening right now. This is a crisis. This is a crisis in rural America: Broken dreams and broken lives and broken families, all of it unnecessary.

Here is an example: This farmer, John Doe 3, is waiting for a foreclosure on his real estate in northwest Minnesota. He is waiting to see whether FSA can help him.

By the way, the Farm Services Administration in Minnesota is doing an excellent job. I say to Tracy Beckman, the director, thank you for your work. But you know what? The Farm Service Administration in Minnesota, and this may very well be the same in the State of Washington and the State of Montana, the FSA local offices are severely understaffed. They cannot even begin to deal with the number of people who are knocking at their door for emergency loans. They are under incredible tension, incredible stress.

As a Senator from Minnesota, I would like to thank all of the FSA people for all of their work. It is incredible. We are getting pretty close in Minnesota to asking for an emergency declaration by the President. We are not asking for the declaration because of a tornado, not because of a flood, not because of a hurricane, but because of record low prices that are driving people out. We are arguing that this is a food scarcity crisis for our country.

A case worker in northwest Minnesota is working to strike a deal with FSA to take a mortgage on a 16-acre building site, which is all these folks

have left. By doing this, she was hoping to encumber the land so the IRS couldn't force these folks to take out a loan against their home.

Since the family did not complete FSA forms in a timely manner, they no longer qualify for any kind of servicing action with FSA except for a straight cash settlement. According to the case worker, since the family filed bankruptcy 2 years ago, no bank will touch them. So they couldn't borrow against their home if they decided on this option. As things stand now, foreclosure on the land is proceeding; and debt settlement proceedings are continuing with the IRS, and at a very slow and difficult pace.

It appears this family's only hope is at the mercy of the IRS and to let the IRS do whatever they want to them for another 4 years. Their wages are already being garnished while judgment on the home site is pending, until they can file bankruptcy again to get rid of the huge IRS tax debt. In the meantime, they work for $8 an hour, out of which they lose 25 percent on the IRS garnishment. They live in their home that the IRS values at $30,000, and this includes the 16-acre building site. They drive vehicles that are in such poor condition it is a daily question of whether they will even make it out of the driveway.

This is what is happening to people.

This year Minnesota ranks the highest in the Nation in understaffed FSA employees. Around 6,000 and I have seen more; this is the most conservative estimate, farms are predicted to go out of existence this year. About 10 percent of farmers are predicted to go out in Minnesota this year, and the number of farmers going out in northwest Minnesota will be much higher. People are going to go under if we continue this failed policy. I don't even see any opportunities. I see a game plan to bring to the floor legislation on which we can't offer amendments. That would basically block us from being able to come to the floor and say: We have some ideas about how we could change farm policy so people could get a decent price, so they and their families can earn a decent living.

The reason I am on the floor today and I know this is inconvenient to other Senators, is because it is my job to fight for people in my State. All of us do that. I am saying I want some assurance that we will have the opportunity to come out with amendments on legislation to change farm policy. All of us. That is point 1.

The second point is, I certainly want to sound the alarm. I want to say to farmers and rural citizens in our States that are agriculture States: Put the pressure on. Don't let the Senate adjourn without taking action.

Don't let people say: We will do these appropriations bills; and we are out of here. That is not acceptable given what is happening to people. That would be the height of irresponsibility.

John Doe 4 from Thief River Falls, MN, this is another story of a father and his son. The bank forced the liquidation last year and there was not enough collateral to cover old loans. The father had never mortgaged the home quarter, thinking that if nothing else, they would always have a place to live. As it turns out, the liquidation has caused a major tax liability which they cannot pay. The father is ill and in his 70s, surviving on Social Security payments. The son is working at an $8-an-hour job that leaves little left to pay bills. Currently, the IRS and the bank are fighting it out to see who gets to put a lien on the father's home quarter and his home. This man was once a respected leader in his community. After all that has happened now, there isn't much left but bitterness in his heart and a future of poverty and destitution.

I can see the reaction of some people saying: Well, isn't this so sad.

Don't be so callous. Let's not be so generous with other people's suffering. I do not believe we should ignore these families, these stories, these lives, this crisis.

One more time, I think the end is really rather important. Currently, the IRS and the bank are fighting it out to see who gets to put a lien on the father's home quarter and his home. This man was once a respected leader in the community. After all that has happened now, there isn't much left but bitterness in his heart and a future of poverty and destitution.

John Doe 5. For anyone who might be watching right now, as opposed to before, the ''John Doe'' is because I am not using the names of families. These are people who have given me stories of their lives, what is happening to them, because they hope that if we can talk about this in the Senate and make it clear that we will fight for people, that it will make a difference. It is hard for people to have somebody talking about them in public.

Here is another story of two families trying to hold on to the farm, still clinging to hope as their farm crumbles. They applied for an FSA loan guarantee, and FSA managed to process the loan for the bank. They are now proceeding with restructuring. However, some of the family members have become very nervous about the large debt that needs to be refinanced and things have begun to fall apart.

As it stands now, the two families have decided to abandon the FSA loan and have laid out a partial liquidation plan with the bank. The bank wants the families to sign a plan, agreeing to a formal and inflexible liquidation schedule. The family was hoping to work things out more informally to accommodate tax consequences and adjust for seasonal livestock prices, as their assets are sold. At this point, the families are not sure the bank will agree and are waiting, hoping, and praying that they will make it through.

Again, the problem with this particular situation, as in all these stories, is these are people who can't cashflow. They are just trying to hold on. That is what this is all about.

Farmer suicides are one of the deepest tragedies of our Nation's farm crisis. For many men and women, the grueling daily battle against circumstances beyond their control rips away at their spirits. They are haunted that they may be the ones who lose possession of the lands that their great, great grandparents homesteaded and that their grandparents held on to during the darkest days of the Great Depression. That is what people feel. This tragedy is made all the more haunting and real in this letter left by a young farmer, the father of a 6-year-old and a 3-year-old. He committed suicide July 26.

After 6 years of hard work and heroic efforts, he knew that bankruptcy was inevitable. He listened to the failing crop prices on the radio report one last time, and he killed himself. His widow made parts of the suicide letter public in an attempt to show the desperation that is gripping farmers throughout rural America. In releasing the letter, she explained that the farm had been in the family for over 100 years. It was the land where her husband was born, worked, dreamed, and died. From the letter:

> Farming has brought me a lot of memories, some happy but most of all grief. The grief has finally won out, the low prices, bills piling up, just everything. The kids deserve better and so do you. All I ever wanted was to farm since I was a little kid and especially this place. I know now that it's never going to happen. I don't blame anybody but myself for sticking around farming for as long as I have. That's why you have to get away with the kids from this and me. I'm just a failure at everything it seems like. They finally won.

I think it is worth reading again. There are some people in northwest Minnesota, Willard Brunelle and others, who are involved in what basically they call Suicide Watch. I think in the last month, Willard said they have paid something like 30 or 40 visits over a month or the last 2 months, if one can imagine. So the letter that the husband leaves to the wife:

> Farming has brought me a lot of memories, some happy but most of all grief. The grief has finally won out, the low prices, bills piling up, just everything. The kids deserve better and so do you. All I ever wanted was to farm since I was a little kid and especially this place. I know now that it's never going to happen. I don't blame anybody but myself for sticking around farming as long as I have. That's why you have to get away with the kids from this and me. I'm just a failure at everything it seems like. They finally won.

By way of apology to my colleagues for, in a way, bringing the Senate to a standstill for a little while, one of the reasons I do so, in addition to the reasons I have mentioned, is that when I was a college teacher in Northfield, MN, I became involved with a lot of the farmers, I guess in the early 1970s, but in the mid-1980s, I did a lot of work with farmers, a lot of organizing with farmers.

(Mr. BURNS assumed the Chair.)

Mr. WELLSTONE. There are several friends of mine who took their lives. There were a number of suicides. We had all of these foreclosures, and I used to sit in with farmers and block those foreclosures. It was always done with nonviolence and dignity.

I am emotional about what is now going on. I probably need to go back and forth between serious and not so serious, since I am taking some time to talk. I remember that in the mid-1980s, in the State of Minnesota, many people were losing their farms. This is where they not only lived but where they worked. These farmers didn't have much hope and didn't have any empowering explanation as to what was happening to them or how they could fight this. It became fertile ground for the politics of hatred.

The Chair and I don't agree on issues, but I respect the Chair. I don't think we engage in this type of politics. But that was really vicious politics of hatred, of scapegoating. When I say ''scapegoating,'' it was anti-Semitic, and all the rest. I am Jewish. I am the son of a Jewish immigrant who fled persecution in Russia. My good friends told me one story about Minnesota and that I should stop organizing because these groups were kind of precursors to an armed militia. When you are five-five-and-a-half, you don't listen to that. I went out and spoke at a gathering in a town we call Alexandria, MN. The Chair knows our State. I finished speaking at this farm gathering, and this big guy came up to me and he said, ''What nationality are you?'' I said, ''American.'' I thought, what is going on here? I hadn't mentioned being Jewish in this talk.

He said, ''Where are your parents from?'' No, he said, ''Where were you born?'' I said, ''Washington, DC.'' He said, ''Where are your parents from?'' I said, ''My father was born in the Ukraine and fled persecution. My mother's family was from the Ukraine, but she was born and raised on the Lower East Side of New York City.'' He said, ''Then you are a Jew.''

I tensed up. I mean, I was ready for whatever was going to come next. I said, ''Yes, I am.'' He stuck out this big hand and he said, ''Buddy, I am a Finn, and we minorities have to struggle together.'' That is one of the many reasons I have come to love Minnesota.

I think what is happening right now in our farm communities and in our rural communities is far more serious than in the mid-1980s. This is an economic convulsion. We are acting in the Senate and House as if it is business as usual.

Greenbush, MN, Jane Doe 6. Here is another problem case where there is not enough collateral to cover all creditors. In a usual situation, FSA has a first mortgage and the bank is in a second position. A good portion of the land is going into CRP, but FSA, or the bank, will not lend the family money to get it established. Even with the CRP payments, there will not be enough money to pay off all the debt by the end of contract. The family is looking to liquidate the farm now and take their licking up front. If they do this, the bank will lose more money than if the family decided to keep the land and CRP. The bank is threatening to try to get the family's truck, their only source of income and equity.

These folks are in their sixties and would like to get the matter behind them. They still hope to build up some retirement where they still have their health and they can work. They are not building up any retirement.

The toughest question for me to answer is when farmers say: I am burning up all my equity. I am literally burning up my equity to try to keep going. I have a question for you, Senator WELLSTONE, or it could be for any of us. A farmer states, ''I am willing to do this. I have nothing in my savings, no retirement. I have nothing. Do I have any future? Am I going to get a decent price? Because if I don't have any future, I should get out now. But I want to have a future; I want to farm. The farm has been in my family for generations. I want my children to have a chance to farm.''

Well, you know, I want to be able to answer yes. But I think the Senate and the House of Representatives, are going to have to take some action. As it currently looks, we will have a financial assistance package that doesn't do the job. It has to be better. We certainly have to have disaster relief in it, and I will insist on the floor of the Senate again.

As I look to some of these AMTA payments, too much of it is going to go to people who don't need it that much. Not enough will go to people who do need the assistance. But we have to get this out to people. That only enables people to live in order to farm another day. But it doesn't tell people where they are the following year, and years to follow. The farmers in Minnesota, in the heartland, the farmers in the South, the farmers in our country are not interested in, year after year after year, hanging on the question of whether there is going to be some emergency assistance for them. They are interested in getting some more power as producers so they can have some leverage in the marketplace; so they can have a decent price; so they can earn a decent living; so they can give their children the care they need and deserve. That is not too much to ask for.

When I talk about raising the loan rate for a decent price, we must also tie a safety net piece with antitrust legislation. We need both policies. One of the amendments I will bring to the floor is that we should have a moratorium on these acquisitions and mergers. We must call for a moratorium right now on these big companies until we take a serious look at real antitrust action. Now, it is true that the Cargills, the ConAgras, the IBPs, the ADMs and all the rest are the big players, the heavy hitters. They are the investors. They make big contributions. A lot of these family farmers who I am talking about in Minnesota, and in the other States I visited, are certainly in no position to make big contributions. So to whom does the Senate belong? Does it belong to these big packers? Are we the Senate for ADM, or for ConAgra, or for Cargill? Or are we a Senate that still belongs to family farmers and rural people?

In this particular case and I am sorry to have to formulate it this way, but do you know what? It is an accurate formulation. Some people who benefit might like low prices for family farmers. But those are not family farmers. We have to take some action.

This is Jane Doe 7, from Thief River Falls, MN. Northwest Minnesota has been hit by too much rain. Farmers were not even able to put in much of their crop. We have had crop disease and record low prices. We can't do anything about the weather, but we can do something about record low prices, can we not, colleagues? Does anybody think we should stay the course any longer? How many farmers have to go under? How many small businesses in our rural communities have to go under? How much more pain does there have to be?

What are we waiting for?

My State of northwest Minnesota is really hard hit. I have been to so many gatherings. I started out the August break in northwest Minnesota with Congressman COLLIN PETERSON. Congressman PETERSON is from the Seventh Congressional District. During that time touring farms in northwest Minnesota, in spite of all that farmers are going through, gave me hope, and gave me fight. This is the way in which the farmers keep me going because I thought to myself: I am going to go out there and Paul, even if you are full of indignation, and you think what is happening to the producers is just unconscionable, if we have these gatherings at Thief River Falls, Crookston, or wherever, and only 10 farmers show up, then what that means is a lot of people just want to throw in the towel.

We had these gatherings. Congressman PETERSON and I had these gatherings together. I am telling you that anywhere from 125 to maybe 400 farmers showed up at a time. They were showing up not because I was there. It had nothing to do with me. It had to do with the reality of their lives. It is the desperation of their lives. They came to make a plea and to say: Please change the farm policy. We can't cashflow with these prices. Please do something.

But the really good part is they came because they still had some fight in them.

Then we built up and organized in Minnesota to the Rural Crisis Unity Day; didn't we, Jodi? Jodi Niehoff was there with me from Melrose, MN. She is the daughter of a dairy farmer. We

traveled around the State. We had a Rural Crisis Unity Day. I do not know how many people were there, but it was just a huge gathering at the Carver County Fairground. It was great.

What was great about it was we had half the Minnesota delegation there. That is a start.

What these farmers were saying, what these bankers were saying, and what these business people were saying is: We don't want you to stay the course. We want you to change the course because on present course we are going to lose our farms and lose our businesses. That is going to affect our schools and our hospitals. We want you to be sensitive to what is going on.

Why are we in the Senate so generous with the pain of other people? Why do we think we have so many other things to do that are more important than changing farm policy for these family farmers so these family farmers can survive?

What these farmers are now saying is: Can we have a rally?

What next? The reason I am taking some time on the floor of the Senate right now is to say what next? We demand the opportunity to be able to bring legislation to the floor to change this policy. That is what I am fighting for. That is what is next.

Emergency financial assistance has to be passed. But then there is getting the loan rate up for the price. Then there will be the moratorium proposal on these acquisitions and mergers, Smithfield and Murphy being the latest. It is unbelievable. It is an insult.

When I took economics classes, I was taught when you had four firms that dominated over 50 percent of the market, it was an oligarchy at best, and a monopoly at worst.

But I will tell you something. I will keep talking about these farmers and what is happening to them. But I will tell you this: It is a matter of needing to take some action now. I am going to do everything I know how as a United States Senator, and everything I know how to do, to make sure before we leave that we have an honest and a thorough debate about agricultural policy. I intend a debate with Senators coming to the floor and bringing forth proposals as to how we can improve this policy so that the family farmers in my State of Minnesota have a chance. But also let's not sound like a speech on the floor of the Senate. I don't have any illusions that it is a tough fight. I said it earlier.

In all due respect, a few of these grain companies and a few of these packers are the giants. These are the heavy hitters. These are the people who seem to count today in politics. The sooner we change this rotten system of financing campaigns, the better off we will all be.

But what I am picking up on is I think we will be back. First, we will have this vote. We all are accountable. If we change things for the better, great.

Senators, do you want to raise the loan rate to get prices up? Do you want to pass antitrust action to give our producers and consumers some protections? Great. But we will have a debate, and we will have a vote.

If you vote against it, and you do not have proposals that make any difference, then I will just say this: I think you will see farmers and rural people back in your State. They will put the pressure on. If nothing changes in the next month or so, I hope, frankly, in my State of Minnesota that I will see after harvest and after Thanksgiving debate. Thanksgiving would be a good time to do it, before Hanukkah and Christmas. That would be a good time to talk about the moral dimensions of this crisis.

I see the religious community across the board in our metropolitan areas bringing family farmers to our urban communities to meet with people who do not live in rural America to have a dialog, with plenty of media coverage, to again bring to the attention of the Nation what is happening. Because I think one of our challenges is people sort of find it hard to believe. They say: Well, Senator WELLSTONE, you are out here on the floor, and you all are talking about this crisis, but the economy is booming while we have this depression in agriculture.

We need to talk about the depth of the crisis, and also all the ways in which this affects America. We don't want a few people to own all the land. We don't want these conglomerates to muscle their way to the dinner table and control our whole food industry, all the way from the seed to the grocery shelf. We don't want to have these big factory farm operations. You can see it in some of these huge hog feed lot operations right now, which are so polluting and so disrespectful of the land and the air and the water. As a Catholic bishop said 15 years ago, ''We are all but strangers and guests in this land.'' We are here to make a better, maybe not Heaven on Earth, but a better Earth on Earth.

Do you think that these conglomerates, when they become farmers and make all the decisions, that they will have any respect for the communities? Do you think they are going to buy in the communities? Do you think they are going to have any respect for the land, the water, and for the environment? Do we really want, with such a precious item as food, to see this kind of concentration of power? It is absolutely frightening.

I am a Midwesterner though born in Washington, DC, and attended school at the University of North Carolina, but we have lived in Minnesota and our children have grown up there, as have our grandchildren. I have had a chance to do some travel in the South. It is the same. I remember going to Lubbock, TX. At farms down there, we heard the producers speak. It is different crops, but everything else is the same. They are talking about cotton, rice, peanuts. It is the same thing; they can't make a living.

Everywhere I go, I get a chance to speak and meet with farmers and their families. People come up to speak; I hear a voice that says: Thanks for coming, Senator; thank you for sharing. I turn around to shake hands and see whoever made those remarks crying. I see people with tears in their eyes.

How would you feel if you were going to lose everything? How would you feel if this were where you lived, this were where you worked, this were a farm that had been in your family for generations? It is so painful. It is so painful.

Maybe this is the definition of being a bleeding-heart liberal. Maybe that is what I epitomize here. But I don't think so. I am a liberal, but that has nothing to do with bleeding-heart liberal. It does have to do with me being a Senator from the State of Minnesota. I am a Senator from an agricultural State. I am a Senator who comes from a State with a thriving metropolitan area, Minneapolis-St. Paul and suburbs—a great place to live. I am a Senator from Minnesota, and the other part of our State is in economic pain. I am not going to be in the Senate while so many of these farmers go under, are spat out of the economy, chopped into pieces, without fighting like heck.

I have some leverage as a Senator that I can exert, I can focus on. I can call for a debate and insist on a debate. I have so many colleagues who care so much about this. I wish I knew agriculture as well as some of them. I know it pretty well. Some of the Senators are immersed in it. Senator DASCHLE, our leader—I hear him speak all the time because he is a leader of the Democrats. When he talks about agriculture, it is completely different. We can see it is from the heart and soul. Senator HARKIN, ranking minority member of the Senate Agriculture Committee—nobody cares more; no one is tougher; no one is more of a fighter. Both Senators from North Dakota, Senator DORGAN and Senator CONRAD—Senator CONRAD always has graphs, charts, and figures; he is just great with numbers. He knows this quantitatively and knows it every other way. Senator DORGAN is on the floor all the time. Senator JOHNSON from South Dakota is unpretentious. He cares for people. It is great to have a Member like that in the Senate.

I get sick of the bashing of public service. There are so many good people. Senator GRASSLEY from Iowa—we don't agree on everything, but we had a hearing, that Senator GRASSLEY and Senator HARKIN were kind enough to invite me to in Iowa, dealing with the whole question of concentration of power. Senator GRASSLEY asked a lot of tough questions about what is going on with all the mergers and acquisitions. There is Senator BLANCHE LINCOLN. When she speaks abut agriculture, it is unbelievable. It is her life, her farm, her family. There is nothing abstract about this to

her. Or Senator LANDRIEU who was at our gathering today.

It is Midwest; it is South.

Senator ROBERTS from Kansas—I don't agree with him, but he cares. He is a capable Senator. Senator LUGAR, who I think is one of the Senators who knows the most about foreign affairs, I do not agree with him on this policy question, but you can't find a better Senator.

I am not here to bash Senators; I am out here to say that I think this institution, the Senate, is on trial in rural America. This institution cannot afford to turn its gaze away from what is happening in rural America, to put family farmers and rural people in parentheses and act as if that isn't happening. We can't afford to do this.

I come to the floor of the Senate today to make a plea for action. I come to the floor of the Senate today to say I am going to be coming to the floor of the Senate in these mini filibusters. I call it a ''mini'' filibuster because I don't have that good of a back. If I had a good back, I could go for many more hours. I cannot stand for that long. As soon as I sit down, I lose the privilege to speak. However, I can come to the floor of the Senate several long hours at a time and keep insisting that, A, we have the opportunity to be out here with legislation to address this crisis in agriculture—that is not an unreasonable request, I say to the majority leader—and, B, to make it crystal clear that I will do everything I can to prevent the Senate from adjourning. I say this to my legislative director. We should not adjourn until we take this action.

Jane Doe, Thief River Falls, MN: Multiple years of bad weather and poor prices have destroyed the cash flow in this farming operation. The family put much of the land into CRP—the Conservation Reserve Program—to make payment to creditors. A couple of years ago, the hay market was good and the family decided to put the balance into alfalfa. Since then, prices for hay have fallen substantially and again bad grain greatly reduced the quality of the hay produced, thereby making it more difficult to sell. The family is hoping for some relief through their crop insurance. If their crop insurance fails, they will have to sell some of the land to pay down debt before the entire farm is lost.

This is a case of an older couple trying to help their son continue the farming operation and it slipped away from them. The father borrowed on his real estate to help his son get established and used his pension as collateral. He needed additional funds, so he borrowed again on the real estate and used his Social Security check as collateral. Bad weather and poor prices again took their toll. This time he borrowed on his cattle and machinery, using it to refinance the farming operation. In the meantime, with no income left on which to live, the parents were forced to use credit cards to finance their family living. The amount accumulated to about $25,000 on a number of credit cards. The family is no longer able to keep up with the payments to the card companies. They have gotten together and decided that liquidation is the only solution.

Some of the land has been sold and they are working with the two banks to reduce payments to free up some money on which to live day to day until the remaining land can be sold. The cattle and machinery will be sold next year. In the meantime, the parents, who are well in their 70s, are having some health problems. Steps are being taken to get the county nursing services involved to address their medical needs.

I will make a couple of different points, as long as we are talking about nursing homes. This is a slight deviation, but I think it is all interrelated when we are talking about rural America. Because of this Budget Act that we passed 2 years ago, with these caps, we are now in a situation where the Medicare reimbursement is so low that it is literally going to shut down many of our rural hospitals, including those in my State of Minnesota. I did not vote for it. I am glad I did not. But the point is, it does not matter.

As long as we are talking about a family with this kind of pain, here is another thing that hasn't been mentioned. The home health care services and the hospitals in our rural communities, especially in those States that kept costs down, such as Minnesota, are now being penalized for having kept costs down. Because we don't have any fat in our system, the Medicare reimbursement is way below the cost of providing care, and guess what, you don't have to be a rocket scientist to know that many of the citizens in our rural communities are elderly, especially since fewer and fewer of our young people can farm and live in the communities.

I was at a meeting yesterday with Senator MOYNIHAN in his office. He brought together a number of Senators to talk about this. From teaching hospitals to nursing homes to our rural hospitals to home health care, we have seen the equivalent of Draconian cuts in reimbursement, and they cannot go on. What a bitter irony. We have young people in our rural communities who cannot look to a future as family farmers because, one, they cannot afford to farm because of this failed policy, what many farmers call not Freedom to Farm but ''farming for free.'' Two, as they think about whether they want to live in our rural communities, the second question besides ''Can I afford to?'' is ''Do I want to?'' When there isn't good health care and hospitals shut down and there isn't a good school system and there aren't small businesses, you don't want to live in the community. That is what is going on.

Why am I out here? Why am I engaged in a filibuster right now? Because a lot of the small towns in my State of Minnesota are going to become ghost towns if something isn't done. That is a fact. They are going to become ghost towns. So it seems to me it is important for the Senate to address this question.

Jane Doe 8, from Greenbush, MN: I say to my colleague, the Senator from Kentucky, I say Jane Doe and John Doe because people don't want their names being used. I don't blame them. We are talking about people's lives. But these people did want others to know what is happening to them because these farm families in my State of Minnesota believe if Senators know what is happening to them, understand the dimensions of this crisis, that the Senate will take action to change things for the better. You know what? Some people will have a cynical smile on their face and say: How naive. I say: Good for the people. They should continue to believe if we only understand what is happening to them we will make things better. That is what citizens should believe. That is what citizens should believe. My only prayer is that we do make things better.

Jane Doe 8, Greenbush, MN: This family tried to split its farming operation from the locker plant business because both were going under. However, the family did not qualify for a rural development loan and the bank was not willing to wait to see if the Small Business Administration could be brought into the picture. The bank is currently working on the liquidation, and the family is trying to salvage what they can of their home and building site.

I have, in addition to Minnesota, some Farm Aid stories as well. Jane Doe 9, from Felton, MN: This is a farmer who is voluntarily liquidating his grain and sugar beet operation. He sold off much of his beet stock to reduce debt but was hoping to get lenders to hold off on a machinery auction until next year because of the taxes he will have to pay on the sugar beet stock. The lenders are refusing, citing concerns of decreasing machinery values due to all the auction sales in that area. Unless he can find another lender to pay off the current nervous lender, this farmer will incur a major tax problem and may be forced to sell some of his land in order to pay the taxes he owes from other forced sales he has had to make.

This is a father and son operation in which they are trying to transfer the farm to the son at market value and leave the remaining debt with the father. This is a situation where there is more debt than the farm is worth. In addition, the father's spouse has Alzheimer's disease and is currently in a nursing home. If the farm can be transferred to the son at market value, there is hope to make the operation viable and he could thereby support his parents as best he could. The father would be destitute and would have to try to work some kind of debt settlement out with FSA and other lenders.

This is a simple case of voluntary liquidation. This is a story of a fairly new farm couple who was farming in partnership with the husband's uncle. The husband suffered a farm accident which has rendered his right arm useless. The couple recently went through a liquidation plan. Fortunately, the couple had not acquired much debt and they will get out. In this situation, the couple was determining options toward liquidation on their farm because they could see no way to continue farming their operation.

The primary concern of the couple was to be able to keep their home and building site. The couple has a number of outstanding bills from creditors yet to be paid one of the companies has filed a lien as well as debt with FSA and a local bank. Only about a third of the cropland was planted this spring due to wet conditions. The current plan is to wait until October to take any further servicing action. What little crop the couple harvests will go toward paying off the debt.

Both the wife and husband are working other jobs off the farm, as well as doing the existing farm operations after their work. They also farm the husband's parents' land. Should they decide to quit, this creates questions as to how his parents are going to make their debt payments and have any income to live on. This couple will have to wait until October and then assess the situation after the harvest.

Jane Doe 10 from Thief River Falls, MN. The farm is already liquidated and, in doing so, created a serious tax consequence with which she is now trying to deal. She used the farm wrap program to help cover CPA work as she negotiates with IRS and the State of Minnesota. At this moment, there is not much to do except wait and let the chips fall where they may.

(Mr. VOINOVICH assumed the chair.)

Mr. WELLSTONE. Mr. President, I have some letters. We had Farm Aid this weekend in Manassas. There were a number of people there. Willie Nelson, of course, has been doing this for years. He was joined by Neil Young and John Mellencamp and many other artists and many other farmers. The most important thing about this, and I give them all the credit in the world, is not only the money they raised to help farmers, but this time they really put a focus on this crisis. They are not Johnny-come-lately. They have been at this for any number of years. They were talking about the need to change farm policy:

Dear Willie Nelson and Farm Aid: My father has been a rancher and farmer all his life.

Before I do this, let me say, again, these are going to be letters from all around the country that go to the heart of what is going on, but, because of a bad back, I probably will be finishing up relatively soon. Hopefully, this is just the beginning of pushing as hard as I can.

My wife Sheila and I were at the Farm Aid. It was very moving because one can only really appreciate it when musicians and artists care about people and are willing to donate their talents. Also, there were a lot of farmers there. Again, I will tell you this is the most emotional thing for me since I have been in the Senate. This is the most emotional experience I have had, seeing what people have been going through.

I say to the Chair now, the Senator from Ohio, for the last several hours I have been going through stories of families, many who want to be anonymous, but it is their economic situation. They cannot cash-flow on these prices. They cannot. What I have been saying each time there is a new Presiding Officer—I get to make a plea to the new Presiding Officer—what I have been saying is that I am not arrogant, and there can be different proposals, but we cannot leave here without having the debate and some amendments and legislation that hopefully will pass which will change the course, which will make the difference.

The status quo is unacceptable because, under status quo, we are going to have a whole generation of producers that are going to be gone. That is all there is to it. This will be the death knell for our rural communities, and I think it will be, as I have said more than once in the last several hours, this will be a transition that our Nation will deeply regret because the last thing in the world a good conservative Republican wants is for a few people to own all the land.

We want competition. We want to see our producers have some leverage in the marketplace so they can get a decent price. That is what this is all about.

We need antitrust action. It is interesting. I am really surprised, frankly, more hasn't been made of Viacom wanting to buy CBS. That is overflow of information in a democracy. It is scary to have a few companies control so much.

Food is very precious, and we do not want a few conglomerates basically controlling all of this.

I am moving from Minnesota to a letter to Farm Aid requesting help. Names are withheld:

Dear Mr. Willie Nelson and Farm Aid:

My father has been a rancher and a farmer all of his life. He started as a teenager on his father's sheep and cattle ranch in Eastern Nevada and over the years has had his share of hard work and battles with drought, poor stock and crop prices, bad neighbors who have tried to run him out of business, the IRS, the Forest Service, the BLM (Bureau of Land Management) the FHA (now FSA), etc. Those who have contributed the most to his demise have been the IRS, the BLM and the FSA. Drought and poor crop prices have also contributed a significant blow, in the last several years, to his hay farming operation which is located 50 miles from Ely, Nevada, the closest town. He is single, he lives alone with no family close by, he is 85 years old, his health is failing, his knees are so bad he can hardly make it to the mailbox which is 100 feet from the house. His wife left him a few years ago, after 25 years of marriage just for reasons associated with his prostate operation. He was involved several years ago in a hay bailer accident which rendered his left arm useless. He struggles to eke out a meager living from a 600-acre alfalfa hay farm with the help of two Mexicans, which now he no longer can pay and had to let go. Without their help he cannot harvest his hay. He used to own 750 acres of alfalfa, but the FSA—

By the way, these are letters, not positions I am taking. This is what people are saying—

left him with 600 acres and without justification would not loan him the funds to replace a caved in water well which feeds 160 acres of the 600 left. Last year the bottom fell out of the hay market and he was forced to sell his hay at an enormous loss. This left him with no funds to grow or harvest the hay this year or pay all of his bills. He gets $500 a month from Social Security, most of which goes for drugs and medical care and has been forced to borrow money from family to feed himself.

I ask unanimous consent the testimony from this concert be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LETTERS TO FARM AID

SEPTEMBER 10, 1999.

DEAR MR. WILLIE NELSON AND FARM AID: My father * * * has been a rancher and farmer all of his life. He started as a teenager on his fathers sheep and cattle ranch in Eastern, Nevada and over the years has had his share of hard work and battles with drought, poor stock and crop prices, bad neighbors who have tried to run him out of business, the IRS, the Forest Service, the BLM (Bureau of Land Management), the FHA (now the FSA), etc. Those who have contributed the most to his demise have been the IRS, the BLM and the FSA. Drought and poor crop prices have also contributed a significant blow, in the last several years, to his hay farming operation which is located 50 miles from Ely, Nevada, the closest town.

He is single, he lives alone with no family close by, he is 85 years old, his health is failing, his knees are so bad he can hardly make it to his mailbox, which is 100 feet from the house. His wife left him a few years ago, after 25 years of marriage just for reasons associated with his prostate operation. He was involved several years ago in a hay bailer accident, which rendered his left arm useless.

He struggles to eke out a meager living from a 600-acre alfalfa hay farm with the help of two Mexicans, which now he no longer can pay and had to let go. Without their help he cannot harvest his hay. He used to own 750 acres of alfalfa, but the FSA, through dishonest dealings left him with just 600 acres and without justification would not loan him the funds to replace a caved in water well which feeds 160 acres of the 600 left.

Last year the bottom fell out of the hay market and he was forced to sell his hay at an enormous loss. ($110/ton hay for $40/ton). This left him with no funds to grow or harvest the hay this year or pay all of his bills. He gets $500 a month from Social Security, most of which goes for drugs and medical care and has been forced to borrow money from family to feed himself.

Day by day he sits at home waiting and hoping for a lucky break while the US Government (FSA) prepares to repossess all that he has left in life. Interestingly enough, it was US Government agricultural policies and the Federal Bureau of Land Management

that put him where he is today, like hundreds of other farmers.

He suffers from depression (I wonder why), but will not leave the farm and refuses to declare bankruptcy because he believes that money will come from somewhere to help him get back on his feet.

Frankly, he needs to retire, but he has no other place he wants to go. We have been hoping that he could find a buyer for the place who would pay off the debts and allow him to stay on the place as long as he wants, as a caretaker. In fact, if he could get his debts paid off, he could lease the land to neighboring farmers for enough to survive on.

Please consider his case and help him anyway you can. We have done as much for him as our finances will allow.

* * * * *

Help for him is urgent. He was told by the FSA that he had until the end of August, 1999, last month before they would take any action. The absolute deadline, I presume is October 31st of this year. He is currently seeking help from an accountant and consultant (whom he cannot afford). If you like you may contact * * *. In fact, it may be to my father's advantage for you to channel any financial aid you can give, through * * *. * * * could give you the most accurate and up to date appraisal of his circumstances and debt load.

Thank you for listening. Please help.

DEAR FARM AID: My name is * * * and I am writing to request help for my Father's Farm. My Father is a Vietnam Era Veteran and a corn/soybean/livestock farmer in dire need of assistance. After years of poor prices, the farm economy has finally caught up to him. My Father is too proud to ask for assistance from an organization like Farm Aid, but I thought I would send a note in hopes someone may be able to give him some help or guidance.

My Father was a member of the Illinois National Guard from 1965–1971. He was not sent to Vietnam, however, his ''Unit'' (I may be using the wrong terminology.) was in a group destined for Vietnam had the War gone on longer. (Much like the guard troops sent to Desert Storm.) He was Honorably Discharged.

My family farm is located in Central Illinois in a small town called Chatsworth, Illinois. My family has owned the farm my Father currently farms for approximately 80 years. My Dad is fourth generation, so that takes it back to my great-grandfather. We farm approximately 650 acres tillable and plant corn and soybeans. (250 from the family farm, 250 rented, 150 recently purchased. Note: My uncle also farms a portion of the old family place.)

In addition to the tillable acreage, we have approximately 175 acres of pasture land. We graze approximately 125 head of beef cattle. We also have 50–100 feeder pigs at any one time during the year.

My Dad has been running the farm for the past eighteen years. Like most other farmers, he works 365 days a year. He has taken 2 vacation days in the past 18 years and has maybe had 1 sick day. He loves what he does, although you would never hear him say it that way. I love what he does and what he stands for and what the family farming way of life is about.

He's a strong man, so outwardly he doesn't let it show when times get tough. I'm not so strong, and it tears me up inside to see how hard he and other farmers work and then lose everything. This way of life is so grand, so important to the fabric of our great nation, that we can't let it die.

Everyone knows the hardships farmers have endured in recent years. My Father's story is no different than many, I suppose. Bottom line is, he doesn't receive a fair price for his product and he can't pay his operating costs/land payments. Not unlike almost all other family farmers, he makes it year by year with loans from the local banks. This year may be different, however. The banks have not said they will foreclose, but they are leaning heavily in that direction.

It is at this point that I swallow my pride and ask for assistance. I don't know what anyone can do for us. We follow Farm Aid. We contribute to Farm Aid. We know Farm Aid and people like yourself are there for family farmers. We aren't quite sure how to access the help network though. I know though I can't bear to see my Father's livelihood go by the wayside.

So, if you could, either send me some information regarding possible assistance or give us some direction in our time of need I would sincerely appreciate it.

SEPTEMBER 11, 1999.

DEAR FARM AID: We are a dairy farm in Pennsylvania who really needs your help. We tried to get your help years ago, but it seems that no one in our area has ever received help from your organization. We have had a serious drought here this year and we have no idea how we are going to feed our herd of dairy cows, let alone us getting paid. We are also losing our farm to the Farm Credit mortgage company.

We had a sickness that affected our herd several years ago and we lost a lot of our cows. When you pay $1,200–$1,500 for one cow and only get $200.00 for her at the auction house, you can't very well replace them when you've lost about 100 of them. Then we had a drought several years back and again last year and we lost about half of our crop and had to buy feed again this year.

We are broke! And now we've had a very serious drought here this year. We are in one of the hardest hit counties in Pennsylvania for shortage of rain. We are still on water restrictions. If you can help us in any small way, we would be eternally grateful! We don't want to lose our farm.

My husband is 62 years old and has worked so hard all of his life. This farm is our retirement. We have no pension or savings or 401K or anything. We feel desperate.

Thank you for listening. God bless.

SEPTEMBER 11, 1999.

Re losing our farm in Idaho.

DEAR FARM AID: We got notice yesterday that the bank is going to auction our 400 acre farm, including our house and other buildings on Sept. 29 to get the money we still owe them, which is about 140,000 dollars by the time attorney fees, etc. are added in. We will lose the 267,000 dollars we have already paid into this farm. Our attorney said he would go to the auction to let them know that we will be exercising our right of redemption. Then we are supposed to have up to a year to try to get the funds to buy back our farm. In the meantime, whoever buys the farm can force us to move or can ask us to pay rent if we want to stay.

I have a couple questions I am hoping you can answer for us.

First, we tried to get refinanced and even with our equity we weren't able to because we were behind on some other bills including a couple of years back property taxes. We put up 160 acres for sale hoping to get it sold to pay the bank but it appears it is now too late for that. Do you know of anyone who would be willing to talk to us about financing us or at least give us some advice? Our attorney isn't very helpful along those lines.

Second, if we have up to a year to try to get the funds necessary to buy the farm back, can they actually make us move off the property or do they have to wait until the year is up. Our attorney says they can force us to move but someone else told us about a couple of old laws that are still in effect that say we can still live here. I haven't researched them yet but two have to do with homestead acts and another is called the Farm Husbandry Act of 1938. Do you know anything about these and if they would help us at all?

I don't know if you can help us or if you even give out advice but we are desperate to save our farm and will not stop fighting until it is over. Thank you for listening.

SEPTEMBER 8, 1999.

DEAR FARM AID: Hello—I am (was) a small organic farmer in Southeast PA. Between developers after our land, wholesalers who pay late and vandals, we had to give up. My wife and parents are too ill to continue.

I believe in what I do but around here the financial institutions favor development. I do not need financial aid for survival or anything but I would like to find a lendor who has faith in farmers so I can return to the land. I could use some counseling. The stress of the last three years has affected me a little.

Any advice would be helpful. Keep up the good work.

SEPTEMBER 8, 1999.

DEAR FARM AID: Hi. I am a farmers wife from the Shenandoah Valley of VA. As if we had not had a bad enough year. Now we are out of hay, out of water. Our spring, creek and pond have dried up, and we are being forced to sell off our herd which sustains us from year to year just to keep going a little longer. We have gone for help like, for example, to Farm Service, which we have never wanted to do before. Now we feel we have no choice.

You know, just like the Indians were, we are a proud people. Anyway, they will pay to put a well in if we come up with half the cost, which only means to us that some more of our cattle will have to be sold to come up with that. In other words, what do we do? We need advice and we need a huge miracle and I am usually the positive one.

Right beside us a farm was sold out from underneath us all to a landdeveloper and we fought tooth and nail to keep the subdivision out and yet here we are fighting again just to stay afloat. Please help give us advice or whatever.

There is this concert this coming Sunday and I have watched it on TV from the start and thought how commendable it all is and now we are in the very same position as the other farmers Willie and his friends have helped through the years.

I have written a song about us, the farmers and our plight, and I want Mr. Nelson to hear it. But, more important, I want to hear him and see him in person . . . how can we get in if we raise the money to get there? What do we have to do? We need a lift of our spirits, some reason to keep us going or trying to go forward. I am sorry if I am bringing you down by reading this. I did not mean to pour this all out. I guess I needed to and hoped someone would understand.

Farming is all we know and all we want to do. Like the Indians, it is coming to the point that we are being drivven off our own land for the sake of so called progress. I call it decay of the American way of life. I call it an American tragedy of the like that has not been seen since the war against the Indians of which I have a strong heritage from.

God help us to survive the best we know how and how to think with our heart first then our head. My head tells me to quit. My heart says we cannot.

Please let me hear from you. Please give us hope. And God bless you richly for your part

in helping the American farmer to survive another year.

SEPTEMBER 8, 1999.

DEAR FARM AID: How can I go about contacting the people who help the farmers with money? I would like to get my brother-in-law on the list to be helped. The drought the past 2 years has killed his soybean crop and he cannot afford crop insurance. He is just a small time North Mississippi farmer, a former sharecropper. He is 56 and has just a 8th grade education. He lives with his parents who live on social security. He rents his land each year, about 50–100 acres. Please let me know.

JUNE 24, 1999.

DEAR SIR: My mother and father-in-law saved and borrowed enough money in 1945 to buy an 80 acre farm between Fowler and Quincy, ILL. They farmed with horses, milked cows, raised hogs in the timbered creek bed and raised 2 children. My husband has now had the farm turned over to him since his parents have passed away and his sister was killed in a car accident 2 years ago.

My husband is and has always been a very hard worker. We both work at jobs full time in Quincy and farm besides. We were both raised on a farm and both love farm life. We cash rent 3 other farms close by to go along with ours—but we are still having an awful time. If it wasn't for our jobs in town we would have lost everything his parents worked so hard for several years ago. We are doing all we can but just can't get out of debt—in fact we are going deeper and deeper every year.

My husband and I have shed many tears and many sleepless nights trying to figure out just what to do to save our family farm. We do not want to lose it.

Do you have any help for us or anything else we can do? We lost over $20,000 again last year. It breaks my heart to see my husband work so hard and get so tired working 2 jobs and still not making it.

Please help us. If we could just break even one year things would be so good. Someone surely knows a way to help us.

We need someone to help us with some money soon or we will lose everything.

Thank you for listening to me and hopefully for helping my husband save his deeply loved family farm.

Mr. WELLSTONE. Mr. President, in the remaining time I have left—and I am not going to take much more time. I characterize this, as I said, as sort of a mini-filibuster or, in any case, it is all I can do in several hours. I can talk about this all day and all night. It is not that I am at a loss of words. But physically I will not be able to go on much longer. The best way to do this is to print in the RECORD this very poignant testimony from Farm Aid.

I will jump from the last part of my presentation to a few facts and figures. Maybe I will finish up on this. I will talk about market concentration.

Four firms control 83 percent of all beef slaughter, four firms control 73 percent of sheep slaughter, four firms control 62 percent of flour milling, four firms control 57 percent of pork slaughter. This is from the work of Bill Hefrin, from the University of Missouri, who does superb work.

This concentration will result in four or five food and fiber clusters that control production from the gene to the store shelf. Is that what the American people want? When we get these alliances of Monsanto, Cargill, and all the rest, they will reduce market concentration to farmers. These clusters will eliminate independent farmers and businessowners. These clusters will make it difficult for new firms to start. And these clusters will prevent consumers from realizing lower prices.

Listen to this, consumer America: Since 1984, real consumer food prices have increased by 2.8 percent, while producer prices for that food have fallen 35.7 percent. Do any of the consumers in America, do any families in America, feel a 35-percent drop in food prices? Of course not.

The farm retail spread grows wider and wider. This concentration threatens global security. A few dominant multinational firms are going to control information, markets, decision-making, and seed packets. There is a new technology. It is incredible when you hear about this terminator technology which is inserting a gene to prevent the next generation of seed from germinating which, again, threatens economic viability, sustainability.

We are talking about livestock confinement, huge feeding operations, with all of the environmental challenges. We are talking about multinational firms that remove profits from local communities. As I said, we have talked about this huge concentration of power.

For example, four of every five beef cattle are slaughtered by the four largest firms: IBP; ConAgra; Excel, owned by Cargill; and Farmland National Beef.

Three of every five hogs are slaughtered by the four largest firms. The top four include Murphy, Carroll's Foods, Continental Grain, and Smithfield. And now Smithfield wants to buy up Murphy.

Half of all the broilers are slaughtered by the largest four firms. The six largest are: Tyson, Gold Kist, Perdue Farms, Pilgrim's Pride, ConAgra, and Wayne.

Listen, when you look at the grain industry, you have the same situation where, when farmers look to whom they sell the grain, it is a few large companies that dominate.

Let me conclude.

I say to my colleagues, I have come to the floor of the Senate and have spoken for several hours to make a plea and to make a demand. I have tried to put this farm crisis in personal terms. I thank the farmers in Minnesota for letting me speak about their lives.

I have said that the status quo is unconscionable, it is unacceptable. I have said we have to change the policy. We have to give people a decent price. That we can do. I have said that the reason I have come to the floor of the Senate is to make the demand that: Yesterday, if not tomorrow, if not next week, we have the opportunity to bring legislation to the floor to deal with this crisis.

I have come to the floor of the Senate to say that we cannot adjourn—it would not be responsible, it would not be right—without taking action to help improve the situation for farmers. Why else are we here but to try to do better for people? What could be more important than for us, the Senate, as an institution—Democrats and Republicans—to pass legislation that would correct these problems and help alleviate this suffering and pain and make such a positive difference in the lives of so many people in Minnesota that I love—so many farmers in so many rural communities?

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT—Continued

AMENDMENT NO. 1677

(Purpose: To express the sense of the Senate concerning CAFE standards for sport utility vehicles and other light trucks)

Mr. GORTON. Mr. President, I send an amendment to the desk and ask unanimous consent that it be considered to be in order.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for himself, Mrs. FEINSTEIN, Mr. BRYAN, Mr. LIEBERMAN, Mr. REED, Mr. MOYNIHAN, and Mr. CHAFEE, proposes an amendment numbered 1677.

Mr. GORTON. I ask unanimous consent further reading of the amendment be dispensed with.

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

The amendment is as follows:

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

SEC. 3___. SENSE OF THE SENATE CONCERNING CAFE STANDARDS.

(a) FINDINGS.—The Senate finds that—

(1) the corporate average fuel economy (CAFE) law, codified at chapter 329 of title 49, United States Code, is critical to reducing the dependence of the United States on foreign oil, reducing air pollution and carbon dioxide, and saving consumers money at the gas pump;

(2) the cars and light trucks of the United States are responsible for 20 percent of the carbon dioxide pollution generated in the United States;

(3) the average fuel economy of all new passenger vehicles is at its lowest point since 1980, while fuel consumption is at its highest;

(4) since 1995, a provision in the transportation appropriations Acts has prohibited the Department of Transportation from examining the need to raise CAFE standards

for sport utility vehicles and other light trucks;

(5) that provision denies purchasers of new sport utility vehicles and other light trucks the benefits of available fuel saving technologies;

(6) the current CAFE standards save more than 3,000,000 barrels of oil per day;

(7)(A) the current CAFE standards have remained the same for nearly a decade;

(B) the CAFE standard for sport utility vehicles and other light trucks is ¾ the standard for automobiles; and

(C) the CAFE standard for sport utility vehicles and other light trucks is 20.7 miles per gallon and the standard for automobiles is 27.5 miles per gallon;

(8) because of CAFE standards, the average sport utility vehicle emits about 75 tons of carbon dioxide over the life of the vehicle while the average car emits about 45 tons of carbon dioxide;

(9) the technology exists to cost effectively and safely make vehicles go further on a gallon of gasoline; and

(10) improving light truck fuel economy would not only cut pollution but also save oil and save owners of new sport utility vehicles and other light trucks money at the gas pump.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the issue of CAFE standards should be permitted to be examined by the Department of Transportation, so that consumers may benefit from any resulting increase in the standards as soon as possible; and

(2) the Senate should not recede to section 320 of this bill, as passed by the House of Representatives, which prevents an increase in CAFE standards.

Mr. GORTON. Mr. President, this amendment is offered on behalf of myself, Mrs. FEINSTEIN, Mr. BRYAN, Mr. LIEBERMAN, Mr. REED of Rhode Island, Mr. MOYNIHAN, and Mr. CHAFEE. I ask unanimous consent that Senator BOXER be added as a cosponsor of the amendment.

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

Mr. GORTON. Mr. President, this is an amendment that has been widely discussed relating to CAFE standards; that is to say, the fuel efficiency standards of automobiles and small trucks sold in the United States. Now, I want to quote an argument against this proposal made in a committee hearing on CAFE standards.

In effect, this bill would outlaw a number of engine lines and car models, including most full-size sedans and station wagons. It would restrict the industry from producing subcompact-size cars or even smaller ones.

Mr. President, you may well ask me when that hearing took place because you were unaware that hearings on this subject had taken place. That question would be well put because that hearing took place in 1974, 25 years ago. That statement was made by automobile manufacturers in connection with the fuel efficiency standards that were discussed during that year and were implemented. As a result of the implementation of those standards, we are saving 3 million barrels of oil per day in the United States as compared with the 17 million gallons per day that cars and trucks, in fact, use.

In other words, even from the point of view of a relatively conservative Senator, as I consider myself, we have an example of a highly successful regulatory action on the part of the Government of the United States, a regulatory action that took place 25 years ago and was, for all practical purposes, fully implemented within 6 years of the time of its implementation. That is the first notable point about the subject we are discussing today.

The second is that the argument I quoted turned out to be wholly inaccurate. The evidence of that inaccuracy, of course, is on every street, road, and highway in the United States. The genius of American manufacturers created an automobile that met all of the fuel efficiency standards that were implemented a quarter of a century ago without a substantial downsizing of our automobiles' weight, with a tremendous contribution to cleaner air, and with the contribution of saving 3 million gallons of gasoline each and every day of each and every year, every single gallon of which, where we are using it, would come from imports and from overseas, further exacerbating our trade deficits.

I find it particularly curious that we should look back at an experiment so totally successful in every respect, in cleaning up our air, in reducing our use of petroleum products, in reducing our trade deficits, and in saving money for the American people, and say: Not only are we not going to repeat that experiment, we are not even going to study whether we ought to repeat that experiment. What we have done in the Congress is to tell our Federal agencies that they may not pursue studies and come up with rules and regulations and recommendations as to a second round of improving our automobile fuel efficiency either for regular passenger automobiles or for small trucks or for SUVs.

The status, in connection with this bill, of course, is relatively simple. This Senate bill does not prevent the Federal Government from going ahead with such studies and making such recommendations. The House bill does, once again, as we have for the last several years, prohibit even these studies.

The amendment before us now is a sense-of-the-Senate resolution that the Senate should not accept that House provision. It is neither more nor less than that. Every one of the 98 Senators, in addition to you and me, has been deluged by statements from opponents to this modest sense-of-the-Senate resolution, stating, first, that it would make our highways less safe, even though our death rate on our highways is remarkably lower now—I think three times lower than it was before we went through this experiment the first time—that there is no way the automobile manufacturers can meet the requirements that would be imposed if we allowed these studies to go forward without going back to sub-subcompacts—an argument that was shown to be totally fallacious and without reason some 25 years ago.

In short, there is not a single argument being presented against this amendment that was not presented 25 years ago to this body and to the other body and to the people of the United States and proven to be without merit.

Can we learn nothing from the past? Are we so frightened, as Members of the Senate, that we are not even going to try to determine in an orderly fashion whether or not we can do better with respect to the fuel efficiency of the internal combustion engine? The proposition, I think, is bizarre, that we should prohibit even a study and a set of proposed regulations on this subject.

There could possibly be more bite to this argument if what we were faced with was the imminent imposition of new requirements that were highly unreasonable in nature and about which it might be argued that they were impossible to attain. If we were faced with a proposed amendment that said the Federal Government could use no part of this appropriation to enforce such standards, that would be one thing. But what the opponents to this sense-of-the-Senate resolution are saying is: Don't even look into the question. Don't do anything. Don't try to learn whether or not we can come up with more efficient internal combustion engines. Let's just ignore it.

Mr. BRYAN. Will the Senator from Washington yield for a question on that point?

Mr. GORTON. I am happy to yield.

Mr. BRYAN. Do I understand the thrust of the Senator's argument is not to advocate some new standards for CAFE but simply to permit those who are charged with that responsibility to make a basic inquiry as to whether or not there is room, based upon science, safety, and other considerations, to consider an increase in fuel economy standards?

Mr. GORTON. My dear friend from Nevada is entirely correct, as, of course, he knows, having been a cosponsor of this amendment and a companion with the Senator from Washington in this cause for many years in the past.

Mr. BRYAN. I thank the Senator.

Mr. GORTON. I was about to say, for the benefit of my friend from Nevada, isn't it fortunate that the Congress of the United States, in the first decade of the 19th century, didn't prohibit the development of a steam engine because it might explode?

That is basically what the arguments against the amendment the Senator from Nevada and I have proposed amount to. My gosh, something bad might happen if you did something. But, of course, the argument against the steam engine in 1810, or 1812, or 1814 would have been stronger because they knew nothing about it. We have gone through this process before, and it was a complete success. But we are now told, not only should we not go through the experiment again, we should not even study it; we should not even try

to come up with facts that would justify it or—and I think it is very unlikely—perhaps not justify making any change in the present system.

Now, I think both the Senator from Nevada and I believe such a study would come up with more significant CAFE standards. But I don't think the Senator from Nevada, even more than I, has any idea what they would be, how far they would go, what we would find to be totally successful or not. We just want to find out whether or not we can't do something that would reduce our dependence on foreign oil, help clean up our air, and save money for the American purchaser of automobiles, small trucks and, of course, the fuel required to run them. That is all.

Mr. BRYAN. It strikes the Senator from Nevada that the argument the Senator is making is a win-win. It is a win for the consumer, for the environment, and in terms of the trade imbalance we currently face in this country.

Would the Senator not agree with the proposition that everybody comes out a winner if the Senator's resolution would simply ask that an inquiry be made into the practicality of increasing fuel efficiency standards?

Mr. GORTON. The Senator from Nevada is entirely correct. If we can only take a quick vote on it with the Senators on the floor now, we would probably succeed. Unfortunately, we have yet to persuade all of our colleagues of this matter. The question the Senator puts—and he knows the answer—is a very profound and a very serious question.

Mr. BRYAN. I enjoyed the Senator's reference to the steam engine in the 19th century. The younger members of my staff say they are not familiar with this reference, but as the Senator from Washington will recall, the Industrial Revolution was born in Great Britain. Just as then, seemingly now, there are those fearful of progress.

The first manifestation of the Industrial Revolution was when we changed the textile production from a cottage industry to the floors of the factory, and machinery and technology made that possible. I know the Senator from Washington State, who is in my generation, will recall this reference. But a group of people called Luddites went about the country breaking up the machines, trying to prevent progress, fearful of the consequences. It seems to me—perhaps the Senator might want to comment—that in a very modern-day sense, we have neo-Luddites who are fearful of the consequences of what new technology might make possible, and in my view, the improvement of technology throughout the vast expanse of history has improved a lot for mankind. Does the Senator agree with that observation?

Mr. GORTON. The Senator from Nevada is as learned as he is wise, and his reference to Luddites in the late 18th and early 19th century England is entirely correct. The word has come down to us today, referring to those who are so fearful of changes in our technology that in one way or another they would prevent it.

The point he makes is particularly important, and it is one that I want to continue to emphasize to Members. We are not debating a law that will mandate a specific new set of fuel economy standards for automobiles and small trucks. We are not even debating whether or not a specific set of standards should be imposed after a study of their feasibility and desirability is completed. We are debating a proposition that says we should go forward in an orderly fashion, have this determination made by people who are expert in the field and who study it carefully and must follow all of the procedural requirements for setting rules and regulations, all of which will be vulnerable to future debates in the Senate should proposals be made that seem somehow or another unreasonable.

There is not a single Member of the Senate, from the most conservative to the most liberal, who has not at one time or another been critical of some rule or regulation imposed by some agency of the Federal Government. Every Member of the Senate—and for that matter, the House of Representatives—knows how to bring up debate on that subject, the debate over this appropriations bill, or some other bill relating to transportation. But what we have today from the opponents to this sense-of-the-Senate resolution is a statement that we are ignorant of what might happen if we engage in another round of fuel efficiency standards and we want to remain ignorant. That is essentially what they are talking about.

Mr. BRYAN. Mr. President, if the recollection of the Senator from Nevada is correct, in the mid-1970s, the distinguished Senator from Washington was the attorney general of that State. As the attorney general, he was a leading advocate on behalf of consumer issues in his State. Perhaps the Senator will recall when the legislation, referred to as CAFE, the corporate average fuel economy standard, was offered on the floor of the Senate and in the other body. Those from the automobile industry said at the time: if these CAFE standards are imposed upon us, everybody in America will be driving an automobile smaller than a Pinto or a subsized Maverick.

That was at a time when fuel economy for passenger vehicles averaged less than 14 miles per gallon. As a result of the Congress taking that action, fuel economy, from 1973 to 1989, doubled.

Does the Senator recall the essence of the testimony offered by one of the automotive manufacturers? I wonder if he might want to comment on what actually occurred over those intervening 16 years when we were supposed to be driving around in Pintos and subsize Maverick automobiles.

Mr. GORTON. Just before my friend from Nevada came to the floor, I began my remarks with a quotation, which sounded so remarkably similar to what we have heard in the last few days about this amendment, and it is particularly appropriate. For the Senator's benefit and for others, I will repeat it:

> In effect, this bill would outlaw a number of engine lines and car models, including most full-size sedans and station wagons. It would restrict the industry to producing subcompact sized cars, or even smaller ones.

That was a statement by the duly authorized representative of the Ford Motor Company in 1974 in the hearings on the bill that allowed for the first corporate average fuel economy standards to take place. Now the Ford Motor Company, of course, was far more resourceful in its technology than it was in its language. And when these requirements were imposed, the Ford Motor Company, General Motors, Chrysler, and the rest of the manufacturers met them, and they met them gratefully to the advantage of the people of the United States, who ended up with far cleaner air. It is impossible to imagine what our air would be like today if we were all driving 1974 model automobiles—saving billions of dollars in fuel costs, saving the economy of the United States all of the costs of that extra fuel, all of which would have ended up coming from overseas, given our dependence on foreign oil at the time.

One of the interesting things as we go into this debate right now, I tell my friend, is that a recent issue of the Wall Street Journal reported that the same company, the Ford Motor Company, is currently developing technology to increase fuel economy of its truck fleet by as much as 15 percent.

The article in the Wall Street Journal said that internal documents posted on the world wide web show—I am quoting now:

> Ford could significantly increase its fuel economy on some of its biggest and most popular trucks without losing the things people buy trucks for, horsepower and pulling power.

That is another illustration of the fact that an argument which was utterly invalid in 1974 is utterly invalid in 1999.

Members of this body 25 years ago might have been excused for giving great credence to that argument. After all, we didn't know what was going to happen. It is very difficult to give credence to that argument given the tremendously positive results of the regulations which were adopted in 1974.

Mr. BRYAN. Mr. President, may I inquire further of the distinguished Senator, my friend from Washington, with another question.

Has the Senator had an opportunity to see this morning's issue of Congress Daily? On the back, there is an ad designed to uphold the thoughtful and well-considered resolution which the Senator from Washington, and our able

colleague, the distinguished Senator from California, I, and others are going to be offering for consideration. But the text of the ad says:

We work hard all year so our family can go fishing and camping together. We couldn't do it without our SUV—

Sport utility vehicle. It shows the man leaning on the hood of the SUV.

I guess my questions to the Senator would be twofold: No. 1, before the automobile manufacturers developed the sport utility vehicles, was it not possible for families in America to enjoy fishing and camping? Perhaps the Senator might be able to respond to that question.

Mr. GORTON. Mr. President, the question, of course, answers itself. It was.

Americans have acquired far greater choice today after the implementation of those fuel efficiency standards than they had previously. The interesting part of the ad, which was just handed to me—I had not previously seen it—says: Say yes to consumer choice and say no to a CAFE increase. In fact, the consumer can't choose a fuel efficient SUV at the present time. There isn't any consumer choice there. They are not competing over that proposition, though we may hope that someday in the future the Ford Motor Company, if it is thought correct, will do so. But as consumer choice increased after the last CAFE standards were imposed, so am I confident they will increase the next time around.

I greatly enjoyed this conversation with my friend from Nevada. I suspect he has more to say on the subject. I know the Senator from California wishes to speak on this subject. I don't want to monopolize the conversation, even on the pro side, and we will have opponents.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I first began to believe that global warming was a major threat in 1998 when a 92-mile long and 30-mile wide iceberg broke loose from the Antarctic Ice Shelf. It was 1½ times the size of Delaware. NOAA said it was a possible indicator of global warming.

I began to take a look at some of the other things that have happened in the last few years. I find that we have the first species extinction in Costa Rica because of it. I find that it now has an impact on the El Nino cycle in the Pacific Ocean. I find that there is a serious degradation of coral reefs in the Indian Ocean, and 70 percent of the existing coral reefs are affected.

I am a SUV owner. I own three jeeps. I love my jeeps. I have no doubt, though, that my jeeps can have the same kind of fuel efficiency standards as my automobile.

Then you have to look and say, well, if my three jeeps have the same kind of fuel efficiency, what would that do for global warming?

Carbon dioxide is the main culprit in global warming. Our country is the largest emitter and producer of carbon dioxide in the world. The United States saves 3 million barrels of oil because of fuel efficiency standards. If SUVs, similar to my jeeps, had fuel efficiency standards equal to those of automobiles, we would save another 1 million barrels of oil a day. If the 8 million or so of the other SUVs around the United States and the light trucks had these same standards, it would eliminate 187 million tons of CO2 from the air. The experts have said it is the largest single thing, bar none, that we can do to influence global warming in a positive way.

It seems so easy to do it. We know it can be done. We know it need not influence the efficiency of the engines. And we know there is technology that can make it so.

So raising these so-called CAFE standards or fuel efficiency standards so the SUVs are equal to other passenger automobiles at about 27 miles per gallon instead of 20 miles per gallon does not seem to me to be an unrealistic thing to ask Detroit to do. But instead, since 1995, there has been a rider in this bill which says to the Government that we can't even look, we can't even study, and we can't even make any findings to see whether, in fact, it is possible to bring SUVs up to automobile standards with respect to fuel efficiency.

I believe very strongly that this is the largest single positive environmental step this Congress can take to reduce carbon dioxide emissions in the atmosphere. To have a rider in a bill which says you can't even study it, you can't even see if what I am saying is true, I think makes no sense whatsoever.

As I say, I love my three jeeps. But I will tell you, I am going to look for a sports utility vehicle that has equal fuel efficiency standards in the future.

Additionally, what would this do for the consumer? It is estimated that by simply requiring SUVs to meet the same average CAFE requirements as automobiles would save the consumer more than $2,000 in fuel costs over the life of each vehicle. It seems to me that is a pretty easy way to give people almost a kind of tax rebate. You save money buying fuel for your car because you buy less of it over the life of the car. And it is estimated those savings are $2,000 per vehicle.

More importantly, 117 million Americans live where smog sometimes makes the air unsafe to breathe where asthma is on the increase and where respiratory problems are developing. Almost one-half of this pollution is caused by so-called nonpoint sources. That means the automobile. Attempting to improve the efficiency of vehicles we drive helps address this problem as well.

There is no substantive evidence to support the fact that this would provide technological problems that Detroit cannot meet.

I hasten to point out, we do not include in this amendment, and the intent of this amendment is not to include, agricultural equipment that works on agricultural products in fields. However, with this amendment we would learn a couple of things. One, the air would be cleaner. Consumers would save significant money in fuel costs—$2,000 over the life of each vehicle—and we would go a long way to address the problem of global warming.

I am hopeful that this measure will pass today.

I view with some surprise the degree to which this measure is being lobbied by automobile interests in this country. As an SUV car owner, as a jeep lover, as someone who would like to buy additional cars, this is an important point to me. It seems to me some automobile company ought to be willing to address it, to bring these SUVs up to automobile standards.

I stand strongly in support of the amendment. I thank my colleagues, Senator BRYAN, Senator GORTON, and others, who also support the amendment. I am hopeful there will be enough Senators to say: Let's not go about this with blinders; let's take one good look and see if this is really possible; let's do the necessary studies; let's work together to do the largest single thing we can do, relatively painlessly, to reduce global warming.

I yield the floor.

Mr. BRYAN. Mr. President, I thank my able colleague from California for her thoughtful and well-considered statement. I associate myself with her observations and the conclusions she makes.

This issue has been framed on a false premise, that somehow Members, including the able Senators from California and Washington who support this amendment, are interested in depriving the American public of their choice of automobiles.

I know firsthand, having seen the vehicles of my colleague from California—she is the proud owner of a sport utility vehicle—she would defend as vigorously as would I her right to own such a vehicle.

This has absolutely nothing to do with whether or not the American public chooses to purchase a minivan, a light truck, or a sport utility vehicle. My son and his wife and our first grandchild are in the Nation's Capital today. As a family, they have chosen a sport utility vehicle. I defend his right as vigorously as I defend the right of my colleague from California.

This is not what this debate is all about. That is a false premise. I think some Members are not only offended by the intellectual dishonesty of this kind of advertising that suggests the senior Senator from California and I somehow seek to deprive American families of their opportunity to go fishing and camping. That is just ludicrous. That defies any kind of rational argument.

Mrs. FEINSTEIN. Will the Senator yield?

Mr. BRYAN. I am happy to yield to the Senator.

Mrs. FEINSTEIN. I have not seen that particular ad. I am most interested. Would the Senator read it?

Mr. BRYAN. It shows two angelic children sitting on the hood of a sport utility vehicle. Strapped to the top of that vehicle looks to be a canoe, a boat of some type. Now we see a gentleman, perhaps the father of these two children, leaning on the hood. He is saying to them, ''You know, we work hard all year as a family so our family can go fishing and camping together. We couldn't do it without our sport utility vehicle.'' Then the tag line is: ''Say yes to consumer choice. Say no to a CAFE increase.''

I was explaining before my colleague's thoughtful question, the implication is that those who advocate simply taking a look at the standards, simply allowing those within the Department of Transportation to take a look at the standards—and I will comment later in my remarks as to the criteria involved—that somehow we are opposed to this family's right to camp and to go fishing. That is outrageous. It is not true. This Senator is greatly offended by the text of that ad.

Mrs. FEINSTEIN. Will the Senator yield?

Mr. BRYAN. I am happy to yield to the Senator.

Mrs. FEINSTEIN. One of the things I have found is the use of ''CAFE'' which we bandy around so much—most people don't know exactly what that means. We are really talking about the efficiency of a gallon of gas to go farther. Therefore, the efficiency of a gallon of gas is what we are talking about and applying those standards to SUVs as you would to passenger sedans.

Mr. BRYAN. The Senator from California is absolutely correct. She has the clarity of expression that sometimes escapes those who had the misfortune to go to law school. We get caught up with acronyms. CAFE means nothing to the average person. We are trying to get greater fuel efficiency.

In my colloquy with our colleague from Washington State, it was pointed out that this is a win-win-win for the American public.

The Senator from California and I represent two States that currently are experiencing enormous increases in the cost of gas. That takes money out of the pocket of America's families. That means less discretionary income. In the Senator's State as well as my own, an automobile is virtually a necessity to move from one place to another, to go to work, to enjoy the recreational opportunities we want to have with our family, to do the sort of thing that is part of our lifestyle in America.

If we can improve the CAFE standards for jeeps, sport utilities, minivans, and light trucks, we put more dollars in that family's pocket; we clean up the air, as the Senator from California pointed out; we reduce our dependence on foreign oil—it currently is about 50 percent; it drives some of the geopolitical policy debates in which the good Senator from California has taken a lead—and we help to reduce the trade deficit.

Our economy is performing magnificently, but one of the areas of concern to everyone is the mounting trade deficit. About $50 billion of that annual trade deficit is attributed to what we as Americans pay for oil that we import from around the world to fuel our economy, a good segment of which is transportation.

Mrs. FEINSTEIN. Will the Senator yield?

Mr. BRYAN. The Senator from Nevada is always pleased to yield to the senior Senator from California.

Mrs. FEINSTEIN. One of the things that I think is particularly disingenuous about the opposition is that if SUVs and light trucks had the same fuel efficiency or even an increased fuel efficiency, it would impair the functioning of the car and the vehicle would not be able to function at optimal standards.

Would the Senator reflect on this for the Senate?

Mr. BRYAN. That is, as the Senator from California knows, an argument that has been raised. It is a specious argument.

The Senator from California hails from a jurisdiction which has been on the cutting edge of so much of the technology of the post-World War II era. Because of the Senator's own interest in technology and moving her own economy forward in California, I know she is deeply committed to that.

The Senator from California and many of our colleagues reflect that great confidence that the ingenuity and the entrepreneurial spirit of the American business community responds to challenges. But now there is a disconnect. The automobile industry didn't think they could ever do anything to improve economy. We couldn't suggest they look at that—somehow that would deprive us of our choice.

As the Senator from Washington responded to my question, these arguments were made back in 1974 when a representative at that time from the Ford Motor Company, testifying in opposition to the first fuel economy standards, said—without in any way belying the Senator's own youthful appearance, I think she may recall 1974, as the Senator from Nevada does. At that time, one of the leading automobiles that Ford produced was what I call a pint-sized Pinto. The Senator I am sure will recall that.

This is what the auto industry was arguing in 1974, should the first CAFE standards be enacted:

> That the product line [referring to the product line for automobile manufacturers in America] would consist of either all sub Pinto sized vehicles or some mix of vehicles ranging from a sub sub compact to perhaps a Maverick.

That statement was made in this century—in fact, the latter quarter of the 20th century.

This is a tribute to the industry and its ingenuity. The Lincoln Town Car, if not the largest automobile produced by the Ford Motor Company, gets better fuel economy today than the Pinto did in 1974. That is technology. It does not deprive one of choice. It seems to me for some reason the industry has created this facade that they cannot do these sorts of things.

We are saying—and I believe the Senator from California would agree—let's just take a look and see if we can't achieve these benefits we have just talked about.

Mrs. FEINSTEIN. I commend and thank the Senator for answering my questions. I appreciate it very much. If he would allow me one brief comment.

I think one of the reasons that for awhile the American automobile had lost the cutting edge was the reluctance to do research and development to develop those kinds of automobile products that became very popular, that were produced by the Japanese marketplace. Since then, the American automotive companies have changed dramatically. The very kind of innovation that was absent for so long has now been restored. So it would seem to me any innovation in weight or size or engine capacity could very easily overcome these problems and that these vehicles could function as efficiently. I will point out it is the largest single thing we could do to alleviate global warming. So I thank the Senator from Nevada.

Mr. BRYAN. I thank the senior Senator from California for her very thoughtful comments and excellent presentation.

Mr. President, I rise in support of the Gorton-Feinstein-Bryan amendment that would permit the Department of Transportation to consider whether fuel efficiency for SUVs and light trucks should be improved. The vote on this amendment will be one of the key environmental votes of this Congress. I think it is helpful for our colleagues to understand the context in which this debate occurs.

In 1995, the House of Representatives inserted an antienvironmental rider in the Department of Transportation appropriations bill that prohibited, that is precluded, the Department of Transportation from even considering whether an increase in automobile fuel efficiency made sense. That environmental rider has been added to each of the appropriations in years 1996, 1997, 1998, and currently we face the same situation.

I think the important thing to emphasize is that those of us who support the resolution are not arguing for a specific numerical standard. We are simply saying shouldn't the people who have the ability to make these judgments, under very carefully considered circumstances, have the opportunity to even inquire? In effect, what the rider accomplishes is a technology gag rule. It precludes consideration. So our amendment is an effort to show there is substantial support in this body that we should not prejudge the issue and,

instead, let the experts study the issue and decide what is in the Nation's best interests.

A bit of history may be instructive. Fuel efficiency standards are known, in the jargon of the Congressional and Federal professional bureaucracy, as CAFE standards, the acronym standing for corporate average fuel economy. Those standards have been on the decline in recent years, as automakers build bigger and bigger gas guzzlers.

This chart will be instructive. Prior to the enactment in 1974 of the fuel economy standards, the average fuel economy for a passenger vehicle in America was slightly less than 14 miles per gallon. As a result of the enactment of that legislation, over the intervening 15 years, fuel economy doubled to 27.5 miles per gallon. This chart reflects that.

What has occurred, in the late 1980s and 1990s, is the vehicle mix has shifted dramatically. We have seen a decline in overall fuel economy. Not that the vehicles referred to as ''passenger vehicles'' are less fuel efficient, but the American public, by choice, has included in its purchase agenda light trucks, sport utility vehicles, and minivans. These were not terms that were familiar in America in 1974, and millions of families have chosen light trucks or sport utility vehicles and minivans. As I indicated in my colloquy with the distinguished Senator from California, my own son and his family have such a vehicle in Nevada. A daughter and a son-in-law have such a vehicle in upstate New York. So nothing in this debate is in any way about limiting choice. But we cannot ignore the reality that the fleet mix has changed.

Today, nearly 50 percent of the vehicles sold in America for family use are sport utility, minivans, or light trucks. That reflects the percentage. If the chart went 1 more year, they would reflect basically about 50 percent of the vehicle mix.

When the legislation was enacted in 1974, there was a different standard for light trucks, which included minivans and the sport utility vehicle. So what this debate is all about is simply permitting—it is permissive. It in no way mandates, dictates, directs, commands; it simply is permissive. I think it may be helpful to read the language of the resolution itself. This is a sense-of-the-Senate resolution. The resolved paragraph says:

> It is the sense of the Senate that,
> (1) the issue of CAFE standards should be permitted to be examined by the Department of Transportation, so that consumers may benefit from any resulting increase in the standards as soon as possible.

Let me repeat.

> The issue of CAFE standards should be permitted to be examined by the Department of Transportation. . ..

There is no attempt to fix a precise numerical standard. This simply would permit an inquiry by the Department of Transportation. The effect of this would be to override the technology gag rule that has been imposed by the House since 1995 that prohibits or precludes its consideration.

Part 2 of the resolution simply says that:

> The Senate should not recede to section 320 of this bill, as passed by the House of Representatives.

That is the technology gag rule.

As fuel efficiency declines, oil consumption, trade deficits, and air pollution go up. Few actions have as many beneficial effects on our economy as improving fuel efficiency standards. As I said before, the amendment in no way seeks to restrict choice. For millions of Americans, that is their vehicle of choice and in some geographical climes it would be the only sensible choice.

We recognize, fully respect, and endorse the concept of choice. Contrary to all the foreboding in the 1974 testimony before the Congress, in point of fact, as my colleague from Washington State pointed out, we had greater choice in America after the fuel economy legislation was enacted a quarter of a century ago by the Congress.

So the real question is not whether Americans want and need a larger four-wheel-drive vehicle but whether these vehicles can be made more fuel efficient. That is what the amendment is attempting to find out. Many of us believe that answer will be yes. Others disagree. But all we are asking is to allow the experts to make that determination.

The current law provides a strict criteria to the Department of Transportation in considering what process needs to be involved before a CAFE standard could be increased. It requires the DOT to consider four factors:

First, the technical feasibility. My friend and colleague from Washington State mentioned an article in the Wall Street Journal and cited one of the automakers on the technology they currently have available. There are many of us who believe technology is there but that is not for us to determine. That is for the experts in the Department of Transportation, the technical feasibility.

Second, the economic practicability.

Third, the effect of other motor vehicle standards on fuel economy.

Finally, the need of the Nation to conserve energy.

These are four criteria, each of which must be found before the Department could be authorized to go forward with second fuel economy standards that build upon the 1974 legislation.

The auto industry, for all of its achievements in recent years—and I applaud them for this—for some reason has this myopic view of the future. Whereas most Americans are confident about the future, we recognize that changes in technology that are sweeping across the country are more vast and more pervasive than anything in the history of civilization, and there is no reason to believe the auto industry itself would be immune from these current changes, and that new technology will make it possible to do things more efficiently than we have in the past.

For some reason—and I do not understand the corporate mentality—there is this knee-jerk reaction: We don't want anybody to take a look at it; we couldn't possibly do it.

That was reflected in the debate the Congress had for a quarter of a century.

Who would be the beneficiaries? What public policy would be served if, indeed, the Department took a look at the evidence and concluded that some increase was warranted?

I can speak of my own State of Nevada, having spent 26 days in rural Nevada. If there was one question that came up in every townhall meeting, it was the price of gas. For reasons that are not altogether clear to me, and I have not been persuaded as to those that have been asserted to be the cause of it, gas prices in the West have skyrocketed. In central Nevada, gasoline prices are approaching $2 a gallon. I realize that is not the situation of my colleagues from the East and other parts of the country.

Who would be an immediate beneficiary of improved fuel economy standards? Those individuals who currently own sport utility vehicles would be purchasing another vehicle that would be more fuel efficient. That would put dollars back in the pockets of America's families. America's families would benefit.

What does the public think about this? In a recent poll conducted by the Mellman Group, nearly three out of four drivers who own minivans, pickup trucks, or sport utility vehicles think the automobile manufacturers should be required to make cleaner, less polluting vehicles, and more than two-thirds say they would be willing to pay a significant amount more for their next sport utility vehicle if it polluted less.

Opponents of our amendment will cry wolf and say our amendment will cause people to drive around in tiny subcompacts. This is kind of deja vu. We have been there before. We have heard that, and an earlier Congress had the courage to go forward. As a result, we save 3 million barrels of oil each day that we otherwise would be consuming as a result of those fuel efficiency standards that were first enacted.

To give perhaps the most graphic and encapsulated insight into the corporate culture that seems to pervade the automobile industry, the 1974 testimony before the Congress is the milestone.

As my colleagues will recall, the Congress was being asked for the first time to consider these fuel economy standards, and the auto industry, as one, came forward with this dire projection of doom and gloom. As I was saying earlier in a colloquy with the distinguished senior Senator from California, the Pinto was one of the smallest, if not the smallest, products the Ford Motor Company produced that year.

The testimony offered by the representative from Ford concluded that the ''product line consisting of either all sub-Pinto-sized vehicles or some mix of vehicles ranging from a sub-subcompact to perhaps a Maverick'' would be the consequence of that action.

That is absolutely unbelievable, but that was the testimony. Indeed, the refutation of that is today fuel economy has doubled as a result of this legislation, and the largest automobile the Ford Motor Company makes, the Lincoln Town Car, gets better mileage than the smallest car that Ford manufactured in 1974. That is efficiency. That is technology.

Indeed, 86 percent of the increases in fuel efficiency came from improved technology. And why not? This is the country that believes in technology. It has fueled our economy. It has made us the most productive society in the history of civilization and has produced the highest standard of living known in the history of the world.

The Union of Concerned Scientists estimates that using off-the-shelf technologies—that is, existing technology—that SUVs, or sport utility vehicles, could improve fuel efficiency by 50 percent to 28.5 miles per gallon.

The authors of this resolution do not ask you to believe that. That is a responsible assessment. This group of scientists may be right and they may be wrong, so this debate is not about whether they are correct in their conclusion. This debate is about whether or not the Department of Transportation should be allowed to consider that testimony, that evidence, and any other evidence that bears on point in making a determination as to whether or not improved fuel efficiency standards can be achieved. This can be done without shrinking the vehicle size or sacrificing safety.

I invite my colleagues' attention to this chart because safety does sometimes get into this debate. This chart depicts two trend lines: One is fuel economy, which has increased dramatically, as you see, from the 1970s, and the fatality rate. This is the rate of automobile deaths based on the vehicle miles traveled each year. We all know, without being a statistician or having a masters or Ph.D. in statistics, that there are more people in America today than in the 1970s, many more million automobiles and sport utilities and light trucks and minivans on the market, and today the average motorist travels further each year in his or her vehicle. But notwithstanding that enormous increase in traffic, vehicles, and further driving, the fatality rate has dropped precipitously, and that is a good news story.

The bottom line of that story is it came about because of technology improvements, and the auto industry has always reluctantly, for some reason, done a marvelous job with respect to improved safety standards. Those over at NHTSA have done a wonderful job in making sure we have sidebar protection and rollover standards and a whole host of other things, including seatbelt technology and airbags that today make our cars the safest in the world and traveling by vehicle safer today than at any time in our history. And that comes a quarter of a century after these dire prophecies of the consequences of enacting a CAFE standard.

What other benefits do we get? By raising the CAFE or the fuel efficiency standards for sport utility vehicles, we save up to 1 million barrels of oil a day, and that will save consumers money at the gas pump, as we just discussed, and reduce annually by 240 million tons the amount of carbon dioxide that is produced each year.

Carbon dioxide is the main culprit involved in what many may believe to be global warming. One does not have to embrace the concept of global warming. I know not everybody agrees. But virtually everyone agrees we ought to try to reduce the amount of carbon dioxide going into the atmosphere.

I had the privilege a couple of years ago of being in London and meeting with some of my colleagues with British Petroleum, one of the large petroleum producers in the world. They have come around to recognize that the role of carbon dioxide and a potential impact on global warming is something that they as a company, as part of its corporate responsibilities, need to address.

I know not all oil companies agree, but the vast majority of scientists would tell you that it is clearly in our best interest to reduce the amount of carbon dioxide emitted and going into the atmosphere. And most of them—not all—would draw that link between carbon dioxide and global warming and some of the implications it has for us in the future. But, again, you do not have to embrace the concept of global warming to agree with the vast majority, virtually all the scientific community, that it makes sense, as a matter of public policy, to reduce or to curtail the amount of carbon dioxide going into the atmosphere.

Finally, the good news on the economy continues: As inflation remains under control, the economy expands, unemployment is low. The stock market has been a little skiddy the last few days, but, by and large, the stock market has performed extraordinarily well. That is a good news story for the American people.

The only cloud on the horizon, the only shadow that may be casting a darker light on the economic future for us in America, is the trade deficit. We are importing far more than we are exporting, and ultimately there reaches a point in time in which we have to atone for that enormous imbalance.

Fuel economy standards play a part in that debate as well because part of that trade deficit—about $50 billion a year, a very substantial part—is attributed to what we in America pay those foreign countries that produce the oil we import into the United States. We would be reducing our dependency on that. That is why I conclude, as I said in my opening colloquy with the distinguished able Senator from the State of Washington, this legislation is a win-win-win for everyone.

So I urge my colleagues to support the amendment. It does not, as I have observed, require radical change. It simply permits the experts to look at what can be done and to make adjustments, if feasible, after engaging in a thorough and well considered rulemaking process in which all sides are able to be heard.

Mr. President, I urge my colleagues to end the technology gag rule that has ensnarled this piece of legislation since 1995.

I yield the floor.

Mr. SHELBY. 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. REED. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded so I can speak on the pending amendment.

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

Mr. REED. Mr. President, I rise in strong support of the Gorton-Bryan-Feinstein-Reed sense-of-the-Senate resolution that is being considered today.

As my colleagues have stated, our resolution calls on the House of Representatives to drop a rider which they have incorporated in the Transportation appropriations bill that effectively blocks the Department of Transportation from studying ways to improve the corporate average fuel economy standards for vehicles in the United States. These standards are currently referred to as the CAFE standards.

The current CAFE standard for passenger cars is 27.5 miles per gallon, while the standard for the so-called light trucks is just 20.7 miles per gallon.

A few years ago, this lower standard for trucks might have been less critical, but what we have seen over the last several years has been an explosion in the popularity of SUVs, sport utility vehicles. They are seen in places that are more akin to shopping malls than the rugged terrain for which originally they were designed. SUVs and minivans are everywhere.

As a result, we have to take a serious look at whether this light truck exemption makes sense, given the current marketplace. Their impact—these SUVs and minivans—on the air we breathe and on the amount of gasoline we consume, including increasing amounts of imported gasoline, cannot be ignored.

We know this is a simple law of supply and demand. When you have many more vehicles subject to lower CAFE standards on the road, the demand for gasoline goes up, the price of gasoline

goes up, and the amount of gasoline that is consumed goes up, all of which ultimately affects our atmosphere.

In my State of Rhode Island alone, it is estimated that consumers face about $39 million in excess annual fuel costs because of this light truck loophole. Nevertheless, the CAFE freeze rider has been inserted into the House DOT spending bill every year for the past 4 years. Each time that happens, Congress denies the American people the benefits of fuel-saving technologies that already exist, technologies that the auto industry could implement with no reduction in safety, power, or performance.

The existing CAFE standards save more than 3 million barrels of oil every day. If we did not have these standards, we would be paying much more for oil and strategically we would be much more vulnerable in terms of our oil supply from around the world. Each year, these CAFE standards reduce pollution by keeping millions of tons of carbon dioxide out of our atmosphere.

Shouldn't we at least give the Department of Transportation the chance to study this issue? That is at the essence of our request—not that we should move immediately or precipitously to the adoption of new standards but at least give the Department of Transportation the opportunity to study particularly this light truck loophole.

The House version wrongly precludes any consideration, study, or analysis. That, to me, is the wrong way to approach a public policy issue. Let's at least study it. It is time we lift this somewhat gag order that has been placed on our ability to consider the costs and benefits of higher CAFE standards. I believe, by readjusting the CAFE standards particularly in terms of these light trucks we can make significant progress in terms of fuel oil economy and also environmental quality. But at least we have to begin this analysis.

I urge my colleagues to support this important amendment. I commend the sponsors for their work and hope it will be incorporated in this legislation.

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

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I rise to deliver a short statement, because I know there are other matters pending that we would like to hear fairly promptly. While on the subject of the CAFE standards, I will register my support for the position outlined by the senior Senator from California and the Senator from Washington.

For the last 4 years, the Senate has accepted the House's CAFE freeze rider. The result has been serious consequences for the environment, for employment and for the health of people across the country.

There is a myth floating around that CAFE standards hurt consumers. The truth is, good CAFE standards help consumers. It's a simple concept. If your car or SUV uses less gas, you save money. Between 1975 and 1980, when the fuel economy of cars doubled, consumers with fuel-efficient cars saved $3,000 over the lifetime of the car. And that translated into $30 billion of savings in annual consumer spending.

Another benefit of CAFE standards is reduced pollution. Air pollution from cars has been a major environmental problem.

In fact, gas-guzzling cars and light trucks are responsible for 25 percent of this country's output of emissions that cause global climate change.

Few can hear those words, ''climate change,'' and not be concerned about the impact of the severity of storms and poor air quality we are seeing, such as the current hurricane threat, one of massive proportions, which seems to have mitigated a little bit. The fact is, there is concern that changes in our climate, changes that are created in the atmosphere as a result of pollution, are in some way responsible. We have to take a serious look at this, as we consider the question in front of us at the moment.

A Congressional study by the House Government Reform minority staff found that, from 1995 to 1998, exposure to the hazardous air pollutants measured in Los Angeles' air quality caused as many as 426 additional cancer cases per million exposed individuals.

When CAFE standards were first passed in the late 1970s, light trucks made up only 20 percent of the market. Back then, light trucks were used mainly for hauling. They didn't often travel through congested urban and suburban areas.

All that has changed. Today, light trucks—a category that includes SUV's and minivans—represent half of all vehicles sold. They produce 47 percent more smog-forming exhaust and 43 percent more global-warming pollution than cars. And each light truck goes through an average of 702 gallons of gas per year. Compare that to 492 gallons per year for cars, more than 200 gallons per year.

Mr. President, if CAFE standards for light trucks were increased from 20.5 miles per gallon to 27.5 miles per gallon—the standard for cars—then carbon dioxide emissions would drop by 200 million tons by the year 2010.

Jobs are also an important part of this discussion. The other side keeps insisting that CAFE standards will hurt employment, especially in the auto industry.

However, a study by the American Council for an Energy Efficient Economy says that money saved at the gas pump, and reinvested throughout the economy, would create 244,000 jobs in this country—that includes 47,000 in the automobile industry.

These statistics support the Feinstein-Gorton amendment. I think in the interest of our society, the one thing we can do is make sure we are treating the environment for human habitation in as friendly a fashion as we can. We know it is an accomplishable feat, and we ought to get on with it.

I urge my colleagues to join in favor of this sense of the Senate resolution.

With that, I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the pending amendment be laid aside.

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

Mr. CHAFEE. Mr. President, I am extremely concerned about a provision in the Shelby amendment to H.R. 2084, the so-called Department of Transportation appropriations bill. This provision I am referring to is located on page 21, line 1, through page 22, line 11, of the committee-reported bill. It would reopen the distribution of funds agreed to in the Transportation Equity Act for the 21st century, which is the so-called TEA 21.

TEA 21 provides a process for distributing any additional gas tax receipts beyond those that were projected to be received when TEA 21 was passed. In other words, we made an estimate of what the funds would be, but we expected we might receive less than our anticipated receipts. The appropriations bill, as it stands, would change that process—in other words, the way the anticipated surplus or losses would be distributed. It is my view that the distribution of the highway trust fund moneys should not be revisited in annual appropriations bills.

As Members know, the dollars affected by this amendment are those that have come in because, as I said, gas tax receipts were higher than projected when we passed TEA 21. How much higher were they? They were about $1.5 billion higher than projected.

We anticipated that actual receipts might be different—as I said before, higher or lower than projected receipts. Therefore, TEA 21 says that a surplus, or a shortfall, should be distributed evenly across all the programs funded by TEA 21; in other words, in accordance with the formulas that existed in TEA 21. It is good news that receipts are ahead of projections and that we have a surplus rather than a shortfall to distribute.

But our colleagues should remember that when the administration discovered—who am I referring to? I am talking about the administration—there was a surplus, the administration tried to set aside the TEA 21 formula, as is being attempted under this appropriations bill, except that when the administration was dealing with it, the list of

programs which would have benefited from the end run that President Clinton proposed in his budget is quite different. The President wanted to increase the moneys for transit and to spend more money fighting environmental problems such as air pollution and urban sprawl. In other words, he got way out beyond what we were thinking about.

The day President Clinton's budget proposal came to Congress, I joined with Congressman BUD SHUSTER, who chairs the House Transportation Committee, in strong objection to any change in the TEA 21 formula. I would like to personally spend more money on transit and air quality and other items that would have benefitted from the President's proposal. As my colleagues can easily understand, these things are more important to Rhode Island than more dollars for highway construction. But I went on record the very day the President made his proposal strongly opposing any change in the TEA 21 formula.

Senator SHELBY is proposing to ignore TEA 21 in the same way, but his priorities are quite different. He wants all the money to go to the States for highway construction.

This is my point. Both the appropriations subcommittee and the President wanted to do different things with this money. When this bill leaves here, we have to remember that it will go to conference. I presume there will be some dickering between some members of the conference and the administration to produce a bill the President can sign. If the Senate endorses this proposed change to the formula, we will be opening the door to a deal on the allocation of this money—some of it for the President's priorities, some for the appropriators' priorities.

We can't really know what is going to come out of the conference once we get into that kind of action. If you vote with the appropriations subcommittee, you are giving them permission to ignore the TEA 21 formula. But that is not the end of the story. Your vote will merely trigger a real struggle between the conference committee and the White House, the administration, on the reallocation of these funds.

Let's suppose you are a Senator from a Western State that benefits from the public lands highway programs, which we have taken care of as we have in the past. That is in the original TEA 21 bill. These are programs that might very well be shortchanged if we set aside the formula. The programs that provide additional funds to States with large amounts of Federal land—and there are three or four of them—would get their fair share of the surplus if we stick with TEA 21. But these programs weren't on the list of programs that would have been winners under the President's end run. There are 100 percent losers under the proposal presented by the appropriations subcommittee.

So if the Federal lands highway programs are important to your State, where do you stand? If you vote with the appropriations subcommittee to set aside TEA 21, you have no idea how your State will fare until the conference people come back from the meeting at the White House that produces an agreement on this bill. That agreement will reallocate this $1.5 billion, in part, to meet the priorities of the President and, in part, to address the priorities of the appropriators. If their actions to date are any guide, the Federal lands programs will not get a dollar of this surplus.

I can make the same point about any number of other programs. By the way, let me read off a list of the programs that have been eliminated under the appropriations subcommittee, and that is from the additional moneys that come in. In all fairness, they haven't touched the moneys that are there. They have left those alone. The additional $1.5 billion I previously referred to would be chopped up, and about $150 million of that would have gone for these programs that are on this list, which are totally eliminated from the additional receipts: Indian reservation roads; public lands; park roads; refuge roads; national corridor planning and border infrastructure, which would be principally along the Mexico-Texas border; ferry boats and terminals, principally for Alaska.

Now, if you think TEA 21 is grossly unfair and ignores the special needs, such as Federal lands that affect your State, I suppose it makes sense to take a chance that the President and the appropriators will do a better job.

But you have another choice. You can support the allocation made in TEA 21. If you stick with TEA 21, you know exactly what to expect. These surplus dollars will be allocated across the entire transportation program in the same proportion as enacted by TEA 21. The special programs that benefit your State will get their fair share of the surplus, just as they get a fair share of the base authorization under TEA 21.

Let me discuss the particulars of why I believe this provision is legislation on an appropriations bill and should not be included in an appropriations act.

The provision in question begins with the phrase: ''Notwithstanding Public Law 105–178, or any other provision of law. . . .''

That phrase has long been recognized as legislative in nature. The effect of this provision is to overturn section 110 of title 23, which provides for the apportionment of contract authority from the highway trust fund.

Now, the Committee on Environment and Public Works has jurisdiction over the apportionment of contract authority from the highway trust fund. The Committee on Appropriations only has jurisdiction to impose an obligation limitation on the total amount of funds used. In other words, they have a role to play and we have a role to play—we being the Committee on Environment and Public Works.

In the House appropriations bill, there is no similar provision apportioning contract authority from the highway trust fund. Therefore, the Senate provision in question is not germane to the House appropriations bill. I realize the Committee on Appropriations will likely raise the defense of germaneness to my point of order, which I intend to propose.

Although the Appropriations subcommittee may be successful in identifying some provisions to which this provision could conceivably be germane, I can assure my colleagues that there is no similar provision in the House bill that changes the distribution of these additional gas tax receipts. If the Senate agrees with the defense of germaneness, it will be saying that almost anything is germane to an appropriations bill, thereby undercutting the intent of rule XVI to limit legislation on appropriations bills.

I urge my colleagues to vote no against the defense of germaneness should the managers raise this as a defense against the point of order which it is my intent to propose.

Mr. President, I have to say that I am disturbed. As you can tell from my description, this is clearly an authorizing provision. It was less than 2 months ago that the majority of this body came together and said the time had come to stop including authorization language on appropriations bills. The ink has barely dried on that resolution, and here we are rewriting the rules of the Senate.

So at the proper time it is my intent to raise a point of order that the provision which begins on page 21, line 1, through page 22, line 11, of the committee-reported bill is legislation on an appropriations bill in violation of rule XVI.

I ask my colleagues to stand with me and put a stop to the destructive practice of including legislation on appropriations measures.

That will be my intent. Of course, I don't make that proposal right now because there are others who are prepared to speak. I look forward to hearing their comments.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I am very pleased to join my distinguished colleague, the esteemed Senator from Rhode Island, Senator CHAFEE, to safeguard the funding allocation of the Transportation Equity Act for the 21st Century. We call it TEA 21, the Transportation Efficiency Act for the 21st Century.

What is it? It is a very large, massive transportation bill that this Congress passed a couple of years ago—about $217 billion over 6 years in highway funds and transit funds for the States. It is very important legislation to address this country's infrastructure needs.

The Senator from Rhode Island will soon raise a point of order under rule

XVI against a provision in that bill; that is, against a provision in this bill before us, the Transportation appropriations bill, the provision which rewrites a section of TEA 21, known as RABA. What in the world is RABA? RABA is the ''revenue aligned budget authority.'' I will explain that in just a second.

This section, the RABA section, is totally within the jurisdiction of one committee, the Environment and Public Works Committee, the authorizing committee, and thus the provision in this appropriations bill constitutes legislation on an appropriations bill in clear violation of rule XVI.

Let me briefly explain how we got to this point.

Last week, many of us—49 of us—stood together against another proposal in this bill to rewrite the TEA 21 formula when this case was for transit. Even though the proposed change would have reduced funds for only California and New York—that is, the transit provision that was earlier proposed by the Appropriations Committee—that provision would have increased funds for the remaining 48 States.

I was pleased that my colleagues supported the provision to not include that because it was the right thing to do.

The transit formula agreed to in TEA 21, along with other provisions in TEA 21, particularly the highway provision, was part of a grand bargain on which we worked together so hard to write last year. Even though most States would have benefited somewhat from the proposed change in this bill—that is, the transit provision I mentioned—we stuck together to preserve the original intent of TEA 21. We voted to protect the integrity of TEA 21; that is, the highway bill. We voted for the program as it exists and against the Transportation Committee rewrite of the bill.

The chairman of the subcommittee then removed that provision from the bill. I commend him for that. It was the right action to take. I compliment him for it. But, unfortunately, he solved only part of the problem; that is, the transit piece. I say ''unfortunately'' because the reported bill before us from the Appropriations Committee also contained a provision that redistributes a portion of the highway funds as well.

These funds are known as RABA, as I mentioned earlier—revenue aligned budget authority—that result from the greater than expected revenues coming into the highway trust fund because the economy is doing quite well; that is, more people are driving. The economy is doing well. That means more gasoline tax revenues. The RABA provision anticipated that. It explained how those increased funds should be dealt with. This year that increases because the economy is doing well. It amounts to about $1.45 billion again for the year.

The highway bill stakes out new ground by putting into law the requirement that all gas tax revenues coming into the highway trust fund—that is, about $28 billion for this year—should be spent on highways. That is, all gasoline tax revenue should be spent on highways and a portion for mass transit but not for other purposes.

A number of Members of this body worked very hard to achieve that goal—Senators BYRD, WARNER, GRAMM, LOTT, and many others —to say nothing at all about the House Members in the other body who worked equally hard. It is a landmark achievement. It restored some measure of trust to the highway trust fund.

TEA 21 provided that if gas tax receipts are greater than originally estimated—this is the RABA provision—the increased revenue will also go into the trust fund. That is what TEA 21 provides. And it will be distributed in a very specific way. Again, that is what TEA 21 specifically provides.

What did it provide? Approximately 90 percent would go to States by formula—that is, the core programs—and about 10 percent to a variety of smaller but equally important programs that were not tied to individual States.

The chart I have now before us shows that these include—that is, these other programs, the 10 percent include programs to fund roads on national parks. For example, it includes Federal lands highway programs and Indian reservation roads.

Just think about all of us who have Indian reservation roads in our States. The provision of the Transportation Subcommittee would say none of the increase would go to Indian reservation roads.

Public lands highways are very important to many Senators, particularly their States.

I mention the national parks and refuge roads.

What about the border infrastructure program? Many Senators, when writing the highway bill, came to us and said: We need a particular provision in the highway bill—that is, TEA 21—to address border infrastructure needs. We agreed. We put in that provision. But the Appropriations Committee said none of the increased funds will go to that.

What about the national scenic byways program? It is very important to many States so that the picturesque highways in our States have funds equally allocated as all other needs and will receive funds in the event of additional dollars.

Ferry boats and terminals: Yes, ferry boats and terminals would get none of the increase under the Transportation Committee bill—none. That is wrong because it was contemplated, when we wrote this bill together, they would get that.

Then I mention transportation and community preservation.

The main point is that these were bargained-for and fought-for provisions in TEA 21, the highway bill, and everyone assumed, because that was the provision in the highway bill, that if there were additional funds, they, too, would get their fair share of the increase.

It is very important for Members to realize that these are provisions which have not just increased dollars because of the provisions that are in the Appropriations Committee bill.

I don't have to remind you of the difficult debates we had over funding formulas among the Northeast States, the donor States, and the Western States. I have to tell you that it was not easy. There were many meetings. They were tough meetings. But in the end we achieved a bill—the TEA 21 bill—that was supported by 88 Senators. It was bipartisan. It was supported by Senators on both sides of the aisle.

It was not just a distribution of money among the States that generated so much support for TEA 21. It also is the host of the smaller programs I just mentioned. They are called the allocated programs or the discretionary programs in which individual Senators had very specific interests.

Senators from Alaska, Hawaii, and New Jersey came to support provisions such as ferry boats. Likewise, Senators from the public land States—from Idaho, Wyoming, New Mexico, and Nevada—wanted help in meeting unique needs in their States. These are the provisions we have written into the bill, the so-called allocated discretionary provisions that are not included in their fair share of the increase of highway funds in the bill provided for the forests.

Senators from border States—Texas, Arizona, New York, and California—needed special attention on the dilapidated border crossings impeding trade and economic development in their States.

In the same vein, Members along potential trade corridors through the Midwest had individual interests they wanted to include in the bill, but the provision before the Senate will not allow those provisions to get their fair share.

I mentioned Senators seeking help for scenic byways and communities across our country.

TEA 21 was not just about funding State highway programs; it was also about a broad range of transportation needs identified not just by States but by individual Senators.

Earlier, I mentioned gas tax revenues were flowing to the trust fund faster than expected, to the tune of $1.45 billion in fiscal year 2000. TEA 21 provided for a fair distribution of that revenue growth. Again, unfortunately, the Transportation appropriations bill prevents the allocated programs—the discretionary programs—from sharing in this growth.

The bill before the Senate zeros out about $120 million in funding for public lands, the border crossings, ferry boats, Indian reservations, research, and other allocated programs, and instead distributes that increase to the States

only through the core highway programs. I am not against the core highway programs. I strongly support them. But that is not the issue. What is at issue is the protection of the integrity of TEA 21 and fair treatment for these allocated programs I have just mentioned.

Why did the appropriations bill change this part of TEA 21? Is there a problem with the TEA 21 distribution? Is there anything wrong with these programs? If there is, it is news to me. I have not heard it. Nobody has mentioned it. More importantly, if something is flawed with the distribution of these programs, let's have a hearing, get the facts, and find out what is going on before we run off and start changing things for no good reason. Let's do it in the committee with jurisdiction of the highway bill, the Environment and Public Works Committee.

Some might ask, what is all this fuss over such a small amount of money? After all, this bill redistributes only about $120 million, an average increase of just one-third of 1 percent of the State's highway dollars. It is because I see this as a start of a very dangerous process. Highway bills are 6-year authorizations for a very good reason. Highways take time to plan, to design, to build. Our State highway departments need some level of certainty about future funding levels to plan properly.

I followed closely what my State of Montana is doing for planning these projects. Stable funding is absolutely vital; stability in highway spending is absolutely vital so States can plan. Without stability, highway and transit projects will proceed more slowly. As highway construction slows down, fewer jobs will be created, economic activity is reduced, working men and women—many with families to be supported—will be hurt.

Furthermore, once we send the signal that it is open season for highway funding in appropriations bills, whose ox will be gored next? Today it is the allocated programs, the discretionary programs, scenic roads, ferry boats, border crossings, park roads; today only $120 million. Tomorrow, who knows. I know Senator CHAFEE and I have a tough sell here. All 50 States will get a little more money under this bill than under TEA 21. Normally, around here that is called a no brainer. If it is more money, Members vote for it.

Look where the money comes from, and I ask if you still support this provision. Tell the tribal leader the Indian road program doesn't need anymore money. Tell the economic development leaders in your communities that border crossings, trade corridors, don't deserve anymore funding. Or tell the mayors that scenic byways and ferry boats have to get by with a little less than we promised last year, while others get a little more than we promised.

Let's treat all programs fairly, let them all share in the revenue growth, not just a few.

This is what our Governors, highway officials, and others say about the TEA 21 promises. This chart includes quotes from letters from key highway user groups.

Trust Coalition, the main coalition that worked so hard with us as we put together the highway bill:

> . . . remind Congress of the importance of keeping its proposition in TEA 21 in the annual budgeting and appropriations process.

Another letter from the American Association of State Highway and Transportation Officials:

> Expend additional. . . annual [highway trust fund] revenues . . ., and allocate them as provided under TEA 21.

From the National Governors' Association, a group this body listens to quite frequently and faithfully:

> Ensure that all increases in revenue in the Highway Trust Fund are directed to their intended purposes as outlined in TEA 21.

I ask my colleagues to think very carefully about this issue. To say this vote is about a few more dollars for your State on top of the hundreds of millions received under TEA 21 is to miss the point. Do not pit the interests of State against the interests of public lands or ferry boats or trade corridors or border crossings. Do not start down the path of turning highway funding into a political grab bag each year.

Unless someone can show me how the distribution formula of TEA 21 is broken and needs to be fixed, I am prepared to stick with the highway bill.

I urge my colleagues to join me, Senator CHAFEE, and Senator WARNER and reaffirm our support for TEA 21 and reject the redistribution contained in this bill.

A final point: When we raise this point of order, we mean no disrespect to the Appropriations Committee or its leaders. They have a very difficult job to do. They have a difficult job to do in the best years. This, I might add, is not the best of years with the problems they are facing with the budget caps and allocations. It is a very difficult problem. I understand that. I deeply respect that. They have their responsibilities and I respect that. But the authorizing committees also have their responsibilities. I hope the appropriators in the Senate respect that, too. That is why I supported the reimposition of rule XVI earlier this year. It is a matter of respect. The appropriations subcommittees do their work; we respect their work. The authorizing committees do their work, and we hope that work can be respected, as well. That is what this issue is about. It restores the will of order around here and allows the appropriations and authorizing committees to concentrate on what they know best. Let's keep it that way.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I pick up on the concluding note of my good friend, the ranking member of our committee.

We marked up the bill barely 30 days ago and pledged our allegiance to rule XVI. Now, the essence of what this debate is all about: Are we going to do a 180 and all run downhill? What is the public going to think of the Senate and how it conducts itself and how it observes its rules? That should be foremost in the mind of every Senator as that vote bell rings, hopefully, in but a few minutes, as this debate concludes.

As our distinguished chairman and ranking member have clearly said, our committee worked hard, not for a month, not for 2 months. I was subcommittee chairman of the subcommittee that did the initial draft of TEA 21.

It was a 2-year task, 2 years carefully going out amongst the 50 States and evaluating proposals of the various Governors, of the organizations that devote full time to America's transportation needs and they came forth with a variety of proposals. We worked very diligently to take all of that into consideration, and over a 2-year period we had many, many subcommittee hearings, and, indeed, hearings of the full committee, and crafted this legislation with the intent of seeking equity and fairness among the 50 States, of correcting what many of us viewed as an inequity between the donor States, of which mine was one, and the donee States. Therein was the most difficult battle. Two years' work stands on the brink of being disassembled on this vote. The precedent of rule XVI stands to be stripped down momentarily on this vote.

As my colleague from Montana stated, if this provision regarding the surplus is changed, what is next year? Is it the donee-donor fight? Does that become the next debate within the appropriations cycle? It was for the very reason this institution has regarded this legislation as law it should remain intact for 6 years. This is not a 1-year bill or a 2-year bill; this is a 6-year bill, a formula to remain in place to provide equity among the States for 6 years. Momentarily, the vote will be taken to make the first break, barely after 1 year of operation of this bill.

There is a tradition in this great body not to personalize anything, but I just happened to observe there were 70 Senators who sought the exact provision that is the subject of this amendment, and that was a 10-percent setaside for Federal programs. Seventy Senators came to our committee with a wide range of programs they felt were essential for their States which would not be covered in the general disbursal of the balance of the 90 percent. How interesting, the State of New Jersey fought hard for the Intelligent Transportation Systems funds, ITS; the State of Alabama fought hard for new corridor programs and ARC, just two little footnotes.

I urge Senators to go back—we have it here in the correspondence—and have the staffs advise their Senators what they asked of the Environment

and Public Works Committee, and what was included in this bill in direct recognition of their needs, 70 colleagues. That is the reason for the creation of this provision.

Our chairman mentioned the House. The House appropriations bill, I say to the chairman, as he well knows, had a number of provisions in there which his counterpart, Congressman SHUSTER, recognized as legislation on an appropriations bill. He went to the floor of the House, and in 18 consecutive instances the House backed up their chairman and struck those provisions, one by one, from that bill.

I daresay, should this provision survive, regrettably, that same chairman will see in conference that it is removed. That is why I think it is incumbent on our body to likewise remove this legislation, and at the same time uphold the credibility of our action some 30 days ago and reaffirm rule XVI. This is equity. This is legislative process to achieve that equity.

We put in place a magnificent piece of legislation, accepted all across America. As I traveled my State this summer, I saw instance after instance of construction on our roads. I said to myself: There is the taxpayers' money coming back from the highway trust fund, going straight to the States, and now being used to improve our system. It is working. TEA 21 is working. That is why we are here today, to ask our colleagues to let it remain intact because it is serving the purpose for which this body adopted it but a year ago.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I believe it is important that all Members of the Senate clearly understand the distribution of revenue aligned budget authority—that we called RABA—which the subcommittee integrated into this bill.

The philosophy of the Transportation Act for the 21st century was that highway funding is intrinsically linked to receipts to the highway account of the highway trust fund, and that increased gas tax receipts should be passed along to the States for highway construction and improvement projects.

The provision in TEA 21 that I described is a mechanism to guarantee additional revenue in the trust fund from greater than anticipated gas tax receipts would be spent for that purpose. The Transportation Appropriations Subcommittee's provision, which we have been talking about, ensures this intent is met and it is completely consistent with the spirit of TEA 21.

The President's budget submission, however, requested to divert a third of these funds away from the Federal aid highway program to fund other programs and their initiatives. The subcommittee rejected this approach. Instead, we adopted one that honors the commitment Congress made to the States when it passed TEA 21, which I supported along with others.

Our bill sends the funds directly to the States in order to maximize the Federal resources flowing to each State. I want to be clear this afternoon. This does not alter the TEA 21 formula. It, in fact, embraces the formula by strictly adhering to each State's individual guaranteed share under section 1105 of TEA 21.

This is one of those rare instances where Congress is able to put forward a proposal that benefits every Member in every State in the Union. Within a constrained Federal budget, it is an approach which increases the amount that is available to the States for highway construction. I believe it makes sense and at the proper time I believe my colleagues—I hope, at least, they will support it.

Mr. WARNER. Will the chairman yield for a question?

Mr. SHELBY. I will be glad to yield.

Mr. WARNER. He says it does not change the formula. But, if he had nothing in his legislation, these funds would flow in accordance with TEA 21. He is putting a switch in the track that diverts that 10 percent. I say to my good friend, that is clear documentation of a change to the formula.

Mr. SHELBY. I will answer that. It says in the bill:

> Provided further, That notwithstanding Public Law 105–178 as amended, or any other provision of law, funds authorized under section 110 of title 23, United States Code, for the fiscal year 2000 shall be apportioned based on each State's percentage share of funding provided for under section 105 of title 23, United States Code, for fiscal year 2000.

That is the formula of TEA 21.

Mr. WARNER. If I may say, Mr. President, it is that first word, ''notwithstanding''—one of those magical words that resonates in this Chamber to signal this law is being changed, this formula is being changed. If you did not have this provision in there, these funds would flow precisely as this Chamber directed those funds to flow when they overwhelmingly adopted TEA 21.

I say to my good friend, it is clear as the light of this given day what is taking place.

Mr. BAUCUS. Will the Senator yield for a question?

Mr. LAUTENBERG. Who has the floor?

Mr. BAUCUS. I want to point out the provision referred to by the distinguished chairman of the Appropriations Subcommittee on Transportation in his own bill says clearly ''notwithstanding Public Law 105–178.'' Even though the law says differently, this is what the committee is going to find. The committee's own language indicates that it is a change because the committee's language says, as just reported by the chairman of the committee, notwithstanding the ISTEA bill; that is, in spite of the ISTEA bill, this is the change we are going to make.

Mr. WARNER. Mr. President, my colleague from Montana is correct. I see my good friend from New Jersey standing. Why don't I ask him: Would not the result of what you are requesting be simply asking the Senate to go up the hill on rule XVI, turn around, and run down the hill?

Mr. LAUTENBERG. Mr. President, in deference to my friend and colleague from Virginia, I am going to decline to answer the question that he puts to frame my speech. After I deliver my message, then I will be happy to respond. Perhaps I will have covered the turnaround the Senator describes. I will wait until I get the floor before I take a question.

Mr. WARNER. I am happy to yield the floor and await with eagerness for a reply to my question.

Mr. LAUTENBERG. I hope the Senator has a glass of water there. I am going to deliver my missive.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, what we are seeing is much more a question of interpretation rather than a violation of the rule. Because the distinguished Senator from Virginia says we had agreed to a specific 10 percent, I think more accurately, in all due respect, is that we agreed to sums of money that added up to approximately 10 percent of the total funding. The programs that were detailed in the list that was going to be supported have grown, by the way. They have grown as the appropriations have grown for highway funding.

The one thing to which I want to return, and I am sorry our colleague from Alabama is not here because I want him to know I agree fully with what he has said thus far and the proposition that we are considering, and that is extra moneys that are found in the surplus go directly to the States to finance their programs as they see them.

It is funny because so often we have a debate about States rights and Big Brother Government and that kind of thing. But here we are, some of us find ourselves on opposite sides of the debate. The fact of the matter is that each State—and I want my colleagues to know this—is going to get more money. They are going to decide where the highway needs are in their States. They are going to decide what is critical, and they are going to decide it in a year in which the whole country is burdened with congestion. Those States will have those moneys to use for highway construction or as they see fit under their programs.

The fact we agreed to a series of programs at the time TEA 21 was developed, and though there was a lot of hard work—and I respect the work the Senator from Rhode Island and the Senator from Montana did on TEA 21—I disagreed with them. They knew it. I voted finally for the bill because they had some compromises thrown in. My State went from one level of funding in the formula to a lower level, when my State sends more money to this Federal Government than any State in the

country. They said: Frank, agree with us because we will take care of you in this program or that program to try to get a compromise.

Believe me, if I had the 50 other votes, I would not have agreed, but I did not have them. So I went along. It was not a happy day. It wasn't a happy day for New Jersey or this Senator who serves, by the way, on both the EPW Committee as well as the Appropriations Committee.

What we are seeing is a nuclear explosion in the middle of a chance to dynamite a new hole for a new road. I understand how jurisdictions want to be preserved, and I support that. But the fact is, I agree with the chairman of the subcommittee that this is our interpretation of how that money, how that surplus should be spent.

I point out to our colleagues who may be listening who are going to vote on this, every one of your States get more money directly for the programs on what your transportation commissioners, your Governors want to spend money. I do not know that we have heard from any Governors who have called up and said: Listen, don't give us that extra money, put it into those Federal programs. I do not think that message goes particularly well out there.

The message that does go well out there is your States get more money. All of the programs that were detailed in TEA 21 are fully financed as outlined in the original TEA 21 legislation, and each one of them has gotten more money as a result of the expanded funding available. So we are not cheating anybody. What we are saying is that as we see it, these funds should be distributed directly to the States, simplify it rather than winding up with I do not know how small the smallest change would be on the list of programs, but it would get down to relatively tiny sums of money. We give it to the States. It is done clearly and everybody understands it.

My friend from Virginia—this is my closing remark—talked about the ITS program that I worked so hard on, intelligent vehicles. Notice I never said intelligent drivers. Intelligent vehicles was a program I worked very hard to get.

New Jersey, I am told, gets $5 million, I say to the Senator from Virginia, out of that $211 million that we are devoting to intelligent transportation systems. New Jersey, though it deserves far more, only has a very small percentage of that. It was not New Jersey based. That was a program I felt strongly about for my country and for the benefit of those who drive across the highways and the byways of this great Nation, including reducing congestion wherever we can and expediting traffic flow. That is what that was. That was not a ''New Jersey special,'' I can assure the Senator.

I hope when all is said and done, and very often more is said than is done, we will have our colleagues' support and carry this bill. Let's get done with it. Yes, the debate was worthwhile having because our colleagues wanted it and we respect our colleagues, the Senator from Rhode Island, the Senator from Virginia, the Senator from Montana, but we differ with them. We have a job of getting this bill out and into the hands of those who are going to be using it for their construction needs in the next year, and we ought to move along with it as quickly as we can.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I want to talk about germaneness for just a minute. I know the point of order has not been made yet, but I want my colleagues to know that the Senators who could raise the rule XVI point of order are trying to characterize the bill's RABA provision as not germane to this bill. But before bringing this provision to the floor, we checked again with the Parliamentarian, and he indicated the defense of germaneness did, in fact, exist on this provision by virtue of legislative language in the House-passed text.

This language was not drafted with the goal of creating germane language. If my colleagues will recall, the rule XVI point of order was reestablished after this bill had been reported from committee and we did not need to modify the provision in order to make it germane. It is germane because it is germane, and it is consistent with rule XVI.

What my colleagues are asking—if they do this—is to rule against a provision that is clearly germane pursuant to existing Senate rules under rule XVI. I urge my colleagues to reject at that time, if that is done, that proposition and uphold the germaneness of this provision.

My colleagues have probably thrown a lot of smoke at you as to why you should not support the existing Senate appropriations provision, things such as preserving the genius of TEA 21. Some Western or public land States may get hurt under this provision, but do not let this confuse you.

Be careful, I would suggest, when Members argue jurisdiction and in the same breath claim that your State might—yes, I repeat, might—be disadvantaged by a provision, and then raise a point of order—if they do—rather than voting on the merits of the issue.

Why? Because what the Appropriations Committee has done is simple and straightforward and directly benefits every State. Let me be clear again. Every State will receive more money because of this provision because all the money will go directly to the States with fewer strings attached than it would otherwise.

In addition, the money will get to the States sooner, so they can tackle the most critical transportation problems without having to wait on some Washington bureaucrats to deem their problems worthy of Federal funding.

I believe it is clear that we cannot—yes, we cannot—always count on the Washington bureaucrats to be fair and impartial when making decisions about these discretionary highway funding issues.

In fact, I have here a General Accounting Office study—a copy of the study is on the desk—that shows that the Department of Transportation does not always follow its own policies when distributing discretionary highway funds and that the distribution process can be highly politicized.

The Appropriations Committee provision does not hurt Western or public land States in any way. Each of these States will have a guaranteed increase in highway funds, and they will get their money earlier. They can use these additional resources on public lands projects or whatever they want.

So why raise a point of order—if, in fact, they do—as I anticipate, instead of voting on the provision? Because the opponents know they are asking Members to vote against their own States' interests. They are hoping you will not see that if the vote is on the point of order.

What the Members objecting to the appropriations provision are asking you to do is forgo two birds in the hand, we might say, on the off chance that there might be a smaller bird in the bush somewhere else. Think about it. Not a very good deal, in this Senator's estimation, and not one which is in the best interests of any Senator's State. If you think so, check with your Governor in your State.

Mr. BAUCUS. Mr. President, will the Senator yield for a question?

Mr. SHELBY. I am glad to yield.

Mr. BAUCUS. Mr. President, the Senator says this legislation on his appropriations bill is germane because he says in the House bill there is language which redistributes the funds. Therefore, he says it is germane.

I ask the Senator if he could point out to me where that language is in the House bill. And let me say, before the Senator answers the question, that it is highly unlikely, as all Members of this body know, that such language exists, because the chairman of the Transportation Committee in the House, Mr. SHUSTER, would not stand for it.

So I would like, if the Senator could, for him to show me in his bill where——

Mr. SHELBY. Reclaiming my time, I want to answer that, if I may.

We have checked with the Parliamentarian. That is why we have a Parliamentarian here, among other things, for guidance at times. We have been told that the affirmative defense of germaneness would lie here because of the legislation.

Mr. BAUCUS. Could the Senator point out the language?

Mr. SHELBY. Because of H.R. 2084, the House bill, on page 15.

Mr. BAUCUS. Could the Senator cite the language?

Mr. SHELBY. Page 15. I will read it to you, the language, on page 15, where

it says: ''Federal-Aid Highways, (Liquidation of Contract Authorization), Highway Trust Fund).''

For carrying out the provisions of title 23, United States Code, 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.

That is the provision.

Mr. BAUCUS. Mr. President, I say, with all respect to my very good friend and colleague, that language refers to just spending the money that must be spent under ISTEA. There is no language there which addresses a reallocation of additional dollars. I must very respectfully say to my good friend, the language he cited does not in any way purport to do what he likes to say it does.

I just follow up by saying that what this comes down to is respect. We in the authorizing committee respect the job of the Appropriations Committee. They have a very difficult job. They do their work very well. I just hope the Appropriations Committee members will respect the work of the authorizing committee.

As the Senator from Virginia pointed out, there is a reason that this is a 6-year bill, that every year we do not come back and try to pass a highway bill. It is because of the nature of the beast. Highway legislation requires long-term planning. It does not make sense for this body to start going down the road—no pun intended—of starting to rewrite the highway bill every year in the Transportation Appropriations Committee. That is just bad public policy. It is the wrong thing to do. I think every Member knows it is the wrong thing to do, if he or she just stops to think about it.

I thank the Chair and my colleague very much, and particularly I thank my friend and colleague from Rhode Island, the leader of our committee, who is bringing this issue to our attention.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, in light of the discussion today about weather, indeed, the Appropriations Committee has gotten into the authorization area, let's just take a look at what has happened to this bill, what the major changes are.

There are some very substantial changes in this bill to TEA 21. What we are talking about is the additional money that is coming in. In that case, the additional money totals $1.5 billion. About $150 million of that has been set aside—has been in the past and would be, but for this legislation—for a series of programs that we thought were necessary—indeed, the whole Senate did, and the Congress did—for the good of our Nation.

So what are we talking about? We are talking about is that Indian reservation roads don't get a nickel. They don't get a nickel from the additional moneys under the proposal of the Appropriations Subcommittee on Transportation: Public land roads, not a nickel; park roads, not a nickel; refuge roads in our wildlife refuges, where we have had testimony that the roads are just in atrocious condition, desperately need money; the national corridor planning of the border infrastructure, where there is a lineup of trucks under NAFTA trying to come into the country, and we set aside money to give them some assistance; ferry boats and terminals, $2 million they would get from the funds but for the amendment of the Subcommittee on Transportation.

So there is no question but that there are major changes in this legislation by the Appropriations Committee, getting deeply into the territory where we spent months trying to work out a compromise in the authorization committee.

It is my understanding that all who wished to speak have spoken on this.

I now raise a point of order that the provision which begins on page 21, line 1, through line 11 on page 22, of the language added by the committee-reported bill is legislation on an appropriations bill in violation of rule XVI.

I ask my colleagues to stand with me and put a stop to the destructive practice of including legislation on appropriations measures.

Mr. GRAHAM. Mr. President, I rise today in support of the Rule XVI motion offered by my colleagues, Senators BAUCUS and CHAFEE.

The changes to the TEA 21 funding formulas included in the transportation appropriations bill are unacceptable. They will have a severe impact on the ability of the National Park Service, the Fish and Wildlife Service, and the Bureau of Indian Affairs to meet their responsibilities in managing our nation's public land trust.

The question we face today on this appropriations bill is one of many that will determine the answer to the larger question, can we live up to the legacy of our forefathers and protect our federal land trust?

We are beginning the third century of our nation's history. The first and second were highlighted by activism on public lands issues.

The first century was marked by the Louisiana Purchase, and added almost 530 million acres to the United States, which changed America from an eastern, coastal nation to one covering the entire continent.

The second century was marked by additions to the public land trust, led by President Theodore Roosevelt.

While in White House between 1901 and 1909, he designated 150 National Forests; the first 51 Federal Bird Reservations; 5 National Parks; the first 18 National Monuments; the first 4 National Game Preserves; and the first 21 Reclamation Projects.

He also established the National Wildlife refuge System, beginning with the Pelican Island National Wildlife Refuge in Florida in 1903.

Together, these projects equated to federal protection for almost 230 million acres, a land area equivalent to that of all the East coast states from Maine to Florida and just under one-half of the area purchased in the Louisiana purchase.

Roosevelt said, ''We must ask ourselves if we are leaving for future generations an environment that is as good, or better, than what we found.''

As we enter the third century of our history, we must again ask ourselves this question and take action to meet this challenge.

The action taken with the language in the Transportation Appropriations bill does not meet this challenge.

In 1916, Congress created the National Park Service:

. . . To conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.

The ''unimpaired'' status of our national parks and our refuges is at-risk. The language in the Transportation Appropriations amendment would reduce funds in the Federal Lands Highways Program by $1 million for the Fish and Wildlife Service; $12 million for the National Park Service; and $14 million for the Bureau of Indian Affairs.

The National Park System and the Fish and Wildlife Service have extreme needs for these funds. We are all aware of the infrastructure needs for transportation faced by Grand Canyon National Park that were highlighted in the August 20 USA Today. I ask unanimous consent that this article be inserted into the CONGRESSIONAL RECORD.

The Fish and Wildlife Service has similar needs within the National Wildlife Refuge System. Last year, in the state of Florida, the Wildlife Drive at the J.N. Ding Darling National Wildlife Refuge located on Sanibel Island, Florida was closed for over 2 weeks when one of the seven water control structures under the road was washed out by heavy rains.

After this incident, the Ft. Myers Daily editorialized on this subject, stating:

The Wildlife Drive is a huge success, a blessing to the old and infirm who can comfortably enjoy great recreation from their cars. It's a place where countless curious novices and bored children have been bitten by the bug of bird watching . . . And for all that, it is still a must on the list of world-traveled ornithologists . . . Fish and Wildlife [Service] needs to . . . fix this crown jewel of American ecotourism.

This article calls for action by the Fish and Wildlife Service. However, this is our responsibility. We, the Congress, must recognize the responsibility we have to maintain our public lands in the park system and the wildlife refuge system.

As we consider this motion, let us remember the challenge that President Theodore Roosevelt posed for us with his words, ''We must ask ourselves if we are leaving for future generations an environment that is as good, or better, than what we found.''

Mr. SHELBY addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. In relation to this point of order that has been raised, I raise the affirmative defense of germaneness.

The PRESIDING OFFICER. Under rule XVI and the precedents of the Senate, the Chair submits to the Senate the question for its decision, Is the provision challenged by the Senator from Rhode Island germane to language in the House bill H.R. 2084?

Mr. SHELBY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

The PRESIDING OFFICER. The yeas and nays having been ordered, the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) and the Senator from New Hampshire (Mr. GREGG) are necessarily absent.

Mr. REID. I announce that the Senator from Louisiana (Mr. BREAUX) is necessarily absent.

The result was announced—yeas 63, nays 34, as follows:

[Rollcall Vote No. 274 Leg.]

YEAS—63

Abraham	Fitzgerald	Lott
Akaka	Frist	Lugar
Allard	Gorton	Mack
Ashcroft	Gramm	McConnell
Bennett	Grams	Mikulski
Brownback	Grassley	Moynihan
Bryan	Hagel	Murray
Bunning	Harkin	Nickles
Byrd	Hatch	Reid
Campbell	Helms	Roberts
Cleland	Hutchinson	Rockefeller
Cochran	Hutchison	Roth
Collins	Inouye	Santorum
Conrad	Jeffords	Sessions
Coverdell	Kerrey	Shelby
Craig	Kohl	Snowe
DeWine	Kyl	Specter
Domenici	Landrieu	Stevens
Dorgan	Lautenberg	Thompson
Durbin	Leahy	Thurmond
Edwards	Lincoln	Torricelli

NAYS—34

Baucus	Feingold	Robb
Bayh	Feinstein	Sarbanes
Biden	Graham	Schumer
Bingaman	Hollings	Smith (NH)
Bond	Inhofe	Smith (OR)
Boxer	Johnson	Thomas
Burns	Kennedy	Voinovich
Chafee	Kerry	Warner
Crapo	Levin	Wellstone
Daschle	Lieberman	Wyden
Dodd	Murkowski	
Enzi	Reed	

NOT VOTING—3

Breaux	Gregg	McCain

The PRESIDING OFFICER. On this vote, the ayes are 63 and the nays are 34. The amendment is germane. The point of order falls.

Mr. LAUTENBERG. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. SHELBY. Mr. President, what is the pending business of the Senate?

The PRESIDING OFFICER. The pending amendment is amendment No. 1677 from the Senator from Washington, Mr. GORTON.

Mr. SHELBY. I ask unanimous consent that the amendment be temporarily set aside in order that the Senator from North Carolina, Senator HELMS, be recognized to offer an amendment.

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

AMENDMENT NO. 1658

(Purpose: Expressing the sense of the Senate that the United States Census Bureau should include marital status on the short form census questionnaire to be distributed to the majority of American households for the 2000 decennial census)

Mr. HELMS. Mr. President, I call up amendment number 1658.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from North Carolina [Mr. HELMS], for himself, Mr. DEWINE, Mr. ASHCROFT, Mr. ENZI, Mr. INHOFE, Mr. KYL, Mr. SMITH of New Hampshire, Mr. BROWNBACK, and Mr. NICKLES, proposes an amendment numbered 1658.

Mr. HELMS. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. ___. (a) FINDINGS.—The Senate makes the following findings:

(1) The survival of American culture is dependent upon the survival of the sacred institution of marriage.

(2) The decennial census is required by section 2 of article 1 of the Constitution of the United States, and has been conducted in every decade since 1790.

(3) The decennial census has included marital status among the information sought from every American household since 1880.

(4) The 2000 decennial census will mark the first decennial census since 1880 in which marital status will not be a question included on the census questionnaire distributed to the majority of American households.

(5) The United States Census Bureau has removed marital status from the short form census questionnaire to be distributed to the majority of American households in the 2000 decennial census and placed that category of information on the long form census questionnaire to be distributed only to a sample of the population in that decennial census.

(6) Every year more than $100,000,000,000 in Federal funds are allocated based on the data collected by the Census Bureau.

(7) Recorded data on marital status provides a basic foundation for the development of Federal policy.

(8) Census data showing an exact account of the numbers of persons who are married, single, or divorced provides critical information which serves as an indicator on the prevalence of marriage in society.

(b) SENSE OF SENATE.—It is the sense of the Senate that the United States Census Bureau—

(1) has wrongfully decided not to include marital status on the census questionnaire to be distributed to the majority of Americans for the 2000 decennial census; and

(2) should include marital status on the short form census questionnaire to be distributed to the majority of American households for the 2000 decennial census.

Mr. HELMS. Mr. President, Americans should be disturbed that the U.S. Census Bureau obviously no longer regards marriage as having any importance.

When the Census Bureau compiled its list of questions to be included in the 2000 decennial survey, the decision was obvious that it would be unnecessary and burdensome for the Bureau to include marital status in the census forms sent to the majority of American households.

So the Census Bureau decided to delete the marital status question from the census ''short form'' which it is called—which goes to approximately 83 percent of the American population—but continue to use the question on the ''long form''—which goes only to approximately 17 percent of the American population.

This will mark the first time since 1880 that the decennial census will not gather from the majority of the U.S. population, a count of those who are single, married, divorced, or widowed. This is especially disturbing, at least to this Senator, when one considers that the survival of the American culture is dependent upon the survival of the sacred institution of marriage. Moreover, marital status has heretofore regularly been viewed as vital information because there has always been great value placed in the institution of marriage.

It is irresponsible for the U.S. Government to suggest or imply that marriage is no longer significant or important, but that is precisely the message that will go out if marital status is eliminated from the short form by the Census Bureau.

However, Mr. President, the Census Bureau feels far differently when it comes to compiling statistics on various other things including race. The Census Bureau made it a top priority to learn the race of the majority of Americans; therefore the agency is asking, not one, but two questions relating to racial identity.

One can only speculate the reasoning behind this bizarre maneuver removing marital status from the short form, while asking two questions about race. It's important to remember that every year, more than $100 billion in Federal funding is awarded based on the data collected by the Census Bureau. Considering that American people will foot the bill on the Census Bureau's strange inclinations, should not Congress remind the U.S. Census Bureau that its job is not to seek out information to promote a social agenda.

For this reason, Mr. President, I am offering a sense-of-the-Senate amendment to the Transportation appropriations bill, expressing that the U.S. Census Bureau was wrong to eliminate

marital status from the census short form. The U.S. Census Bureau should include marital status on the short form census questionnaire—the one going out to the vast majority of Americans for the 2000 decennial census.

Unfortunately, most of the census short form questionnaires have already been printed without the important marital status question being included. Notwithstanding that, does not Congress have a moral obligation, as caretaker of America's culture, to set the record straight in emphasizing that marriage is still at the forefront of America's national survey?

I believe this sense-of-the-Senate resolution deserves careful consideration of all Senators, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I yield the floor. I thank the Chair.

Mr. SPECTER. 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. SHELBY. 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. SHELBY. Mr. President, I ask unanimous consent the Helms amendment, which I understand is the pending business, be temporarily set aside. We are trying to work on a time to vote on it a little later.

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

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

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

AMENDMENT NO. 1661

(Purpose: To make available funds for apportionment to the sponsors of primary airports taking account of temporary air service interruptions to those airports)

Mr. SHELBY. Mr. President, I ask the Chair to lay before the Senate amendment No. 1661.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Alabama (Mr. SHELBY), for Mr. DASCHLE, proposes an amendment numbered 1661.

Mr. SHELBY. 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:

At the appropriate place in the bill, insert the following new section:

SEC. ___. TEMPORARY AIR SERVICE INTERRUPTIONS.

(a) AVAILABILITY OF FUNDS.—Funds appropriated or otherwise made available by this Act to carry out section 47114(c)(1) of title 49, United States Code, may be available for apportionment to an airport sponsor described in subsection (b) in fiscal year 2000 in an amount equal to the amount apportioned to that sponsor in fiscal year 1999.

(b) COVERED AIRPORT SPONSORS.—An airport sponsor referred to in subsection (a) is an airport sponsor with respect to whose primary airport the Secretary of Transportation found that—

(1) passenger boardings at the airport fell below 10,000 in the calendar year used to calculate the apportionment;

(2) the airport had at least 10,000 passenger boardings in the calendar year prior to the calendar year used to calculate apportionments to airport sponsors in a fiscal year; and

(3) the cause of the shortfall in passenger boardings was a temporary but significant interruption in service by an air carrier to that airport due to an employment action, natural disaster, or other event unrelated to the demand for air transportation at the affected airport.

Mr. SHELBY. Mr. President, I am offering this amendment on behalf of Senator DASCHLE. It deals with airport eligibility. It has been cleared by both sides of the aisle. I see no opposition to it.

THE PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 1661) was agreed to.

AMENDMENT NO. 1663, AS MODIFIED

(Purpose: To express the sense of the Congress that the Administrator of the Federal Aviation Administration should develop a national policy and related procedures concerning the interface of the Terminal Automated Radar Display and Information System and en route surveillance systems for Visual Flight Rule (VFR) air traffic control towers)

Mr. SHELBY. Mr. President, I ask the Chair to lay before the Senate amendment No. 1663, as modified. This is an amendment I will be offering on behalf of Senator INHOFE dealing with the TARDIS program. It has been modified.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY], for Mr. INHOFE, proposes an amendment numbered 1663, as modified.

The amendment follows:

At the appropriate place in the bill, insert the following new section:

SEC. ___. TERMINAL AUTOMATED RADAR DISPLAY AND INFORMATION SYSTEM.

It is the sense of the Senate that, not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration should develop a national policy and related procedures concerning the interface of the Terminal Automated Radar Display and Information System and en route surveillance systems for Visual Flight Rule (VFR) air traffic control towers.

Mr. SHELBY. Mr. President, this amendment has been cleared by both sides. I urge its adoption.

THE PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 1663), as modified, was agreed to.

Mr. SHELBY. 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. ABRAHAM. Mr. President, I ask unanimous consent that the order for the quorum be rescinded.

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

Mr. ABRAHAM. I inquire of the Chair what the pending business before the Senate is.

The PRESIDING OFFICER. Two amendments have been set aside to the Transportation appropriations bill. Therefore, an amendment is appropriate at this time.

Mr. ABRAHAM. I am not here to present an amendment. I am interested in knowing if the pending amendment is the Gorton amendment.

The PRESIDING OFFICER. The Gorton amendment was the first amendment set aside.

Mr. ABRAHAM. I am interested in speaking on that amendment at this point, if that is in order.

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

AMENDMENT NO. 1677

Mr. ABRAHAM. Mr. President, there are a number of us on the floor who want to speak about this issue. Earlier we heard from the proponents of the amendment. They brought it to the floor at a time when those of us who opposed the amendment were not in position to respond. I know there is a desire, and we certainly are amenable, to get to a vote in the next hour and a half, or so. We would like to have an opportunity to present our side of this debate, at least for a reasonable period of time, and if there needs to be a further time agreement, then we will be able to enter into one.

I see Senator LEVIN on the floor and Senator ASHCROFT. I know they would like to follow. I ask unanimous consent that following my remarks, Senators ASHCROFT and LEVIN be permitted to speak prior to any other speakers on this amendment.

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

Mr. ABRAHAM. I thank the Chair.

Mr. President, I rise to oppose the amendment offered by Senators GORTON, FEINSTEIN, and BRYAN.

I oppose this amendment because it will impose an unnecessary and unacceptable burden on the working men and women of this country, and of my state in particular.

Throughout Michigan, men and women are working hard every day to produce the cars that make our economy and our nation move. They and their families depend on the jobs produced by our automobile manufacturing industry, just as the rest of us depend on the cars they produce.

But those jobs and Michigan's economy are jeopardized by efforts to increase standards for corporate average fuel economy or CAFE.

I have come to the floor because I want to make certain that my colleagues are aware of the extremely serious impact of increased CAFE standards, not just on Michigan, but on every state in the union. And make no mistake, increased CAFE standards are the intention of the amendment we are debating today, and will be the result should it be adopted.

The Federal Government currently mandates that auto manufacturers maintain an average fuel economy of 27.5 miles per gallon for cars, and 20.7 miles per gallon for sport utility vehicles and light trucks.

Since 1995 Congress has prohibited federal transportation funds from being used to unilaterally increase these standards. We have recognized that it is our duty, as legislators, to make policy in this important area of economic and environmental concern.

Now, however, a number of my colleagues are calling for an end to this congressional authority. This sense-of-the-Senate urges the Senate conferees to the Transportation appropriation bill to reject the House funding prohibition on raising CAFE standards.

It does not call for the Department of Transportation to study the benefits and costs of raising CAFE standards, as some proponents of this amendment have suggested. Rather, the amendment states: ''The Senate should not recede to section 320 of this bill, as passed by the House of Representatives, which prevents an increase in CAFE standards.''

Make no mistake and I reiterate this, if the House funding prohibition is stripped from this bill, the Department of Transportation will raise CAFE standards. Current law requires D.O.T. to set CAFE standards each year at the ''maximum feasible fuel economy level.'' And the Secretary is not authorized to just ''study'' CAFE. He must act by regulation to set new CAFE standards each year.

In 1994, the last year prior to the CAFE freeze, the administration began rulemaking on new CAFE standards. Department of Transportation's April 6, 1994 proposal referenced feasible higher CAFE levels for trucks of 15 to 35 percent above the current standard.

So let us be clear, this is not and never has been about a study. This proposed sense-of-the-Senate amendment is a precursor to higher CAFE standards on Sport Utility Vehicles and light trucks.

Mr. President, this action is misguided. It will hurt the working families of Michigan. It will undermine American competitiveness. And it will reduce passenger safety.

Higher CAFE requirements cost jobs. It really is that simple. Let me explain what I mean.

To meet increased CAFE requirements, automakers must make design and material changes to their cars. Those changes cost money, and force American manufacturers to build cars that are smaller, less powerful and less popular with consumers.

In addition, the National Academy of Sciences found that raising CAFE requirements to 35 mpg would increase the average vehicle's cost by about $2,500. And that is just a low-end estimate.

Japanese automakers have escaped these costs because sky-high gasoline prices in their home markets forced them to make smaller, lighter cars years ago. Increased CAFE requirements will continue to favor Japanese auto makers. And that means they will continue to place an uneven burden on American automobile workers.

Increased CAFE standards also reduce consumer choice, contrary to the assertions made in the earlier debate.

For example, the principal reason full sized station wagons have disappeared from the market is the need to meet fleet mileage requirements under the CAFE program.

Full-size station wagons, long popular with the American public, simply cannot be engineered economically to achieve high enough gas mileage to make them worth selling.

Consumers suffer when their choices are narrowed. and auto makers and their employees suffer when they are forced to make cars the public simply does not want.

In a statement before the Consumer Subcommittee of the Senate Commerce Committee, Dr. Marina Whitman of General Motors notes that in 1982:

> We were forced to close two assembly plants which had been fully converted to produce our new, highly fuel-efficient compact and mid-size cars. The cost of these conversions was $130 million, but the plants were closed because demand for those cars did not develop during a period of sharply declining gasoline prices.

This story could be repeated for every major American automaker, Mr. President. And the effects on our overall economy have been devastating.

The American auto industry accounts for one in seven U.S. jobs. Steel, transportation, electronics, literally dozens of industries employing thousands upon thousands of American depend on the health of our auto industry.

Our automakers simply cannot afford to pay the fines imposed on them if they fail to reach CAFE standards, or to build cars that Americans will not buy. In either case the real victims are American workers and consumers.

Nor should we forget, that American automakers are investing almost $1 billion every year in research to develop more fuel efficient vehicles.

Indeed, we do not need to turn to the punitive, disruptive methods of CAFE standards to increase fuel economy for American vehicles.

Since 1993, the Partnership for a New Generation of Vehicles has brought together government agencies and the auto industries to conduct joint research—research that is making significant progress and will bridge the gap to real world applications after 2000.

By enhancing research cooperation, the Partnership for a New Generation of Vehicles will help our auto industry develop vehicles that are more easily recyclable, have lower emissions, and can achieve up to triple the fuel efficiency of today's midsize family sedans. All this while producing cars that retain performance, utility, safety, and economy.

We have made solid progress toward making vehicles that achieve greater fuel economy without sacrificing the qualities consumers demand.

Finally, I wish to address the issue of vehicle safety. For a number of years now, the federal government has taken the lead in mandating additional safety features on automobiles in an attempt to reduce the number of lives lost in auto accidents.

How ironic to learn that federal CAFE requirements have been costing lives all this time.

The Competitive Enterprise Institute recently estimated that between 2,600 and 4,500 drivers and passengers die every year as a result of CAFE-induced auto downsizing.

USA Today, in a special section devoted to the issue of CAFE standards and auto safety, calculated CAFE's cumulative death toll at 46,000.

I ask unanimous consent that the July 2, 1999, USA Today series on CAFE be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From USA TODAY, July 2, 1999]

DEATH BY THE GALLON

(By James R. Healey)

A USA TODAY analysis of previously unpublished fatality statistics discovers that 46,000 people have died because of a 1970s-era push for greater fuel efficiency that has led to smaller cars.

Californian James Bragg, who helps other people buy cars, knows he'll squirm when his daughter turns 16.

''She's going to want a little Chevy Cavalier or something. I'd rather take the same 10 to 12 thousand bucks and put it into a 3-year-old (full-size Mercury) Grand Marquis, for safety.

''I want to go to her high school graduation, not her funeral.''

Hundreds of people are killed in small-car wrecks each year who would survive in just slightly bigger, heavier vehicles, government and insurance industry research shows.

More broadly, in the 24 years since a landmark law to conserve fuel, bug cars have shrunk to less-safe sizes and small cars have poured onto roads. As a result, 46,000 people have died in crashes they would have survived in bigger, heavier cars, according to USA TODAY's analysis of crash data since 1975, when the Energy Policy and Conservation Act was passed.

The law and the corporate average fuel economy (CAFE) standards it imposed have improved fuel efficiency. The average of passenger vehicles on U.S. roads is 20 miles per gallon vs. 14 mpg in 1975.

But the cost has been roughly 7,700 deaths for every mile per gallon gained, the analysis shows.

Small cars—those no bigger or heavier than Chevrolet Cavalier or Dodge Neon—comprise 18% of all vehicles on the road, according to an analysis of R.L. Polk registration data. Yet they accounted for 37% of vehicle deaths in 1997—12,144 people—according to latest available government figures. That's about twice the death rate in big cars, such as Dodge Intrepid, Chevrolet Impala, Ford Crown Victoria

''We have a small-car problem. If you want to solve the safety puzzle, get rid of small cars,'' says Brian O'Neill, president of the Insurance Institute for Highway Safety. The institute, supported by auto insurers, crash-tests more vehicles, more violently, than all but the federal government.

Little cars have big disadvantages in crashes. They have less space to absorb crash forces. The less the car absorbs, the more the people inside have to.

And small cars don't have the weight to protect themselves in crashes with other vehicles. When a small car and a larger one collide, the bigger car stops abruptly; that's bad enough. But the little one slams to a stop, then instantly and violently accelerates backward as the heavier car's momentum powers into it. People inside the lighter car experience body-smashing levels of force in two directions, first as their car stops moving forward, then as it reverses. In the heavier car, bodies are subjected to less destructive deceleration and no ''bounce-back.''

The regulations don't mandate small cars. but small, lightweight vehicles that can perform satisfactorily using low-power , fuel-efficient engines are the only affordable way automakers have found to meet the CAFE (pronounced ka-FE) standards.

Some automakers acknowledge the danger. ''A small car, even with the best engineering available— physics says a large car will win,'' says Jack Collins, Nissan's U.S. marketing chief.

Tellingly, most small-car crash deaths involve only small cars—56% in 1997, from the latest government data. They run into something else, such as a tree, or into one another.

In contrast, just 1% of small-car deaths—136 people—occurred in crashes with midsize or big sport-utility vehicles in '97, according to statistics from the National Highway Traffic Safety Administration, the agency that enforces safety and fuel-efficiency rules. NHTSA does not routinely publish that information. It performed special data calculations at USA TODAY's request.

Champions of small cars like to point out that even when the SUV threat is unmasked, other big trucks remain a nemesis. NHTSA data shows, however, that while crashes with pickups, vans and commercial trucks accounted for 28% of small-car deaths in '97, such crashes also accounted for 36% of large-car deaths.

Others argue that small cars attract young, inexperienced drivers. There's some truth there, but not enough to explain small cars' out-of-proportion deaths. About 36% of small-car drivers involved in fatal crashes in 1997 were younger than 25; and 25% of the drivers of all vehicles involved in fatal wrecks were that age, according to NHTSA data.

GAS SHORTAGE WORRIES

U.S. motorists have flirted with small cars for years, attracted, in small numbers, to nimble handling, high fuel economy and low prices that make them the only new cars some people can afford.

''Small cars fit best into some consumers' pocketbooks and drive-ways,'' says Clarence Ditlow, head of the Center for Auto Safety, a consumer-activist organization in Washington.

Engineer and construction manager Kirk Sandvoss of Springfield, Ohio, who helped two family members shop for subcompacts recently, says that's all the car needed.

''We built three houses with a VW bug and a utility trailer. We made more trips to the lumber yard than a guy with a pickup truck would, but we got by. Small cars will always be around.''

But small cars have an erratic history in the USA. They made the mainstream only when the nation panicked over fuel shortages and high prices starting in 1973. The 1975 energy act and fuel efficiency standards were the government response to that panic.

Under current CAFE standards, the fuel economy of all new cars an automaker sells in the USA must average at least 27.5 mpg. New light trucks—pickups, vans and sport-utility vehicles—must average 20.7 mpg. Automakers who fall short are fined.

In return, ''CAFE has an almost lethal effect on auto safety,'' says Rep. Joe Knollenberg, R-Mich., who sides with the anti-CAFE sentiments of his home-state auto industry. Each year, starting with fiscal 1996, he has successfully inserted language into spending authorization bills that prohibits using federal transportation money to tighten fuel standards.

Even if small cars were safe, there are reasons to wonder about fuel-economy rules:

Questionable results. CAFE and its small cars have not reduced overall U.S. gasoline and diesel fuel consumption as hoped. A strong economy and growing population have increased consumption. The U.S. imports more oil now than when the standards were imposed.

Irrelevance. Emerging fuel technologies could make the original intent obsolete, not only by making it easier to recover oil from remote places, but also by converting plentiful fuels, such as natural gas, into clean-burning competitively priced fuel.

And new technology is making bigger, safer cars more fuel efficient. The full-size Dodge Intrepid, with V–6 engine, automatic transmission, air conditioning and power accessories, hits the average 27.5 mpg.

''Improving fuel economy doesn't necessarily mean lighter, inherently less-safe vehicles,'' says Robert Shelton, associate administrator of NHTSA.

Cost. Developing and marketing small cars siphons billions of dollars from the auto industry. Small cars don't cost automakers much less to design, develop and manufacture than bigger, more-profitable vehicles. But U.S. buyers won't pay much for small cars, often demanding rebates that wipe out the $500 to $1,000 profit.

Consumers pay, too. Though small cars cost less, they also depreciate faster, so are worth relatively less at trade-in time. And collision insurance is more expensive. State Farm, the biggest auto insurer, charges small-car owners 10% to 45% more than average for collision and damage coverage. Owners of big cars and SUVs get discounts up to 45%. ''It's based on experience,'' spokesman Dave Hurst says.

CAFE has been ''a bad mistake, one really bad mistake. It didn't meet any of the goals, and it distorted the hell out of the (new-car) market,'' says Jim Johnston, fellow at the American Enterprise Institute in Washington and retired General Motors vice president who lobbied against the 1975 law.

HERE TO STAY

CAFE is resilient, although concern over its effect on small-car safety is neither new nor narrow.

A 1992 report by the National Research Council, an arm of the National Academy of Sciences, that while better fuel economy generally is good, ''the undesirable attributes of the CAFE system are significant,'' and CAFE deserves reconsideration.

A NHTSA study completed in 1995 notes: ''During the past 18 years, the Office of Technology Assessment of the United States Congress, the National Safety Council, the Brookings Institution, the Insurance Institute for Highway Safety, the General Motors Research Laboratories and the National Academy of Sciences all agreed that reductions in the size and weight of passenger cars pose a safety threat.''

Yet there's no serious move to kill CAFE standards.

Automakers can't lobby too loudly for fear of branding their small cars unsafe, inviting negative publicity and lawsuits. And Congress doesn't want to offend certain factions by appearing too cavalier about fuel economy. Nor, understandably, does it want to acknowledge its law has been deadly.

''I'm concerned about those statistics about small cars, but I don't think we should blame that on the CAFE standards,'' says Rep. Henry Waxman, D-Calif., who supported CAFE and remains a proponent.

Pressure, in fact, is for tougher standards.

Thirty-one senators, mainly Democrats, signed a letter earlier this year urging President Clinton to back higher CAFE standards. And environmental lobbyists favor small cars as a way to inhibit global warming.

Although federal anti-pollution regulations require that big cars emit no more pollution per mile than small cars, environmental activists seize on this: Small engines typical of small cars burn less fuel, so they emit less carbon dioxide.

Carbon dioxide, or CO_2, is a naturally occurring gas that's not considered a pollutant by the Environmental Protection Agency, which regulates auto pollution.

But those worried about global warming say CO_2 is a culprit and should be regulated via tougher CAFE rules.

Activists especially fume that trucks, though used like cars, have a more lenient CAFE requirement, resulting in more CO_2.

''People would be much safer in bigger cars. In fact, they'd be very safe in Ford Excursions,'' says Jim Motavalli, editor of E: The Environmental Magazine, referring to a large sport-utility vehicle Ford Motor plans to introduce in September. ''But are we all supposed to drive around in tanks? You'd be creating that much more global-warming gas. I demonize sport utilities,'' says Motavalli, also a car enthusiast and author of the upcoming book Forward Drive: The Race to Build the Car of the Future.

Not all scientists agree that CO_2 causes global warming or that warming is occurring.

SEEKING ALTERNATIVES

Worldwide, the market is big enough to keep small cars in business, despite the meager U.S. small-car market of 2 million a year. Outside the USA, roads are narrow and gas is $5 a gallon, so Europeans buy 5 million small cars a year; Asians, 2.6 million.

Automakers are working on lightweight bigger cars that could use small engines, fuel-cell electric vehicles and diesel-electric hybrid power plants that could run big cars using little fuel.

But marketable U.S. versions are five, or more likely 10, years off. That's assuming development continues, breakthroughs occur and air-pollution rules aren't tightened so much they eliminate diesels.

Even those dreamboats won't resolve the conflict between fuel economy and safety. Their light weight means they'll have the same sudden-stop and bounce-back problems as small cars. Improved safety belts and air bags that could help have not been developed.

IIHS researchers Adrian Lund and Janella Chapline reported at the Society of Automotive Engineers' convention in Detroit in March that it would be safer to get rid of the smallest vehicles, not the largest.

Drawing on crash research from eight countries, Lund and Chapline predicted that if all cars and trucks weighing less than 2,500 pounds were replaced by slightly larger ones weighing 2,500 to 2,600 pounds, there would be ''nearly 3% fewer fatalities, or an estimated savings of more than 700 lives'' a year. That's like trading a 1989 Honda Civic, which weights 2,000 pounds, for a '99 Civic, at 2,500 pounds.

Conversely, the researches conclude, eliminating the largest cars, SUVs and pickups, and putting their occupants into the next-size-smaller cars, SUVs and pickups would kill about 300 more people a year.

MARKET SKEPTICISM

U.S. consumers, culturally prejudiced in favor of bigness, aren't generally interested in small cars these days:

Car-buying expert Bragg—author of Car Buyer's and Leaser's Negotiating Bible—says few customers even ask about small cars.

Small-car sales are half what they were in their mid-'80s heyday. Just 7% of new-vehicle shoppers say they'll consider a small car, according to a 1999 study be California-based auto industry consultant AutoPacific. That would cut small-car sales in half. Those who have small cars want out: 82% won't buy another.

To Bragg, the reasons are obvious: ''People need a back seat that holds more than a six-pack and a pizza. And, there's the safety issue.''

That hits home with Tennessee dad George Poe. He went car shopping with teenage daughter Bethanie recently and, at her insistence, came home with a 1999 Honda Civic.

''If it would have been entirely up to me, I'd have put her into a used Volvo or, thinking strictly as a parent, a Humvee.''

Mr. ABRAHAM. Mr. President, even the National Highway Traffic and Safety Administration, which runs the CAFE program, has recognized the deadly effects of CAFE standards.

In its publication ''Small Car Safety in the 1980's,'' NHTSA explains that smaller cars are less crash worthy than large ones, even in single-vehicle accidents. Small cars have twice the death rate of drivers and passengers in crashes as larger cars.

And smaller light trucks will mean even more fatalities. These trucks and SUV's have higher centers of gravity and so are more prone to rollovers. If SUV and truck weights are reduced, thousands could die.

I believe it is crucial that we get the facts straight on the true effects of CAFE standards so that we can come to the only rational conclusion available: safe, economically sensible increases in gas mileage require cooperation and research and technology, not Federal mandates.

Therefore, I urge my colleagues to oppose the Gorton-Feinstein-Bryan amendment.

Mr. President, it is very simple. When Washington makes these dictates, when unelected bureaucrats make these decisions and impose them on an industry, the ramifications can and will be serious. We have seen that before in the auto industry. If this were to go forward, we would see it again. The autoworkers in my State and around this country, and the people who work in other industries that are related to the sale of automobiles, will have their lives in jeopardy, as well as their jobs in jeopardy, if we move in this direction.

Mr. SHELBY. Will the Senator yield for a UC request?

Mr. ABRAHAM. Let me conclude in 10 seconds.

For those reasons, I urge opposition to the amendment.

I yield the floor.

Mr. SHELBY addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. I ask unanimous consent that the vote occur on or in relation to the pending amendment at 6:40 p.m. with the time allocated as follows: 30 minutes under the control of Senator GORTON, 40 minutes under the control of Senator ABRAHAM, and 10 minutes under the control of Senator LEVIN. I further ask that no other amendments be in order prior to the 6:40 vote. I also ask that immediately following that vote, a vote occur on amendment No. 1658, with 2 minutes for explanation prior to the vote. I understand this request has been cleared.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SHELBY. Therefore, it is my understanding the next two votes will occur on a back-to-back basis at 6:40 p.m. this evening.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. I thank the Chair.

Mr. LEVIN. Will the Senator yield for an inquiry?

Mr. ASHCROFT. I certainly will.

Mr. LEVIN. Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not been ordered.

Mr. LEVIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. LEVIN. I thank my friend.

Mr. ASHCROFT. I thank the Senator from Michigan and the Chair. I also thank the Senator from Michigan, Mr. ABRAHAM, for his enlightening remarks about this important challenge we face—a challenge which would seriously undermine and erode America's competitive position in the production of automobiles.

I want to focus on a different aspect of the corporate average fuel economy debate.

Most Americans, if you talk about CAFE standards, think you will be talking about health standards in a restaurant or cleanliness in corporate a local coffee shop. In this particular setting, CAFE means average fuel economy. Basically, it is the average fuel economy of the car produced by a particular company. A company that had a car that had a very high corporate average fuel economy also would have to build very small vehicles because it takes less fuel to run a small vehicle than it does a large vehicle.

The concept of a corporate average fuel economy standard was developed during the oil crisis of the 1970s. It required automobile manufacturers to develop vehicles that could travel further with less gas. This was due to the shortage of the gasoline that had been imposed by the oil industry cartel which had curtailed the availability of energy resources to this country.

The CAFE standards at that time required automakers to maintain, fleetwide, an average fuel efficiency of 27.5 miles per gallon for cars and 20.7 miles per gallon for trucks.

This is how the CAFE standards got started. It was to try to help the United States get past the energy embargo imposed in the 1970s. It was not instituted—I repeat—it was not instituted for clean air purposes. Rather, it was adopted to conserve gasoline.

In fact, Federal regulations require that big cars emit no more pollution per mile than small cars. I have to confess, with all Americans, that our air is cleaner today than it was 5 years ago or 10 years ago, and we are pleased that we continue to make progress. The air continues to get cleaner and that is a good thing.

I will focus on the safety impact of increasing CAFE standards. In doing so, I will talk about the consequences of imposing CAFE standards—but not in terms of making sure we have enough gas to burn in the country because the embargo was lifted decades ago.

I want to focus on the safety aspects of what happens when you demand that cars get more and more efficient—that somehow they must be able to go farther and farther on a gallon of gas. It does not take any special level of intelligence, you do not have to be a rocket scientist to understand that in order to meet fuel economy standards, cars and trucks have to be made lighter. So in an effort to make cars go further on a gallon of gas, the cars and trucks had to be made lighter and lighter. Common sense tells us when a lighter and smaller vehicle is involved in an accident, passenger injuries will be more severe.

Since CAFE standards were enacted in the 1970s, the average weight of a new car has dropped by about 1,000 pounds. So if you look at the weight of a car as being protection—the protective barrier that surrounds a passenger—there is 1,000 pounds less of protection in the new car than in the cars prior to CAFE standards.

A recent study from the National Highway Traffic Safety Administration, the agency that administers CAFE standards, found that increasing the average weight of each passenger car on the road by 100 pounds would save over 300 lives annually. So if instead of decreasing the weight of cars

in order to reach higher levels of fuel economy we were to add 100 pounds to the weight of cars, we would save 300 lives every year.

We are really not debating whether or not we are going to add weight to cars; however, this is a debate over whether we are going to mandate that car manufacturers make cars out of lighter and lighter materials. When you do that, it has a cost in terms of the relatives of the Members of this body, our families and our constituents and our constituents families.

A number of studies have been conducted to determine the actual effect that the CAFE standards have had on highway safety. I want to emphasize that these studies are conducted by very credible agencies—agencies that would not be anticipated to try and develop information that would somehow support the car industry. The National Highway Traffic Safety Administration is a Federal agency that administers the CAFE standards. This agency is talking about the standards, which are its job to administer, when it says that if we could increase the weight instead of decrease the weight and we did so only by 100 pounds per vehicle, we would save 300 lives a year. One person a day, roughly, would be saved in America if we had slightly heavier cars. The Competitiveness Enterprise Institute found that of the 21,000 car-occupant deaths that occurred last year, between 2,600 and 4,500 of them were attributable to the Federal Government's new car fuel economy standards. We have between 2,500 and 4,500 people who don't exist anymore, who died because we have demanded lighter and lighter cars in order to meet the so-called CAFE standards, just last year.

That is from the Competitiveness Enterprise Institute. This is not from the car manufacturers. This is from an independent think tank.

A 1989 Harvard University-Brookings Institution study determined that the current CAFE standard of 27.5 miles per gallon is responsible for a 14- to 27-percent increase in annual traffic deaths. These are deaths—they argue that would not have happened but for the fact that the new car fleet must be downsized in order to meet the stricter standards. As long as 10 years ago, researchers at Harvard University and the Brookings Institution determined that the CAFE standards and the imposition of the CAFE standards then extant were responsible for between 1/7 and 2/7 of the increase in the annual traffic deaths—just that much of a reduction in the weight of cars.

So we have the National Highway Traffic Safety Administration, we have the Competitiveness Enterprise Institute, the Harvard University-Brookings Institution study. We have the National Academy of Sciences in this decade. This is not a wholly-owned subsidiary of GM, Ford, or Daimler-Chrysler.

The National Academy of Sciences 1992 study concluded that the downsizing of automobiles due to fuel economy requirements has a direct impact on passenger safety. That study found:

> Safety and fuel economy are linked, because one of the most direct methods manufacturers can use to improve fuel economy is to reduce vehicle size and weight.

I really don't want to pick at the National Academy of Sciences. It is not just one of the most direct methods used to boost fuel economy; it is a very important method.

The most troubling conclusion from the National Academy of Sciences study was:

> It may be inevitable that significant increases in fuel economy can occur only with some negative safety consequences.

We could go over the litany again: The National Highway Transportation Safety Administration, the Harvard University/Brookings Institution study, the Competitiveness Enterprise Institute, and the National Academy of Sciences—all of these organizations understand that it is not a cost-free operation to say we will save a few gallons of gas and sacrifice our citizens and their safety on the highways.

Continuing to quote the National Academy of Sciences:

> The CAFE approach to achieving automotive fuel economy has defects that are sufficiently grievous to warrant careful reconsideration of the approach.

I personally say we ought to carefully reconsider this approach. One study said in 1 year between 2,600 and 4,500 individuals died because we have mandated that car manufacturers lighten automobiles so substantially that they become death traps for the occupants. I think safety ought to be foremost in our consideration. When the National Academy of Sciences says we ought to reconsider the approach of lightening these cars by demanding more and more fuel economy, I think we ought to take that particular admonition seriously.

> The CAFE approach to achieving automotive fuel economy has defects that are sufficiently grievous to warrant careful reconsideration of the approach.

It is with that in mind that when the National Academy of Sciences says we ought to carefully reconsider this approach, I think we ought to reject attempts by Members of this body to extend this approach.

What is at the core of the National Academy of Sciences argument is this: They care about these lives that are lost on our highways, people who are riding in cars without adequate protection.

The proponents of this measure dismiss the safety considerations as if they are an aside. Frankly, in a setting where our environment continues to improve, where our air continues to get cleaner and cleaner, we ought to be careful about the number of people we are willing to put in jeopardy and at risk. We are not talking about risk of a stubbed toe or a hangnail; we are talking about situations where individuals lose their lives.

These standards, according to these studies—whether it is Harvard-Brookings, the Competitive Enterprise Institute, the National Highway Transportation Safety Administration, the National Academy of Sciences—are responsible for Americans losing their lives.

There are those in this body who want to make these standards even tougher, in the face of very clear predictions and a conceded understanding that to make these standards tougher means more and more people die on the highway. Based on experience and research, increasing CAFE standards to 40 miles per gallon—that is less than proposals supported by the President and Vice President of the country; they want to take the standards even higher than that—would cost up to 5,700 people their lives every year.

I am not even beginning to address the aspect of the government telling its citizens what kind of cars they should be driving. This is to say that we won't let people buy safe cars, we will make them unavailable, and 5,700 a year will lose their lives because we have decided that we know better what kind of car people should drive than people could know by making their choices in the marketplace.

I want you to know that this isn't all. I am pleased that Senator ABRAHAM submitted for the RECORD this particular item, which was a reprint from the USA Today: ''Death by the Gallon.'' I brought this particular chart to show that a USA Today analysis of previously unpublished fatality statistics that 46,000 people have died because of a 1970s-era push for greater fuel efficiency that has led to smaller cars.

As far as I am concerned 46,000 is 46,000 too many. But to think that we want to extend this so as to invite the deaths of as many as 5,700 more people a year by downsizing this container in which people travel called an automobile and lightening it to the extent that it provides no cushion of safety for people, or an inadequate cushion of safety, is a very serious proposal.

Forty-six thousand people have died due to the implementation of CAFE standards. Is it time to reexamine those standards, or is it time to expand those standards? Forty-six thousand angels looking at the Senate should be telling us: Reexamine; do not extend those. Forty-six thousand people is the equivalent in my State to Joplin, MO. The deaths of 46,000 people in my State would wipe out the entire town of Blue Springs, MO, or all of Johnson or Christian Counties.

The average passenger vehicle in 1975 was 14 miles per gallon; today it is 20 miles per gallon. That averages 7,700 lost lives for every gallon of increased fuel efficiency. I don't think 46,000 lives are worth it. I know they are worth more than that. I mean that is not worth the 46,000 lives.

I asked the Insurance Institute for Highway Safety to give me an opinion on raising CAFE standards and on the

impact it would have on highway safety. I will insert their response in the RECORD.

I ask unanimous consent to print this correspondence with the Insurance Institute for Highway Safety in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

INSURANCE INSTITUTE
FOR HIGHWAY SAFETY,
Arlington, VA, August 27, 1999.

HON. JOHN ASHCROFT,
U.S. Senate,
Washington, DC.

DEAR SENATOR ASHCROFT: This is in response to your letter of August 20 requesting information from the Institute about relationships between Corporate Average Fuel Economy (CAFE) standards and vehicle safety.

Although the relationships between CAFE standards and vehicle safety are difficult to quantify precisely, there is no question that the two are related because smaller/lighter vehicles have much higher occupant fatality rates than larger/heavier vehicles. But the safer larger/heavier vehicles consume more fuel, so the more ''safer'' vehicles a manufacturer sells the more difficult it becomes to meet the CAFE standards.

Institute analyses of occupant fatality rates in 1990–95 model passenger vehicles show that cars weighing less than 2,500 pounds had 214 deaths per million registered vehicles per year, almost double the rate of 111 deaths per million for cars weighing 4,000 pounds or more. Among utility vehicles the differences are even more pronounced: Those weighing less than 2,500 pounds had an occupant death rate of 330, more than three times the rate of 101 for utility vehicles weighing 4,000 pounds or more.

It is important to recognize that these differences are due to factors in addition to the greater risks to occupants of lighter vehicles in collisions with heavier ones. Even in single-vehicle crashes, which account for about half of all passenger vehicle occupant deaths, people in lighter vehicles are at greater risk. The occupant death rate in single-vehicle crashes of cars weighing less than 2,500 pounds was 83, almost double the rate of 44 for cars weighing 4,000 pounds or more. In the lightest utility vehicles the occupant death rate was 199, again more than three times the rate of 65 for utility vehicles weighing 4,000 pounds or more.

The key question concerning the influence of CAFE standards on occupant safety is the extent to which these standards distort the marketplace by promoting additional sales of lighter, more fuel efficient vehicles that would not occur if CAFE constraints weren't in effect. Because CAFE standards are set for a manufacturer's fleet sales, it seems likely that raising these requirements for cars and/or light trucks would encourage a full-line manufacturer to further subsidize the sale of its smaller/lighter vehicles that have higher fuel economy ratings. This would help meet the new requirements while continuing to meet the marketplace demand for the manufacturer's much more profitable larger/heavier vehicles. Obviously the potential purchasers of the larger/heavier vehicles are unlikely to be influenced to purchase subsidized small/light vehicles, but at the lower ends of the vehicle size/weight spectrum these subsidies likely would produce a shift in sales towards the lightest and least safe vehicles. The net result would be more occupant deaths than would have occurred if the market were not distorted by CAFE standards.

Sincerely,

BRIAN O'NEILL,
President.

Mr. ASHCROFT. The institute found that even in single-vehicle crashes, which account for about half of all passenger vehicle occupant deaths, single-car crashes, people in lighter vehicles are at greater risk. I think we could have figured that out. It is pretty clear from 46,000 deaths that that is understandable.

The letter also stated:

. . . the more ''safer'' vehicles a manufacturer sells, the more difficult it becomes to meet the CAFE standards.

So if a manufacturer tries to sell safer, heavier vehicles, it makes it impossible for them to meet the Federal standards.

I want to make one thing very clear. I believe in promoting cleaner air. I believe we should be environmentally responsible, and we are getting there. I don't believe we should do it at the risk of human lives. CAFE standards have killed people. They will continue to kill people because cars have been lightened to the extent that they don't protect individuals.

Consumers are not choosing small cars. They look at convenience and safety, and then they buy a larger automobile. According to a national poll, safety is one of the three main reasons for the popularity of sport utility vehicles. Small cars are only 18 percent of all vehicles that are on the road, yet they accounted for 37 percent of all the deaths in 1997. They are one out of every six vehicles on the road, and they are involved in more than one out of every three deaths on the highways.

Some argue these numbers are so high because the small cars are getting into accidents with the bigger SUVs. The data does not support that. Based on figures from the National Highway Transportation Safety Administration, only 1 percent of all small-car deaths involve collisions with midsize or large SUVs—1 percent. The real tragedy is that these cars are unsafe in one-car accidents or in accidents with each other.

Car-buying experts have said that only 7 percent of new vehicle shoppers say they will consider buying a small car. And according to that same source, 82 percent who have purchased small cars say they would not buy another. Safety-conscious consumers, whether they are my constituents in Missouri, or others, are purchasing larger automobiles, or sports utility vehicles. But now Washington wants to tell them what kind of car to buy, to disregard a value which they place on their own safety. We spend millions of dollars a year trying to make our highways safer: We fight drunk driving; we mandate seatbelt use; we require auto manufacturers to install airbags. Yet today we are being asked to support a policy to make our highways more dangerous and more deadly than ever before.

I urge my colleagues to reject this attempt to impose higher and higher CAFE standards. The attempt to impose higher and higher CAFE standards is clearly headed for a consequence of higher and higher levels of fatalities. We have seen data from the National Highway Transportation Safety Administration. We have seen data from the Harvard/Brookings Institution. We have seen data from the National Academy of Sciences. We have seen the kind of comprehensive review of data published in the USA Today. It is pretty clear, as the Competitive Enterprise Institute chimes in, that lightening cars—taking the strong substances out of the vehicle so that it goes farther for marginal gains in economy, results in more and more people dying.

I urge my colleagues to be sensitive to the fact that America can ill afford to elevate the carnage on our highways by eliminating the kind of substance in our vehicles that would be required if we were to adopt the amendment that is pending. So I urge them to reject the attempt to elevate CAFE standards and, in so doing, protect the lives of themselves and their families.

I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, the purpose of the amendment before us is very simply to increase CAFE, despite all the flaws with the CAFE system. This is not just a study as is being suggested. The purpose of this amendment is very clear from the wording of every single whereas clause and every resolve clause: it is to increase CAFE, despite the many flaws in the current CAFE system.

If anybody has any doubt about what the purpose of this amendment is, I urge them to read it, and particularly the last paragraph which urges the Senate not to recede to section 320 of the bill as passed by the House of Representatives, which prevents an increase in CAFE standards.

Now, some have said all this amendment does is provide for a study. Well, this is a study whose results have been prejudged and preordained, by the authors of this amendment, because there is not one word in this amendment about safety concerns, as the Senator from Missouri and my colleague from Michigan have talked about, or about the increase in the number of deaths which have resulted from CAFE. Those are not our allegations but safety experts' allegations. There is not one word in this amendment about the loss of American jobs and the discriminatory impact of CAFE against domestic production. I will get into that in a moment.

This isn't just a study we are talking about. The sense-of-the-Senate resolution specifically says that the Senate should not recede to a section in the House bill which prevents an increase

in CAFE standards. It doesn't say anything about not receding to a section which prevents a study. It doesn't talk about a study which looks at highway safety, impact on domestic employment, favoritism toward imports, discriminatory impacts on domestic manufacturers and workers. It doesn't talk about that at all. There is not a word about any of these issues in this amendment—only about increasing the CAFE standards.

There are many flaws in the CAFE approach. My colleagues have already gone into some of those flaws at length. But first I want to again quote, very briefly, from the National Academy of Sciences' automotive fuel economy study, so that people don't think opposition to this amendment comes only from folks who have a lot of automobile production in their State—although we do and we are proud of it, and we are determined that it be treated fairly and sensibly. We surely stand for that, and we do so proudly. But this is the National Academy of Sciences speaking here. The National Academy of Sciences said the following in this automotive fuel economy study:

The CAFE approach to achieving automotive fuel economy has defects that are sufficiently grievous to warrant careful reconsideration of the approach.

''Defects that are sufficiently grievous.'' There is not a word about studying those defects in this amendment. I have looked really hard through this amendment. I read it a couple of times this afternoon. I can't find anything about studying those defects that are ''sufficiently grievous,'' according to the National Academy of Sciences—that they should be part of the study. The purpose of this resolution is to increase CAFE, to bring about the result that CAFE is increased.

Now, why not do that? Why not increase CAFE? Sure, let's just increase the number from 20 to 25, or 30 to 35, or 35 to 40. Why not? We will save fuel. The answer is, because there are a number of other considerations that have to be looked at, which weren't looked at when this CAFE system was put into place. CAFE has had a discriminatory impact on the domestic industry and has had a horrendous effect on safety and resulted in the loss of thousands of lives.

Now, the safety issue has been discussed this afternoon, but I want to just highlight one or two parts of it, although the Senator from Missouri has just spoken to it. There was a USA Today study. This isn't an auto industry study. This isn't an auto supplier study. This isn't the UAW study. This is a study by USA Today looking at statistics on automobile highway deaths.

Here is what the USA Today study found. They found that in the 24 years since a landmark law to conserve fuel was passed, big cars have shrunk to less-safe sizes, and small cars have poured on the road, and, as a result, 46,000 people have died in crashes. They would have survived in bigger, heavier cars, according to the USA Today analysis of crash data since 1975 when the Energy Policy and Conservation Act was passed. The law and the corporate average fuel economy standards it imposed have improved fuel efficiency. The average passenger vehicle on U.S. roads gets 20 miles per gallon versus 14 miles per gallon in 1975. But the cost has been, roughly, 7,700 deaths for every mile per gallon gained, this analysis shows.

Is it worth looking at fuel economy? Of course it is. Is it worth looking at 46,000 deaths? Is it worth putting that on the scale and at least looking at it? It sure ought to be. There is not a word about that in this resolution, nothing about safety. We are told this amendment is only about a study. Well, if so, it is the most one-sided study I have ever seen.

Now, it has been argued: Wait a minute, aren't these deaths the result of small cars running into big vehicles? Again, the study answers that. Tellingly, it says most small-crash deaths involve only small cars—56 percent in 1997, from the latest Government data. They run into something else, such as a tree, or into one another. In contrast, just 1 percent—according to this article—of small-car deaths occurred in crashes with midsize or big sport utility vehicles in 1997, according to statistics from the National Highway Traffic Safety Administration, according to the agency that enforces the safety rules.

That is one of the major problems with CAFE—the safety problem, the loss of life.

There are other problems as well. I would like to spend a few of the minutes allotted to me to talk about the discrimination of this system against domestic production. One of the many problems with CAFE is that it looks at the entire fleet. It looks at the average of the manufacturers' fleet. That fleet could be predominantly small in size. It could be predominantly medium in size. It could be predominantly large in size. It doesn't make any difference what your mix is; you must meet the same corporate fleet average.

If you have produced, for instance, historically many small vehicles, then because of the way the CAFE rules are jiggered, there are no effective limits on how many large vehicles you can sell. But if historically you have produced larger vehicles, then it has a tremendous impact on your production and a penalty for the production of more.

The result of this is that if, as in the case with the imports, you have focused on lighter vehicles rather than the heavier vehicles, which are very much now in demand, CAFE has no effect whatsoever on your production or on your sales. But if you are a domestic manufacturer that has focused on the larger vehicles, it has a huge effect on you and on the number of jobs you might have.

There is no logic or fairness to that kind of approach. CAFE didn't say you have to increase by 10 percent the efficiency of your light vehicles, or your medium-size vehicles, or your heavier vehicles. It says: Take your whole fleet together and reach a certain standard.

Some people say: Well, aren't the imports more fuel efficient? The answer is no. Pound for pound, there is no difference between an imported vehicle and a domestic vehicle. A domestic vehicle is probably a little bit more fuel efficient.

Take two vehicles of the same size. Take a GM and Toyota pickup truck—the GM Sierra, and the Toyota Tundra. They both weigh about the same. These are their highway ratings: 18 miles per gallon for the GM vehicle, and 17 miles per gallon for the Toyota vehicle. The GM vehicle is more fuel efficient than the Toyota. These are the same size vehicles. Now we are comparing apples and apples—not fleet averages which are apples and oranges, but apples and apples. The city rating is the same thing. The GM Sierra has a 15-miles-per-gallon rating. The Toyota Tundra has a 14-miles-per-gallon rating.

So the discriminatory impact does not have anything to do with the efficiency of vehicles of the same size since, if anything, the domestic vehicle is at least as efficient as the import when you compare the same size vehicles.

Then where is the discriminatory impact? The discriminatory impact arises because the import manufacturers have tended to focus on the smaller vehicles instead of the larger vehicles. They have room to sell as many large vehicles as they want without any impact. CAFE does not affect them. Any manufacturer that has focused on the smaller vehicles instead of the larger suffers no impact when CAFE goes up.

Let's go back to that Tundra and that Sierra. How many more vehicles could General Motors sell? These are the same size vehicles. With the GM vehicle being slightly more fuel efficient than the Toyota vehicle, how many more can GM sell under CAFE? None. How many more can Toyota sell? Over 300,000 more.

Does that do anything for the air? It is costing American jobs. It doesn't do a thing for the air. All it does is tell people if they want to buy a vehicle, a large vehicle, they have to buy the imported vehicle, and not the domestic one. The domestic manufacturer is penalized if it is produced under the CAFE approach.

CAFE was designed in a way—I don't think intentionally, and I pray to God it wasn't—but it was designed in a way which has a discriminatory impact on the domestic producer because of the way in which their fleets happened to be designed historically—because of the type of cars they sold historically—and not because the imported vehicle is more fuel efficient. It isn't.

These numbers are typical. If you have two vehicles of equal size, one import and one domestic, they are about the same in terms of fuel efficiency.

So when you increase CAFE, all you are saying is buy an import. That is what this thing drives people to do. The import manufacturer isn't penalized. There is no limit effectively on how many larger vehicles the import manufacturers can sell. It bites on the domestic manufacturers—not on the imports. That is a huge effect on jobs in America, with no advantage to the air.

Do we think it does good to the air to tell people to buy yourself a Tundra instead of a Sierra? Does that do anything for the air? Quite the opposite. It hurts the air. The Tundra is not as fuel efficient as the Sierra. Yet there is no penalty whatsoever under CAFE for the import manufacturer selling basically an unlimited number of heavy vehicles.

We have a system in place now which has had a very negative effect on safety and an increase in the number of highway deaths. These are not our figures but figures of people who are on the outside looking at the statistics of the highway safety folks. It has had a negative effect in terms of domestic versus imports, which is discriminatory.

Again, I want to emphasize this. It is a very important point. Some people think the imports are more fuel efficient. They are not.

It is the key point. They are not more fuel efficient—slightly less; if I had to characterize—there is no difference, basic difference, pound for pound.

What does this amendment do? It expands the current system. We have CAFE; let's increase the CAFE standards. Let's not even look at impact on safety, increased highway deaths, or discriminatory impact on domestic production. That is not referred to in this amendment. Just fuel. That is it.

But CAFE's discriminatory impact takes such a narrow vision, a narrow view on jobs in America. I hope this amendment is defeated. It is pointing in a very narrow direction, in a direction which ignores the discriminatory impact on jobs in America. It ignores safety issues and focuses on one piece of an issue, ignoring totally the other parts.

Finally, the Government and the private sector or private industry have put together a partnership for new vehicles. This partnership is focusing on new technologies and new materials, trying to see if we cannot find ways to have larger vehicles with higher fuel economy. This partnership is looking at lightweight materials, advanced batteries, fuel cells, hybrid electric propulsion systems; experimental concepts sometimes, but things which will—in a cooperative way—achieve the kind of goal which CAFE theoretically was aimed at achieving.

This partnership approach for a new generation of vehicles is working. It is in operation now. It is the right way to go. The Government contribution to this partnership has been about $220 million a year. The private sector's annual contribution to this partnership has been slightly under $1 billion a year. We have this investment in a partnership, in a new generation of vehicles which is aimed at achieving significant improvements in fuel efficiency without the downsides, which have been described here—the negative safety impacts and the negative effects on domestic production. That partnership is now in its fourth year. We should allow that partnership to proceed. It is on a cooperative track, aimed at achieving goals without such negative side effects.

I hope the Senate will reject this resolution and will keep on the partnership track which is being so productively followed.

I yield the floor.

Mr. BURNS. Mr. President, I rise today in opposition to the pending resolution that will give the Department of Transportation the green light to raise CAFE standards. According to the proponents of the resolution, the amendment just lets DOT ''study'' the issue. I am concerned that is not accurate. The DOT has already recommended up to a 35 percent increase in light truck standards.

The CAFE program has been in place for 25 years. We know this program doesn't work. We know this program has not reduced America's dependence on foreign oil. In fact, America's dependence on foreign oil has increased from 35 to 50 percent.

Pollution controls on today's automobiles have driven down pollution levels in this nation. It's the older automobiles that have been targeted—it's the folks who cannot afford to buy a new $30,000 fuel efficient car. Believe it or not Mr. President, but a 1982 Chevy pickup is a very popular vehicle on Montana's highways. We can't expect to make new cars affordable if we make them more expensive by driving up the cost of these new cars through increased government regulation.

Fuel economies in vehicles have been reduced as a result of manufacturer efforts. Since 1980, light trucks fleet fuel economy has increased by nearly 2.5 miles per gallon. Passenger car fleet fuel economy has increased by nearly 4.5 miles per gallon.

In my state of Montana, we are very highway dependent. Our roadways are our only means of transportation. We cannot efficiently rely on transit modes of transportation. Montana is also dependent on vehicles that have adequate clearance and power for roads that are not up to the standard of a paved highway. We have farmers, ranchers, outdoorsmen and sportsmen that use these roads often.

CAFE standards have failed to achieve their goals. Despite these standards, oil imports are up and Americans continue to drive more miles annually than they did in the 1970s. CAFE standards force automakers to produce many smaller, lighter vehicles to increase fuel economy. Studies have demonstrated an increase in highway injuries and deaths as a result.

We know it's not government regulation that drives fuel economy. Rather competition drives fuel economy. That is why I will not support this amendment.

Ms. MIKULSKI. Mr. President, I oppose the Gorton amendment on CAFE standards. I oppose lifting the freeze on CAFE standards because it would hurt American workers, American consumers and our economy.

First, if we raise CAFE standards—we lose American jobs. More and more American workers are building larger cars and sport utility vehicles. That's because these are the cars that Americans want to buy. But if we raise CAFE standards, U.S. car makers will be forced to build smaller cars. That means higher costs—for new equipment, new product lines, new tests. I'd rather see these resources used to leapfrog to new technologies that make cars safer and more efficient.

Meanwhile, our foreign competitors won't have to do anything. They won't face new costs. So by raising CAFE standards, we'll put American workers at a competitive disadvantage with their foreign competitors.

Second, raising the CAFE standards means fewer choices and higher prices for American consumers. Americans are buying larger cars and SUVs because they're safer and better fit their families' needs. So by raising CAFE standards, consumers will have fewer large cars to choose from. They'll also face higher prices—since manufacturers will pass on their higher costs.

Finally, we cannot forget the reason why so many Americans are buying larger cars—because they are safer. If we have more small cars on the road, we will likely have more injuries and fatalities that result from car accidents.

We need to save America's economy, America's jobs and American lives. I urge my colleagues to join me in rejecting this effort to lift the freeze on CAFE standards.

● Mr. MCCAIN. Mr. President, unfortunately I will not be present when the Senate votes on the amendment offered by Senators GORTON, BRYAN, and FEINSTEIN. The amendment expresses the sense of the Senate that it should not recede to the House position of prohibiting the Department of Transportation from preparing, proposing or promulgating any regulation regarding Corporate Average Fuel Economy (CAFE) standards for vehicles.

As my colleagues know, I have been and will continue to be a proponent of the CAFE program. The fuel conservation goals embodied in the original CAFE standards are still important. However, I would not support the amendment offered today. CAFE is an extremely complex issue. It involves a

delicate balance between environmental, safety and economic concerns. CAFE standards need and deserve the full attention of the Congress.

The structure of the CAFE statute appears to no longer make sense in light of the current auto market. For example, the statute draws a distinction between non-passenger vehicles, essentially light trucks and sport utility vehicles (SUVs), and passenger vehicles. The statute establishes a default standard for passenger vehicles and allows the Department of Transportation to adjust the level up or down based upon certain criteria.

The statute does not establish a standard for light trucks. Instead, the agency sets the standard at its discretion based upon criteria in the statute. One of the reasons for the distinction was the size of the non-passenger vehicle market. At the time the CAFE was enacted, light trucks and SUVs represented approximately 15 percent of the market. Now, they are approximately 50 percent of the market. In some states like my home state of Arizona they represent more than 54 percent of new car sales. I question the wisdom of allowing an agency sole discretion over the fuel economy standards of 50 percent of the auto market without any guidance from Congress.

In 1992, the National Research Council conducted what is considered to be the most comprehensive study of the CAFE program. In the executive summary of that report, the study committee made the following statement ''[I]n this committee's view, the determination of the practically achievable levels of fuel economy is appropriately the domain of the political process, not this committee.'' The Committee rightly concluded that many of the issues surrounding CAFE involve tradeoffs that are public policy decisions, not a simple scientific conclusion. It is my intent to follow this advice and bring this debate back to Congress to determine how we should approach fuel economy standards as we enter the new millennium.

As chairman of the Senate Commerce Committee, it is my intention to hold hearings on CAFE early next year to examine this structure. Over the next few weeks, I will contact the Department of Transportation, the General Accounting Office, environmental groups, the major automobile manufacturers and the highway safety groups to solicit their views and begin the process of examining the statute.

Some of my colleagues argue that we should allow the Department of Transportation to move forward on a parallel track with the legislative process. I disagree with this argument for two reasons. First, the rule making process will further polarize and distract all of the parties on a specific proposal before consideration is complete on substantive changes to the law. Second, should a legislative solution be crafted, the agency, as well as interested members of the public will have wasted time and resources developing and responding to a standard, which will never be implemented.

Mr. President, I look forward to holding hearings on this matter and, I look forward to the participation of my colleagues on both sides of this issue as we move forward.●

Mr. ABRAHAM. I inquire how much time remains for the various sides?

The PRESIDING OFFICER. The Senator from Michigan, Mr. LEVIN, has 1 minute; the Senator from Michigan, Mr. ABRAHAM, has 19 minutes and the Senator from Washington has 30 minutes.

Mr. ABRAHAM. I know there may be other speakers on our side. As I indicated earlier, the proponents of the amendment had over an hour to initially make their case. We agreed to a time agreement that gives less than that in terms of bringing it up to balance. I don't want to run any more time off of our clock at this stage.

I ask unanimous consent that time during a quorum call run off the time of the Senator from Washington.

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

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

The PRESIDING OFFICER (Mr. SMITH of Oregon). Without objection, it is so ordered.

Mr. GORTON. Mr. President, it is often said, I think accurately, that what differentiates human beings from most other animals, most other mammals, is the extraordinary ability of human beings to learn from experience. Yet on the floor of the Senate this afternoon we have heard eloquent statements opposing this current amendment that indicate that experience is of no value to some Members and to some of their arguments.

Mr. President, 25 years ago the predecessors of the opponents to this amendment repeatedly stated on the floor of the Senate, as well as in the hearing rooms of the Senate, that to require more fuel-efficient automobiles and small trucks was to endanger the safety and the lives of the American people and to sentence them to driving in subcompacts and sub-subcompacts.

There are only two differences between the circumstances of the argument in 1974 and the circumstances of the argument in 1999. The first of those differences is that all of the arguments of those who opposed setting higher fuel efficiency standards for automobiles and small trucks made in 1974 were proved dramatically to be in error. At one level, the most important of those arguments was that people would no longer have choice; they would all be forced into smaller automobiles. Here it is 25 years later. We know that is not the case. The requirements imposed in 1974 were, for all practical purposes, completely met within a period of 6 years, and the course has been essentially flat since that day.

Every single day of the week, every year, 7 days a week, 365 days a year, the people of the United States save 3 million gallons of gasoline. Multiply 3 million gallons by $1.50 a gallon. That is $4.5 million. They pollute the air less; they spend less money; they contribute less to our international trade deficit that continues to grow year after year. And, second, our highways are far safer now than they were then. Traffic deaths per million miles driven have declined by more than 50 percent in the years since those fuel efficiency standards were imposed on the American people. Yet we hear some of the same arguments being made over and over again.

But there is another difference between the argument in 1999 and the argument in 1974. In 1974, the Senate was debating whether or not to allow specific new standards to go into effect. In 1999, we are arguing whether or not to allow the Federal Government to engage in a proceeding that determines whether or not new and more fuel-efficient standards are appropriate and achievable. So in addition to ignoring history and experience, the opponents have to say that they oppose knowledge, that they oppose even a vitally important study of if and how much fuel efficiency standards can be improved, consistent with safety and consistent with the economic well-being of the American people.

While I have not heard every word that has been stated on this floor in opposition to this bill, it does seem to me there is at least a minor difference. There does not seem to have been a claim that more fuel-efficient cars will not benefit the environment that is to say, to cause us to have cleaner air and fewer emissions into our air. Whatever the debate was in 1974, that is not a statement now. Nor has any one of our opponents stated that it is a poor idea to save the American people millions of dollars a day in their bill for motor vehicle fuel. Nor have they made any statement that somehow or another our huge trade deficit, largely caused by imported petroleum products, is a matter to which we as Americans should be indifferent.

Almost all of their argument has been on the safety issue. But it has been on the safety issue in the teeth of the experience of the American society, and it has been on the safety issue in the teeth of the proposition that if we carry out the policies contained in this amendment, this sense-of-the-Senate resolution, we are not automatically going to impose new fuel efficiency standards. We are simply going to go into an orderly process to determine whether or not new standards are feasible and, if so, how strict they should be and, if so, how long it should take to implement them.

I find it breathtaking that Members of the Senate should say, no, we don't want that knowledge. We are not even willing to wait until some specific standards are proposed and specific knowledge gained to debate whether or not the imposition of those standards is worthwhile.

No, we want the Senate to vote to stay ignorant, not even to learn what good public policy might be and what any of the offsets to that good public policy might be as well.

Mr. President, I am not a great fan of the current national administration, but I do not think anything irrevocable is going to take place in the next year, in any event, and certainly not over the objections of the Congress of the United States. But I am not so mistrustful of a group of professionals that I am willing to say even to this administration we should not allow them to examine this issue. Incidentally, this freeze has gone through Republican administrations, as well as Democratic administrations, in any event.

No, there are only two arguments being made against this amendment. The substantive argument is that we should ignore history and believe arguments in 1999 that were made in 1974 and shown to be entirely invalid in 1974; and second, the proposition that we should remain ignorant, that this is not important enough, not significant enough to the American people that we should even begin a process of determining whether or not we can clean up our air, make our cars more fuel efficient, become less dependent on foreign oil, and at the same time, increase the safety standards in our automobiles.

The debate is neither more complicated nor less complicated than just that. It should be understood by everyone, and I plead with my colleagues in this body to allow this process to go forward and to debate a real proposal, not a theoretical set of objections that were invalid in 1974 and are equally invalid in 1999.

Mr. FEINGOLD. Mr. President, I rise in support of the sense-of-the-Senate resolution on fuel economy standards. This resolution has been controversial in my state, and I believe its effect on automobile fuel economy standards has been misunderstood by some. I want to make my position clear: though I will vote in favor of this resolution, I have reservations about some of the language it contains, reservations I made known to the amendment sponsors.

My vote today is about Congress getting out of the way and letting a federal agency meet the requirements of federal law originally imposed by Congress. I will support this resolution because I am concerned that Congress has for 5 years now blocked the National Highway Traffic Safety Administration, NHTSA, part of the Federal Department of Transportation, from meeting its legal duty to evaluate whether there is a need to modify fuel economy standards by legislative rider since Fiscal Year 1996. The resolution simply says the Senate should not recede to Section 320 of the House bill.

I believe that the outcome of any assessment of fuel economy standards needs should not be pre-judged. I am concerned that the wording of this resolution needlessly fails to be fully neutral. It tips too far toward saying that the result of an assessment should be a quote increase unquote in fuel economy standards. I have made no determination about what fuel economy standards should be. NHTSA is not required under the law to increase fuel economy standards, but it is required to examine on a regular basis whether there is a need for changes to fuel economy standards. NHTSA has the authority to set new standards for a given model year taking into account several factors: technological feasibility, economic practicability, other vehicle standards such as those for safety and environmental performance, and the need to conserve energy. I want NHTSA to fully and fairly evaluate all the criteria, and then make an objective recommendation on the basis of those facts. I will expect them to do that, and I will respect their judgement. After NHTSA makes a recommendation, if it does so, I will then consult with all interested parties—unions, environmental interests, auto manufacturers, and other interested Wisconsin citizens about their perspectives on NHTSA's recommendation.

However, just as the outcome of NHTSA's assessment should not be prejudged, the language of the House rider certainly should not have so blatantly pre-judged and precluded any new objective assessment of fuel economy standards. Section 320 of the House bill states:

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.

The House language effectively prevents NHTSA from collecting any information about the impact of changing the fuel economy standards in any way. Under the House language, not only would NHTSA be prohibited from collecting information or developing standards to raise fuel economy standards, it couldn't collect information or develop standards to lower them either. The House language assumes that NHTSA has a particular agenda, that NHTSA will recommend standards which can't be achieved without serious impacts, and uses an appropriations bill to circumvent the law's requirements to evaluate fuel efficiency and maintain the current standards again for another fiscal year. I cannot support retaining this rider in the law at this time.

The NHTSA should be allowed freely to provide Congress with information about whether fuel efficiency improvements are possible and advisable. Congress needs to understand whether or not improvements in fuel economy can and should be made using existing technologies. Congress should also know which emerging technologies may have the potential to improve fuel economy. Congress also needs to know that if improvements are technically feasible, what is the appropriate time frame in which to make such changes in order to avoid harm to our auto sector employment. I don't believe that Congress should confuse our role as policymakers with our obligation to appropriate funds. Changes in fuel economy standards could have a variety of consequences. I seek to understand those consequences and to balance the concerns of those interested in seeing improvements to fuel economy as a means of reducing gasoline consumption and associated pollution.

I deeply respect the views of those who are concerned that a change in fuel economy would threaten the economic prosperity of Wisconsin's automobile industry. Earlier this year I visited Daimler Chrysler's Kenosha Engine plant and I met with union representatives from the Janesville GM plant. In those meetings I heard significant concerns that a sharp increase in fuel economy standards, implemented in the very near term, will have serious consequences. I want to avoid consequences that will unduly burden Wisconsin workers and their employers. In the end, I would like to see that Wisconsin consumers have a wide range of new automobiles, SUVs, and trucks available to them that are as fuel efficient as can be achieved while balancing energy concerns with technological and economic impacts. That balancing is required by the law. At its core this resolution does not disturb that balance, but I wish the language had been more neutral, so that all concerned could be more confident that the process is neutral. In that spirit, I fully expect NHTSA to proceed with the intent to fully consider all those factors.

In supporting this resolution, I take the position that the agency responsible for collecting information about fuel economy be allowed to do its job, in order to help me do my job. I expect them to be fair and neutral in that process and I will work with interested Wisconsinites to ensure that their views are represented and the regulatory process proceeds in a fair and reasonable manner toward whatever conclusions the merits will support.

Mr. CHAFEE. Mr. President, I am pleased to join in support of the Gorton-Feinstein sense-of-the-Senate resolution which would allow the Department of Transportation to evaluate and update the Corporate Average Fuel Economy (CAFE) standards. For the past four legislative sessions, a rider has been attached to the transportation bills to prevent evaluations of CAFE. This year, 31 Senators signed a letter to President Clinton urging him

to support their efforts to increase CAFE standards. We are not here today to raise the standards but merely to allow the Department of Transportation to consider the potential benefits and costs of existing or future CAFE standards.

CAFE standards were originally enacted in response to the oil crisis of the 1970s and were adopted in 1975 to reduce oil consumption. Currently the standard for new passenger cars is 27.5 miles per gallon and for light trucks is 20.7 miles per gallon. CAFE standards have had the effect of making cars and trucks more energy efficient than they would have been without the standards. As such, energy efficiency, decreased oil consumption, and global climate change are intertwined.

Global climate change is an issue that has been quite contentious in international and domestic circles alike, however, the undeniable scientific truth exists that the burning of fossil fuels and emissions from mobile sources results in the emission of numerous greenhouse gases: the major contributor being carbon dioxide. A study on the impacts of CAFE has the potential to lessen the impact of automobile emissions into the environment based on the directly proportional relationship of a cars' miles per gallon and the amount of carbon dioxide emissions produced. The Department of Energy reported in 1997 that transportation accounts for more than two-thirds of U.S. oil consumption and comprises about one-third of U.S. carbon dioxide emissions. The increase in sales of less fuel efficient SUVs and light trucks has and will continue to result in growing energy consumption and related emissions in the transportation sector. CAFE standards are regarded by many as an effective way to reduce greenhouse gas emissions from automobiles.

The bottom line today is that the emissions of greenhouse gases must be reduced. We must develop industrial practices and means of transportation which are less dependent on fossile fuels. Allowing a reevaluation of CAFE standards is one way to start.

Mr. LIEBERMAN. Mr. President, I rise today to voice my strong support for the bipartisan effort to remove yet another anti-environment rider from an important appropriations bill. This rider, which is attached to the House Transportation Appropriations bill, would prohibit the Department of Transportation from even considering an increase in the corporate average fuel economy standard (CAFE). This rider would prevent DOT from evaluating, in any way, the cost-effectiveness and pollution-prevention dividends that could result from requiring greater fuel efficiency from cars and trucks.

I am particularly concerned with this anti-CAFE rider, in part, because it is another in a long line of riders designed to limit our government's ability to consider meaningful, appropriate, effective, and economical strategies to combat local and regional air pollution as well as global climate change.

More than 117 million Americans live in places where smog makes their air unsafe to breathe. Nearly one-third of this pollution, which aggravates respiratory diseases, especially among vulnerable groups such as children, asthmatics, and the elderly, is emitted from car and truck tailpipes.

Cost-effectively protecting people's health by improving local air quality requires that we consider each of the sources that contribute to the pollution problem. It just makes sense that any efficient, fair, and reasonable pollution prevention strategy should consider all sources of pollution, including vehicles.

There are many ways to address pollution from cars and trucks. For example, more rigorous emissions limits are currently being proposed by the Environmental Protection Agency. Efficiency standards represent another approach. The original CAFE standards have helped keep fuel consumption nearly 30 percent lower than if CAFE had not been implemented. Efficiency standards led to dramatic improvements in other sectors as well, such as major appliances. The purpose of the clean air resolution is not to mandate one approach over another but to allow the Administration to explore the benefits and costs of all the options.

From a global perspective, there is a growing scientific and international consensus that air pollution, largely caused by burning fuels such as coal and oil, is causing changes in the earth's climate. I believe that America has a moral obligation to meet the tremendous challenge of climate change head on rather than leaving a bigger problem for our children and grandchildren.

As the world's biggest emitter of the pollution that contributes to climate change, the United States has the responsibility to lead the international community toward a solution. And because our cars and trucks currently represent nearly one-third of America's greenhouse gas emissions, and projections suggest that our miles driven will increase by roughly 2% a year through the next decade, vehicle emissions are a big part of a giant challenge.

A recent report by the Alliance to Save Energy, the American Council for an Energy Efficient Economy, and several other groups, found enhanced CAFE standards to be an essential part of a comprehensive strategy to address global climate change. The study found that increased CAFE standards could be part of a plan to achieve a 10% reduction in carbon dioxide emissions while creating 800,000 jobs and saving $21 billion annually in reduced oil imports.

Improving the gas mileage of the cars and trucks we drive would provide many other benefits to both the consumer and the country. Whereas less money spent at the pump means more money in Americans' pockets, less money spent at the pump also means less dependence on unpredictable imported oil.

Unfortunately, there is an active misinformation campaign underway opposing the clean air resolution and CAFE standards. Chief among the claims is that the CAFE standards we have had for the last 25 years kill people. This is a ludicrous argument underpinned by contorted misinterpretations of long-since refuted assumptions. One simple observation puts CAFE opponents faulty logic to rest: since CAFE standards were adopted in 1973, the number of deaths per mile driven have been cut in half. The increased safety of our vehicles is largely attributable to material and design improvements that increase fuel efficiency at the same time they improve acceleration, braking, handling, durability and crashworthiness.

Finally, I would alert my colleagues to a poll released yesterday regarding fuel efficiency standards. The poll, which was conducted by the Mellman Group for the World Wildlife Fund, indicates that 72% of sport utility vehicle (SUVs) owners believe that minivans and trucks should be held to the same efficiency standards as passenger cars. In addition, nearly two-thirds SUV owners support Congressional action to require equitable emissions requirements for cars and light trucks.

The clean air resolution introduced today by Senators GORTON, FEINSTEIN, BRYAN, and REED ensures that enhanced CAFE standards are on the menu of options when the Department of Transportation considers the implications of vehicle efficiency for local, regional, and global air pollution, consumer protection and satisfaction, and energy security. I encourage my colleagues to support the clean air resolution.

The PRESIDING OFFICER. Who seeks time?

Mr. BRYAN. Mr. President, I will be happy to yield to the distinguished Senator from Michigan if he wants to make a response to my friend from Washington, and then I would like to ask the Senator from Washington after such time as the Senator from Michigan speaks that I might be reserved a little time.

Mr. ABRAHAM. Mr. President, I have been informed we have Members on our side who still want to speak, so I have been holding our remaining time for them. I do not want to put the Senator from Washington and the Senator from Nevada in the position of exhausting all of their time before we have rebuttal. I inquire as to how much time remains?

The PRESIDING OFFICER. The Senator has 19 minutes and the Senator from Washington has 11 minutes 45 seconds.

Mr. BRYAN. May I inquire, if the Senator is not going to go forward, as I understand the unanimous consent

agreement, when we are in a quorum call, all of the time is charged to our side. I certainly am not trying in any way to preempt the comments the Senator wants to make, but if we go back into the quorum call, it seems we will have it charged to our side.

Mr. GORTON. Mr. President, rather than sitting here doing nothing, will the Senator from Michigan allow the Senator from Nevada to speak and it be charged against the time both are not using equally?

Mr. ABRAHAM. I will make some comments then. I wanted to clarify the amount of time we have, and we will see if other Members come down. Let me do the following: I will suggest the absence of a quorum and suggest the time be taken off my time while I prepare to make these comments.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. ABRAHAM. 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. ABRAHAM. Mr. President, I will make some brief remarks in response to some of the comments that have been made by the Senator from Washington and others, as well as to elaborate on some of my earlier remarks today.

First, I point out that with respect to the safety issues, the question is not whether on a cumulative basis there have been fewer fatalities since the implementation of CAFE standards. The question is what the consequence is or the correlation is between fatalities and CAFE standards.

Since 1975, on a variety of fronts, safety efforts have gone forward to protect passengers and drivers in motor vehicles ranging from the introduction of airbags to State laws which require the use of seatbelts, primary laws that require the use of seatbelts to the introduction of countless child safety and passenger protection activities and child safety seats. One cannot draw that correlation.

What one can, of course, do is follow the studies of USA Today and the National Academy of Sciences that try to determine what the direct effects of CAFE have been, and those effects are quite clear. As the Senator from Missouri and my counterpart, my colleague from Michigan, have indicated, the conclusion is the direct consequence of CAFE standards has been an increase in fatalities since 1975 of an estimated 46,000 people who lost their lives as a consequence of CAFE standards because of the lighter vehicles and the less safe vehicles that CAFE has fostered.

Mr. President, I note the Senator from Ohio is here. He wishes to speak, and I yield up to 5 minutes to him.

Mr. DEWINE. Mr. President, I thank my colleague from Michigan. I join in his comments. We have heard talk on the floor about the environment. I want to talk, though, about another aspect of this, and it is the aspect my friend from Michigan has just been talking about. That is the question of highway safety.

I vehemently oppose this amendment. We are dealing with a question of lives. The basic facts are that heavier cars, heavier vehicles are safer, and the statistics are absolutely abundantly clear.

I will share some statistics with the Members of the Senate so everyone knows exactly on what we are voting.

An analysis by the Insurance Institute shows that cars weighing less than 2,500 pounds had 214 deaths per million vehicles per year. That is almost double the rate of vehicles that weigh 4,000 pounds or more. For vehicles that weigh 4,000 pounds or more, the death rate was 111 per million. For cars weighing less than 2,500 pounds, that was 214 deaths per million. It is double, absolutely double the figure.

The reality is that the majority of car fatalities in this country today occur in single vehicle crashes. To determine what costs lives and what does not, it is essential and important to look at single car weights and death rates.

I share another statistic with my colleagues, again, to emphasize what we are saying.

This is not just an ''environmental issue.'' This is not just an ''easy environmental vote.'' This is a question of life and death that we can measure.

Among utility vehicles, the results are even more pronounced. For those weighing less than 2,500 pounds, the death rate per million was 83. That was almost double the rate of 44 for cars weighing 4,000 pounds or more. So again, under 2,500 pounds for utility vehicles, the death rate was 83 per million; but for cars weighing 4,000 pounds or more, it was only 44 per million. Again, it is double the rate.

In the lightest utility vehicles, the occupant death rate was 199; again, in this case, more than 3 times the rate of 65 for utility vehicles weighing 4,000 pounds or more.

In conclusion, I join my colleague from Michigan. He is absolutely correct. This vote is about a lot of different things. I am sure we can talk about the environment, we can talk about many things, but the one thing we know is that lighter vehicles mean more people die; heavier vehicles mean more people live. It is as simple as that.

So if the Congress makes this decision and says we should artificially mandate and tell the American consumer, you need to be driving in lighter cars because Washington knows best, when we do that, when the arm of the Federal Government comes in and does that, it is not an academic exercise. It is not just the freedom to choose a car or a vehicle that people lose; what we lose are human beings.

Make no mistake about it. If this resolution prevails, ultimately, through the Congress, more people will die. The statistics are absolutely abundantly clear. And that is exactly what this vote is about. It is not an academic exercise. It is not an academic vote. It is not a free environmental vote one way or the other. This is about people living. This is about people dying.

I thank my colleague from Michigan and yield the floor.

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

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

PRIVILEGE OF THE FLOOR

Mr. DEWINE. I ask unanimous consent that Arthur Menna, a congressional fellow on my staff, be given floor privileges for the remainder of the debate on the Transportation appropriations bill.

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

Mr. DEWINE. 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. ABRAHAM. 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. ABRAHAM. I yield to the Senator from Oklahoma such time as he may consume on this issue.

Mr. NICKLES. Mr. President, I thank my colleague from Michigan, Senator ABRAHAM, as well as Senator DEWINE from Ohio, for their statements. They are exactly right. I do not need to repeat their statements, but I think it is vitally important that they prevail in beating this amendment.

I hope my colleagues will pay attention. This is not an esoteric amendment. As the Senator from Ohio said, there are lives at stake. Do we really think we can have a big increase in the corporate average fuel economy standards mandated on sport utility vehicles without having economic consequences?

There are going to be consequences. Vehicles may cost more. It is quite likely they will have to reduce the weight of the vehicles. The vehicles will not be as safe.

We are superimposing Government wisdom on manufacturers and on consumers. The sales of these vehicles are going quite well because consumers want them. Nobody is forcing them to buy them. Yet if we come up with a Government-mandated higher fuel economy standard, presumably with the idea that this is going to be more fuel efficient, it may make the vehicles more expensive. It may make the vehicles more unsafe. It may cost lives. It

has significant economic consequences on families.

So I urge my colleagues to defeat the amendment that is pending. I again compliment my friends and colleagues, including Senator LEVIN, as well as Senator ABRAHAM and Senator DEWINE, for their excellent statements.

Mr. President, I yield the floor.

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. Mr. President, if I might inquire of the Chair, how much time remains?

The PRESIDING OFFICER. The Senator's side has 11 minutes 45 seconds.

Mr. BRYAN. If I might inquire of the Senator who controls the time—we have approximately 11 minutes left—would the Senator from Washington be amenable to allowing the Senator from Nevada to use, say, 6 minutes?

Mr. GORTON. Yes. The Senator from Washington will be delighted if the Senator takes that time.

Mr. BRYAN. I thank the Senator from Washington.

Mr. President, I understand that in the most famous debating institution in the world, and in the history of civilization, differences of opinion can arise on matters of public policy. That is what this place is all about. But I have to tell you, I find the amount of hysteria engendered by this issue to be absolutely astonishing.

In a series of ads put out by the industry, we have one now that talks about: ''Farming's tough enough with healthy-size pickups. Imagine hauling feed barrels around in a subcompact.'' That implies that this amendment we are proposing will be antithetical to the best interests of America's farmers.

We have an ad involving the soccer moms and dads: ''This picture is brought to you by a fantastic soccer team and a minivan just big enough to handle them.'' The clear inference is, if we allow the Department of Transportation to examine these standards, some soccer moms are not going to be able to take their kids to soccer games.

Then we have an ad: ''As a small business owner, my truck and I are joined at the hip. An increase in CAFE would put both of us out of business.''

May I say, with great respect to our friends on the other side of the aisle, many of whom are good friends I greatly respect, this is utter nonsense. This is just plain nonsense.

I will repeat, as I did earlier, the thrust of what this resolution does. It mandates no standard, no increase. The resolution simply says the issue of CAFE standards should be permitted to be examined by the Department of Transportation so that consumers may benefit from any resulting increase in the standards as soon as possible. It is permissive only; it mandates nothing.

During the time 1989 to 1995, when this technology gag rule was not in effect, during those 6 years, there was no increase in CAFE standards for automobiles, and with respect to light trucks it was 1 percent. So I think that is a pretty clear indication that nobody is going to rush to judgment.

The other thing that needs to be understood, it seems to me, is the Department of Transportation has some very comprehensive guidelines they must consider in any review. Among those factors are: Is it technically feasible? Is the technology there? The economic practicability, the effect of other Federal motor vehicle standards on fuel economy, and the need of the Nation to conserve, all of which would be open to the rulemaking process in which the industry and their supporters would have an ample opportunity to respond.

Let me try to respond briefly to the safety issue. And my friend from Michigan has indicated to me he would allow me to engage him in a colloquy for a couple questions. I appreciate his courtesy, as always.

From 1970 through 1999, the highway fatality rate in America has gone down. At the same time, fuel economy is up. That is at the same time that many more vehicles are on the highway, with a great amount of additional traffic congestion. The average motorist is driving more each year.

So the notion that somehow this is anathema to health and safety standards simply, in my judgment, does not bear out scrutiny. Indeed, an objective study by the General Accounting Office concluded that the unprecedented increase in the proportion of light cars on the roads since the 1970s has not increased the total highway fatality rate.

I think the safety issue is somewhat of a red herring. We are all concerned about safety. Nobody on the floor is going to advocate that the industry make and sell a product which is unsafe, and one would have to assume that the industry itself would not put such a product on the market.

Let me also point out that with respect to the fuel achievements we have had in terms of increased efficiency from 1974 to the 1989 timeframe, 86 percent of those improvements were as a result of new technology. This information comes to us from the Center for Auto Safety. It seems to me the clear and compelling evidence is that safety and fuel economy standards are not mutually exclusive. We can do both.

All we are saying is that those who choose to purchase sport utility vehicles, my son and daughter-in-law being two, should have the same right as other motorists who select other passenger vehicles to derive the benefits of improved technology. I have great confidence in what the industry can do, notwithstanding the prophecy of doom they forecast in 1974 that everybody would be driving around in a sub-subcompact or a vehicle the size of a Maverick or a Pinto. Indeed, the industry did some astonishing things and doubled the fuel economy. Today's Lincoln Town Car gets better fuel economy than the smallest product that the Ford Motor Company manufactured in 1974.

If I could engage my friend from Michigan in a couple of questions. He is a distinguished lawyer, a graduate of Harvard Law School. I ask him: Is there anything in this resolution, in the opinion of the distinguished Senator from Michigan, that in any way mandates an increase in these standards. We may disagree in terms of whether the technology is available.

The PRESIDING OFFICER. The time of the Senator from Nevada has expired.

Mr. GORTON. I yield the Senator 2 more minutes.

Mr. ABRAHAM. I thank the Senator from Nevada for his confidence in my legal skills. As I read the sense-of-the-Senate resolution which has been proposed, it says, in its concluding section, the resolution section:

> It is the sense of the Senate that the issue of CAFE standards should be permitted to be examined by the Department of Transportation.

And then in subsection (2):

> The Senate should not recede to section 320 of this bill, as passed by the House of Representatives, which prevents an increase in CAFE standards.

Now, if we do not include that provision, if the sense-of-the-Senate resolution were to prevail and that were to be the ultimate outcome and section 320 as contained in the House version of the legislation were to not survive the conference and the final resolution of the legislation, it is my understanding that we would then revert back to the process which is in the law otherwise, which, by my understanding of it, mandates that the Department of Transportation, under 49 USC subtitle 5 part (c) section 32902, required that the Department of Transportation set CAFE standards each year at ''the maximum feasible average fuel economy level.''

I believe that is what would happen at the Department of Transportation. The Secretary of Transportation is not authorized to just study CAFE. He must act by regulation to set new CAFE standards each year. That has not happened because of the moratorium which has been imposed over recent years, since 1995. Prior to the CAFE freeze in 1994, the administration began rulemaking on new CAFE standards. On April 6 of 1994, again, in the last year—I don't want to take all the Senator's time; I will try to be quick—the proposal referenced feasible higher CAFE levels for trucks of 15 to 35 percent above the current standard.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ABRAHAM. My sense, reading the history of this, is that is where the starting point would be. I believe, in effect, if we do not have this, if this is not in place, that that would be the mandated effect.

Mr. BRYAN. Will the Senator from Michigan yield a few minutes of his time so I may follow up with a question?

Mr. ABRAHAM. How much time do we have?

The PRESIDING OFFICER. The Senator from Michigan has 5 minutes. The Senators from Washington and Nevada have 3.

Mr. ABRAHAM. What I would propose is that by unanimous consent, the Senator from Nevada be able to make further inquiry without reducing his time below 3 minutes or my time below 5 minutes, a reasonable amount of time.

Mr. BRYAN. If the Senator from Washington is agreeable, I think that is fair.

Mr. ABRAHAM. That would leave 5 minutes and 3 minutes for summation.

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

Mr. BRYAN. Would the Senator not agree that before any increase could be effected by the Department, that the Department is, under the current law, required to consider four factors: the technical feasibility, the economic practicability, the effect of other motor vehicle standards on fuel economy, and the need of the Nation to conserve energy? Would not the Senator agree that that is part of the law as well?

Mr. ABRAHAM. Obviously, the law sets forth criteria that are to be employed. I don't have those in front of me. I will accept the contention of the Senator from Nevada that those are the criteria. The question is whether a prejudgment as to the outcome is already ordained. In my judgment, the positions that were already in process in 1994, prior to the implementation of the moratorium, suggest that those decisions 5 years ago had already essentially resulted in a preliminary decision to increase the standards by 15 to 35 percent. If, in effect, the moratorium does not go forward, I believe we would, indeed, be moving a process that will mandate this kind of increase.

Mr. BRYAN. I thank the Senator for his answer. We obviously have reached a different conclusion.

I point out to my friend and colleague from Michigan that we had precisely the situation in 1989 to 1995. The technology gag rule was not in effect and, indeed, no increase was made during that period of time with respect to automobile standards. And only a very modest increase was made with respect to the light truck standards.

I hope that will give some comfort to him and to those who have raised some concerns that this is not a mandate but simply permissive in nature.

Again, I thank the Senator from Michigan and yield the floor but reserve the remainder of the time that is allocated to our side.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Does this Senator from Michigan have any time remaining?

The PRESIDING OFFICER. The Senator from Michigan has 1 minute.

Mr. LEVIN. I thank the Chair.

Let me quickly comment on the question of highway deaths. The study of USA Today is that 46,000 people have died in crashes that would have survived in larger cars. I have not heard that fact disputed. We have seen a chart which shows that there are fewer highway deaths and that we have better fuel economy, but that chart doesn't show the two are causally connected.

Indeed, the fewer highway deaths may come from seatbelts, a greater effort on the anti-alcoholism campaign, Mothers Against Drunk Drivers, a number of other causes. But the outside figure, not the auto industry, not the unions, not the supplier, not the insurance industry, which opposes this amendment, the outside survey done by USA Today says 46,000 people lost their lives who would not have lost their lives but for this CAFE approach.

When we look at the resolution, we don't see any reference to safety. We don't see any reference to the discriminatory impact on domestics that have a different mix in their fleets. We only see a reference to fuel. That is the one factor at which this resolution looks.

Then at the end it makes it very clear what it is driving at—talking about driving. This resolution is aimed at one thing: to increase CAFE standards. This isn't just ''let's have a study, look at the impact on safety, look at the discriminatory impact on domestic production.'' This isn't just let's have a study. This is the sense of the Senate that the Senate should not recede to a House provision which prevents an increase in CAFE standards, not which prevents a study. This resolution, by every single provision in its whereas clauses, is driving us towards an increase in CAFE standards, without consideration of safety impacts or the discriminatory impact on domestic production.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. Mr. President, I believe I have 5 minutes remaining?

The PRESIDING OFFICER. The Senator has 5 minutes.

Mr. ABRAHAM. There are other opponents on my side who wish to speak. Let me summarize with a few concluding remarks.

I want to first reiterate what my colleague from Michigan, Senator LEVIN, has said. A chart that shows the correlation between increases in CAFE and decreases in fatalities is not based on a study that relates the two. The studies that do relate the two, particularly as he said, the outside study by the National Academy of Sciences, suggest a contrary finding. In fact, the implementation of CAFE standards has led to approximately 46,000 lost lives as a consequence of the lighter vehicles being in our fleets.

The second point I make relates to the broader point that also was made earlier by my colleague from Michigan. Higher CAFE standards are going to affect American manufactured products, but not necessarily the products of our competitors from overseas. Hence, the same kind of vehicles, with virtually the same types of fuel efficiency levels, as well as the same types of emission levels, will be purchased by the same market that wants and craves these vehicles today. The only difference will be the kind of difference we saw back in the late 1970s and early 1980s and throughout much of the decade of the 1980s when we found the foreign imports' share of the American market continuing to go up, at the expense of American domestically manufactured products, and ultimately at the expense of American autoworker jobs.

In summation, this is simple to me: Do we want to put at risk the safety of people who will be purchasing sports utility vehicles, light trucks, and others by making a change in CAFE standards? I hope the answer is no. Do we want to risk the jobs of American autoworkers? I speak not just for those autoworkers in Michigan, who tend to be on the front lines, but many other people in this country who are working in related industries and whose jobs are affected by the sale of domestically manufactured automobiles. Do we want to put at risk all of these jobs? I don't think so. Do we want to risk the investments made by the auto companies in new, more fuel-efficient vehicles, and the significant investments that we have made in the partnership for a new generation of vehicles? Do we want to derail those efforts as a result of this type of action?

In my judgment, we should say yes to more safe vehicles; we should say yes to American autoworkers; we should say yes to the technological advances that have been and are continuing to be made. That is ultimately how we are going to have more fuel-efficient vehicles. If we say yes to all of those, then, in my judgment, we must say no to this amendment because to have a Washington bureaucracy made up of unelected individuals who impose upon this very significant sector of our economy these kinds of standards, the likely outcome will be exactly the opposite of what I have proposed today. I think it will hurt our economy and the American automobile industry, although it may help the automobile industries of other countries. I think it will make the vehicles that come about as a result of higher standards less safe, as the studies that we have cited here today demonstrate.

So for those reasons, I urge my colleagues to vote against the Gorton-Bryan-Feinstein amendment.

Before I conclude, I ask that a letter produced by the United Auto Workers be printed in the RECORD at this point as an expression of their views on this issue, which are consistent with those my colleagues and I on this side of the issue have been offering here today.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNITED AUTOMOBILE, AEROSPACE AND AGRICULTURAL IMPLEMENT WORKERS OF AMERICA,
Washington, DC, June 30, 1999.

DEAR SENATOR: When the Senate considers the FY 2000 Transportation Appropriations bill, we understand that amendments may be offered to eliminate or modify the current moratorium on increases in fuel economy standards for autos and trucks (commonly known as CAFE, the Corporate Average Fuel Economy standards). The UAW strongly opposes such amendments and urges you to vote against them.

The UAW supported the CAFE standards when they were originally enacted. We believe these standards have helped to improve the fuel economy achieved by motor vehicles (which has doubled since 1974). This improvement in fuel economy has saved money for consumers and reduced oil consumption by our nation.

However, for a number of reasons the UAW believes it would be unwise to increase the fuel economy standards at this time. First, any increase in the CAFE standard for sport utility vehicles (SUVs) and light trucks would have a disproportionately negative impact on the Big Three automakers because their fleets contain a much higher percentage of these vehicles than other manufacturers. Second, any increases in CAFE standards for cars or trucks would also discriminate against full line producers like the Big Three automakers because their fleets contain a higher percentage of full size automobiles and larger SUVs and light trucks. The current fuel economy standards are based on a flat miles per gallon number, rather than a percentage increase formula, and are therefore more difficult to achieve for full line producers. Taking these two factors together, the net result is that further increases in CAFE could lead to the loss of thousands of jobs at automotive plants across this country that are associated with the production of SUVs, light trucks and full size automobiles.

The UAW believes that additional gains in fuel economy can and should be achieved through the cooperative research and development programs currently being undertaken by the U.S. government and the Big Three automakers in the ''Partnership for a New Generation of Vehicles''. This approach can help to produce the breakthrough technologies that will achieve significant advances in fuel economy, without the adverse jobs impact that could be created by further increases in CAFE standards.

Accordingly, the UAW urges you to oppose any amendments that seek to eliminate or modify the current freeze on increases in motor vehicle fuel economy standards. Thank you for considering our views on this important issue.

Sincerely,

ALAN REUTHER,
Legislative Director.

Mr. ABRAHAM. Mr. President, I yield back the remainder of my time.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, first point. I regret that the Senators from Michigan believe that the automobile industry located in that State and the magnificent workers who are employed there are unable to compete with foreign automobile companies when we try to make our automobiles more fuel efficient. In fact, they have shown their magnificent ability to compete, and to compete very well, in the past decade. I am certain that they would continue to do so.

Second, this sense-of-the-Senate resolution simply asks the conference committee members from the Senate to reject a House provision that says that nothing can take place. It certainly does not say that the conference committee cannot condition the moving forward of the Department of Transportation on future CAFE standards in any way it would like to do so. But the net effect, as I have said before, of the House position, supported by the opponents of this amendment, is that we need to put our heads in the sand; we don't need to study—as a matter of fact, we should be prohibited from studying whether or not we can improve the fuel efficiency of our automobiles and small trucks, improve the quality of our air, reduce the cost of fuel to the average American consumer, reduce our trade deficit, all consistent with the safety of our drivers and of the passengers in our automobiles.

I, for one, am convinced that we can do so. But more than that, I am convinced that we ought to determine whether or not we can do so, and the opponents of this amendment simply say we should not even try.

Mr. President, that is a terribly pessimistic attitude toward the technological ability of the people in the industries of the United States, and one that I don't think the Senate of the United States should accept.

I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1677. The yeas and nays have been ordered. The clerk will call the roll.

The legislative assistant called the roll.

Mr. WARNER (when his name was called). Mr. President, on this vote I have a live pair with the Senator from Rhode Island, Mr. CHAFEE. If he were present and voting, he would vote ''yea.'' If I were permitted to vote, I would vote ''nay.'' Therefore, I withhold my vote.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) and the Senator from Rhode Island (Mr. CHAFEE), are necessarily absent.

Mr. REID. I announce that the Senator from Louisiana (Mr. BREAUX) and the Senator from South Dakota (Mr. DASCHLE) are necessarily absent.

The result was announced—yeas 40, nays 55, as follows:

[Rollcall Vote No. 275 Leg.]

YEAS—40

Akaka	Feinstein	Lautenberg
Baucus	Gorton	Leahy
Bingaman	Graham	Lieberman
Boxer	Gregg	Moynihan
Bryan	Harkin	Murray
Cleland	Hollings	Reed
Collins	Inouye	Reid
Dodd	Jeffords	Robb
Dorgan	Johnson	Rockefeller
Durbin	Kennedy	Sarbanes
Edwards	Kerrey	Schumer
Feingold	Kerry	Smith (OR)
Snowe	Torricelli	Wellstone
		Wyden

NAYS—55

Abraham	Enzi	Mack
Allard	Fitzgerald	McConnell
Ashcroft	Frist	Mikulski
Bayh	Gramm	Murkowski
Bennett	Grams	Nickles
Biden	Grassley	Roberts
Bond	Hagel	Roth
Brownback	Hatch	Santorum
Bunning	Helms	Sessions
Burns	Hutchinson	Shelby
Byrd	Hutchison	Smith (NH)
Campbell	Inhofe	Specter
Cochran	Kohl	Stevens
Conrad	Kyl	Thomas
Coverdell	Landrieu	Thompson
Craig	Levin	Thurmond
Crapo	Lincoln	Voinovich
DeWine	Lott	
Domenici	Lugar	

PRESENT AND GIVING A LIVE PAIR—1

Warner, against

NOT VOTING—4

Breaux	Daschle
Chafee	McCain

The amendment (No. 1677) was rejected.

Mr. THOMAS. I move to reconsider the last vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1658

The PRESIDING OFFICER (Mr. BROWNBACK). There are now 2 minutes equally divided on the HELMS amendment. Senator Helms has yielded back his time.

Who seeks recognition?

The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I understand the Senator from North Carolina had yielded back his time.

The PRESIDING OFFICER. That is correct.

Mr. LIEBERMAN. I note I support the resolution and yield back the remainder of the time on this side as well.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. HELMS. I thank the Chair.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to amendment No. 1658. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Rhode Island (Mr. CHAFEE), the Senator from New Mexico (Mr. DOMENICI), and the Senator from Arizona (Mr. MCCAIN) are necessarily absent.

Mr. REID. I announce that the Senator from Louisiana (Mr. BREAUX), the Senator from South Dakota (Mr. DASCHLE), and the Senator from Minnesota (Mr. WELLSTONE) are necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota (Mr. WELLSTONE) would vote ''aye.''

The result was announced, yeas 94, nays 0, as follows:

[Rollcall Vote No. 276 Leg.]

YEAS—94

Abraham	Fitzgerald	Mack
Akaka	Frist	McConnell
Allard	Gorton	Mikulski
Ashcroft	Graham	Moynihan
Baucus	Gramm	Murkowski
Bayh	Grams	Murray
Bennett	Grassley	Nickles
Biden	Gregg	Reed
Bingaman	Hagel	Reid
Bond	Harkin	Robb
Boxer	Hatch	Roberts
Brownback	Helms	Rockefeller
Bryan	Hollings	Roth
Bunning	Hutchinson	Santorum
Burns	Hutchison	Sarbanes
Byrd	Inhofe	Schumer
Campbell	Inouye	Sessions
Cleland	Jeffords	Shelby
Cochran	Johnson	Smith (NH)
Collins	Kennedy	Smith (OR)
Conrad	Kerrey	Snowe
Coverdell	Kerry	Specter
Craig	Kohl	Stevens
Crapo	Kyl	Thomas
DeWine	Landrieu	Thompson
Dodd	Lautenberg	Thurmond
Dorgan	Leahy	Torricelli
Durbin	Levin	Voinovich
Edwards	Lieberman	Warner
Enzi	Lincoln	Wyden
Feingold	Lott	
Feinstein	Lugar	

NOT VOTING—6

Breaux	Daschle	McCain
Chafee	Domenici	Wellstone

The amendment (No. 1658) was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. FEINGOLD. Mr. President, during this discussion of the Transportation appropriations bill, I've been reminded of a piece of Senate history—the push to break the railroad companies' iron grip on railroad rates by setting up the Interstate Commerce Commission. It was a fierce battle that pitted the public's interest against the economic and political might of the railroads, a clash that was ultimately won by those favoring regulation, resulting in the passage of the Hepburn Act in 1906.

One powerful voice for consumer interests in those days belonged to Senator Robert M. La Follette, Sr., of my home state of Wisconsin, one of the greatest Senators ever to hold the office. It's fitting that his portrait now hangs in the Senate Reception Room outside of this chamber along with four other legendary Senators—Daniel Webster, Henry Clay, John C. Calhoun, and Robert Taft.

A fearless champion of the American people in the face of the powerful influence of special interests, La Follette did not hesitate to speak out against the railroad companies. In fact, he did so during his first speech in the U.S. Senate in April of 1906, when La Follette broke the unwritten rule that freshman Senators did not make floor speeches.

And La Follette didn't just make any floor speech—he delivered an oration that lasted several days and covered 148 pages in the CONGRESSIONAL RECORD.

During those remarks, La Follette addressed the power of the railroad monopolies and declared:

> At no time in the history of any nation has it been so difficult to withstand these forces as it is right here in America today. Their power is acknowledged in every community and manifest in every lawmaking body.

La Follette's battle with the railroad industry came to a head in the summer of 1906, when he embarked on a speaking tour around the country. When visiting the states of his colleagues, he took the unprecedented step of reading the roll call, name by name, of votes on amendments he had proposed earlier that year to make railroad regulation more responsive to consumer interests. This ''Calling of the Roll'' became a trademark of La Follette's speeches, and its effect on his audiences was powerful. When these constituents discovered that their representatives were voting against their interests as consumers and in favor of the railroads, they were outraged. According to the New York Times,

> The devastation created by La Follette last summer and in the early fall was much greater than had been supposed. He carried senatorial discourtesy so far that he has actually imperiled the reelection of some of the gentlemen who hazed him last winter.

In 1906, La Follette Called the Roll on amendments affecting the railroad industry, and today, in the spirit of that effort, I'd like to Call the Bankroll on the railroad industry, which today is composed of a handful of companies that monopolize the various regions of the U.S. rail system.

In 1906, Congress saw the need to regulate the railroad monopoly. Today, rapid consolidation in the industry has left us with four Class I railroads, two in the East and two in the West. This merger mania has resulted in reduced competition and another virtual monopoly for the railroad companies. For rail customers and consumers today, this is sure to lead to higher costs and less attention to providing good service, just as it did at the turn of the century. But the railroad companies are resisting any change, and backing up their point of view with almost $4 million dollars in PAC and soft money contributions in the last election cycle alone.

During 1997 and 1998, the four Class I railroads gave the following to political parties and candidates:

CSX Corporation gave more than $600,000 in unregulated soft money to the parties and nearly $275,000 in PAC money to federal candidates;

Union Pacific gave more than $600,000 in soft money and more than $830,000 in PAC money;

Norfolk Southern gave more than $240,000 in unregulated money to the parties and almost a quarter million to candidates;

Burlington Northern Sante Fe gave more than $445,000 in soft money and nearly $210,000 in PAC money.

Mr. President, I Call the Bankroll on the railroad industry today because I'm deeply concerned about how little has changed since La Follette called the roll so many years ago. In 1907, a year after the passage of the Hepburn Act, Congress passed the Tillman Act, finally enacting campaign finance legislation that had been under consideration since an investigation a few years earlier of insurance industry contributions to the political parties. The Tillman Act banned corporations from making political contributions in connection with federal elections, and yet today the railroad companies and thousands of other corporations are giving millions of dollars—totally unregulated—to the political parties.

At the beginning of the century, we banned corporate spending in connection with federal elections, but today that spending is rampant, ruling our political system and ravaging our democracy. At the beginning of the century, special interests used money as leverage to win legislation in their favor. Today, with all the historic changes this century has brought, this fact is more true, and more destructive to the people's confidence in our government, than ever.

But just as Congress had the power to pass the Tillman Act in 1907, Congress has the power today to pass legislation to curb the influence of money in politics by shutting down the soft money loophole. It's time to put an end to the unregulated contributions that were outlawed nearly 100 years ago. It's time to pass McCain-Feingold and consign soft money to the dustbin of history.

Mr. President, I yield the floor.

PIPELINE SAFETY

Mrs. MURRAY. Mr. President, I rise to request a colloquy with my colleague from Washington state, Senator GORTON.

On June 10, 1999, 277,000 gallons of gasoline leaked from an underground pipeline in Bellingham, Washington. It ignited and exploded. Three people were killed: an 18-year-old young man and two 10-year old boys. This is a tragedy.

The Office of Pipeline Safety, the National Transportation Safety Board, the FBI, the EPA and state agencies have spent the last four months trying to determine why this happened. We still don't know the direct cause and may not know for some time.

I wish I could say this was an isolated instance, but I can't. Recent pipeline accidents have occurred in other places. In Edison, New Jersey, one person died when a natural gas pipe exploded. In Texas, two people lost their lives when a butane release ignited. In fact, last November the owner of the pipeline that exploded in Bellingham had an accident in another part of my state that took six lives.

These pipelines are potential threats. There are some 160,000 miles of pipelines in the U.S. carrying hazardous materials. Many of these pipes run

under some of our most densely populated areas; under our schools, our homes, and our businesses.

I am disappointed that this year the Transportation Appropriations Subcommittee did not adequately fund the Office of Pipeline Safety, the authority governing interstate pipelines. I tried to get the appropriations in this year's bill to the level requested by the President. Unfortunately, we were unable to do so. It is my hope we can increase funding in next year's appropriations.

I am also committed to strengthening OPS's oversight of pipelines and commitment to community safety in next year's reauthorization of OPS.

I will be working with Senator GORTON, who is on the committee, to ensure greater OPS effectiveness and oversight of the industry.

I also want to point out U.S. Transportation Secretary Rodney Slater's prompt attention to this issue. Immediately following the accident, he met with me and granted my request to have a full-time OPS inspector stationed in Washington State. He has also been very helpful and informative as we've progressed through the investigation phase. I thank him. I know he will continue to work with us in the future on OPS's appropriations and next year's authorization.

Mr. GORTON. I thank my colleague from Washington state. She has been out front on this issue, and I commend her for her persistence.

I look forward to working with Senator MURRAY during the reauthorization of the federal Office of Pipeline Safety, a piece of legislation in which I will fully engage when it comes before the Senate Commerce Committee next year. While the interstate transportation of hazardous materials in above and underground pipelines has proven to be the safest and most cost-effective means to transport these materials, the Bellingham tragedy has once again alerted us to its tragic potential. During the OPS reauthorization process I intend to ensure that the federal law and the federal agency are performing their jobs of ensuring that tragedies like the one in Billingham are not repeated. I will work closely with Chairman MCCAIN, the majority leader, and my Democratic colleagues to make this a top priority next year.

Mrs. MURRAY. I thank my colleague. I will also continue to push for reform. We must take a long hard look at the effectiveness of OPS's oversight activities; review ways to develop new technologies for detecting pipeline defects; consider the effect of aging pipelines on safety; review industry's influence on the regulation of pipelines; and focus on our training and testing procedures for inspectors and maintenance workers. I also intend to look at ways to treat environmentally sensitive and highly populated areas, recognizing the multitude of safety and ecological problems operating pipelines in these places can create.

Finally, I will work to strengthen communities' ''right to know,'' so people are aware when there are problems with the pipelines that threaten their neighborhoods.

Mr. GORTON. I share the Senator's concerns and I am certain we will deal with those questions and ideas in the context of reauthorization legislation.

Mrs. MURRAY. I thank the Senator.

Mr. FEINGOLD. Mr. President, I rise today to comment on an aspect of the Transportation appropriations bill that I think deserves mention during this debate. It's a factor that influences legislative debate, but one that we consistently sidestep in our discussions on this floor—money in politics.

Well, Mr. President, I'm trying to change that with what I call the Calling of the Bankroll. When I Call the Bankroll on this floor, I describe how much money the various interests that lobby us on a particular bill have spent on campaign contributions to influence our decisions here in this chamber. I have already Called the Bankroll on several bills; for instance, when I discussed the contributions of the high tech industry and the trial lawyers during debate on the Y2K bill, and, more recently, when I pointed out the contributions of the managed care companies and the pharmaceutical industry, among others, during the debate on the Patients' Bill of Rights.

And now, we come to the fiscal year 2000 Transportation appropriations bill, as it relates to the airline industry, which has been battling against another bill of rights. While in June the airline industry unveiled its own Passengers' Bill of Rights, it falls far short of what was outlined in other pending Senate legislation, including the Airline Passenger Fairness Act, of which I am a proud cosponsor. I want to take this opportunity to thank my colleague, Senator WYDEN, for his leadership on this issue, and his commitment to giving airline passengers across the country a real bill of rights. I am proud to be a co-sponsor of both amendments offered by my friend from Oregon.

The Airline Passenger Fairness Act establishes a national policy to provide consumers with a basic expectation of fair treatment by airlines and to encourage airlines to provide better customer service by outlining minimum standards. The Airline Passenger Fairness Act would ensure that passengers have the information that they need to make informed choices in their air travel plans.

But, Mr. President, there is a serious obstacle facing supporters of a comprehensive Passengers' Bill of Rights—the PAC and soft money contributions of the airline industry.

The six largest airlines in the United States—American, Continental, Delta, Northwest, United and US Airways—and their lobbying association, the Air Transport Association of America, gave a total of more than $2 million dollars in soft money and more than $1 million dollars in PAC money in the last election cycle alone.

Northwest was the largest soft money giver among these donors, giving well over half a million dollars to the political parties in 1997 and 1998. Mr. President, you may remember that Northwest Airlines made headlines across the country earlier this year when they left thousands of passengers stranded on snow-clogged runways in Detroit, leaving some of their customers without food, water or working toilets for more than eight hours.

Mr. President, according to the Department of Transportation, consumer complaints about air travel shot up by more than 25 percent last year. Those complaints run the gamut from erratic and unfair ticket pricing; being sold a ticket on already oversold flights; lost luggage; and flight delays, changes, and cancellations.

We can and should address these problems, Mr. President. The American people are demanding change; as legislators, we should respond.

But we have yet to do anything concrete in this Congress to guarantee airline passengers the rights they deserve.

The American people can't help wondering why, Mr. President, so today I offer this campaign finance information to my colleagues and the public to help to present a clearer picture of the influences surrounding this aspect of the Transportation appropriations bill, and the influence of those with a stake in the debate on a comprehensive Passengers' Bill of Rights.

I yield the floor.

Mr. VOINOVICH. 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. VOINOVICH. Mr. President, I ask unanimous consent to be allowed to proceed as in morning business.

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

THE TRUTH ABOUT BUDGET SURPLUSES

Mr. VOINOVICH. Mr. President, now that the tax cut bill will assuredly be vetoed, it is time to turn our attention to passing a budget that will respond to the needs of our citizens, keep our spending under control, maintain the integrity of the Social Security trust funds, and not increase our terrible national debt.

When I was back in Ohio during the August break, almost everybody I talked to said they were glad that I opposed the tax cut that was based on the 10-year rosy projections, which I referred to as a mirage. Every expert in America said that to base tax cuts or new spending on such projections was fiscally irresponsible.

The people who I spoke with told me that if it was not a mirage, then Congress should use the money to pay down the $5.6 trillion national debt and get out of dealing with the problems of Social Security and Medicare.

They also said if we got to a point down the road where we got real money for a tax cut, we should do it when the

economy needs stimulation and not right now.

Quite a few of these same Ohioans said to me: For goodness sakes, Congress should not sit down with President Clinton and negotiate a tax reduction for spending increases—just pass an honest budget.

As my colleagues know, the President has hinted that he may be willing to strike a deal for small tax cuts in exchange for a few spending increases. That would be an absolute disaster for our country's financial health, and I am pleased the majority leader has firmly rejected this approach.

I have no doubt that the President will promise future tax cuts while insisting on immediate spending. The problem will be, I fear, that the tax cuts will never materialize, and the spending will fund programs that will become entrenched. And what's worse, he will use the so-called surplus to pay for this new spending.

Let's get back to basics: There is no surplus. I have said it before and I will say it again: The only surplus we have is made up of Social Security funds.

Let me just say right here that I really wish the President, the Congress, and the media would start giving an accurate portrayal of the surplus and call it what it is—either the ''Social Security'' surplus or the ''on-budget'' surplus. And right now, the only surplus we have is a Social Security surplus.

I want to show a chart I have used in other speeches on the floor. It basically shows that even in 1999, when we are talking about a surplus, we are actually running a budget deficit of some $4 billion. The first time we are going to have the real on-budget surplus in approximately 30 years is next year, as projected by CBO. We have not yet accumulated, this year, all of the tax revenues necessary to meet and exceed our spending in fiscal year 1999.

The only way we can claim a budget surplus today is by taking the surplus that is accumulating in the Social Security trust fund and using it to mask the deficit, just as has been done in previous years. The $14 billion projected ''on-budget'' surplus for next year—which would be the first on-budget surplus, as I said, in over 30 years—is by no means secure.

In fact, CBO Director Dan Crippen has already warned us that if we stay on the current path with the appropriations bills, we could turn the $14 billion projected ''on-budget'' surplus into an $11 billion deficit. And by doing so, we would be breaking our word with the American people to never again raid the Social Security trust funds. That would be outrageous given all the promises we have made to them and given all the debate I have heard on the Senate floor over Social Security lockbox legislation.

Right now, our primary responsibility is to be as conscientious as possible and come up with the best budget plan for fiscal year 2000.

We also need to resist the President's push to expand current programs and to create new entitlements. The President has consistently been bringing his case directly to the American people, proposing new spending programs wherever he goes.

At the same time, he says he is for debt reduction and saving Social Security. That is plain hogwash. What most people don't know is the President's latest budget proposal would boost spending in 81 Government programs, create budget deficits, and as a result, raid billions of dollars from the Social Security trust funds over the next 10 years.

This year, in accordance with the 1997 Balanced Budget Act, which Congress passed and President Clinton signed, we are supposed to spend $27 billion less than last year. In other words, when the budget agreement was put together by Congress, they anticipated we would spend $27 billion less this year than last year.

Let's face the facts. The only way we are going to deal with the budget and handle all of these items that need to be addressed is one of four ways:

One, we can tighten our belts by finding places to cut spending in current Federal programs and reallocate those resources; two, we can raise taxes in order to provide services —a course of action I don't favor; three, we can use whatever on-budget surplus we may have next year, although in all likelihood it has already been spoken for; four, we can use the Social Security surpluses by raiding the trust funds.

Those are the alternatives. All in all, these are four difficult choices, but I think most Americans would agree that the most responsible choice is to cut unnecessary spending.

For example, we could start by eliminating the Welfare-to-Work Program. This program, which was initiated by the President, has had a total of $3 billion appropriated to it over the last 2 years. However, in the same period, the States and territories that chose to participate—and not all of them did—have only spent $182 million of those funds. That's because the money comes with too many strings attached for States and because it is a complete duplication of the Temporary Assistance for Needy Families program, or, TANF.

Last year when I was governor, Ohio and five other States didn't even apply for the money under Welfare-to-Work. In Ohio, we rejected $88 million. I believed that Ohio and the Federal Government had made a deal; that we were going to take care of our responsibilities under the new welfare law with the money that Congress allocated to us in the welfare reform legislation.

After Welfare-to-Work, we should take the time, do the hard work and make the tough choices by determining what other Federal programs and pork-barrel spending we can trim in order to find the money necessary to meet our Nation's priorities.

We should be just as enthusiastic, in my opinion, in terms of reducing taxes as we are just as conscientious in terms of finding ways we can cut funding.

Most importantly, we need to instill truth-in-budgeting. The last thing we want to do is ruin our credibility by being dishonest. We need to end all the accounting gimmicks, such as extending the calendar to 13 months in order to accommodate excess spending, or ''forward funding'' certain programs to avoid having to pay for them this year. In fact, as I understand from Senator DOMENICI, Chairman of the Senate Budget Committee, the President has $19 billion in his budget that encompasses forward funding.

We should let the American people know that we're doing such things. It's their money; they have a right to know. But, we should strive at all times not to use ''smoke and mirrors'' to make the debt look smaller or the budget appear balanced on paper when in reality, it is not. They are onto it.

We shouldn't be ''mixing and matching'' to give us the numbers that will give us the best budget results. We need to agree on a set of numbers exclusively. If we're going to use CBO numbers, then we should consistently use CBO's numbers. Same thing with OMB. It is intellectually dishonest to constantly change numbers —picking and choosing as we go along.

Well, we will use CBO's numbers and next we will use OMB's figures.

When I was Governor of Ohio, the first thing we did was sit down with the legislature and we said let's agree on the numbers. We agreed on the numbers. That is what we dealt with.

In addition, if we want to avoid dipping into Social Security, then we should be prepared to make the hard choices and not declare everything an emergency. As every Member of this body knows, ever since the statutory spending caps were first enacted in 1990 to rein in runaway discretionary spending, Congress has used the ''emergency'' loophole to get around them.

Mr. President, we have to stop these gimmicks! It's game playing! It's smoke and mirrors! And our constituents know it and they want us to put an end to it.

It's high time we start to give serious consideration to a two year budget cycle like many states have, including Ohio. It doesn't make sense that we go through this budget exercise each year; a process that just exhausts this body and prevents us from being able to work towards down-sizing government and lowering our expenses.

If we had 2-year budgets, we could spend some time on the oversight that this body has a responsibility to be doing.

Until then, if something is truly an emergency, then Congress should be more than willing to come up with the money to pay for it. Only in times of war or severe economic crisis should we even be talking about dipping into Social Security. As I have said before, Social Security is the Nation's pension

fund, and no responsible citizen would tap into their retirement fund unless it was an absolute last resort—and they would certainly look to pay it back. Congress must act accordingly.

Mr. President, all of us in Congress should take the equivalent of a blood oath that we are not going to touch Social Security. Period. It would be the most important thing we could possibly do to bring fiscal accountability to this country because we've been using the social security trust funds and public borrowing to fund tax reductions and spending for the last 30 years and in that same period of time, we've seen our national debt increase over 1,300 percent.

Think of that—1,300 percent.

We have to remember that there is no such thing as a free lunch, but there are such things as hard choices. That is what we should be about—making the hard choices.

I know that first hand because as Governor, I have been there; I had to make the $750 million in spending cuts, but because of the fiscally responsible choices we made, we had the lowest growth in 30 years and had 17% fewer employees—excluding prison workers.

In addition, we ultimately gave Ohio a general revenue rainy day fund of over $935 million—after it had been depleted to 14 cents.

Think of that. It was at 14 cents—a Medicaid rainy day fund of $100 million and real tax cuts. I am talking about real tax cuts for the last 3 years, including last year for all Ohioans who had an across-the-board reduction in their State income tax of almost 10 percent.

That is why I came to Washington—to try and bring fiscal responsibility to our nation and this Congress so that my children and my grandchildren as well as all children and grandchildren are not saddled with the cost of those things that my generation did not want to pay for, and guarantee our covenant to the American people in regard to Social Security and Medicare.

I would like to remind my colleagues that with each passing day, we're paying $600 million in interest payments just to service the national debt—a national debt that is $5.6 trillion.

Most Americans do not realize that 14 percent of their tax dollar goes to pay off the interest on the debt. Fifteen percent goes for national defense. Seventeen percent goes to non-defense discretionary spending. And 54 percent goes for entitlement spending.

So how much is our interest payment in comparison to other federal spending? It is more than we spend on Medicare. It's five times more than the federal dollars we spend on education. And it's 15 times more than we spend on medical research at NIH.

If we are fortunate enough that the projections of an on-budget surplus actually occurs—I would like to see that—the best possible course of action that we could take is to use those funds and pay down the debt. With debt reduction you get lower interest rates, a continued strong economy and lower government interest costs.

Indeed, as Federal Reserve Chairman Greenspan testified before the House Ways and Means Committee ''(T)he advantages that I perceive that would accrue to this economy from a significant decline in the outstanding debt to the public and its virtuous cycle on the total budget process is a value which I think far exceeds anything else we could do with the money.''

Mr. President, we must avoid using Social Security to meet our financial obligations. Instead, we should greet the millennium with a promise to our citizens that we will engage in truth-in-budgeting, not use gimmicks and reorder our spending to reflect our national priorities.

Mr. President, I believe that a statement I made in my 1991 Inaugural Address as Governor of Ohio is relevant today:

> Gone are the days when public officials are measured by how much they spend on a problem. The new realities dictate that public officials are now judged on whether they can work harder and smarter, and do more with less.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I commend my good friend and colleague, Senator VOINOVICH from Ohio, who I think has brought to the attention of this body in a timely manner a very appropriate and important issue; that is, the realization that the President is going to reject any proposal for a tax cut—and bring to the attention of this body the realization that, indeed, that accumulated debt of $5.6 trillion, which the Senator from Ohio referred to, is costing us interest.

As the Senator from Ohio is well aware, I was in the banking business for about 25 years. People do not recognize the carrying charge. I think the figure that was used was $600 million per day.

Interest is like the old saying of having a horse that eats while you sleep. It is ongoing. It doesn't take Saturdays or Sundays off.

If one considers the significance of, I think the figure was 14 cents out of every dollar going for interest, one can quickly comprehend what we could do if we were free of that heavy obligation.

I commend the Senator for bringing this matter to the attention of this body and assure him of my eagerness to work with him to bring about and resolve in a responsible manner a program to address the accumulated debt.

As he has pointed out, there is an awful lot of procedure around here relative to the bookkeeping method of the Federal Government, which few people understand.

Nevertheless, there is a harsh reality that we have a hard debt of $5.6 billion. We have an opportunity now with the Social Security surplus to address that debt. I agree with the Senator and his efforts to try to bring a consensus on this issue. I commend him highly. Let me assure the Senator of my willingness to work in that regard.

(The remarks of Mr. MURKOWSKI pertaining to the introduction of S. 1591 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

MORNING BUSINESS

Mr. SHELBY. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

POWDER RIVER BASIN COAL INITIATIVE

Mr. DASCHLE. Mr. President, yesterday my colleagues, Senator ENZI and Senator GORTON, discussed the importance of a proposed new clean coal initiative that offers the opportunity to create a new type of cleaner-burning coal that will help to meet our nation's energy needs and the requirements of the Clean Air Act. I want to lend my strong support to this initiative, and express my hope that the Department of Energy and Congress can work together to find a way to fund this important project.

Under this initiative, the Black Hills Corporation of Rapid City, South Dakota, would work with the Department of Energy to test a new method of processing sub-bituminous coal to remove its moisture content and increase its heat-value. This new technology is much less capital intensive than any other coal enhancement technology known to exist today and has the real potential of becoming the first such process to be commercially feasible. It is my understanding that the upgraded coal which would be produced by this new process would be environmentally superior to current sub-bituminous coal and less expensive to ship, allowing coal users across the country to benefit from it.

There are extensive reserves of sub-bituminous coal in the Powder River basin, and particularly on the reservation of the Crow Indian Tribe. By expanding the market for coal from this area, we can help to promote economic development across the west. At the same time, we can provide coal users throughout the United States with cleaner-burning coal, and help to improve our air quality.

It is my hope that we can move forward with this project as quickly as possible. I urge my colleagues to give it their strong support.

WEATHERIZATION ASSISTANCE PROGRAM

Mr. JEFFORDS. Mr. President, I rise to thank Senator SLADE GORTON, Chairman of the Interior Appropriations Subcommittee, for his, as well as his staff's, efforts to work with me and my staff to address concerns regarding

a potential funding freeze for the Weatherization Assistance Program. I am very pleased that the Chairman was able to obtain an additional $2 million, at my urging, for the Weatherization Assistance Program, increasing the FY 2000 funding level to $135 million.

Weatherization is an especially critical program to the Northeast-Midwest region. It increases energy efficiency in low-income homes, reducing energy use by up to one-third. More than four and a half million households have been weatherized through this program over the past twenty years. Weatherization returns $1.80 in energy savings for every dollar spent; and provides an additional $0.60 in employment and environmental benefits.

This year, 31 Senators voiced support for an increase in weatherization funding. In light of recent forecasts of rising fuel costs, weatherization funding has never been more critical. By providing targeted support in anticipation of extreme weather conditions, we can ensure the health, safety, and well-being of millions of low-income families, including the especially vulnerable populations of low-income children and elderly.

BRYAN AMENDMENT OF THE INTERIOR APPROPRIATIONS BILL

Mr. SPECTER. Mr. President, I have sought recognition to state my views on the Bryan amendment regarding the Timber Sales Management program within the National Forest Service. I am concerned about environmental protection and safeguarding our Nation's Forests, providing that there is an appropriate balance for economic development and job opportunities.

My state of Pennsylvania has one of the best run National Forests in the country. The Allegheny National Forest has some of the most valuable timber in the world, particularly its black cherry, which is used internationally for fine furniture and veneers. As an above cost forest, the Allegheny returns approximately $10 million to the Treasury annually and generates $44 million in total income and an estimated 732 jobs. The rural Pennsylvania counties that surround the Allegheny National Forest substantially rely on these revenues to fund their local school systems.

The Bryan amendment would provide the Timber Sales Management Program with the level of funding requested by the Administration. This is the program that funds the important work that is done to ensure that all timber cutting in our National Forests is done in an environmentally appropriate manner. The program is vital to restoring, improving and maintaining the health of our National Forests and it ensures that forests fully comply with the National Environmental Policy Act (NEPA). Further, the amendment would take the $32 million dollars that was added to this program by the Senate Interior Appropriations Subcommittee and would use the money to continue road maintenance and to conduct biological surveys of the National Forests.

I am convinced that we must continue to manage our National Forest system in a fiscal and environmental responsible manner. On final consideration, I believe this amendment strikes a fair balance between the efficient use of our National Forests and the funding of environmental programs that are vital to enhance the public's use and enjoyment of our national forests for many years to come.

COLD WATER FISH HABITAT

Mr. CRAPO. Mr. President, I thank Senators GORTON and BYRD for inclusion of an amendment to provide funding for a voluntary enrollment, cold water fish habitat conservation plan (HCP) in the States of Idaho and Montana. This project is already authorized under the Endangered Species Act (ESA). Habitat Conservation Plans (HCPs) were authorized in 1982 to allow private landowners where endangered species are found a chance to write site-specific management plans and, in some cases, allow other activity to continue on those lands. A project similar to this involving the Karner Blue Butterfly in Wisconsin is considered an HCP success story.

In Idaho alone, of the 2,639,633 acres of State-owned endowment land, over half is bull trout habitat. Wise and productive use of state endowment land is essential to the funding of education in Idaho and this use could be jeopardized should it be called into question as a ''take'' under Section 9 of the ESA. The large area comprising bull trout habitat complicates not only natural resource uses of the land, but the management strategy of involved agencies in addressing habitat for the bull trout. With the huge land area involved, the U.S. Fish and Wildlife Service in Idaho concurs that a cooperative effort will be necessary to effect management practices to benefit the bull trout. The States of Idaho and Montana have already been active in addressing bull trout habitat needs—last year, they spent nearly $1 million collectively to promote bull trout recovery.

It is clear that a cooperative effort, involving the States of Idaho and Montana, the USFWS, and private forest owners will be necessary to address the challenge of providing clean, cold water for bull trout habitat. The formulation of a voluntary enrollment, state-wide HCP will provide the structure for this cooperation. HCPs have a proven record of creating tangible benefits that aid in species protection and this HCP would both protect bull trout habitat and responsible land use. For an HCP to be approved, the Secretary must find that those party to the agreement will ''to the maximum extent possible, minimize and mitigate the impacts of * * * taking'' of the species in question.

In recent hearings that I have held on HCPs in my subcommittee, numerous scientists have testified to the effectiveness of HCPs in furthering on the ground improvements to the habitat of threatened and endangered species. The funds provided for in this amendment will be used to fund data collection an organization for the States to come together and negotiate the HCP. The negotiated HCP would include state-owned endowment lands and private lands enrolled voluntarily by the landowner. To arrive at the specific terms of such an agreement, a concerted effort will be needed to accumulate data and facilitate discussions that can lead to a consensus-based solution supported by all interested parties.

The States of Idaho and Montana, nor the USFWS, cannot shoulder this funding burden alone. The funds provided for in this amendment are urgently needed. In addition to the overwhelming task of addressing bull trout habitat issues, the USFWS has been petitioned to list the west-slope cutthroat trout and the Yellowstone cutthroat trout. We seek, in partnership with the USFWS and the private sector, funding to develop an innovative HCP that can be a ''win'' for kids, for species, and for responsible land use.

OEHS WEEK

Mr. ENZI. Mr. President, the first Occupational and Environmental Health and Safety, OEHS Week, August 30 through September 3, 1999, is a reminder that while workers are safer than they used to be, injury, illness—even death—in the workplace is still an unfortunate reality.

The American Industrial Hygiene Association, a not-for-profit society of professionals in the field of occupational and environmental health and safety, sponsors OEHS Week and plans for it to become an annual event. The goal is to bring a greater awareness of workplace and community health issues to the public. The theme, ''Protecting Your Future . . . Today,'' highlights the far-reaching nature of occupational and environmental safety's impact on the public.

''We chose Labor Day weekend as the perfect time to remind workers, management and the community at large that workplace safety affects everyone. Even one fatality on the job is one fatality too much,'' says AIHA President James R. Thornton.

''But beyond that, we are concerned with overall safety. We want all employees to consider their workplace environment, even in offices that otherwise may seem extremely safe. For instance, is your workstation ergonomically sound? Is your chair comfortable? Do you take occasional breaks to stretch? Is your computer monitor at the proper angle? All of these things can add up to the difference between working safely and a work-related injury or illness.

''We've made great strides in the last few years,'' he said, ''but there's still room for improvement.''

As Thornton noted, if you've been working in the United States for the last decade, chances are that you're feeling safer on the job today than you did 10 years ago. That's because overall rates of worker illnesses and injuries have fallen dramatically since 1993, according to the Bureau of Labor Statistics. In fact, in 1997 (the most recent year tallied by the BLS), the case rate dropped to 7.1 percent of all workers, despite a total of 3 percent more hours worked by the nation's employees. This translates to nearly 50,000 fewer reported injuries or illnesses compared to the previous year, despite the larger number of staff-hours—the continuation of a trend that began in 1993. Still, even with fewer reported illnesses, injuries and fatalities on the job, workers suffered 2.9 million injuries that resulted in lost workdays, restricted duties or both.

Mr. President, I yield to the Senator from Massachusetts.

Mr. KENNEDY. I thank the Senator.

Mr. President, the construction trades in particular are quite dangerous. Secretary of Labor Alexis Herman reported recently that ''injuries and illnesses for construction laborers, carpenters, and welders and cutters increased by a total of 8,000 cases.'' Truck drivers, too, suffer more than their share of injuries, incurring approximately 145,000 work-related injuries or illnesses each year.

For the average worker, backs take the brunt of the injuries. About 4 out of 10 injuries involve strains and sprains, most of them back-related. Women are more susceptible than men to repetitive motion illnesses from jobs such as keyboarding, data entry, cashier work and scanning. These musculoskeletal disorders, known as MSDs, include carpal-tunnel syndrome and tendinitis. Many are caused by faulty ergonomic conditions in the workplace, such as poorly placed furniture and improper counter heights, say industrial hygiene, IH, professionals, experts in occupational and environmental health and safety.

I thank the Senator for yielding.

Mr. ENZI. Mr. President, although workplace injury is a primary focus for IH professionals, they like to point out that safety issues don't disappear in the company parking lot. This awareness gives OEHS Week its second important emphasis—safety in the community and home.

Thornton noted that in addition to its focus on workplace safety, OEHS Week is designed to heighten awareness about several vital community health concerns, including carbon monoxide poisoning, indoor air quality and noise exposure.

''Just as in the workplace, paying attention to seemingly small things can reduce injuries in the home. There are lots of things the average person can do,'' said Thornton. ''Reducing noise pollution and hearing loss by lowering the volume on stereos or wearing earplugs when mowing the lawn, for instance.

''We also recommend installing a couple of inexpensive carbon monoxide detectors in your home. They could save your life—and your family's lives as well.''

NGAWANG CHOEPHEL

Mr. LEAHY. Mr. President, it was 4 years ago that Nagwang Choephel, a Tibetan who studied ethnomusicology at Middlebury College in Vermont on a Fulbright Scholarship, was arrested in Tibet in 1995.

After imprisoning him incommunicado for 15 months, on December 26, 1996, Chinese officials sentenced Mr. Choephel to 18 years in prison on charges of espionage.

Four years have passed and despite high level discussions about this case between the administration and Chinese officials, resolutions passed in both the Senate and the House on Mr. Choephel's behalf, and a number of worldwide letter writing campaigns, he remains incarcerated in a remote corner of Tibet for a crime he did not commit.

The Chinese Government has never provided evidence to support their allegations that Mr. Choephel was sent by the Dalai Lama to gather intelligence and engage in separatist activities.

The State Department has no evidence that he participated in any illegal or political activity.

What is indisputable, however, is that Mr. Choephel traveled to Tibet with a donated video camera and recording equipment to document Tibetan music and dance—subjects he studied as a young man in India and as a Fulbright Scholar in Vermont.

The sixteen hours of footage that Mr. Choephel sent out of Tibet before his arrest affirm this fact. It simply shows the traditional dancing and singing that is an integral part of Tibet's rich cultural heritage.

I have spoken out many times about this tragic miscarriage of justice.

I have twice discussed my concerns with Chinese President Jiang, once in Beijing and again in Washington. I and other Members of Congress have written letter after letter to the Chinese Ambassador in Washington and other Chinese officials seeking information about Mr. Choephel's whereabouts and his well-being. I have tried to arrange meetings with Chinese authorities here, to no avail.

As we commemorate this sad anniversary, we know no more about Mr. Choephel's condition than we did 4 years ago.

His mother, who has repeatedly sought permission from the Chinese Government to visit her only child, has not given up. She continues her tireless campaign for his freedom on the streets of New Delhi.

I had hoped that Chinese authorities would have recognized by now the grave mistake they made in sentencing Mr. Choephel. International outrage over this case mounts with each additional year he spends in jail.

Congress, the administration, and the international community must continue to do whatever it can to ensure that next year at this time we are celebrating this young man's release, and the release of the many other political prisoners who are being unfairly detained in Tibet and China.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, September 14, 1999, the Federal debt stood at $5,657,645,658,855.66 (Five trillion, six hundred fifty-seven billion, six hundred forty-five million, six hundred fifty-eight thousand, eight hundred fifty-five dollars and sixty-six cents).

One year ago, September 14, 1998, the Federal debt stood at $5,548,258,000,000 (Five trillion, five hundred forty-eight billion, two hundred fifty-eight million).

Five years ago, September 14, 1994, the Federal debt stood at $4,683,788,000,000 (Four trillion, six hundred eighty-three billion, seven hundred eighty-eight million).

Ten years ago, September 14, 1989, the Federal debt stood at $2,849,710,000,000 (Two trillion, eight hundred forty-nine billion, seven hundred ten million).

Fifteen years ago, September 14, 1984, the Federal debt stood at $1,572,267,000,000 (One trillion, five hundred seventy-two billion, two hundred sixty-seven million) which reflects a debt increase of more than $4 trillion—$4,085,378,658,855.66 (Four trillion, eighty-five billion, three hundred seventy-eight million, six hundred fifty-eight thousand, eight hundred fifty-five dollars and sixty-six cents) during the past 15 years.

MESSAGES FROM THE HOUSE

At 11:29 p.m., a message from the House of Representatives, delivered by Ms. Niland, 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. 1883. An act to provide for the application of measures to foreign persons who transfer to Iran certain goods, services, or technology, and for other purposes.

The message also announced that the Speaker appoints the following Members as additional conferees in the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 900) to enhance competition in the financial services industry by providing a prudential framework for the affiliation of banks, securities firms, insurance companies, and other financial service providers and for other purposes; and appoints as additional conferees from the Committee on Banking and Financial Services, for consideration of section 101 of

the Senate bill and section 101 of the House amendment:

Mr. KING is appointed in lieu of Mr. BACHUS.

Mr. ROYCE is appointed in lieu of Mr. CASTLE.

As additional conferees from the Committee on Commerce, for consideration of section 101 of the Senate bill and section 101 of the House amendment:

Mrs. WILSON is appointed in lieu of Mr. LARGENT.

Mr. FOSSELLA is appointed in lieu of Mr. BILBRAY.

The message further announced that pursuant to section 3 of Public Law 94–304 as amended by section 1 of Public Law 99–7, the Speaker appoints the following Members of the House to the Commission on Security and Cooperation in Europe to fill the existing vacancies thereon: Mr. PITTS of Pennsylvania, and upon the recommendation of the Minority Leader, Mr. FORBES of New York.

At 1:40 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representative to the bill (S. 1059) to authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribed personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

At 5:02 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2490) 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, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–5157. A communication from the Executive Director, Commission to Assess the Organization of the Federal Government to Combat the Proliferation of Weapons of Mass Destruction, transmitting, pursuant to law, a report entitled ''Combating Proliferation of Weapons of Mass Destruction''; to the Select Committee on Intelligence.

EC–5158. A communication from the Inspector General, Railroad Retirement Board, transmitting, pursuant to law, the budget request for fiscal year 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–5159. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Market Segment Specialization Program Audit Techniques Guide-Sports Franchises'', received September 10, 1999; to the Committee on Finance.

EC–5160. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Notice 99–45, 1999 Section 43 Inflation Adjustment'', received September 10, 1999; to the Committee on Finance.

EC–5161. A communication from the Acting Assistant Secretary for Import Administration, International Trade Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Regulation Concerning Preliminary Critical Circumstances Findings'' (RIN0625–AA56), received September 10, 1999; to the Committee on Finance.

EC–5162. A communication from the President and Chairman, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to India; to the Committee on Banking, Housing, and Urban Affairs.

EC–5163. A communication from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''DOE Authorized Subcontract for Use by DOE Management and Operating Contractors with New Independent States' Scientific Institutes through the International Science and Technology Center'' (AL 99–06), received September 7, 1999; to the Committee on Energy and Natural Resources.

EC–5164. 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 State Air Quality Plans for Designated Facilities and Pollutants; Delaware; Control of Emission from Existing Municipal Solid Waste Landfills'' (FRL #6439–2), received September 10, 1999; to the Committee on Environment and Public Works.

EC–5165. 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 ''Final Determination to Extend Deadline for Promulgation of Action on Section 126 Petition'' (FRL #6437–2), received September 10, 1999; to the Committee on Environment and Public Works.

EC–5166. 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 ''National Primary Drinking Water Regulation: Consumer Confidence Report; Correction'' (FRL #6437–6), received September 10, 1999; to the Committee on Environment and Public Works.

EC–5167. 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 ''Notice of Direct Final Rule Revisions to Emissions Budgets Set Forth in EPA's Finding of Significant Contribution and Rulemaking for Purposes of Reducing Regional Transport of Ozone for the States of Connecticut, Massachusetts and Rhode Island'' (FRL #6437–39), received September 10, 1999; to the Committee on Environment and Public Works.

EC–5168. 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 ''Tennessee: Final Authorization of State Hazardous Waste Management Program Revision'' (FRL #6437–9), received September 10, 1999; to the Committee on Environment and Public Works.

EC–5169. A communication from the Deputy Division Chief, Competitive Pricing Division, Common Carrier Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Access Charge Reform, CC Docket No. 96–262, Fifth Report and Order'' (FCC 99–206) (CC Doc. 96–262 and 94–1), received September 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5170. A communication from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations; Cedar Key, FL'' (MM Docket No. 99–72), received September 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5171. A communication from the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations; Oraibi and Leupp, AZ (MM Docket No. 98–179), received September 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5172. A communication from the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations; Cherry Valley and Cotton Plant, AR (MM Docket No. 98–223; RM–9340; RM–9481; RM–9482), received September 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5173. A communication from the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations; Kensett, AR; Somerton, AZ; Augusta, KS; Wellton, AZ; Center, CO; LaVeta, CO; Walsenburg, CO; Taft, CA; Cimarron, KS; (MM Docket No. 99–99, RM–9484; MM Docket No. 99–100, RM–9491; MM Docket No. 99–101, RM–9494; MM Docket No. 99–102, RM–9495; MM Docket No. 99–105, RM–9508; MM Docket No. 99–107, RM–9510; MM Docket No. 99–109, RM–9512; MM Docket No. 99–111, RM–9539; MM Docket No. 99–113, RM–9544), received September 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5174. A communication from the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations; LaJara, CO; Westcliffe, CO; Carmel Valley, CA; Nanakuli, HI Wahiawa, HI; Hanapepe, HI Holualoa, HI; Honokaa, HI; Kihei, HI; Kurtistown, HI (MM Docket No. 99–106, RM–9509; MM Docket No. 99–110, RM–9513; MM Docket No. 99–171, RM–9574; MM Docket No. 99–172, RM–9575; MM Docket No. 99–173, RM–9576; MM Docket No. 99–175, RM–9578; MM Docket No. 99–176, RM–9579; MM Docket No. 99–177, RM–9580; MM Docket No. 99–178, RM–9581; MM Docket No. 99–179, RM–9582)'', received September 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5175. A communication from the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to

law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations; Judsonia, AR; Del Norte, CO; Dinosaur, CO; Poncha Springs, CO; Captain Cook, HI (MM Docket No. 99–98, RM–9483; MM Docket No. 99–148, RM–9556; MM Docket No. 99–149, RM–9557; MM Docket No. 99–150, RM–9558; MM Docket No. 99–152, RM–9560)'', received September 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5176. A communication from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''Implementing Foreign Proposals to NASA Research Announcements on a No-Exchange-of-Funds Basis'', received September 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5177. A communication from the Acting Assistant Administrator, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Emergency Interim Rule for Restricted Reopening of Limited Access Permit Application Process for Snapper-Grouper Permits in the South Atlantic Region'' (RIN0648–AM92), received September 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5178. A communication from the Acting Assistant Administrator, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''International Fisheries Regulations; Pacific Tuna Fisheries'' (RIN0648–AL28), received September 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5179. A communication from the Acting Assistant Administrator, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Closure of the Red Porgy Fishery in the Snapper-Grouper Fishery Off the Southern Atlantic States'' (RIN0648–AM55), received September 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5180. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Inseason Adjustment (Prohibits Pollock Fishing in Statistical Area 610 of the Gulf of Alaska and Extends C Fishing Season Until Further Notice)'', received September 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5181. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Inseason Adjustment (Prohibits Pollock Fishing in Statistical Area 630 of the Gulf of Alaska and Extends C Fishing Season Until Further Notice)'', received September 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5182. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Inseason Adjustment (Prohibits Pollock Fishing in Statistical Area 620 of the Gulf of Alaska and Extends C Fishing Season Until Further Notice)'', received September 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5183. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Species in the Rock Sole/Flathead Sole/'Other Flatfish' Fishery Category by Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area'', received September 7, 1999; to the Committee on Commerce, Science, and Transportation.

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. DURBIN (for himself and Mr. FITZGERALD):

S. 1583. A bill to convert 2 temporary Federal judgeships in the central and southern districts of Illinois to permanent judgeships, and for other purposes; to the Committee on the Judiciary.

By Mr. SANTORUM (for himself and Mr. SPECTER):

S. 1584. A bill to establish the Schuylkill River Valley National Heritage Area in the State of Pennsylvania; to the Committee on Energy and Natural Resources.

By Mr. BAUCUS:

S. 1585. A bill to establish a Congressional Trade Office; to the Committee on Finance.

By Mr. CAMPBELL:

S. 1586. A bill to reduce the fractionated ownership of Indian Lands, and for other purposes; to the Committee on Indian Affairs.

S. 1587. A bill to amend the American Indian Trust Fund Management Reform Act of 1994 to establish within the Department of the Interior an Office of Special Trustee for Data Cleanup and Internal Control; to the Committee on Indian Affairs.

S. 1588. A bill to authorize the awarding of grants to Indian tribes and tribal organizations, and to facilitate the recruitment of temporary employees to improve Native American participation in and assist in the conduct of the 2000 decennial census of population, and for other purposes; to the Committee on Indian Affairs.

S. 1589. A bill to amend the American Indian Trust Fund Management Reform Act of 1994; to the Committee on Indian Affairs.

By Mr. CRAPO:

S. 1590. A bill to amend title 49, United States Code, to modify the authority of the Surface Transportation Board, and for other purposes; to the Committee on Environment and Public Works.

By Mr. MURKOWSKI (for himself and Mr. SCHUMER):

S. 1591. A bill to further amend section 8 of the Puerto Rico Federal Relations Act as amended by section 606 of the Act of March 12, (P.L. 96- 205) authorizing appropriations for certain insular areas of the United States, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DURBIN (for himself and Mr. KENNEDY):

S. 1592. A bill to amend the Nicaraguan Adjustment and Central American Relief Act to provide to certain nationals of El Salvador, Guatemala, Honduras, and Haiti an opportunity to apply for adjustment of status under that Act, and for other purposes; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself and Mr. FITZGERALD):

S. 1583. A bill to convert two temporary Federal judgeships in the central and southern districts of Illinois to permanent judgeships, and for other purposes; to the Committee on the Judiciary.

THE ILLINOIS JUDGESHIP ACT

Mr. DURBIN. Mr. President, today joined by colleague Senator FITZGERALD, I am introducing a bill that will make two temporary federal judgeships in Illinois permanent. The Southern District of Illinois, and the Central District of Illinois each have 3 permanent judgeships and one temporary judgeship.

The Judicial Improvement Act of 1990 created these temporary judgeships to respond to a sharply increasing caseload, especially in the area of drug related crimes. President Bush appointed Judge Joe Billy McDade to fill the temporary judgeship in the Central District of Illinois and he was confirmed by the Senate in November of 1991. In September of 1992 the Senate confirmed another Bush nominee, Judge J.Phil Gilbert to fill the temporary judgeship in the Southern District of Illinois.

In 1997, Congress extended the temporary judgeships until 10 years after the confirmation of the judge appointed to fill the vacancy. As a result, the temporary judgeship in the Central District is due to expire in November of 2001 and the temporary judgeship in the Southern District will expire in September of 2002. Since the judges that serve in these positions are Article III judges with lifetime appointments, they will not be affected, but the next vacancy within each district after the expiration date will not be filled.

The Central District and the Southern District of Illinois are small courts and the loss of even one judgeship will have a dramatic impact on the caseload of the remaining judges. The statistics on this issue are compelling.

The Administrative Office of the United States Courts keeps statistics on the average amount of time that it takes a civil case to come to trial. Even with 4 judgeships, the Central District of Illinois has a substantial wait for civil litigants—24 months, which is five months longer than the national average. In the Southern District of Illinois, the numbers are equally convincing—22 months on average for a civil case to go to trial, which is three months longer than the national average.

If these courts lose one judgeship, which is the equivalent of 25% of their judges, justice for federal court litigants will be substantially delayed. This delay will be felt most by civil litigants because judges will give priority to criminal cases. At a time when Congress is seeking to expand Federal court jurisdiction, a loss of judgeships, even temporary ones is a step in the wrong direction.

Again, the numbers tell the story. Assuming court filings remain at the 1998 level, the number of cases per judge in the Central District would increase by 33% from 383 to 511. In the

Southern District, the remaining judges would be expected to take on an extra 135 cases a year, an increase of 33% from 406 cases per judge to 541 cases per judge.

The two temporary judgeships in the Central and Southern Districts of Illinois must be converted into permanent positions. This measure will prevent judicial overload and ensure the continued smooth functioning of the federal court system in Illinois.

Our independent judiciary is the envy of the rest of the world. The strength of our judiciary is a unique and distinctive characteristic of our government. We must ensure that our courts have the judges they need to perform their vital functions.

I encourage my colleagues to support me in this effort and ask that the Senate consider this bill without further delay.

I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1583

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

SECTION 1. DISTRICT JUDGESHIPS FOR THE CENTRAL AND SOUTHERN DISTRICTS OF ILLINOIS.

(a) CONVERSION OF TEMPORARY JUDGESHIPS TO PERMANENT JUDGESHIPS.—The existing district judgeships for the central district and the southern district of Illinois authorized by section 203(c) (3) and (4) of the Judicial Improvements Act of 1990 (Public Law 101–650, 28 U.S.C. 133 note) shall, as of the date of the enactment of this Act, be authorized under section 133 of title 28, United States Code, and the incumbents in such offices shall hold the offices under section 133 of title 28, United States Code (as amended by this section).

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table contained in section 133(a) of title 28, United States Code, is amended by striking the item relating to Illinois and inserting the following:

''Illinois
Northern 22
Central 4
Southern ..... 4.''.

By Mr. SANTORUM (for himself and Mr. SPECTER):

S. 1584. A bill to establish the Schuylkill River Valley National Heritage Area in the State of Pennsylvania; to the Committee on Energy and Natural Resources.

SCHUYLKILL RIVER NATIONAL HERITAGE AREA

Mr. SANTORUM. Mr. President, I rise today to introduce a bill that would establish the Schuylkill River National Heritage Area. This legislation recognizes the significance of the Schuylkill River Valley in Pennsylvania, and the role it played in the nation's economic expansion during the nineteenth century.

The Schuylkill River, and later the railroads, moved anthracite coal through the river valley to Philadelphia and beyond, fueling the industrial revolution that made this country great. It is important that we endeavor to preserve the historical and cultural contribution that the anthracite and related industries have made to our nation. The labor movement of the region played a significant role in crucial struggles to improve wages and working conditions for America's workers. The first national labor union was organized in this region and was the forerunner to the United Mine Workers of America.

In 1995, under the management of the Schuylkill River Greenway Association (SRGA), the Schuylkill River Corridor was recognized as a state heritage park by the Commonwealth of Pennsylvania. Since that time, the SRGA has dedicated itself to restoring and preserving the historic Schuylkill River Corridor by encouraging enhancement and maintenance of the historic qualities of the river from its headwaters in Schuylkill County to its mouth at the confluence of the Delaware River.

The legislation that I am introducing today, with the support of Senator SPECTER, will enable communities to conserve their heritage while continuing to create economic opportunities. It encourages the continuation of local interest by demonstrating the federal government's commitment to preserving the unique heritage of the Schuylkill River Heritage Corridor. This bill will require the Schuylkill River Greenway Association to enter into a cooperative agreement with the Secretary of the Interior to establish Heritage Area boundaries, and to prepare and implement a management plan within three years. This plan would inventory resources and recommend policies for resource management interpretation. Further, based on the criteria of other Heritage Areas established by the Omnibus Parks and Public Lands Management Act of 1996, this bill requires that federal funds provided under this bill do not exceed 50 percent of the total cost of the program.

Mr. President, the anthracite coal fields of the Schuylkill River Corridor, and the people who mined them, were crucial to the industrial development of this nation. Through public and private partnership, this legislation will allow for the conservation, enhancement, and interpretation of the historical, cultural, and natural resources of the Schuylkill River Valley for present and future generations.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1584

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 ''Schuylkill River Valley National Heritage Area Act''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the Schuylkill River Valley made a unique contribution to the cultural, political, and industrial development of the United States;

(2) the Schuylkill River is distinctive as the first spine of modern industrial development in Pennsylvania and 1 of the first in the United States;

(3) the Schuylkill River Valley played a significant role in the struggle for nationhood;

(4) the Schuylkill River Valley developed a prosperous and productive agricultural economy that survives today;

(5) the Schuylkill River Valley developed a charcoal iron industry that made Pennsylvania the center of the iron industry within the North American colonies;

(6) the Schuylkill River Valley developed into a significant anthracite mining region that continues to thrive today;

(7) the Schuylkill River Valley developed early transportation systems, including the Schuylkill Canal and the Reading Railroad;

(8) the Schuylkill River Valley developed a significant industrial base, including textile mills and iron works;

(9) there is a longstanding commitment to—

(A) repairing the environmental damage to the river and its surroundings caused by the largely unregulated industrial activity; and

(B) completing the Schuylkill River Trail along the 128-mile corridor of the Schuylkill Valley;

(10) there is a need to provide assistance for the preservation and promotion of the significance of the Schuylkill River as a system for transportation, agriculture, industry, commerce, and immigration; and

(11)(A) the Department of the Interior is responsible for protecting the Nation's cultural and historical resources; and

(B) there are sufficient significant examples of such resources within the Schuylkill River Valley to merit the involvement of the Federal Government in the development of programs and projects, in cooperation with the Schuylkill River Greenway Association, the State of Pennsylvania, and other local and governmental bodies, to adequately conserve, protect, and interpret this heritage for future generations, while providing opportunities for education and revitalization.

(b) PURPOSES.—The purposes of this Act are—

(1) to foster a close working relationship with all levels of government, the private sector, and the local communities in the Schuylkill River Valley of southeastern Pennsylvania and enable the communities to conserve their heritage while continuing to pursue economic opportunities; and

(2) to conserve, interpret, and develop the historical, cultural, natural, and recreational resources related to the industrial and cultural heritage of the Schuylkill River Valley of southeastern Pennsylvania.

SEC. 3. DEFINITIONS.

In this Act:

(1) COOPERATIVE AGREEMENT.—The term ''cooperative agreement'' means the cooperative agreement entered into under section 4(d).

(2) HERITAGE AREA.—The term ''Heritage Area'' means the Schuylkill River Valley National Heritage Area established by section 4.

(3) MANAGEMENT ENTITY.—The term ''management entity'' means the management entity for the Heritage Area appointed under section 4(c).

(4) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the Heritage Area developed under section 5.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(6) STATE.—The term ''State'' means the State of Pennsylvania.

SEC. 4. ESTABLISHMENT.

(a) IN GENERAL.—For the purpose of preserving and interpreting for the educational and inspirational benefit of present and future generations certain land and structures with unique and significant historical and cultural value associated with the early development of the Schuylkill River Valley, there is established the Schuylkill River Valley National Heritage Area.

(b) BOUNDARIES.—The Heritage Area shall be comprised of the Schuylkill River watershed within the counties of Schuylkill, Berks, Montgomery, Chester, and Philadelphia, Pennsylvania, as delineated by the Secretary.

(c) MANAGEMENT ENTITY.—The management entity for the Heritage Area shall be the Schuylkill River Greenway Association.

(d) COOPERATIVE AGREEMENT.—

(1) IN GENERAL.—To carry out this title, the Secretary shall enter into a cooperative agreement with the management entity.

(2) CONTENTS.—The cooperative agreement shall include information relating to the objectives and management of the Heritage Area, including—

(A) a description of the goals and objectives of the Heritage Area, including a description of the approach to conservation and interpretation of the Heritage Area;

(B) an identification and description of the management entity that will administer the Heritage Area; and

(C) a description of the role of the State.

SEC. 5. MANAGEMENT PLAN.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the management entity shall submit to the Secretary for approval a management plan for the Heritage Area that presents comprehensive recommendations for the conservation, funding, management, and development of the Heritage Area.

(b) REQUIREMENTS.—The management plan shall—

(1) take into consideration State, county, and local plans;

(2) involve residents, public agencies, and private organizations working in the Heritage Area;

(3) specify, as of the date of the plan, existing and potential sources of funding to protect, manage, and develop the Heritage Area; and

(4) include—

(A) actions to be undertaken by units of government and private organizations to protect the resources of the Heritage Area;

(B) an inventory of the resources contained in the Heritage Area, including a list of any property in the Heritage Area that is related to the themes of the Heritage Area and that should be preserved, restored, managed, developed, or maintained because of its natural, cultural, historical, recreational, or scenic significance;

(C) a recommendation of policies for resource management that considers and details application of appropriate land and water management techniques, including the development of intergovernmental cooperative agreements to protect the historical, cultural, recreational, and natural resources of the Heritage Area in a manner consistent with supporting appropriate and compatible economic viability;

(D) a program for implementation of the management plan by the management entity;

(E) an analysis of ways in which local, State, and Federal programs may best be coordinated to promote the purposes of this Act; and

(F) an interpretation plan for the Heritage Area.

(c) DISQUALIFICATION FROM FUNDING.—If a management plan is not submitted to the Secretary on or before the date that is 3 years after the date of enactment of this Act, the Heritage Area shall be ineligible to receive Federal funding under this Act until the date on which the Secretary receives the management plan.

(d) UPDATE OF PLAN.—In lieu of developing an original management plan, the management entity may update and submit to the Secretary the Schuylkill Heritage Corridor Management Action Plan that was approved by the State in March, 1995, to meet the requirements of this section.

SEC. 6. AUTHORITIES AND DUTIES OF THE MANAGEMENT ENTITY.

(a) AUTHORITIES OF THE MANAGEMENT ENTITY.—For purposes of preparing and implementing the management plan, the management entity may—

(1) make loans and grants to, and enter into cooperative agreements with, the State and political subdivisions of the State, private organizations, or any person; and

(2) hire and compensate staff.

(b) DUTIES OF THE MANAGEMENT ENTITY.—The management entity shall—

(1) develop and submit the management plan under section 5;

(2) give priority to implementing actions set forth in the cooperative agreement and the management plan, including taking steps to—

(A) assist units of government, regional planning organizations, and nonprofit organizations in—

(i) preserving the Heritage Area;

(ii) establishing and maintaining interpretive exhibits in the Heritage Area;

(iii) developing recreational resources in the Heritage Area;

(iv) increasing public awareness of and, appreciation for, the natural, historical, and architectural resources and sites in the Heritage Area;

(v) restoring historic buildings relating to the themes of the Heritage Area; and

(vi) ensuring that clear, consistent, and environmentally appropriate signs identifying access points and sites of interest are installed throughout the Heritage Area;

(B) encourage economic viability in the Heritage Area consistent with the goals of the management plan; and

(C) encourage local governments to adopt land use policies consistent with the management of the Heritage Area and the goals of the management plan;

(3) consider the interests of diverse governmental, business, and nonprofit groups within the Heritage Area;

(4) conduct public meetings at least quarterly regarding the implementation of the management plan;

(5) submit substantial changes (including any increase of more than 20 percent in the cost estimates for implementation) to the management plan to the Secretary for the approval of the Secretary; and

(6) for any fiscal year in which Federal funds are received under this Act—

(A) submit to the Secretary a report describing—

(i) the accomplishments of the management entity;

(ii) the expenses and income of the management entity; and

(iii) each entity to which the management entity made any loan or grant during the fiscal year;

(B) make available for audit all records pertaining to the expenditure of Federal funds and any matching funds, and require, for all agreements authorizing expenditure of Federal funds by organizations other than the management entity, that the receiving organizations make available for audit all records pertaining to the expenditure of such funds; and

(C) require, for all agreements authorizing expenditure of Federal funds by organizations other than the management entity, that the receiving organizations make available for audit all records pertaining to the expenditure of Federal funds.

(c) USE OF FEDERAL FUNDS.—

(1) IN GENERAL.—The management entity shall not use Federal funds received under this Act to acquire real property or an interest in real property.

(2) OTHER SOURCES.—Nothing in this Act precludes the management entity from using Federal funds from other sources for their permitted purposes.

SEC. 7. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—At the request of the management entity, the Secretary may provide technical and financial assistance to the Heritage Area to develop and implement the management plan.

(2) PRIORITIES.—In assisting the management entity, the Secretary shall give priority to actions that assist in—

(A) conserving the significant natural, historical, and cultural resources that support the themes of the Heritage Area; and

(B) providing educational, interpretive, and recreational opportunities consistent with the resources and associated values of the Heritage Area.

(3) EXPENDITURES FOR NON-FEDERALLY OWNED PROPERTY.—The Secretary may spend Federal funds directly on non-federally owned property to further the purposes of this Act, especially assisting units of government in appropriate treatment of districts, sites, buildings, structures, and objects listed or eligible for listing on the National Register of Historic Places.

(b) APPROVAL AND DISAPPROVAL OF COOPERATIVE AGREEMENTS AND MANAGEMENT PLANS.—

(1) IN GENERAL.—Not later than 90 days after receiving a cooperative agreement or management plan submitted under this Act, the Secretary, in consultation with the Governor of the State, shall approve or disapprove the cooperative agreement or management plan.

(2) ACTION FOLLOWING DISAPPROVAL.—

(A) IN GENERAL.—If the Secretary disapproves a cooperative agreement or management plan, the Secretary shall—

(i) advise the management entity in writing of the reasons for the disapproval; and

(ii) make recommendations for revisions in the cooperative agreement or plan.

(B) TIME PERIOD FOR DISAPPROVAL.—Not later than 90 days after the date on which a revision described under subparagraph (A)(ii) is submitted, the Secretary shall approve or disapprove the proposed revision.

(c) APPROVAL OF AMENDMENTS.—

(1) IN GENERAL.—The Secretary shall review substantial amendments to the management plan.

(2) FUNDING EXPENDITURE LIMITATION.—Funds appropriated under this Act may not be expended to implement any substantial amendment until the Secretary approves the amendment.

SEC. 8. CULTURE AND HERITAGE OF ANTHRACITE COAL REGION.

(a) IN GENERAL.—The management entities of heritage areas (other than the Heritage Area) in the anthracite coal region in the State shall cooperate in the management of the Heritage Area.

(b) FUNDING.—Management entities described in subsection (a) may use funds appropriated for management of the Heritage Area to carry out this section.

SEC. 9. SUNSET.

The Secretary may not make any grant or provide any assistance under this Act after the date that is 15 years after the date of enactment of this Act.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act not more than $10,000,000, of which not more than $1,000,000 is authorized to be appropriated for any 1 fiscal year.

(b) FEDERAL SHARE.—Federal funding provided under this Act may not exceed 50 percent of the total cost of any project or activity funded under this Act.

By Mr. BAUCUS:

S. 1585. A bill to establish a Congressional Trade Office; to the Committee on Finance.

CONGRESSIONAL TRADE OFFICE LEGISLATION

Mr. BAUCUS. Mr. President, I am introducing today a bill to create a new Congressional Trade Office that will provide the Congress with additional trade expertise—independent, non-partisan, and neutral expertise.

Over the past 25 years that I have served in the Congress, I have watched a continuing transfer of authority and responsibility for trade policy from the Congress to the Executive Branch. The trend has been subtle, but it has been clear and constant. We need to reverse this trend. Congress has the Constitutional authority to provide more effective and active oversight of our nation's trade policy, and we should use it. Congress should be more active in setting the direction for the Executive Branch in its formulation of trade policy. I believe strongly that we must reassert Congress' constitutionally defined responsibility for international commerce.

The Congressional Trade Office will provide the entire Congress, through the Senate Finance Committee and the House Ways and Means Committee, with this additional trade expertise.

I am proposing that the Congressional Trade Office have three sets of responsibilities.

First, it will monitor compliance with major bilateral, regional, and multilateral trade agreements. It will analyze the success of those agreements based on commercial results, and it will do this in close consultation with the affected industries. It will recommend actions necessary to ensure that those countries that have made commitments to the United States fully abide by those commitments. It will also provide annual assessments of the extent to which current agreements comply with labor goals and with environmental goals in those agreements.

Second, the Congressional Trade Office will have an analytic function. For example, after the Administration delivers its National Trade Estimates report to the Congress each year, it will analyze the major outstanding trade barriers based on the cost to the U.S. economy. After the Administration delivers its Trade Policy Agenda to the Congress each year, it will provide an analysis of that agenda, including alternative goals, strategies, and tactics.

The Congressional Trade Office will analyze proposed trade agreements, including agreements that do not require legislation to enter into effect. It will analyze the impact of Administration trade policy actions, including an assessment of the Administration's argument for not accepting an unfair trade practices case. And it will analyze the trade accounts every quarter, including the global current account, the global trade account, and key bilateral trade accounts.

Third, the Congressional Trade Office will be active in dispute settlement deliberations. It will evaluate each WTO decision where the U.S. is a participant. In the case of a U.S. loss, it will explain why it lost. In the case of a U.S. win, it will measure the commercial results from that decision. It will do a similar evaluation for NAFTA disputes. Congressional Trade Office staff will participate as observers on the U.S. delegation at dispute settlement panel meetings at the WTO.

The Congressional Trade Office is designed to service the Congress. Its Director will report to the Senate Finance Committee and the House Ways and Means Committee. It will also advise other committees on the impact of trade negotiations and the Administration's trade policy on those committees' areas of jurisdiction.

The staff will include a group of professionals with a mix of expertise in economics and trade law, plus in various industries and geographic regions. My expectation is that staff members will see this as a career position, thus, providing the Congress with long-term institutional memory.

The Congressional Trade Office will work closely with other government entities involved in trade policy assessment, including the Congressional Research Service, the General Accounting Office, and the International Trade Commission. The Congressional Trade Office will not replace those agencies. Rather, the Congressional Trade Office will supplement their work, and leverage the work of those entities to provide the Congress with timely analysis, information, and advice.

The areas of dispute resolution and compliance with trade agreements are central. The credibility of the global trading system, and the integrity of American trade law, depend on the belief, held by trade professionals, political leaders, industry representatives, workers, farmers, and the public at large, that agreements made are agreements followed. They must be fully implemented. There must be effective enforcement. Dispute settlement must be rapid and effective.

Often more energy goes into negotiating new agreements than into ensuring that existing agreements work. Of course, it is necessary to continue efforts at trade liberalization globally. But support for those efforts is a direct function of the perception that agreements work. The Administration has increased the resources it devotes to compliance. But an independent and neutral assessment of compliance is necessary. It is unrealistic to expect an agency that negotiated an agreement to provide a totally objective and dispassionate assessment of that agreement's success or failure.

The Congressional Trade Office will perform an annual evaluation of the commercial results of selected major bilateral trade agreements. The American Chamber of Commerce in Japan did this type of evaluation several years ago, examining in detail 45 bilateral agreements, and their conclusions were shocking. Fewer than one-third of those agreements were considered fully successful by the industries affected. The Congressional Trade Office should do this evaluation with our major trading partners. They will also recommend actions necessary to ensure that these agreements are fully implemented.

Looking at the WTO dispute settlement process, I don't think we even know whether it has been successful or not from the perspective of U.S. commercial interests. A count of wins versus losses tells us nothing. The Congressional Trade Office will give us the facts we need to evaluate this process properly.

Article I, Section 8, of the U.S. Constitution says: ''The Congress shall have power . . . To regulate commerce with foreign nations.'' It is our responsibility to provide oversight and direction on US trade policy. The Congressional Trade Office, as I have outlined it today, will provide us in the Congress with the means to do so.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1585

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

SECTION 1. FINDINGS.

Congress makes the following findings:

(1) Congress has responsibility under the Constitution for international commerce.

(2) Congressional oversight of trade policy has often been hampered by a lack of resources.

(3) The United States has entered into numerous trade agreements with foreign trading partners, including bilateral, regional, and multilateral agreements.

(4) The purposes of the trade agreements are—

(A) to achieve a more open world trading system which provides mutually advantageous market opportunities for trade between the United States and foreign countries;

(B) to facilitate the opening of foreign country markets to exports of the United States and other countries by eliminating trade barriers and increasing the access of United States industry and the industry of other countries to such markets; and

(C) to reduce diversion of third country exports to the United States because of restricted market access in foreign countries.

(5) Foreign country performance under certain agreements has been less than contemplated, and in some cases rises to the level of noncompliance.

(6) The credibility of, and support for, the United States Government's trade policy is, to a significant extent, a function of the belief that trade agreements made are trade agreements enforced.

SEC. 2. ESTABLISHMENT OF OFFICE.

(a) IN GENERAL.—There is established an office in Congress to be known as the Congressional Trade Office (in this Act referred to as the ''Office'').

(b) PURPOSES.—The purposes of the Office are as follows:

(1) To reassert the constitutional responsibility of Congress with respect to international trade.

(2) To provide Congress, through the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives with additional independent, nonpartisan, neutral trade expertise.

(3) To assist Congress in providing more effective and active oversight of trade policy.

(4) To assist Congress in providing to the executive branch more effective direction on trade policy.

(5) To provide Congress with long-term, institutional memory on trade issues.

(6) To provide Congress with more analytical capability on trade issues.

(7) To advise relevant committees on the impact of trade negotiations, including past, ongoing, and future negotiations, with respect to the areas of jurisdiction of the respective committees.

(c) DIRECTOR AND STAFF.—

(1) DIRECTOR.—

(A) IN GENERAL.—The Office shall be headed by a Director. The Director shall be appointed by the Speaker of the House of Representatives and the President pro tempore of the Senate after considering the recommendations of the Chairman and Ranking Member of the Committee on Finance of the Senate and the Chairman and Ranking Member of the Committee on Ways and Means of the House of Representative. The Director shall be chosen without regard to political affiliation and solely on the basis of the Director's expertise and fitness to perform the duties of the Director.

(B) TERM.—The term of office of the Director shall be 5 years and the Director may be reappointed for subsequent terms.

(C) VACANCY.—Any individual appointed to fill a vacancy prior to the expiration of a term shall serve only for the unexpired portion of that term.

(D) REMOVAL.—The Director may be removed by either House by resolution.

(E) COMPENSATION.—The Director shall receive compensation at a per annum gross rate equal to the rate of basic pay, as in effect from time to time, for level III of the Executive Schedule in section 5314 of title 5, United States Code.

(2) STAFF.—

(A) IN GENERAL.—The Director shall appoint and fix the compensation of such personnel as may be necessary to carry out the duties and functions of the Office. All personnel shall be appointed without regard to political affiliation and solely on the basis of their fitness to perform their duties. The personnel of the Office shall consist of individuals with expertise in international trade, including expertise in economics, trade law, various industrial sectors, and various geographical regions.

(B) BENEFITS.—For purposes of pay (other than the pay of the Director) and employment, benefits, rights and privilege, all personnel of the Office shall be treated as if they were employees of the House of Representatives.

(3) EXPERTS AND CONSULTANTS.—In carrying out the duties and functions of the Office, the Director may procure the temporary (not to exceed 1 year) or intermittent services of experts or consultants or organizations thereof by contract as independent contractors, or, in the case of individual experts or consultants, by employment at rates of pay not in excess of the daily equivalent of the highest rate of basic pay payable under the General Schedule of section 5332 of title 5.

(4) RELATIONSHIP TO EXECUTIVE BRANCH.—The Director is authorized to secure information, data, estimates, and statistics directly from the various departments, agencies, and establishments of the executive branch of Government and the regulatory agencies and commissions of the Government. All such departments, agencies, establishments, and regulatory agencies and commissions shall furnish the Director any available material which he determines to be necessary in the performance of his duties and functions (other than material the disclosure of which would be a violation of law). The Director is also authorized, upon agreement with the head of any such department, agency, establishment, or regulatory agency or commission, to utilize its services and facilities with or without reimbursement; and the head of each such department, agency, establishment, or regulatory agency or commission is authorized to provide the Office such services and facilities.

(5) RELATIONSHIP TO OTHER AGENCIES OF CONGRESS.—In carrying out the duties and functions of the Office, and for the purpose of coordinating the operations of the Office with those of other congressional agencies with a view to utilizing most effectively the information, services, and capabilities of all such agencies in carrying out the various responsibilities assigned to each, the Director is authorized to obtain information, data, estimates, and statistics developed by the General Accounting Office, the Library of Congress, and other offices of Congress, and (upon agreement with them) to utilize their services and facilities with or without reimbursement. The Comptroller General, the Librarian of Congress, and the head of other offices of Congress are authorized to provide the Office with the information, data estimates, and statistics, and the services and facilities referred to in the preceding sentence.

(d) FUNCTIONS.—The functions of the Office are as follows:

(1) ASSISTANCE TO CONGRESS.—Provide the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representative and any other appropriate committee of Congress or joint committee of Congress information which will assist the committees in the discharge of the matters within their jurisdiction.

(2) MONITOR COMPLIANCE.—Monitor compliance with major bilateral, regional, and multilateral trade agreements by—

(A) consulting with the affected industries and interested parties;

(B) analyzing the success of agreements based on commercial results;

(C) recommending actions, including legislative action, necessary to ensure that foreign countries that have made commitments through agreements with the United States fully abide by those commitments;

(D) annually assessing the extent to which current agreements comply with environmental goals; and

(E) annually assessing the extent to which current agreements comply with labor goals.

(3) ANALYSIS.—Perform the following analyses:

(A) Not later than 60 days after the date the National Trade Estimates report is delivered to Congress each year, analyze the major outstanding trade barriers based on cost to the United States economy.

(B) Not later than 60 days after the date the Trade Policy Agenda is delivered to Congress each year, analyze the Administration's Agenda, including alternative goals, strategies, and tactics, as appropriate.

(C) Analyze proposed trade legislation.

(D) Analyze proposed trade agreements, including agreements that do not require implementing legislation.

(E) Analyze the impact of the Administration's trade policy and actions, including assessing the Administration's decisions for not accepting unfair trade practices cases.

(F) Analyze the trade accounts quarterly, including the global current account, global trade account, and key bilateral trade accounts.

(4) DISPUTE SETTLEMENT DELIBERATIONS.—Perform the following functions with respect to dispute resolution:

(A) Participate as observers on the United States delegation at dispute settlement panel meetings of the World Trade Organization.

(B) Evaluate each World Trade Organization decision where the United States is a participant. In any case in which the United States does not prevail, evaluate the decision and in any case in which the United States does prevail, measure the commercial results of that decision.

(C) Evaluate each dispute resolution proceeding under the North American Free Trade Agreement. In any case in which the United States does not prevail, evaluate the decision and in any case in which the United States does prevail, measure the commercial results of that decision.

(D) Participate as observers in other dispute settlement proceedings that the Chairman and Ranking Member of the Committee on Finance and the Chairman and Ranking Member of the Committee on Ways and Means deem appropriate.

(5) OTHER FUNCTIONS OF DIRECTOR.—The Director and staff of the Office shall perform the following additional functions:

(A) Provide the Committee on Finance and the Committee on Ways and Means with quarterly reports regarding the activities of the Office.

(B) Be available for consultation with congressional committees on trade-related legislation.

(C) Receive and review classified information and participate in classified briefings in the same manner as the staff of the Committee on Finance and the Committee on Ways and Means.

(D) Consult nongovernmental experts and utilize nongovernmental resources.

(E) Perform such other functions as the Chairman and Ranking Member of the Committee on Finance and the Chairman and Ranking Member of the Committee on Ways and Means may request.

SEC. 3. PUBLIC ACCESS TO DATA.

(a) RIGHT TO COPY.—Except as provided in subsections (b) and (c), the Director shall make all information, data, estimates, and statistics obtained under this Act available for public copying during normal business hours, subject to reasonable rules and regulations, and shall to the extent practicable, at the request of any person, furnish a copy of any such information, data, estimates, or statistics upon payment by such person of the cost of making and furnishing such copy.

(b) EXCEPTIONS.—Subsection (a) of this section shall not apply to information, data, estimates, and statistics—

(1) which are specifically exempted from disclosure by law; or

(2) which the Director determines will disclose—

(A) matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(B) information relating to trade secrets or financial or commercial information pertaining specifically to a given person if the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(C) personnel or medical data or similar data the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

unless the portions containing such matters, information, or data have been excised.

(c) INFORMATION OBTAINED FOR COMMITTEES AND MEMBERS.—Subsection (a) of this section shall apply to any information, data, estimates, and statistics obtained at the request of any committee, joint committee, or Member unless such committee, joint committee, or Member has instructed the Director not to make such information, data, estimates, or statistics available for public copying.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Office for each fiscal year such sums as may be necessary to enable it to carry out its duties and functions. Until sums are first appropriated pursuant to the preceding sentence, for a period not to exceed 12 months following the effective date of this subsection, the expenses of the Office shall be paid from the contingent fund of the Senate, in accordance with the provisions of the paragraph relating to contingent funds under the heading ''UNDER LEGISLATIVE'' in the Act of October 2, 1888 (25 Stat. 546; 2 U.S.C. 68), and upon vouchers approved by the Director.

By Mr. CAMPBELL:

S. 1586. A bill to reduce the fractionated ownership of Indian Lands, and for other purposes; to the Committee on Indian Affairs.

INDIAN LAND CONSOLIDATION ACT AMENDMENTS

Mr. CAMPBELL. Mr. President, today I introduce a bill to amend the Indian Land Consolidation Act (ILCA) of 1983 to address the issue of Indian land fractionation: the underlying factor in the Indian trust reform effort. Under the 1871 Allotment Act, or ''Dawes'' act as it became known, the President was authorized to break up Indian reservations, allotting to each member of the tribe a tract of land. The Act also directed the Secretary of Interior to acquire some of the remaining tribal lands; often for subsequent resale to non-Indians. The day the Allotment Act became law, this country probably violated more treaties than in the hundred years before this Act or in the hundred years since.

The negative effects of the Act continue to be felt even to this day. For example, the existence of hundreds of thousands of small, undivided fractional interests in Indian lands has swamped the Bureau of Indian Affairs' ability to keep track of who owns these interests, who is leasing them, how much is owed, and who has a right to the revenues from these lands.

In 1934, Congress enacted the Indian Reorganization Act (IRA), ending the allotment policy and everything that it stood for by providing that no new allotments would be mandated by the federal government.

The IRA authorized the Secretary of Interior to acquire lands for tribes, enabling Indian tribes to re-establish their land bases which had been decimated by the allotment policy. Notwithstanding the IRA, the ownership of individual allotments continued to fragment. For example the four heirs of an Indian who died owning a 160 acre allotment would each receive a 25 percent interest in the entire allotment; not a 40 acre parcel. If all four of those heirs had four children, these 16 heirs would each receive only a 1.56 percent interest, divided among 64 owners.

In such situations, even locating the individuals to obtain their approval for a lease is nearly impossible. Clearly, getting a handle on the geometric rise in fractionated interests is necessary or the problem will be beyond our efforts to improve the management of tribal trust lands and funds.

Previous Congressional efforts to reverse fractionation were declared unconstitutional by the U.S. Supreme Court. This proposal makes use of the lessons we have learned from those efforts.

In 1983, Congress enacted the Indian Land Consolidation Act (ILCA), authorizing Indian tribes to enact land consolidation plans to sell or lease their lands to acquire fractional interests. The Act also allowed tribes to acquire, at fair market value, all of the interests in an allotment, and to enact probate codes to limit inheritance of allotted lands to Indians or tribal members.

The most controversial provision of the ILCA involved an escheat provision preventing the inheritance of any interest in land that was 2 percent or less of an undivided ownership in an allotment if it generated less than $100 before returning to the tribe.

The Supreme Court found this section unconstitutional because it restricted Indians' ability to pass their land interests to their heirs.

In 1984 Congress amended the ILCA to provide that undivided interests of 2 percent or less only returned to the tribe if they were incapable of earning $100 in any one of the five years from the date of its owner's death. In 1997, the Court once again ruled that the escheat provision of the act was unconstitutional.

The bill I am introducing today makes use of nearly two decades of Congressional efforts to deal with the problem of land fractionation. We have the benefit of two Supreme Court cases to guide our deliberations. I am pleased to report that associations of individual allotment owners, in particular the Indian Land Working Group, have made very constructive proposals and contributions to our understanding of how land consolidation legislation may affect their members. The bill also uses the Administration's proposed legislation as a framework for reforming the ILCA.

This bill establishes a three-pronged approach to dealing with the problems of fractionated ownership of allotted lands.

First, the bill provides desperately needed reform for the probate of interests in allotted lands, including limitations on who may inherit these interests.

Second, this bill would prohibit the inheritance of any interests that represent 2 percent or less of the ownership of an allotment unless it is specifically provided for in a valid will. This provision will be controversial, but the Administration insists that it is necessary to address: ''one of the root causes of our trust asset management difficulties.'' This provision will only apply in those situations where Indian owners are notified in advance that their interests could be lost unless they execute a will to address the 2 percent interest issues.

Finally, the bill establishes timeframes for BIA review of tribal probate codes, and authorizes the Secretary to acquire fractional interests on behalf of a tribe. The Secretary will apply the lease proceeds from these interests until the purchase price is recouped. Indian tribes with approved land consolidation plans may enter into agreements with the Secretary to use these funds for their acquisition program. In either case, the focus of this program will be consolidating small fractional interests that are choking the system.

The bill takes some steps to encourage and assist part-owners of allotments who are trying to consolidate the ownership of their allotments, and makes it federal policy to assist with transactions, such as land exchanges between those owning comparable fractional interests.

There is a demonstrable need for more resources to address the problems associated with land fractionation, including the need to educate allotment owners about probate planning options and opportunities. Creative solutions to this issue should be pursued. For example, some have proposed the use of federal income tax credits for those individuals who convey their fractional interest to a tribe.

This bill does not please all parties to the debate, but it is a good faith effort to achieve most of our shared goals. If these parties will work in good faith, I will do my part as Chairman of the Indian Affairs Committee to convene hearings and work with them through the legislative process.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1586

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 ''Indian Land Consolidation Act Amendments of 1999''.

SEC. 2. FINDINGS.

Congress finds that—

(1) in the 1800's and early 1900's, the United States sought to assimilate Indian people into the surrounding non-Indian culture by allotting tribal lands to individual members of Indian tribes;

(2) many trust allotments were taken out of trust status and sold by their Indian owners;

(3) the trust periods for trust allotments have been extended indefinitely;

(4) because of the inheritance provisions in the original treaties or allotment Acts, the ownership of many of the trust allotments that have remained in trust status has become fractionated into hundreds or thousands of interests, many of which represent 2 percent or less of the total interests;

(5) Congress has authorized the acquisition of lands in trust for individual Indians, and many of those lands have also become fractionated by subsequent inheritance;

(6) the acquisitions referred to in paragraph (5) continue to be made;

(7) the fractional interests described in this section provide little or no return to the beneficial owners of those interests and the administrative costs borne by the United States for those interests are inordinate;

(8) substantial numbers of fractional interests of 2 percent or less of a total interest in trust or restricted lands have escheated to Indian tribes under section 207 of the Indian Land Consolidation Act (25 U.S.C. 2206), which was enacted in 1983;

(9) in Babbit v. Youpee (117 S Ct. 727 (1997)), the United States Supreme Court found that the application of section 207 of the Indian Land Consolidation Act to the facts presented in that case to be unconstitutional;

(11) in the absence of remedial legislation, the number of the fractional interests will continue to grow; and

(12) the problem of the fractionation of Indian lands described in this section is the result of a policy of the Federal Government, cannot be solved by Indian tribes, and requires a solution under Federal law.

SEC. 3. DECLARATION OF POLICY.

It is the policy of the United States—

(1) to prevent the further fractionation of trust allotments made to Indians;

(2) to consolidate fractional interests and ownership of those interests into usable parcels;

(3) to consolidate fractional interests in a manner that enhances tribal sovereignty; and

(4) to promote tribal self-sufficiency and self-determination.

SEC. 4. AMENDMENTS TO THE INDIAN LAND CONSOLIDATION ACT.

(a) IN GENERAL.—The Indian Land Consolidation Act (25 U.S.C. 2201 et seq.) is amended—

(1) in section 202—

(A) in paragraph (1), by striking ''(1) 'tribe'' and inserting ''(1) 'Indian tribe' or 'tribe' '';

(B) by striking paragraph (2) and inserting the following:

''(2)'Indian' means any person who is a member of an Indian tribe or is eligible to become a member of an Indian tribe at the time of the distribution of the assets of a decedent's estate;'';

(C) by striking ''and'' at the end of paragraph (3);

(D) by striking the period at the end of paragraph (4) and inserting ''; and''; and

(E) by adding at the end the following:

''(5) 'heirs of the first or second degree' means parents, children, grandchildren, grandparents, brothers and sisters of a decedent.'';

(2) by amending section 203 to read as follows:

''SEC. 203. OTHER APPLICABLE PROVISIONS.

''(a) IN GENERAL.—Subject to subsection (b), sections 5 and 7 of the Act of June 18, 1934 (commonly known as the 'Indian Reorganization Act') (48 Stat. 985 et seq., chapter 576; 25 U.S.C. 465 and 467) shall apply to all Indian tribes, notwithstanding section 18 of that Act (25 U.S.C. 478).

''(b) RULE OF CONSTRUCTION.—Nothing in this section is intended to supersede any other provision of Federal law which authorizes, prohibits, or restricts the acquisition of land or the creation of reservations for Indians with respect to any specific Indian tribe, reservation, or State.'';

(3) in section 205—

(A) in the matter preceding paragraph (1)—

(i) by striking ''Any Indian'' and inserting ''(a) IN GENERAL.—Subject to subsection (b), any Indian'';

(ii) by striking ''per centum of the undivided interest in such tract'' and inserting ''percent of the individual interests in such tract. Interests owned by an Indian tribe in a tract may be included in the computation of the percentage of ownership of the undivided interests in that tract for purposes of determining whether the consent requirement under the preceding sentence has been met.'';

(iii) by striking '': *Provided,* That—''; and inserting the following:

''(b) CONDITIONS APPLICABLE TO PURCHASE.—Subsection (a) applies on the conditions that—'';

(B) in paragraph (2)—

(i) by striking ''If,'' and inserting ''if''; and

(ii) by adding ''and'' at the end; and

(C) by striking paragraph (3) and inserting the following:

''(3) the approval of the Secretary shall be required for a land sale initiated under this section, except that such approval shall not be required with respect to a land sale transaction initiated by an Indian tribe that has in effect a land consolidation plan that has been approved by the Secretary under section 204.'';

(4) by striking section 206 and inserting the following:

''SEC. 206. DESCENT AND DISTRIBUTION OF TRUST OR RESTRICTED LANDS; TRIBAL ORDINANCE BARRING NONMEMBERS OF AN INDIAN TRIBE FROM INHERITANCE BY DEVISE OR DESCENT.

''(a) TRIBAL PROBATE CODES.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, any Indian tribe may adopt a tribal probate code to govern descent and distribution of trust or restricted lands that are—

''(A) located within that Indian tribe's reservation; or

''(B) otherwise subject to the jurisdiction of that Indian tribe.

''(2) CODES.—A tribal probate code referred to in paragraph (1) may provide that, notwithstanding section 207, only members of the Indian tribe shall be entitled to receive by devise or descent any interest in trust or restricted lands within that Indian tribe's reservation or otherwise subject to that Indian tribe's jurisdiction.

''(b) SECRETARIAL APPROVAL.—

''(1) IN GENERAL.—Any tribal probate code enacted under subsection (a), and any amendment to such a tribal probate code, shall be subject to the approval of the Secretary.

''(2) REVIEW AND APPROVAL.—

''(A) IN GENERAL.—Each Indian tribe that adopts a tribal probate code under subsection (a) shall submit that code to the Secretary for review. Not later than 180 days after a tribal probate code is submitted to the Secretary under this paragraph, the Secretary shall review and approve or disapprove that tribal probate code.

''(B) CONSEQUENCE OF FAILURES TO APPROVE OR DISAPPROVE A TRIBAL PROBATE CODE.—If the Secretary fails to approve or disapprove a tribal probate code submitted for review under subparagraph (A) by the date specified in that subparagraph, the tribal probate code shall be deemed to have been approved by the Secretary, but only to the extent that the tribal probate code is consistent with Federal law.

''(C) CONSISTENCY OF TRIBAL PROBATE CODE WITH THIS ACT.—The Secretary may not approve a tribal probate code under this paragraph unless the Secretary determines that the tribal probate code is consistent with this Act.

''(D) EXPLANATION.—If the Secretary disapproves a tribal probate code under this paragraph, the Secretary shall include in a notice of the disapproval to the Indian tribe a written explanation of the reasons for the disapproval.

''(E) AMENDMENTS.—

''(i) IN GENERAL.—Each Indian tribe that amends a tribal probate code under this paragraph shall submit the amendment to the Secretary for review and approval. Not later than 60 days after receiving an amendment under this subparagraph, the Secretary shall review and approve or disapprove the amendment.

''(ii) CONSEQUENCE OF FAILURE TO APPROVE OR DISAPPROVE AN AMENDMENT.—If the Secretary fails to approve or disapprove an amendment submitted under clause (i), the amendment shall be deemed to have been approved by the Secretary, but only to the extent that the amendment is consistent with Federal law.

''(3) EFFECTIVE DATES.—A tribal probate code or amendment approved under paragraph (2) shall become effective on the later of—

''(A) the date specified in section 207(e)(1); or

''(B) 180 days after the date of approval.

''(4) LIMITATIONS.—

''(A) TRIBAL PROBATE CODES.—Each tribal probate code enacted under subsection (a) shall apply only to the estate of a decedent who dies on or after the effective date of the tribal probate code.

''(B) AMENDMENTS TO TRIBAL PROBATE CODES.—With respect to an amendment to a tribal probate code referred to in subparagraph (A), that amendment shall apply only to the estate of a descendant who dies on or after the effective date of the amendment.

''(5) REPEALS.—The repeal of a tribal probate code shall—

''(A) not become effective earlier than the date that is 180 days after the Secretary receives notice of the repeal; and

''(B) apply only to the estate of a decedent who dies on or after the effective date of the repeal.

''(c) USE OF PROPOSED FINDINGS BY TRIBAL JUSTICE SYSTEMS.—

''(1) TRIBAL JUSTICE SYSTEM DEFINED.—In this subsection, the term 'tribal justice system' has the meaning given that term in section 3 of the Indian Tribal Justice Act (25 U.S.C. 3602).

''(2) REGULATIONS.—The Secretary shall promulgate regulations concerning the use of proposed findings of fact and conclusions of law, as rendered by a tribal justice system, in the adjudication of probate proceedings by the Department of the Interior.

''(d) LIFE ESTATES FOR NON-INDIAN SPOUSES AND CHILDREN WHO WOULD OTHERWISE BE PRECLUDED FROM INHERITING BY REASON OF THE OPERATION OF A TRIBAL PROBATE CODE.—

''(1) IN GENERAL.—Paragraph (2) shall apply with respect to a non-Indian spouse or child of an Indian decedent, if that decedent is subject to a tribal probate code that has been approved by the Secretary (or deemed approved) under subsection (b) and—

''(A) dies intestate; and

''(B) has devised an interest in trust or restricted lands to that non-Indian spouse or child, which the spouse or child is otherwise prohibited from inheriting by reason of that tribal probate code.

''(2) LIFE ESTATES.—

''(A) IN GENERAL.—A surviving non-Indian spouse or child of the decedent described in paragraph (1) may elect to receive a life estate in the portion of the trust or restricted lands to which that individual would have been entitled under the tribal probate code, if that individual were an Indian.

''(B) REMAINDER OF INTEREST.—If a non-Indian spouse or child elects to receive a life estate described in subparagraph (A), the remainder of the interest of the Indian decedent shall vest in the Indians who would otherwise have been heirs, but for that spouse's or child's election to receive a life estate.'';

(5) by striking section 207 and inserting the following:

''SEC. 207. DESCENT AND DISTRIBUTION; ESCHEAT OF FRACTIONAL INTERESTS.

''(a) DESCENT AND DISTRIBUTION.—Except as provided in this section, interests in trust or restricted lands may descend by testate or intestate succession only to—

''(1) the decedent's heirs-at-law or relatives within the first and second degree;

''(2) a person who owns a preexisting interest in the same parcel of land conveyed by the decedent;

''(3) members of the Indian tribe with jurisdiction over the lands devised; or

''(4) the Indian tribe with jurisdiction over the lands devised.

''(b) SPECIAL RULE.—A decedent that does not have a relative who meets the description under subsection (a)(1) or a relative who is a member described in subsection (a)(3) may devise that decedent's estate or any asset of that estate to any relative.

''(c) DEVISE OF INTERESTS IN THE SAME PARCEL TO MORE THAN 1 PERSON.—

''(1) JOINT TENANCY WITH RIGHT OF SURVIVORSHIP.—If a testator devises interests in the same parcel of trust or restricted land to more than 1 person, in the absence of express language in the devise to the contrary, the devise shall be presumed to create a joint tenancy with right of survivorship.

''(2) ESTATES PASSING BY INTESTATE SUCCESSION.—With respect to an estate passing by intestate succession, only a spouse and heirs of the first or second degree may inherit an interest in trust or restricted lands.

''(3) ESCHEAT.—If no individual is eligible to receive an interest in trust or restricted lands, the interest shall escheat to the Indian tribe having jurisdiction over the trust or restricted lands, subject to any life estate that may be created under section 206(d).

''(4) NOTIFICATION TO INDIAN TRIBES.—Not later than 180 days after the date of enactment of the Indian Land Consolidation Act Amendments of 1999, the Secretary shall, to the extent that the Secretary considers to be practicable, notify Indian tribes and individual landowners of the amendments made by the Indian Land Consolidation Act Amendments of 1999. The notice shall list estate planning options available to the owners.

''(5) DESCENT OF OFF-RESERVATION LANDS.—

''(A) INDIAN RESERVATION DEFINED.—For purposes of this paragraph, the term 'Indian reservation' includes lands located within—

''(i) Oklahoma; and

''(ii) the boundaries of an Indian tribe's former reservation (as defined and determined by the Secretary).

''(B) DESCENT.—Upon the death of an individual holding an interest in trust or restricted lands that are located outside the boundaries of an Indian reservation and that are not subject to the jurisdiction of any Indian tribe, that interest shall descend either—

''(A) by testate or intestate succession in trust to an Indian; or

''(B) in fee status to any other devises or heirs.

''(6) NOTICE TO INDIANS.—

''(A) IN GENERAL.—The Secretary shall provide notice to each Indian that has an interest in trust or restricted lands of that interest. The notice shall specify that if such interest is in 2 percent or less of the total acreage in a parcel of trust or restricted lands, that interest may escheat to the Indian tribe of that Indian.

''(B) LIMITATION.—Subsections (a) and (d) shall not apply to the probate of any interest in trust or restricted lands of an Indian decedent if the Secretary failed to provide notice under subparagraph (A) to that individual before the date that is 180 days before the death of the decedent.

''(d) ESCHEATABLE FRACTIONAL INTERESTS.—

''(1) IN GENERAL.—Notwithstanding subsection (a), no undivided interest which represents 2 percent or less of the total acreage in a parcel of trust or restricted land shall pass by intestacy.

''(2) ESCHEAT.—An undivided interest referred to in paragraph (1) shall escheat—

''(A) to the Indian tribe on whose reservation the interest is located; or

''(B) if that interest is located outside of a reservation, to the recognized tribal government possessing jurisdiction over the land.''; and

(6) by adding at the end the following:

''SEC. 213. ACQUISITION OF FRACTIONAL INTERESTS.

''(a) IN GENERAL.—The Secretary may acquire, in the discretion of the Secretary, with the consent of its owner and at fair market value, any fractional interest in trust or restricted lands. The Secretary shall give priority to the acquisition of fractional interests representing 2 percent or less of a parcel of trust or restricted land. The Secretary shall hold in trust for the Indian tribe that has jurisdiction over the fractional interest in trust or restricted lands the title of all interests acquired under this section.

''(b) PROGRAM OF ACQUISITION.—Any Indian tribe that has in effect a consolidation plan that has been approved by the Secretary under section 204 may request the Secretary to enter into an agreement with the Indian tribe to implement a program to acquire fractional interests, as authorized by subsection (a) using funds appropriated pursuant to this Act.

''SEC. 214. ADMINISTRATION OF ACQUIRED FRACTIONAL INTERESTS, DISPOSITION OF PROCEEDS.

''(a) IN GENERAL.—Subject to the conditions described in subsection (b)(1), an Indian tribe receiving a fractional interest under section 207 or 213 may, as a tenant in common with the other owners of the trust or restricted lands, lease the interest, sell the resources, consent to the granting of rights-of-way, or engage in any other transaction affecting the trust or restricted land authorized by law.

''(b) CONDITIONS.—

''(1) IN GENERAL.—The conditions described in this paragraph are as follows:

''(A) Until the purchase price paid by the Secretary for the interest referred to in subsection (a) has been recovered, any lease, resource sale contract, right-of-way, or other transaction affecting the document providing for the disposition of the interest under that subsection shall contain a clause providing that all revenue derived from the interest shall be paid to the Secretary.

''(B) The Secretary shall deposit any revenue derived from interest paid under subparagraph (A) in the Acquisition Fund created under section 216.

''(C) The Secretary shall deposit any revenue derived from the interest that is paid under subparagraph (A) that is in an amount in excess of the purchase price of the fractional interest involved to the credit of the Indian tribe that receives the fractional interest under section 213.

''(D) Notwithstanding any other provision of law, including section 16 of the Act of June 18, 1934 (commonly referred to as the 'Indian Reorganization Act') (48 Stat. 987, chapter 576; 25 U.S.C. 476), during such time as an Indian tribe is a tenant in common with individual Indian landowners on land acquired under section 207 or 213, the Indian tribe may not refuse to enter into any transaction covered under this section if landowners owning a majority of the undivided interests in the parcel consent to the transaction.

''(E) If the Indian tribe does not consent to enter into a transaction referred to in subparagraph (D), the Secretary may consent on behalf of the Indian tribe.

''(F) For leases of allotted land that are authorized to be granted by the Secretary, the Indian tribe shall be treated as if the Indian tribe were an individual Indian landowner.

''(2) EXCEPTION.—Paragraph (1)(A) shall not apply to any revenue derived from an interest in a parcel of land acquired by the Secretary under section after an amount equal to the purchase price of that interest in land has been paid into the Acquisition Fund created under section 216.

''SEC. 215. ESTABLISHING FAIR MARKET VALUE.

''For the purposes of this Act, the Secretary may develop a reservation-wide system (or system for another appropriate geographical unit) for establishing the fair market value of various types of lands and improvements. That system may govern the amounts offered for the purchase of interests in trust or restricted lands under section 213.

''SEC. 216. ACQUISITION FUND.

''(a) IN GENERAL.—The Secretary shall establish an Acquisition Fund to—

''(1) disburse appropriations authorized to accomplish the purposes of section 213; and

''(2) collect all revenues received from the lease, permit, or sale of resources from interests in trust or restricted lands transferred to Indian tribes by the Secretary under section 213.

''(b) DEPOSITS; USE.—

''(1) IN GENERAL.—Subject to paragraph (2), all proceeds from leases, permits, or resource sales derived from an interest in trust or restricted lands described in subsection (a)(2) shall—

''(A) be deposited in the Acquisition Fund; and

''(B) as specified in advance in appropriations Acts, be available for the purpose of acquiring additional fractional interests in trust or restricted lands.

''(2) MAXIMUM DEPOSITS OF PROCEEDS.—With respect to the deposit of proceeds derived from an interest under paragraph (1), the aggregate amount deposited under that paragraph shall not exceed the purchase price of that interest under section 213.

''SEC. 217. DETERMINATION OF RESERVATION BOUNDARIES AND TRIBAL JURISDICTION.

''(a) DETERMINATION OF JURISDICTION.—

''(1) IN GENERAL.—The Secretary shall determine whether a parcel of land is—

''(A) within an Indian reservation; or

''(B) otherwise subject to an Indian tribe's jurisdiction.

''(2) REVIEW.—The United States District Court for the district where land that is subject to a determination under paragraph (1) is located may review the determination under chapter 7 of title 5, United States Code.

''(b) RULE OF CONSTRUCTION.—Nothing in this Act may be construed to affect section 2409a of title 28, United States Code.

''SEC. 218. TRUST AND RESTRICTED LAND TRANSACTIONS.

''(a) POLICY.—It is the policy of the United States to encourage and assist the consolidation of land ownership through transactions involving individual Indians in a manner consistent with the policy of maintaining the trust status of allotted lands.

''(b) VALUATION OF SALES AND EXCHANGES.—Notwithstanding any other provision of law—

''(1) the sale of an interest in trust or restricted land may be made for an amount that is less than the fair market value of that interest; and

''(2) the exchange of an interest in trust or restricted lands may be made for an interest of a value less than the fair market value of the interest in those lands.

''(c) STATUS OF LANDS.—The sale or exchange of an interest in trust or restricted land under this section shall not affect the status of that land as trust or restricted land.

''(d) GIFT DEEDS.—

''(1) IN GENERAL.—An individual owner of an interest in trust or restricted land may convey that interest by gift deed to—

''(A) an individual Indian who is a member of the Indian tribe that exercises jurisdiction over the land;

''(B) the Indian tribe that exercises jurisdiction over that land; or

''(C) any other person whom the Secretary determines may hold the land in trust or restricted status.

''(2) SPECIAL RULE.—With respect to any gift deed conveyed under this section, the Secretary shall not require an appraisal.

''SEC. 219. REPORTS TO CONGRESS.

''(a) IN GENERAL.—Not later than the date that is 3 years after the date of enactment of the Indian Land Consolidation Act Amendments of 1999, and annually thereafter, the Secretary shall submit to Congress a report that indicates, for the period covered by the report—

''(1) the number of fractional interests in trust or restricted lands acquired; and

''(2) the impact of the resulting reduction in the number of such fractional interests on the financial and realty recordkeeping systems of the Bureau of Indian Affairs.

''(b) RECOMMENDATIONS FOR LEGISLATION.—The Secretary, after consultation with the Indian tribes, shall make recommendations for such legislation as is necessary to make further reductions in the fractional interests referred to in subsection (a).

''SEC. 220. APPROVAL OF LEASES, RIGHTS-OF-WAY, AND SALES OF NATURAL RESOURCES.

''(a) IN GENERAL.—The Secretary may approve any lease, right-of-way, sale of natural resources, or any other transaction affecting individually owned trust or restricted lands that requires approval by the Secretary, if—

''(1) the owners of a majority interest in the trust or restricted lands consent to the transaction; and

''(2) the Secretary determines that approval of the transaction is in the best interest of the Indian owners.

''(b) BINDING TRANSACTIONS.—Upon the approval of a transaction referred to in subsection (a), the transaction shall be binding upon the owners of the minority interests in the trust or restricted land, and all other parties to the transaction to the same extent as if all of the Indian owners had consented to the transaction.

''SEC. 221. REAL ESTATE TRANSACTIONS INVOLVING NON-TRUST LANDS.

''(a) IN GENERAL.—Notwithstanding any other provision of law, any Indian tribe may on the same basis as any other person, buy, sell, mortgage, or otherwise acquire or dispose of lands or interests in land described in subsection (b), without an Act of Congress or the approval of the Secretary.

''(b) LANDS.—Lands described in this subsection are lands that are—

''(1) acquired after the date of enactment of the Indian Land Consolidation Act Amendments of 1999; and

''(2) not held in trust or subject to a preexisting Federal restriction on alienation imposed by the United States.

''(c) NO LIABILITY ON PART OF THE UNITED STATES.—The disposition of lands described in subsection (b) shall create no liability on the part of the United States.''.

(b) EFFECTIVE DATE; APPLICABILITY.—

(1) EFFECTIVE DATE OF AMENDMENTS TO SECTION 207 OF THE INDIAN LAND CONSOLIDATION ACT.—Except with respect to the notification under section 207(c) (4) and (6) of the Indian Land Consolidation Act (25 U.S.C. 2206(c) (4) and (6)), the amendments made by subsection (a) to section 207 of the Indian Land Consolidation Act (25 U.S.C. 2206) shall become effective on the date that is 2 years after the date of enactment of this Act.

(2) APPLICABILITY.—The amendments made by subsection (a) to section 207 of the Indian Land Consolidation Act shall apply only to the estates of decedents that die on or after the date specified in paragraph (1).

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

By Mr. CAMPBELL:

S. 1587. A bill to amend the American Indian Trust Fund Management Reform Act of 1994 to establish within the Department of the Interior an Office of Special Trustee for Data Cleanup and Internal Control; to the Committee on Indian Affairs.

CREATION OF SPECIAL TRUSTEE FOR DATA CLEANUP AND INTERNAL CONTROL

Mr. CAMPBELL. Mr. President, as many of my colleagues are aware, the American Indian Trust Management Reform Act of 1994 established the Office of Special Trustee within the Department of Interior. Many believe that the reform efforts initiated by the Act were dealt a serious set-back when the person confirmed by the Senate for this position resigned in response to the Secretary's effort to re-organize the Office of the Special Trustee without notifying the Special Trustee, the Congress, the Advisory Commission established by the 1994 Act, affected Indian tribes, or Indian account holders.

A number of concerns have been raised by the absence of a Special Trustee appointed and confirmed in a manner consistent with the Act. Perhaps the most important concern raised in hearings on the trust fund crisis is the absence of a responsible official with either the independence or the appearance of independence of an appointed Special Trustee. The Act was designed to allow the Special Trustee to act and advise Congress in an independent manner. For example, the Act required the Special Trustee to certify in writing of the adequacy of the budget requests for those entities responsible for discharging the Secretary's trust responsibility.

In light of the federal government's dismal history of its management of trust funds, it is not surprising that Indian tribes and Indian account holders are concerned that the same institutions that produced this crisis are in complete control of the efforts to reform it. In addition, trust management experts have testified before joint hearings of the Indian Affairs and the Energy and Natural Resources Committees that it is simply naive to assume that comprehensive rethinking and reform will be carried out by the very institutions that are in desperate need of reform.

In an effort to regain the independence needed to assure individual and tribal account holders, the legislation I introduce today will establish the position of Special Trustee for Data Cleanup and Internal Control. Under this legislation, the person holding this position will be appointed by the Inspector General of the Department of Interior to ensure that the incumbent is not beholden to the entities responsible for developing or implementing the Administration's High Level Implementation Plan. This bill would allow the Secretary to remove the incumbent only for good cause.

Under this bill, the Special Trustee for Data Cleanup and Internal Control is directed to contract out for the matters under his or her control and to retain temporary employees to the greatest extent feasible. This will ensure those cleaning up the system and designing internal controls will not be subject to the criticism that they might be tempted to gloss over past mistakes or develop internal controls that can easily be fulfilled.

Mr. President I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1587

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

SECTION 1. FINDINGS.

Congress makes the following findings:

(1) Numerous studies by the Office of the Inspector General of the Department of the Interior, the General Accounting Office, and independent auditors have criticized the absence of independent oversight or other forms of internal control over the Department's management of Indian trust assets and trust funds.

(2) Indian and tribal account holders have indicated that they will have little or no confidence in the reform of the trust management system if the reform is carried out

by the same entities that are responsible for the management of the system on the date of enactment of this Act.

(3) It would constitute an inherent conflict of interest or at least the appearance of a conflict of interest if the entity establishing internal controls for a trust management system were to be appointed, supervised, and subject to removal by the entity that such internal controls are written for.

(4) Account holder confidence will be improved if the same official is not simultaneously responsible for the immediate supervision of the fiduciary and financial reporting activities of both the trust fund accounting system and the trust asset and accounting management system.

(5) To the extent practicable, the reform of activities and creation of internal controls as described in the Department of the Interior's Trust Management Improvement Project, High Level Implementation Plan dated July 1998, and any amendments or modifications to that plan, should be carried out by private contractors.

SEC. 2. SPECIAL TRUSTEE FOR DATA CLEANUP AND INTERNAL CONTROL.

The American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.) is amended—

(1) by redesignating title IV as title V;

(2) by redesignating section 401 as section 501; and

(3) by inserting after title III, the following:

''TITLE IV—MISCELLANEOUS PROVISIONS

''SEC. 401. SPECIAL TRUSTEE FOR DATA CLEANUP AND INTERNAL CONTROL.

''(a) ESTABLISHMENT.—There is hereby established within the Department of Interior the Office of Special Trustee for Data Cleanup and Internal Control. The Office shall be headed by the Special Trustee for Data Cleanup and Internal Control (referred to in this section as the 'Special Trustee') who shall report directly to the Secretary.

''(b) SPECIAL TRUSTEE.—

''(1) APPOINTMENT.—The Special Trustee shall be appointed by the Inspector General of the Department of the Interior from among individuals who possess demonstrated ability in the—

''(A) development and implementation of internal controls;

''(B) development and implementation of trust management procedures; and

''(C) conversion or rehabilitation of trust management systems.

''(2) COMPENSATION.—The Special Trustee shall be paid at a rate determined by the Secretary to be appropriate for the position, but not less than the basic pay payable at Level III of the Executive Schedule under Section 5313 of Title 5.

''(3) TERM OF OFFICE.—The Special Trustee shall serve for a term of 2 years and may only be removed for good cause by the Secretary.

''(c) DUTIES.—

''(1) IN GENERAL.—Notwithstanding title III, the Special Trustee shall oversee the following subprojects as identified in the Draft Trust Management Improvement Project Subproject Task Updates, dated April 1999:

''(A) Subproject #1, OST Data Cleanup.

''(B) Subproject #5, Trust Funds Accounting System.

''(C) Subproject #9, Policies and Procedures.

''(D) Subproject #10, Training.

''(E) Subproject #11, Internal Controls.

''(2) OVERSIGHT.—The Special Trustee shall oversee the expenditure of funds appropriated by Congress for each of the subprojects described in paragraph (1), including the approval or modification of contracts, and make employment decisions for each of the positions funded for each of such projects.

''(3) CONTRACTING.—To the maximum extent practicable, the Special Trustee shall ensure that activities are carried out under this subsection through contracts entered into with private entities or through the retention of the temporary services of trust management specialists.

''(d) MODIFICATION OF IMPLEMENTATION PLAN.—To the extent that the activities to be carried out under subsection (c) are altered our amended as a result of any modification made after the date of enactment of this Act to the Department of the Interior's Trust Management Improvement Project, High Level Implementation Plan (dated July 1998), the Special Trustee shall continue to be responsible for overseeing such activities.''.

By Mr. CAMPBELL:

S. 1588. A bill to authorize the awarding of grants to Indian tribes and tribal organizations, and to facilitate the recruitment of temporary employees to improve Native American participation in and assist in the conduct of the 2000 decennial census of population, and for other purposes; to the Committee on Indian Affairs.

NATIVE AMERICAN CENSUS PARTICIPATION ENHANCEMENT ACT OF 1999

Mr. CAMPBELL. Mr. President, today I am pleased to introduce the Native American Census Participation Enhancement Act of 1999.

Like all past censuses, the 2000 Decennial Census will play a vital role in American society. By counting the population of the United States, the decennial census serves as the statistical basis for distributing federal funds, redistricting for political representation, and planning for future infrastructure development.

Participating in this ritual every ten years is important for all Americans. But for Native Americans, this Federal tally is perhaps even more important.

As we all know, Native Americans have been under-represented in past census counts. The most recent census, conducted in 1990, was extremely inaccurate in its count of American Indians and Alaskan Natives who were living in rural reservation areas.

The effects of undercounting American Indians and Alaskan Natives have real consequences for Native communities.

An undercount of Native Americans skews population statistics which are used to allocate and distribute federal funds and services to tribes. For example, funds made available under the Federal Welfare-to-Work Grant program and Community Development Block Grants (CDBG) are both determined by reference to census statistics.

These key programs offer millions of dollars in Federal assistance to help low-income Americans make the transition from welfare to work and to build healthier and more productive communities.

This direct correlation between an accurate census and whether or not Native communities will be treated fairly and more than that, whether they will be given the tools they need to strengthen their economies, is the reason for the bill I am introducing today.

There has been a lot of debate about the 2000 Census and whether the count can be more accurately done through statistical sampling or other methods.

In my opinion, article I of our Constitution is clear in requiring that ''an actual enumeration'' be taken of the population every ten years.

As chairman of the Committee on Indian Affairs I have an obligation to see to it that Native Americans are treated fairly. At the same time I believe that Natives themselves bear a measure of responsibility for their destinies.

Just as the Census Bureau and the United States have a legal obligation to conduct an actual count, American Indians and Alaska Natives have a responsibility to answer the census and ensure that they are represented in the final tally.

This Congress and our nation can rightly demand that the United States fulfill its obligations to the Constitution and to Native Americans and achieve both a fair and complete count of American Indians and Alaskan Natives in Census 2000.

The bill I am introducing today will help ensure that Native Americans achieve a higher level of participation in the Census and ensure a more accurate count by authorizing the Secretary of Commerce to provide grants to Indian tribes and organizations to stimulate Native awareness of and participation in the 2000 Census.

It also provides incentives to help the Secretary and Indian tribes to recruit temporary employees and volunteer ''Census Assistants'' to work in and with Native communities and encourage Natives to answer the census.

I am hopeful that as the Census Bureau continues to lay the groundwork for the 2000 Census, it take into account the unique needs of the Native communities and the importance of getting an accurate count of all Native Americans.

Mr. President, I ask unanimous consent that the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1588

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

SECTION 1. SHORT TITLE.

This Act may be cited as the Native American Census Participation Enhancement Act of 1999.

SEC. 2. DEFINITIONS.

(1) ''2000 CENSUS.''—The term ''2000 census'' means the 2000 decennial census of population;

(2) ''BUREAU.''—The term ''Bureau'' means the Bureau of the Census.

(3) ''INDIAN TRIBE.''—The term ''Indian tribe'' has the meaning given that term in section 4(e) of the Indian Self Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(4) ''INDIAN LANDS.''—For purposes of this title, the term ''Indian lands'' shall include

lands within the definition of ''Indian country'', as defined in 18 USC 1151; or ''Indian reservations'' as defined in section 3(d) of the Indian Financing Act of 1974, 25 USC 1452(d), or section 4(10) of the Indian Child Welfare Act, 25 USC 1903(10). For purposes of this definition, such section 3(d) of the Indian Financing Act of 1974 shall be applied by treating the term ''former Indian reservations in Oklahoma'' as including only those lands which are within the jurisdictional area of an Oklahoma Indian Tribe (as determined by the Secretary of the Interior) and are recognized by such Secretary as eligible for trust land status under 25 CFR Part 151 (as in effect on the date of enactment of this sentence).

(5) ''SECRETARY.''—The term ''Secretary'' means the Secretary of Commerce.

(6) ''TRIBAL ORGANIZATION.''—The term ''Tribal organization'' has the meaning given that term by section 4 of the Indian Self Determination and Education Assistance Act (25 USC 450b).

SEC. 3. FINDINGS AND PURPOSES.

The Congress finds that—

(1) Article I of the United States Constitution provides that an enumeration be taken of the United States population every 10 years to permit the apportionment of Representatives and for other purposes;

(2) information collected through the decennial census is used to determine—

(A) the boundaries of congressional districts within States;

(B) the boundaries of the districts for the legislature of each State and the boundaries of other political subdivisions within the States;

(C) the allocation of billions of dollars of Federal and State funds.

(3) the enumeration of Native Americans has not been accurate and has led to an undercounting of the Native American population living on Indian lands and in rural areas;

(4) the United States has a legal obligation to conduct an enumeration of the census in all communities in the United States, including Native communities;

(5) Tribal governments and Native Americans have an obligation to answer the census and ensure they are represented in the census.

TITLE I—GRANTS TO TRIBES AND ORGANIZATIONS

SEC. 1. PROGRAM AUTHORIZATION.

In order to improve Native American participation in the 2000 census, the Secretary may, in accordance with the provisions of this Act, provide for grants to be made to Indian tribes and tribal organizations, consistent with the purposes of this Act.

SEC. 2. APPLICATIONS.

(a) APPLICATIONS REQUIRED.—Each entity referred to in section 2 that wishes to receive a grant under this Act shall submit an application at such time, in such form, and complete with such information as the Secretary shall by regulation require, except that any such application shall include at least—

(1) a statement of the objectives for which the grant is sought; and

(2) a description of the types of programs and activities for which the grant is sought.

(b) NOTICE OF APPROVAL OR DISAPPROVAL.—Each entity submitting an application under subsection (a) shall, not later than 60 days after the date of its submission, be notified in writing as to whether such application is approved or disapproved.

SEC. 3. MATCHING REQUIREMENT.

(a) IN GENERAL.—A grant may not be made to an entity under this Act unless such entity agrees, with respect to the costs to be incurred by such entity in carrying out the programs and activities for which the grant is made, to make available non-Federal contributions in an amount equal to not less than 50 per cent of the Federal funds provided under the grant.

(b) NON-FEDERAL CONTRIBUTIONS.—An entity receiving a grant under this Act may meet the requirement under subsection (a) through—

(1) the use of amounts from non-Federal sources; or

(2) in-kind contributions, fairly evaluated, but only if and to the extent allowable under section 9.

SEC. 4. ALLOCATION.

The Secretary shall allocate the amounts appropriated to carry out this Act equitably and in a manner that best achieves the purposes of this Act.

SEC. 5. USE OF GRANT FUNDS.

A grant made under this Act may be used only for one or more of the following—

(1) to train volunteers to assist individuals residing on Indian lands to complete and return census questionnaires;

(2) to educate Native Americans and the public about the importance of participating in the 2000 census;

(3) to educate Native Americans and the public about the confidentiality that is accorded to information collected in the 2000 census;

(4) to recruit candidates to apply for census office and field enumerator positions;

(5) to sponsor community events to promote the 2000 census;

(6) to produce community-tailored promotional materials; and

(7) to rent space to provide any of the training described in this section.

SEC. 6. REGULATIONS.

Any regulations to carry out this Act shall be prescribed not later than 60 days after the date of enactment of this Act. The regulations shall include—

(1) provisions requiring that any application for a grant under this Act be submitted to the appropriate regional center or area office of the Bureau of the Census, as identified under the regulations;

(2) provisions under which the decision to approve or disapprove any such application shall be made by the head of the appropriate center or office in accordance with guidelines set forth in the regulations.

TITLE II—RECRUITMENT OF TEMPORARY EMPLOYEES

SEC. 1. RECRUITING TEMPORARY EMPLOYEES.

(a) COMPENSATION SHALL NOT BE TAKEN INTO ACCOUNT.—Section 23 of title 13, United States Code, is amended by adding at the end the following:

''(d)(1) As used in this subsection, the term 'temporary census position' shall mean a temporary position within the Bureau, established for purposes related to the 2000 census, as determined under regulations which the Secretary shall prescribe.

''(2) Notwithstanding any other provision of law, the earning or receipt by an individual of compensation for service performed by such individual in a temporary census position shall not have the effect of causing—

''(A) such individual or any other individual to become eligible for any benefits described in paragraph (3)(A); or

''(B) a reduction in the amount of any benefits described in paragraph (3)(A) for which such individual or any other individual would otherwise be eligible.

''(3) This subsection—

''(A) shall apply with respect to benefits provided under any Federal program or under any State, tribal or local program financed in whole or in part with Federal funds;

''(B) shall apply only with respect to compensation for service performed during calendar year 2000; and

''(C) shall not apply if the individual performing the service involved was first appointed to a temporary census position (whether such individual's then current position or a previous one) before January 1, 2000.''

(2) Nothing in the amendment made by paragraph (1) shall be considered to apply with respect to Public Law 101–86 or the Internal Revenue Code of 1986.

(b) RE-EMPLOYED ANNUITANTS AND FORMER MEMBERS OF THE UNIFORMED SERVICES.—Public Law 101–86 (13 U.S.C. 23) is amended—

(1) in section 1(b) and the long title by striking ''the 1990 decennial census'' and inserting ''the 2000 decennial census''; and

(2) in section 4 by striking ''December 31, 1990'' and inserting ''December 31, 2000''.

SEC. 2. CENSUS ASSISTANTS.

(a) IN GENERAL.—Subject to available appropriations, and after consulting with Indian tribes, the Secretary may provide such reasonable and appropriate incentives to facilitate and encourage volunteers to assist in the enumeration of Native Americans.

(b) REIMBURSEMENTS.—In his discretion, the Secretary may reimburse volunteers for fuel and mileage expenses; meals and related expenses; and other reasonable and necessary expenses incurred by assistants in the conduct of the Census.

(c) DEBT RELIEF.—In consultation with the Secretary of the Treasury, the Secretary shall develop and implement a program of undergraduate or graduate debt relief for those Census assistants that have provided significant service in the conduct of the enumeration of the Census.

By Mr. CAMPBELL:

S. 1589. A bill to amend the American Indian Trust Fund Management Reform Act of 1994; to the Committee on Indian Affairs.

INDIAN TRUST FUND MANAGEMENT REFORMS

Mr. CAMPBELL. Mr. President today I am pleased to introduce the American Indian Trust Fund Management Reform Act Amendments of 1999.

As many of my colleagues are aware, by the early 1990's, it was obvious that the Federal Government could not account for many of the funds it manages as the trustee to Indian tribes and their members. Most of these responsibilities were lodged in the Department of the Interior and its Bureau of Indian Affairs.

Studies by the General Accounting Office revealed that the Department and BIA lacked individuals with the knowledge, experience, or expertise needed to oversee and coordinate reform efforts. Congress reacted by enacting the American Indian Trust Fund Management Reform Act (AITFRA) of 1994.

Responding to criticisms that the Department's reform efforts were uncoordinated and piecemeal, Congress called for the appointment of a ''Special Trustee'' to provide overall management of the reform activities. The 1994 Act called for the President to nominate and for the Senate to confirm a Special Trustee with demonstrated experience in the management of trust funds, including the investment and management of large sums of money.

The 1994 Act did not give the Special Trustee all of the tools he or she needed to ensure that the Federal Government would live up to the same trust

standards imposed on any other trustee. For example, although Congress sought to make the Special Trustee ''independent,'' he had little recourse when Secretary Bruce Babbitt unilaterally reorganized the Office of the Special Trustee for American Indians through a Secretarial Order. In fact the Special Trustee resigned following the issuance of the Order in January 1999.

In 1997, the Special Trustee unveiled the Strategic Plan required by the 1994 Act. The Secretary declined an invitation by the Indian Affairs Committee to appear and explain his opposition to the Plan, especially those elements of the Plan that would allow some trust management functions to be performed by entities outside the Department of Interior.

Indian Country neither firmly embraced, nor rejected the proposed Strategic Plan. Indian Country has expressed strong concerns, and often opposition to the Department's own proposal, the High Level Implementation Plan.

In our joint Indian Affairs—Energy and Natural Resources Committee hearings, one theme has been repeated over and over: we cannot expect the institution that created the problem to design and implement comprehensive reforms for that system. It is also necessary to ensure that any reform proposal is the result of a broad-based consultation with all of the affected entities, especially Indian tribes, intertribal entities, and Indian account holders. It is likely that any reforms proposed by such a process will require legislative implementation.

The legislation I introduce today satisfies each of these factors. First, it does not rely on those responsible for the current situation to determine the scope of reform. Second, it establishes a process that will give those with the greatest stake in this process a commensurate opportunity to develop and propose reforms. It also provides an opportunity for all those concerned to participate in this process. Finally, this legislation makes it clear that at the conclusion of this process, Congress should consider whether legislation is necessary.

This bill directs the Senate Majority and Minority Leaders, the Speaker of the House and Minority Leader, and the Secretary of Interior to consult and make appointments that equitably represent those who will be the most affected by the management of trust funds. The legislation also requires the Commission to consider whether private enterprise, a tribal or inter-tribal enterprise, or perhaps a government sponsored corporate entity should be part of the government's fulfillment of its trust obligation. This same commission will determine which federal regulatory agency is best suited to regulate the Federal Government's activities as trustee.

Every financial institution managing and investing the money of the citizens of the United States is regulated by some entity, for example by the Comptroller of the Currency, or the Federal Reserve Board, or the Office of Thrift Supervision. The only exception that I am aware of is the federal government when it acts as a trustee to Indians and Indian tribes. And by now we can all see the mess that has resulted from this lack of regulatory oversight.

This bill does not mandate the form of organization or entity best suited to oversee the Federal Government's activities as trustee. Instead, it creates an open and fair process for these issues to be decided by those who know the most about how financial institutions and their trust Departments are regulated.

This bill builds upon a proposal made by the Intertribal Monitoring Association and represents a starting point for determining how to strengthen the 1994 Act.

This bill is a necessary counterpart to another bill I am introducing to amend the Indian Land Consolidation Act of 1983 to address the fractionated ownership of Indian lands, one of the primary causes of the trust funds crisis. With both measures, it is essential that all parties involved—the tribes, individual Indians, the Interior Department, and Congress—set out to finally lay the groundwork for real trust fund reform. Native Americans deserve no less.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1589

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 ''American Indian Trust Fund Management Reform Act Amendments''.

SEC. 2. DEFINITIONS.

Section 2 of the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001) is amended by adding at the end the following:

''(7) The term 'Commission' means the Indian Trust Reform Commission established under section 303.''.

SEC. 3. OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS, INDIAN TRUST REFORM COMMISSION.

(a) OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS.—

(1) IN GENERAL.—Section 302 of the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4042) is amended by striking subsection (c) and inserting the following:

''(c) TERM OF SPECIAL TRUSTEE.—The Special Trustee shall serve for a term of 2 years.''.

(2) CONFORMING AMENDMENT.—Section 306 of the American Indian Trust Fund Management Reform Act (25 U.S.C. 4046) is amended by striking subsection (d).

(b) INDIAN TRUST REFORM COMMISSION.—Section 302 of the American Indian Trust Fund Management Reform Act (25 U.S.C. 4042) is amended by adding at the end the following:

''(d) INDIAN TRUST FUND REFORM COMMISSION.—

''(1) ESTABLISHMENT.—There is established the Indian Trust Fund Reform Commission.

''(2) MEMBERSHIP.—The Commission shall be composed of the following members:

''(A) One member appointed by the Majority Leader of the Senate.

''(B) One member appointed by the Minority Leader of the Senate.

''(C) One member appointed by the Speaker of the House of Representatives.

''(D) One member appointed by the Minority Leader of the House of Representatives.

''(E) One member appointed by the Secretary of the Interior.

''(3) CONSULTATION.—Before making an appointment under paragraph (2), each individual referred to in subparagraphs (A) through (D) shall consult with each other individual referred to in those subparagraphs to achieve, to the maximum extent practicable, fair and equitable representation of different interests, with resect to the matters to be studied by the commission, including the interests of Indian tribes, appropriate intertribal organizations, and individual Indian account holders.

''(4) QUALIFICATIONS OF MEMBERS.—

''(A) IN GENERAL.—Each individual appointed as a member under paragraph (2) shall—

''(i) have legal, accounting, regulatory, or administrative experience with respect to trust assets and accounts or comparable experience in tribal government; or

''(ii) at the time of the appointment, be an individual who is serving as a member of the advisory board established under section 306(a).

''(B) CONCURRENT MEMBERSHIP.—A member of the advisory board referred to in subparagraph (A)(ii) may serve concurrently as a member of the Commission.

''(5) CHAIRPERSON.—Not later than the date on which a majority of the members of the Commission have been appointed (but not later than 75 days after the date of enactment of this subsection) a chairperson of the Commission shall be selected a consensus or majority decision made by the Secretary of the Interior, the Speaker of the House of Representatives, and the Majority Leader of the Senate.

''(6) INITIAL APPOINTMENTS; PERIOD OF APPOINTMENT; AND VACANCIES.—

''(A) INITIAL APPOINTMENTS.—The initial appointment of the members of the Commission shall be made not later than 60 days after the date of enactment of this subsection.

''(B) PERIOD OF APPOINTMENT.—Members shall be appointed for the life of the Commission.

''(C) VACANCIES.—Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment, but not later than 60 days after the date on which the vacancy occurs.

''(7) INITIAL MEETING.—Not later than 30 days after the date on which a majority of the members of the Commission have been appointed, the Commission shall hold its first meeting.

''(8) MEETINGS.—The Commission shall meet at the call of the Chairman.

''(9) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

''(10) DUTIES OF THE COMMISSION.—The Commission shall carry out the duties of the Commission specified in section 303(a).

''(11) POWERS OF THE COMMISSION.—

''(A) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the duties of the Commission under this Act.

''(B) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the duties of the Commission under this subsection. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

''(12) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

''(13) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

''(14) COMMISSION PERSONNEL MATTERS.—

''(A) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

''(B) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

''(15) STAFF.—

''(A) IN GENERAL.—The Chairman may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

''(B) COMPENSATION.—The Chairman may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

''(C) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Board without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

''(D) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairman may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.''.

SEC. 4. REINVENTION STRATEGY.

Section 303 of the American Indian Trust Fund Management Act of 1994 (25 U.S.C. 4043) is amended by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—

''(1) REINVENTION STRATEGY.—

''(A) IN GENERAL.—Not later than 180 days after a majority of the members of the Commission have been appointed, the Commission, in consultation with Indian tribes and appropriate Indian organizations, shall prepare for submission to the individuals and entities specified in subparagraph (C) in accordance with subparagraph (B) a recommended reinvention strategy for all phases of the trust management business cycle that ensures the proper and efficient discharge of the trust responsibility of the Federal Government to Indian tribes and individual Indians in compliance with this title.

''(B) ADOPTION.—Not later than 90 days after the date specified in subparagraph (A), the Commission shall—

''(i)(I) meet to consider the reinvention strategy developed under subparagraph (A); and

''(II)(aa) take a vote concerning the adoption of the reinvention strategy for recommendation to the individuals and entities specified in subparagraph (C), and adopt for recommendation the reinvention strategy if it is approved by a majority vote; or

''(bb) modify the reinvention strategy, and if the modified reinvention strategy is approved by a majority vote, adopt the modified reinvention strategy for recommendation to the individuals and entities specified in subparagraph (C); and

''(ii) submit a recommended reinvention strategy to the individuals and entities specified in subparagraph (C).

''(C) INDIVIDUALS AND ENTITIES.—The individuals and entities referred to in subparagraphs (A) and (B) are as follows:

''(i) The advisory commission established under section 306(a).

''(ii) The Secretary.

''(iii) The Committee on Resources of the House of Representatives.

''(iv) The Committee on Indian Affairs of the Senate.

''(2) REINVENTION STRATEGY REQUIREMENTS.—

''(A) IN GENERAL.—In preparing the reinvention strategy under this subsection, the Commission shall explicitly consider and include in the report to the individuals and entities described in paragraph (1)(C) findings concerning the following options for fulfilling the obligations of the Federal Government (including the trust obligations of the Federal Government) to Indian tribes and individual Indian account holders:

''(i) The creation of a Government-sponsored enterprise or a federally chartered corporation to undertake some or all of the management, accounting, or other parts of the trust management business cycle.

''(ii) The use of existing or expanded authority under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) to undertake some or all of the management, accounting, or other parts of the trust management business cycle.

''(iii) Requiring the Secretary to contract directly with private sector entities (including banks and other private institutions) to undertake some or all of the management, accounting, or other parts of the trust management business cycle.

''(iv) Any combination of the options described in clauses (i) through (iii) that the Commission considers to be appropriate.

''(B) ADDITIONAL REQUIREMENTS.—In addition to meeting the requirements under subparagraph (A), the reinvention strategy shall—

''(i) identify all reforms to the policies, procedures, practices, and systems of the Department (including systems of the Bureau, the Bureau of Land Management, and the Minerals Management Service) that are necessary to ensure the proper and efficient discharge of the trust responsibilities of the Secretary in compliance with this Act;

''(ii) include provisions to—

''(I) provide opportunities to Indian tribes to assist in the management of their trust accounts; and

''(II) identify for the Secretary options for the investment of the trust accounts of Indian tribes in a manner consistent with the trust responsibilities of the Secretary in compliance with this Act in such manner as to ensure the promotion of economic development in the communities of Indian tribes; and

''(iii) include recommendations concerning whether the position of Special Trustee should be continued or made permanent.

''(3) REGULATORY ENTITY.—

''(A) IN GENERAL.—Not later than 90 days after approving a reinvention strategy under paragraph (1), the Commission shall recommend to Congress the Federal agency that should be responsible for regulating the trust management activities of the Federal Government, with respect to funds held in trust under this Act, and submit such recommendations for legislation to implement the reinvention strategy as the Commission considers to be appropriate.

''(B) CRITERIA FOR RECOMMENDING REGULATORY ENTITY.—In determining which regulatory entity to recommend under subparagraph (A), the Commission shall consider—

''(i) the provisions of the recommended reinvention strategy approved under paragraph (1); and

''(ii) the similarity of the recommended reinvention strategy approved under paragraph (1) and the functions and activities of an entity regulated by—

''(I) the Office of the Comptroller of the Currency;

''(II) the Board of Governors of the Federal Reserve System;

''(III) the Office of Federal Housing Enterprise Oversight;

''(IV) the Federal Trade Commission;

''(V) the Office of Thrift Supervision; or

''(VI) any other Federal agency charged with the responsibility of regulating public or private entities that invest or manage financial resources.''.

By Mr. CRAPO:

S. 1590. A bill to amend title 49, United States Code, to modify the authority of the Surface Transportation Board, and for other purposes; to the Committee on Environment and Public Works.

SURFACE TRANSPORTATION BOARD IMPROVEMENT ACT

Mr. CRAPO. Mr. President, today I am introducing a very important piece of legislation, the Surface Transportation Board Improvement Act, which is aimed at correcting an injustice for railroad workers, shippers and anyone who have a contractual relationship with a railroad. Basically, my bill would end the onerous procedure of the Surface Transportation Board to override, modify, or cancel collective bargaining agreements between railroads and their employees. Collective bargaining agreements go to the very essence of the labor relations process. They are the result of hard-fought deliberations between labor and management, and of a give-and-take process which often results in no winners or losers. While the process is not perfect, collective bargaining agreements do not come lightly and they should be honored—not subject to change by a federal agency.

In 1920, Congress determined that railroad mergers and consolidations should be subject to exclusive federal jurisdiction through the Interstate Commerce Commission (ICC). To effect that intent, Congress gave an exemption from antitrust laws, other federal laws, State and municipal laws to railroads participating in a transaction approved by the ICC. However, what was good policy in 1920 no longer works today because the language used to effect that policy is too broad giving rise to unfair application.

Unfortunately, the exemption provisions of the Interstate Commerce Act have been extended beyond the limited area of removing inconsistent State and municipal regulations governing railroad mergers and consolidations. Instead, they now are used to override contracts between railroads and their employees and railroads and other parties, such as shippers. Since 1983, the ICC and its successor the Surface Transportation Board (STB) have used the exemption to override, modify, or cancel collective bargaining agreements between railroads and their employees. The Board has not confined these overrides, while unacceptable under any circumstances, to the period surrounding the ICC or STB approval of a transaction. If fact, the exemption has been used to modify and cancel collective bargaining agreements more than thirty years after the initial approval of the railroad consolidation. Recently, the STB has used the same exemption provisions to override contracts between shippers and railroads. This wide ranging power in a federal agency is unprecedented and needs to be remedied.

What we need is a balance. Contracts freely entered should be considered inviolate and subject to governmental intrusion in only the most important and rare circumstances. A railroad merger does not reach that level of importance. No one can show a legitimate present need to treat railroads any differently from other modes of transportation when it comes to their honoring contractual commitments. My bill restores a balance that existed between 1920 and 1983 by making it clear that the federal interest in regulating rail mergers and consolidations does not extend to upsetting settled contractual relationships between the regulated party, the railroads, and others.

The specific remedies provided by this bill are straightforward. First, the exemption is limited to inconsistent State and municipal regulations of rail mergers and consolidations. That was a primary goal of Congress in 1920 and is preserved here. The antitrust exemption is lifted because in this era of mega-rail carriers, there is no reason future railroad mergers and consolidations should not be treated the same as mergers and consolidations in other modes of transportation. Congress gave the antitrust exemption to the railroad industry in 1920 following a period of governmental control triggered, in part, because of the rail industry's general economic instability. In 1920, the federal governmental interest supported rail mergers because they seemed the key to a stable mode of transportation in an essential sector of the economy. Given the general economic health of the Class I rail carriers coupled with the recent round of mergers/acquisitions in both West and East, no one can honestly claim further railroad consolidation is necessarily in the public interest.

Second, my bill ends the STB's foray into labor relations. From the date of enactment, all future transactions involving the merger of work forces proposed by rail carriers under employee protective conditions previously imposed by the ICC or STB will be resolved under the dispute resolution procedures provided in the Railway Labor Act (RLA). The RLA has governed railroad labor relations since 1926 (and airlines since 1935). Congress has not amended the Act significantly since 1966 when Congress provided the means to expedite resolution of ''minor disputes'' in the industry. The manner of negotiating a change in collective bargaining agreements has been in place since 1926. While some may disagree with parts of the RLA dispute resolution process, it works and has worked for seventy-three years. My bill places resolution of force integration disputes in merger cases back into the same collective bargaining processes that govern all other changes in railroad labor relations.

Federal labor policy with respect to collective bargaining, as established under the RLA, is that private agreements are reached and amended by the parties without governmental compulsion. That policy provides a process whereby labor and management can voluntarily resolve differences and enter into contracts, and rejects the notion that the government should micro-manage the substantive terms of collective bargaining agreements.

In defiance of this policy, the STB, which has no experience or authority in collective bargaining, has routinely broken or modified privately negotiated employee contracts in the approval of mergers or other transactions. My bill bars the STB from making wholesale changes to or abrogating privately negotiated collective bargaining agreements. It is fair public policy that contracts should be saved and changed only when the parties sit down and agree to new terms in a fair collective bargaining setting.

Mr. President, I urge all Senators to join me in support of this important legislation. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1590

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 ''Surface Transportation Board Improvement Act of 1999''.

SEC. 2. SCOPE OF AUTHORITY; EMPLOYEE PROTECTIVE ARRANGEMENTS.

(a) SCOPE OF AUTHORITY.—Section 11321 of title 49, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

''(a)(1) The authority of the Board under this subchapter is exclusive. A rail carrier or corporation participating in or resulting from a transaction approved by or exempted by the Board under this subchapter may carry out the transaction, own, and operate property, and exercise control or franchises acquired through the transaction without the approval of a State authority.

''(2) Subject to paragraph (3), a rail carrier, corporation, or person participating in an approved or exempted transaction described in paragraph (1) is exempt from State and municipal laws to the extent that the laws regulate combinations, mergers, or consolidations of rail carriers, as necessary to permit that rail carrier, corporation, or person to—

''(A) carry out the transaction; and

''(B) hold, maintain, and operate property, and exercise control or franchises acquired through the transaction.

''(3)(A) If a purchase and sale, a lease, or a corporate consolidation or merger is involved in a transaction described in paragraph (1), the carrier, or corporation may carry out the transaction only with the assent of a majority, or the number required under applicable State law, of the votes of the holders of the capital stock of that corporation entitled to vote.

''(B) To meet the requirements of this paragraph—

''(i) a vote referred to in subparagraph (A) shall occur at a regular meeting, or special meeting called for that purpose, of the stockholders referred to in that subparagraph; and

''(ii) the notice of the meeting shall indicate its purpose.''; and

(2) by adding at the end the following:

''(c) The Board shall not, under any circumstances, have the authority under this subchapter to—

''(1) break, modify, alter, override, or abrogate, in whole or in part, any provision of any collective bargaining agreement or implementing agreement made between the rail carrier and an authorized representative of the employees of the rail carrier under the Railway Labor Act (45 U.S.C. 151 et seq.); or

''(2) provide the authority described in paragraph (1) to any other person, carrier or corporation.''.

(b) EMPLOYEE PROTECTIVE ARRANGEMENTS.—Section 11326 of title 49, United States Code, is amended by striking subsection (a) and inserting the following:

''(a)(1) Except as otherwise provided in this section, when approval is sought for a transaction under sections 11324 and 11325, the Board shall require the rail carrier to provide a fair arrangement at least as protective of the interests of employees who are affected by the transaction as the terms imposed under section 11347 of this title, as in effect on the day before December 29, 1995.

''(2) The arrangement and the order approving a transaction referred to in paragraph (1) shall be subject to the following conditions:

''(A) The employees of the affected rail carrier shall not be in a worse position related to their employment as a result of the transaction during the 6-year period beginning on the date on which the employee is adversely affected by an action taken by the affected rail carrier as a result of the transaction (or if an employee was employed for a

lesser period of time by the rail carrier before the action became effective, for that lesser period).

''(B)(i) The rail carrier and the authorized representatives of the rail carrier's employees shall negotiate under the Railway Labor Act any arrangement regarding the selection of forces or assignment of employees caused by the Board's order of approval under sections 11324 or 11325.

''(ii) Arbitration of the proposed arrangement may only occur if both parties agree to that process.

''(iii) The Board shall not intervene in the negotiations or arbitration under this subparagraph unless requested to do so by both parties involved.

''(iv) The Board shall not, under any circumstances, have the authority under this subchapter to—

''(I) break, modify, alter, override, or abrogate, in whole or in part, any provision in any collective bargaining agreements or implementing agreements made between the rail carrier and an authorized representative of its employees under the Railway Labor Act; or

''(II) provide the authority described in subclause (I) to any other person, carrier, or corporation.

''(3) Beginning on the date of the enactment of the Surface Transportation Board Improvement Act of 1999, this subsection shall apply to any transaction proposed by a rail carrier under conditions previously imposed by the former Interstate Commerce Commission or the Surface Transportation Board under—

''(A) section 5(2)(f) of the Interstate Commerce Commission Act before October 1, 1978;

''(B) section 11347 of this title, before December 29, 1995; or

''(C) this section.''.

By Mr. MURKOWSKI (for himself and Mr. SCHUMER):

S. 1591. A bill to further amend section 8 of the Puerto Rico Federal Relations Act as amended by section 606 of the Act of March 12 (P.L. 96–205), authorizing appropriations for certain insular areas of the United States, and for other purposes; to the Committee on Energy and Natural Resources.

PUERTO RICO FEDERAL RELATIONS ACT AMENDMENTS

Mr. MURKOWSKI. Mr. President, this morning I had an opportunity to meet with the Governor of Puerto Rico, the Honorable Pedro Rosello. The purpose was to discuss a variety of issues affecting our relationship with Puerto Rico. The Committee on Energy and Natural Resources, which I chair, has the responsibility for the territories and the freely associated States of the United States, of which Puerto Rico is one. That responsibility derives from the plenary authority of the Federal Government over the territories, which is placed in the Congress under article IV of the Constitution.

I take that responsibility very seriously. My State was a territory until 1959. I truly remember the days when my State was totally dependent on the goodwill of the Congress. Sometimes that goodwill was somewhat lacking. We were American citizens. We did not enjoy the right to vote. We had no representation in Congress. We were subject to Federal income tax. Some Alaskans thought they would feel good about filing under protest and would write that across their income tax return, but that is about the extent of the satisfaction they got. In any event, I do have a certain sensitivity for the American people of Puerto Rico.

I think it is fair to remind my colleagues that Congress is vested with the power to admit States and the power to dispose of the territory status of those areas within the United States. This is one of the fundamental authorities that affect the nature of our society and the nature of our Government. Thirty-seven times we have acted to admit new States to the Union. Once we acted to grant independence. In the interim, we have governed areas that expanded this Nation from Thirteen Original Colonies to a country that stretches from the Virgin Islands to Guam, the Northern Mariana Islands, and from Maine to Alaska to American Samoa in the South Pacific. We have tried, perhaps not always successfully, to be responsive to the needs and aspirations of the residents of the territories.

Coming from a former territory, I understand the unhappiness of living in territorial status subject to decisions made in Washington. As a consequence, I try to be fair and sensitive and sympathetic to the aspirations and concerns of the people of Puerto Rico, the American people of Puerto Rico, and whether a continuing quest for self-determination, which I happen to believe is appropriate and an obligation of this Congress, is something that is still unresolved with regard to the Americans and the people of Puerto Rico.

Perhaps a little history might be helpful on this. Referring to my own State, we were purchased for $7.2 million in 1867 from Russia with citizenship except for the ''uncivilized native tribes.'' Full citizenship to all residents was not enacted until 1915. Alaska was then subject to military government for 17 years. When we requested an extension of the homestead laws in order to settle a territory, our requests were then ignored by Washington. The Organic Act of 1884 provided for civil government and an appointed Governor but did not provide for either a legislative assembly or a delegate to Congress. However, in 1906, 39 years after acquisition, we were finally granted a nonvoting delegate to Congress in the House of Representatives. In 1912, an Organic Act provided for a local legislature with limited authority subject to veto by an appointed Governor to the State of Alaska, appointed by the President with the oversight of Congress.

In some respects Puerto Rico obtained greater local self-government faster than we did in Alaska. In 1950, Puerto Rico had an elective Governor and Constitution while Alaska was still subject to appointed officials. While we now have an elected Governor and Statehood, we are still subject to appointed officials, some of whom appear to think that Statehood and federalism are arcane and outdated concepts—impediments to the achievement of their particular concept of public good.

Mr. President, if that level of insensitivity to the needs and aspirations of local residents and the wishes of elected officials occurs in a State, you can imagine how the residents of a territory feel. That brings me to the subject of this legislation I introduced today.

Vieques is a 33,000 acre island off the east coast of Puerto Rico, approximately 22 miles long by 6 miles wide. The federal government acquired ⅔ of the island in 1941. The population of 9,400 resides in the west central area of the island, sandwiched between two military areas. The western portion of the island is used as a Navy Supply Depot with 102 magazines. The eastern portion contains a maneuvering area for amphibious/land training and a Live Impact Area that is part of the Atlantic Fleet Weapons Training Facility.

Vieques is the only target range in the U.S. where aircrews drop live ordnance from tactical altitudes, above 18,000 feet. The facility also supports shore bombardment training with live ordnance. Although the civilian population resides about 8 miles from the Live Impact Area, relations have been tense for some time, as you might expect if your community was the recipient of regularly scheduled live exercises with live ammunition. You would keep one eye open at night.

It finally happened on April 19, 1999. An F/A–18 from the JFK Battlegroup participating in live fire training as part of deployment preparations dropped two 500 pound bombs near an observation post within the Live Fire Impact area. A civilian contract security guard was unfortunately killed and four other personnel received minor injuries. While this is the only fatality to have occurred over the past sixty years, there have been several minor incidents within the Live Fire Impact area. The guard, David Sanes Rodriguez, was 35 and one of 17 siblings who grew up in the La Mina sector of Vieques.

Mr. President, you have heard me complain any number of times about the abuse that my constituents must endure from disinterred federal bureaucracy. We are denied the ability to develop our resources. We cannot obtain rights-of-way to connect our towns and villages. We cannot connect by road, by rail, or by wire. I will not go through how many of my constituents have died because we cannot obtain a simple right-of-way through a few miles of a wildlife refuge so they can obtain emergency medical treatment. This is the case in my State. At least the federal government is not dropping live ordnance on my constituents.

I fully understand the reasons why the Governor and virtually everyone in Puerto Rico has called for an end to the use of Vieques as a target range. I

also understand that this would not happen if Puerto Rico were not a territory. I fully support the need for our armed services to train, deploy, and test weapons. But there are certain things you simply don't do in an inhabited area. I deeply regret that it took an accident to highlight this situation, but that is the case.

For that reason, legislation I have introduced will amend the Puerto Rico Federal Relations Act to transfer control over Vieques to the government of Puerto Rico for public purposes. The term ''public purpose'' is very broad and will include the same public benefit uses that we authorized for lands transferred to Guam several years ago.

Finally, the day may come when Congress no longer exercises plenary authority over Puerto Rico but the Puerto Rican people will have determined their self-determination. Until that time, all of us have a responsibility to respond to the needs of our fellow citizens who reside there and in the other territories, as well as our own constituents. I hope my colleagues would join me in this amendment.

I see no other Senators seeking recognition, so I yield the floor.

By Mr. DURBIN (for himself and Mr. KENNEDY):

S. 1592. A bill to amend the Nicaraguan Adjustment and Central American Relief Act to provide to certain nationals of El Salvador, Guatemala, Honduras, and Haiti an opportunity to apply for adjustment of status under that Act, and for other purposes; to the Committee on the Judiciary.

CENTRAL AMERICAN AND HAITIAN PARITY ACT OF 1999

Mr. DURBIN. Mr. President, I rise today to introduce the Central American and Haitian Parity Act of 1999 with my colleague Senator KENNEDY. This legislation will provide deserved and needed relief to thousands of immigrants from Central America and the Caribbean who came to the United States fleeing political persecution.

In the 1980's, thousands of Salvadorans and Guatemalans fled civil wars in their countries and sought asylum in the United States. The vast majority had been persecuted or feared persecution in their home countries. The people of Honduras had a similar experience. While civil war was not formally waged within Honduras, the geography of the region made it impossible for Honduras to be unaffected by the violence and turmoil that surrounded it. The country of Haiti has also experienced extreme upheaval. Haitians for many years were forced to seek the protection of the United States because of oppression, human rights abuses and civil unrest.

Salvadorans, Guatemalans, Haitians and Hondurans have now established roots in the United States. Some have married here and many have children that were born in the United States. Yet many still live in fear. They cannot easily leave the United States and return to the great uncertainty in their countries of origin. If they are forced to return, they will face enormous hardship. Their former homes are either occupied by strangers or not there at all. The people they once knew are gone and so are the jobs they need to support their families. They also cannot become permanent residents of the United States, which severely limits their opportunities for work and education. This situation is unacceptable and requires a more permanent solution.

Before outlining how this bill will provide a permanent solution, it is important to review the evolution of deportation remedies. Prior to the passage of the Illegal Immigration Reform and Responsibility Act in 1996, aliens in the United States could apply for suspension of deportation and adjustment of status in order to obtain lawful permanent residence. Suspension of deportation was used to ameliorate the harsh consequences of deportation for aliens who had been present in the United States for long periods of time.

In September of 1996, Congress passed the Illegal Immigration Reform and Responsibility Act. This law retroactively made thousands of immigrants ineligible for suspension of deportation and left them with no alternate remedy. The 1996 Act eliminated suspension of deportation and established a new form of relief entitled cancellation of removal that required an applicant to accrue ten years of continuous residence as of the date of the initial notice charging the applicant with being removable.

In 1997, this Congress recognized that these new provisions could result in grave injustices to certain groups of people. So in November of 1997, the Nicaraguan and Central American Relief Act (NACARA) granted relief to certain citizens of former Soviet block countries and several Central American countries. This select group of immigrants were allowed to apply for permanent residence under the old, pre-IIRRA standards.

Such an alteration of IIRRA made sense. After all, the U.S. had allowed Central Americans to reside and work here for over a decade, during which time many of them established families, careers and community ties. The complex history of civil wars and political persecution in parts of Central America left thousands of people in limbo without a place to call home. Many victims of severe persecution came to the United States with very strong asylum cases, but unfortunately these individuals have waited so long for a hearing they will have difficulty proving their cases because they involve incidents which occurred as early as 1980. In addition, many victims of persecution never filed for asylum out of fear of denial, and consequently these people now face claims weakened by years of delay.

Mr. President, the bill I introduce today is a necessary and fair expansion of NACARA. It provides a permanent solution for thousands of people who desperately need one. Specifically, the bill amends the Nicaraguan Adjustment and Central American Relief Act and provides nationals of El Salvador, Guatemala, Honduras and Haiti an opportunity to apply for adjustment of status under the same standards as Nicaraguans and Cubans. While the restoration of democracy in Central America and the Caribbean has been encouraging, the situation remains delicate. Providing immigrants from these politically volatile areas an opportunity to apply for permanent resident status in the United States instead of deporting them to politically and economically fragile countries will provide more stability in the long run. Such an approach is the best solution not only for the United States but also for new and fragile democracies in Central America and the Caribbean. Immigrants have greatly contributed to the United States, both economically and culturally and the people of Central America and the Caribbean are no exception. If we continue to deny them a chance to live in the United States by deporting them, we not only hurt them, we hurt us too.

Mr. President, I ask unanimous consent that a copy of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1592

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 ''Central American and Haitian Parity Act of 1999''.

SEC. 2. ADJUSTMENT OF STATUS FOR CERTAIN NATIONALS FROM EL SALVADOR, GUATEMALA, HONDURAS, AND HAITI.

Section 202 of the Nicaraguan Adjustment and Central American Relief Act is amended—

(1) in the section heading, by striking ''NICARAGUANS AND CUBANS'' and inserting ''NICARAGUANS, CUBANS, SALVADORANS, GUATEMALANS, HONDURANS, AND HAITIANS'';

(2) in subsection (a)(1)(A), by striking ''2000'' and inserting ''2003'';

(3) in subsection (b)(1), by striking ''Nicaragua or Cuba'' and inserting ''Nicaragua, Cuba, El Salvador, Guatemala, Honduras, or Haiti''; and

(4) in subsection (d)—

[*(A) in subparagraph (A), by striking ''Nicaragua or Cuba'' and inserting ''Nicaragua, Cuba, El Salvador, Guatamala, Honduras, or Haiti; and*]

(B) in subparagraph (E), by striking ''2000'' and inserting ''2003''.

SEC. 3. APPLICATIONS PENDING UNDER AMENDMENTS MADE BY SECTION 203 OF THE NICARAGUAN ADJUSTMENT AND CENTRAL AMERICAN RELIEF ACT.

An application for relief properly filed by a national of Guatemala or El Salvador under the amendments made by section 203 of the Nicaraguan Adjustment and Central American Relief Act which was filed on or before the date of enactment of this Act, and on

which a final administrative determination has not been made, shall, at the election of the applicant, be considered to be an application for adjustment of status under the provisions of section 202 of the Nicaraguan Adjustment and Central American Relief Act, as amended by section 2 of this Act, upon the payment of any fees, and in accordance with procedures, that the Attorney General shall prescribe by regulation. The Attorney General may not refund any fees paid in connection with an application filed by a national of Guatemala or El Salvador under the amendments made by section 203 of that Act.

SEC. 4. APPLICATIONS PENDING UNDER THE HAITIAN REFUGEE IMMIGRATION FAIRNESS ACT OF 1998.

An application for adjustment of status properly filed by a national of Haiti under the Haitian Refugee Immigration Fairness Act of 1998 which was filed on or before the date of enactment of this Act, and on which a final administrative determination has not been made, may be considered by the Attorney General, in the unreviewable discretion of the Attorney General, to also constitute an application for adjustment of status under the provisions of section 202 of the Nicaraguan Adjustment and Central American Relief Act, as amended by section 2 of this Act.

SEC. 5. TECHNICAL AMENDMENTS TO THE NICARAGUAN ADJUSTMENT AND CENTRAL AMERICAN RELIEF ACT.

(a) IN GENERAL.—Section 202 of the Nicaraguan Adjustment and Central American Relief Act is amended—

(1) in subsection (a)—

(A) by inserting before the period at the end of paragraph (1)(B) the following: '', and the Attorney General may, in the unreviewable discretion of the Attorney General, waive the grounds of inadmissibility specified in section 212(a)(1) (A)(i) and (6)(C) of such Act for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest'';

(B) by redesignating paragraph (2) as paragraph (3);

(C) by inserting after paragraph (1) the following:

''(2) INAPPLICABILITY OF CERTAIN PROVISIONS.—In determining the eligibility of an alien described in subsection (b) or (d) for either adjustment of status under this section or other relief necessary to establish eligibility for such adjustment, the provisions of section 241(a)(5) of the Immigration and Nationality Act shall not apply. In addition, an alien who would otherwise be inadmissible pursuant to section 212(a)(9) (A) or (C) of such Act may apply for the Attorney General's consent to reapply for admission without regard to the requirement that the consent be granted prior to the date of the alien's reembarkation at a place outside the United States or attempt to be admitted from foreign contiguous territory, in order to qualify for the exception to those grounds of inadmissibility set forth in section 212(a)(9) (A)(iii) and (C)(ii) of such Act.''; and

(D) by amending paragraph (3) (as redesignated by subparagraph (B)) to read as follows:

''(3) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.—An alien present in the United States who has been ordered excluded, deported, or removed, or ordered to depart voluntarily from the United States under any provision of the Immigration and Nationality Act may, notwithstanding such order, apply for adjustment of status under paragraph (1). Such an alien may not be required, as a condition of submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate such order. Such an alien may be required to seek a stay of such an order in accordance with subsection (c) to prevent the execution of that order pending the adjudication of the application for adjustment of status. If the Attorney General denies a stay of a final order of exclusion, deportation, or removal, or if the Attorney General renders a final administrative determination to deny the application for adjustment of status, the order shall be effective and enforceable to the same extent as if the application had not been made. If the Attorney General grants the application for adjustment of status, the Attorney General shall cancel the order.'';

(2) in subsection (b)(1), by adding at the end the following: ''Subsection (a) shall not apply to an alien lawfully admitted for permanent residence, unless the alien is applying for relief under that subsection in deportation or removal proceedings.'';

(3) in subsection (c)(1), by adding at the end the following: ''Nothing in this Act requires the Attorney General to stay the removal of an alien who is ineligible for adjustment of status under this Act.'';

(4) in subsection (d)—

(A) by amending the subsection heading to read as follows: ''SPOUSES, CHILDREN, AND UNMARRIED SONS AND DAUGHTERS.—'';

(B) by amending the heading of paragraph (1) to read as follows: ''ADJUSTMENT OF STATUS.—'';

(C) by amending paragraph (1)(A) to read as follows:

''(A) the alien entered the United States on or before the date of enactment of the Central American and Haitian Parity Act of 1999;'';

(D) in paragraph (1)(B), by striking ''except that in the case of'' and inserting the following: ''except that—

''(i) in the case of such a spouse, stepchild, or unmarried stepson or stepdaughter, the qualifying marriage was entered into before the date of enactment of the Central American and Haitian Parity Act of 1999; and

''(ii) in the case of''; and

(E) by adding at the end the following new paragraph:

''(3) ELIGIBILITY OF CERTAIN SPOUSES AND CHILDREN FOR ISSUANCE OF IMMIGRANT VISAS.—

''(A) IN GENERAL.—In accordance with regulations to be promulgated by the Attorney General and the Secretary of State, upon approval of an application for adjustment of status to that of an alien lawfully admitted for permanent residence under subsection (a), an alien who is the spouse or child of the alien being granted such status may be issued a visa for admission to the United States as an immigrant following to join the principal applicant, if the spouse or child—

''(i) meets the requirements in paragraphs (1) (B) and (1) (D); and

''(ii) applies for such a visa within a time period to be established by such regulations.

''(B) RETENTION OF FEES FOR PROCESSING APPLICATIONS.—The Secretary of State may retain fees to recover the cost of immigrant visa application processing and issuance for certain spouses and children of aliens whose applications for adjustment of status under subsection (a) have been approved. Such fees—

''(i) shall be deposited as an offsetting collection to any Department of State appropriation to recover the cost of such processing and issuance; and

''(ii) shall be available until expended for the same purposes of such appropriation to support consular activities.'';

(5) in subsection (g), by inserting '', or an immigrant classification,'' after ''for permanent residence''; and

(6) by adding at the end the following new subsection:

''(i) STATUTORY CONSTRUCTION.—Nothing in this section authorizes any alien to apply for admission to, be admitted to, be paroled into, or otherwise lawfully return to the United States, to apply for, or to pursue an application for adjustment of status under this section without the express authorization of the Attorney General.''.

(b) EFFECTIVE DATE.—The amendments made by paragraphs (1)(D), (2), and (6) shall be effective as if included in the enactment of the Nicaraguan and Central American Relief Act. The amendments made by paragraphs (1) (A)–(C), (3), (4), and (5) shall take effect on the date of enactment of this Act.

SEC. 6. TECHNICAL AMENDMENTS TO THE HAITIAN REFUGEE IMMIGRATION FAIRNESS ACT OF 1998.

(a) IN GENERAL.—Section 902 of the Haitian Refugee Immigration Fairness Act of 1998 is amended—

(1) in subsection (a)—

(A) by inserting before the period at the end of paragraph (1)(B) the following: '', and the Attorney General may, in the unreviewable discretion of the Attorney General, waive the grounds of inadmissibility specified in section 212(a) (1)(A)(i) and (6)(C) of such Act for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest'';

(B) by redesignating paragraph (2) as paragraph (3);

(C) by inserting after paragraph (1) the following:

''(2) INAPPLICABILITY OF CERTAIN PROVISIONS.—In determining the eligibility of an alien described in subsection (b) or (d) for either adjustment of status under this section or other relief necessary to establish eligibility for such adjustment, or for permission to reapply for admission to the United States for the purpose of adjustment of status under this section, the provisions of section 241(a)(5) of the Immigration and Nationality Act shall not apply. In addition, an alien who would otherwise be inadmissible pursuant to section 212(a)(9) (A) or (C) of such Act may apply for the Attorney General's consent to reapply for admission without regard to the requirement that the consent be granted prior to the date of the alien's reembarkation at a place outside the United States or attempt to be admitted from foreign contiguous territory, in order to qualify for the exception to those grounds of inadmissibility set forth in section 212(a)(9) (A)(iii) and (C)(ii) of such Act.''; and

(D) by amending paragraph (3) (as redesignated by subparagraph (B)) to read as follows:

''(3) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.—An alien present in the United States who has been ordered excluded, deported, removed, or ordered to depart voluntarily from the United States under any provision of the Immigration and Nationality Act may, notwithstanding such order, apply for adjustment of status under paragraph (1). Such an alien may not be required, as a condition of submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate such order. Such an alien may be required to seek a stay of such an order in accordance with subsection (c) to prevent the execution of that order pending the adjudication of the application for adjustment of status. If the Attorney General denies a stay of a final order of exclusion, deportation, or removal, or if the Attorney General renders a final administrative determination to deny the application for adjustment of status, the order shall be effective and enforceable to the same extent as if the application had not been made. If the Attorney General grants the application for adjustment of status, the Attorney General shall cancel the order.'';

(2) in subsection (b)(1), by adding at the end the following: ''Subsection (a) shall not

apply to an alien lawfully admitted for permanent residence, unless the alien is applying for such relief under that subsection in deportation or removal proceedings.'';

(3) in subsection (c)(1), by adding at the end the following: ''Nothing in this Act shall require the Attorney General to stay the removal of an alien who is ineligible for adjustment of status under this Act.'';

(4) in subsection (d)—

(A) by amending the subsection heading to read as follows: ''SPOUSES, CHILDREN, AND UNMARRIED SONS AND DAUGHTERS.—'';

(B) by amending the heading of paragraph (1) to read as follows: ''ADJUSTMENT OF STATUS.—'';

(C) by amending paragraph (1)(A), to read as follows:

''(A) the alien entered the United States on or before the date of enactment of the Central American and Haitian Parity Act of 1999;'';

(D) in paragraph (1)(B), by striking ''except that in the case of'' and inserting the following: ''except that—

''(i) in the case of such a spouse, stepchild, or unmarried stepson or stepdaughter, the qualifying marriage was entered into before the date of enactment of the Central American and Haitian Parity Act of 1999; and

''(ii) in the case of'';

(E) by adding at the end of paragraph (1) the following new subparagraph:

''(E) the alien applies for such adjustment before April 3, 2003.''; and

(F) by adding at the end the following new paragraph:

''(3) ELIGIBILITY OF CERTAIN SPOUSES AND CHILDREN FOR ISSUANCE OF IMMIGRANT VISAS.—

''(A) IN GENERAL.—In accordance with regulations to be promulgated by the Attorney General and the Secretary of State, upon approval of an application for adjustment of status to that of an alien lawfully admitted for permanent residence under subsection (a), an alien who is the spouse or child of the alien being granted such status may be issued a visa for admission to the United States as an immigrant following to join the principal applicant, if the spouse or child—

''(i) meets the requirements in paragraphs (1) (B) and (1) (D); and

''(ii) applies for such a visa within a time period to be established by such regulations.

''(B) RETENTION OF FEES FOR PROCESSING APPLICATIONS.—The Secretary of State may retain fees to recover the cost of immigrant visa application processing and issuance for certain spouses and children of aliens whose applications for adjustment of status under subsection (a) have been approved. Such fees—

''(i) shall be deposited as an offsetting collection to any Department of State appropriation to recover the cost of such processing and issuance; and

''(ii) shall be available until expended for the same purposes of such appropriation to support consular activities.'';

(5) in subsection (g), by inserting '', or an immigrant classification,'' after ''for permanent residence'';

(6) by redesignating subsections (i), (j), and (k) as subsections (j), (k), and (l), respectively; and

(7) by inserting after subsection (h) the following new subsection:

''(i) STATUTORY CONSTRUCTION.—Nothing in this section authorizes any alien to apply for admission to, be admitted to, be paroled into, or otherwise lawfully return to the United States, to apply for, or to pursue an application for adjustment of status under this section without the express authorization of the Attorney General.''.

(b) EFFECTIVE DATE.—The amendments made by paragraphs (1)(D), (2), and (6) shall be effective as if included in the enactment of the Haitian Refugee Immigration Fairness Act of 1998. The amendments made by paragraphs (1) (A)–(C), (3), (4), and (5) shall take effect on the date of enactment of this Act.

SEC. 7. MOTIONS TO REOPEN.

(a) NATIONALS OF HAITI.—Notwithstanding any time and number limitations imposed by law on motions to reopen, a national of Haiti who, on the date of enactment of this Act, has a final administrative denial of an application for adjustment of status under the Haitian Refugee Immigration Fairness Act of 1998, and is made eligible for adjustment of status under that Act by the amendments made by this Act, may file one motion to reopen an exclusion, deportation, or removal proceeding to have the application reconsidered. Any such motion shall be filed within 180 days of the date of enactment of this Act. The scope of any proceeding reopened on this basis shall be limited to a determination of the alien's eligibility for adjustment of status under the Haitian Refugee Immigration Fairness Act of 1998.

(b) NATIONALS OF CUBA.—Notwithstanding any time and number limitations imposed by law on motions to reopen, a national of Cuba or Nicaragua who, on the date of enactment of the Act, has a final administrative denial of an application for adjustment of status under the Nicaraguan Adjustment and Central American Relief Act, and who is made eligible for adjustment of status under that Act by the amendments made by this Act, may file one motion to reopen an exclusion, deportation, or removal proceeding to have the application reconsidered. Any such motion shall be filed within 180 days of the date of enactment of this Act. The scope of any proceeding reopened on this basis shall be limited to a determination of the alien's eligibility for adjustment of status under the Nicaraguan Adjustment and Central American Relief Act.

Mr. KENNEDY. Mr. President, it is a privilege to join Senator DURBIN in introducing the ''Central American and Haitian Parity Act of 1999. I commend our colleagues in the House, Representatives CHRIS SMITH, LUIS GUTIERREZ, and others, who introduced a companion bill last month. This legislation has the strong support of the Clinton administration, because it is a key component of America's effort to support democracy and stability in Central America and Haiti.

Two years ago, Congress enacted the Nicaraguan Adjustment and Central American Relief Act, which protects Nicaraguan and Cuban refugees by enabling them to remain permanently in the United States as immigrants. But many Central Americans and Haitians were unfairly excluded from that bill. At that time, many of us in Congress opposed the unfairness and discrimination involved in treating Nicaraguans and Cubans more favorably than similarly situated Central Americans and Haitians. We believe all of these refugees should be treated equally.

It is time for Congress to end this disparity. With this legislation, we are remedying this flagrant omission and adding Salvadorans, Guatemalans, Hondurans, and Haitians to the list of deserving refugees.

These Central American and Haitian refugees, like Nicaraguans and Cubans, fled decades of violence, human rights abuses, and economic instability resulting from political repression. They suffered persecution at the hands of successive repressive governments. Central Americans and Haitians supporting democracy have faced torture, extra-judicial killings, imprisonment, and other forms of persecution. These and other gross violations of human rights have been documented by the State Department, and by human rights organizations such as Americas Watch and Amnesty International.

Like other political refugees, Central Americans and Haitians have come to this country with a strong love of freedom and a strong commitment to democracy. They have settled in many parts of the United States. They have established deep roots in our communities, and their children, that have been born here, are U.S. citizens. Wherever they have settled, they have made lasting contributions to the economic vitality and diversity of our communities and our nation.

Citizens in these countries are now working hard to establish democracy in their nations. President Clinton and Secretary Albright have repeatedly stated that it is America's long-standing foreign policy to ensure the continuing stability and viability of emerging, yet still fragile, democracies in Central America and Haiti. The Central American and Haitian communities in the United States have contributed substantially to this goal, sending hundreds of millions of dollars to their native lands. These funds have played a critical role in stabilizing these countries' economies as they make the transition to democracy, at no cost to the U.S. taxpayer.

The State Department has documented the potential adverse consequences of reducing the flow of these funds. From a U.S. foreign policy and humanitarian standpoint, these amounts have taken on added importance. These funds have become a primary source of income for families who lost their jobs as a result of the hurricanes that ravaged these countries last year. Repatriating thousands of Central Americans and Haitians will impose a substantial additional burden on these countries. It will also diminish the ability of Central Americans and Haitians in the U.S. to contribute financially to rebuilding their countries. Allowing Central Americans and Haitians to remain here as legal residents will enable them to continue to provide assistance that will contribute substantially to vital economic recovery and reconstruction.

This legislation will provide qualified Salvadorans, Guatemalans, Hondurans and Haitians with the opportunity to become permanent residents of the U.S. To qualify for this relief, they must have lived in this country since December 1995. By approving the Central American and Haitian Parity Act, we can finally bring an end to the shameful decades of disparate treatment that has existed.

This is an issue of basic fairness. The United States has a long and noble tradition of providing safe haven to refugees. Over the years, we have enacted legislation to guarantee safe haven for Hungarians, Cubans, Yugoslavs, Vietnamese, Laotians, Cambodians, Poles, Chinese, and many others.

This Congress has the opportunity to right the shameful wrongs that Central American and Haitian refugees have suffered. This bill offers the full protection of our laws to these victims of persecution in their fight for democracy. Congress has a duty to offer the same protection to Central Americans and Haitians that we have offered over the years to other refugees fleeing from repressive regimes. This bill does what is fair, what is right, and what is just.

We should do all we can to end the current flagrant discrimination under our immigration laws. Central American and Haitian refugees deserve protection too—the same protection we gave to Nicaraguans and Cubans. We need to pay more than lip service to the fundamental principle of equal protection of the laws.

Since its introduction in the House of Representatives, the Central American and Haitian Parity Act has received important bipartisan support. I am optimistic that it will receive similar support in the Senate. It deserves to be enacted as soon as possible.

ADDITIONAL COSPONSORS

S. 88

At the request of Mr. BUNNING, the names of the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 88, a bill to amend title XIX of the Social Security Act to exempt disabled individuals from being required to enroll with a managed care entity under the medicaid program.

S. 514

At the request of Mr. COCHRAN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 514, a bill to improve the National Writing Project.

S. 662

At the request of Mr. CHAFEE, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 662, a bill to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program.

S. 805

At the request of Mr. DURBIN, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 805, a bill to amend title V of the Social Security Act to provide for the establishment and operation of asthma treatment services for children, and for other purposes.

S. 824

At the request of Mr. KERRY, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 824, a bill to improve educational systems and facilities to better educate students throughout the United States.

S. 935

At the request of Mr. LUGAR, the names of the Senator from Illinois (Mr. FITZGERALD) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 935, a bill to amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to authorize research to promote the conversion of biomass into biobased industrial products, and for other purposes.

S. 1020

At the request of Mr. GRASSLEY, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 1020, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1029

At the request of Mr. COCHRAN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1029, a bill to amend title III of the Elementary and Secondary Education Act of 1965 to provide for digital education partnerships.

S. 1239

At the request of Mr. GRAHAM, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 1239, a bill to amend the Internal Revenue Code of 1986 to treat spaceports like airports under the exempt facility bond rules.

S. 1277

At the request of Mr. BAUCUS, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1277, a bill to amend title XIX of the Social Security Act to establish a new prospective payment system for Federally-qualified health centers and rural health clinics.

S. 1310

At the request of Ms. COLLINS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1310, a bill to amend title XVIII of the Social Security Act to modify the interim payment system for home health services, and for other purposes.

S. 1368

At the request of Mr. TORRICELLI, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1368, a bill to amend the Forest and Rangeland Renewable Resources Planning Act of 1974 and related laws to strengthen the protection of native biodiversity and ban clearcutting on Federal land, and to designate certain Federal land as ancient forests, roadless areas, watershed protection areas, special areas, and Federal boundary areas where logging and other intrusive activities are prohibited.

S. 1384

At the request of Mr. ABRAHAM, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1384, a bill to amend the Public Health Service Act to provide for a national folic acid education program to prevent birth defects, and for other purposes.

S. 1419

At the request of Mr. MCCAIN, the names of the Senator from South Carolina (Mr. THURMOND), the Senator from North Carolina (Mr. EDWARDS), the Senator from Delaware (Mr. BIDEN), the Senator from Colorado (Mr. ALLARD), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 1419, a bill to amend title 36, United States Code, to designate May as ''National Military Appreciation Month.''

S. 1440

At the request of Mr. GRAMM, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1440, a bill to promote economic growth and opportunity by increasing the level of visas available for highly specialized scientists and engineers and by eliminating the earnings penalty on senior citizens who continue to work after reaching retirement age.

S. 1452

At the request of Mr. SHELBY, the names of the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Idaho (Mr. CRAIG), and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 1452, a bill to modernize the requirements under the National Manufactured Housing Construction and Safety Standards of 1974 and to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes.

S. 1472

At the request of Mr. SARBANES, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1472, a bill to amend chapters 83 and 84 of title 5, United States Code, to modify employee contributions to the Civil Service Retirement System and the Federal Employees Retirement System to the percentages in effect before the statutory temporary increase in calendar year 1999, and for other purposes.

S. 1478

At the request of Mr. DASCHLE, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1478, a bill to amend part E of title IV of the Social Security Act to provide equitable access for foster care and adoption services for Indian children in tribal areas.

S. 1483

At the request of Mr. REID, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1483, a bill to amend the National Defense Authorization Act for Fiscal Year 1998 with respect to export controls on high performance computers.

S. 1488

At the request of Mr. GORTON, the names of the Senator from Minnesota (Mr. GRAMS) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 1488, a bill to amend the Public Health Service Act to provide for recommendations of the Secretary of Health and Human Services regarding the placement of automatic external defibrillators in Federal buildings in order to improve survival rates of individuals who experience cardiac arrest in such buildings, and to establish protections from civil liability arising from the emergency use of the devices.

S. 1498

At the request of Mr. CRAIG, his name was added as a cosponsor of S. 1498, a bill to amend chapter 55 of title 5, United States Code, to authorize equal overtime pay provisions for all Federal employees engaged in wildland fire suppression operations.

S. 1499

At the request of Mr. MACK, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 1499, a bill to title XVIII of the Social Security Act to promote the coverage of frail elderly medicare beneficiaries permanently residing in nursing facilities in specialized health insurance programs for the frail elderly.

S. 1550

At the request of Mr. WELLSTONE, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 1550, a bill to extend certain Medicare community nursing organization demonstration projects.

S. 1568

At the request of Mr. FEINGOLD, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 1568, a bill imposing an immediate suspension of assistance to the Government of Indonesia until the results of the August 30, 1999, vote in East Timor have implemented, and for other purposes.

SENATE CONCURRENT RESOLUTION 34

At the request of Mr. SPECTER, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of Senate Concurrent Resolution 34, a concurrent resolution relating to the observence of ''In Memory'' Day.

SENATE CONCURRENT RESOLUTION 56

At the request of Mr. VOINOVICH, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of Senate Concurrent Resolution 56, a concurrent resolution expressing the sense of Congress regarding the importance of ''family friendly'' programming on television.

SENATE RESOLUTION 99

At the request of Mr. REID, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from South Carolina (Mr. HOLLINGS), the Senator from North Dakota (Mr. DORGAN), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Hawaii (Mr. AKAKA), the Senator from Louisiana (Mr. BREAUX), the Senator from California (Mrs. BOXER), the Senator from Montana (Mr. BAUCUS), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Wisconsin (Mr. KOHL), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Rhode Island (Mr. REED), the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mr. MOYNIHAN), the Senator from Connecticut (Mr. DODD), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Montana (Mr. BURNS), the Senator from Iowa (Mr. GRASSLEY), the Senator from Alabama (Mr. SHELBY), the Senator from Colorado (Mr. CAMPBELL), the Senator from Idaho (Mr. CRAIG), the Senator from Wyoming (Mr. THOMAS), the Senator from South Carolina (Mr. THURMOND), the Senator from Utah (Mr. BENNETT), the Senator from Idaho (Mr. CRAPO), the Senator from New Mexico (Mr. DOMENICI), the Senator from Michigan (Mr. ABRAHAM), the Senator from Maine (Ms. COLLINS), the Senator from Maine (Ms. SNOWE), the Senator from Delaware (Mr. ROTH), the Senator from Oklahoma (Mr. INHOFE), the Senator from North Carolina (Mr. HELMS), the Senator from Missouri (Mr. ASHCROFT), the Senator from Vermont (Mr. JEFFORDS), and the Senator from Virginia (Mr. WARNER) were added as cosponsors of Senate Resolution 99, a resolution designating November 20, 1999, as ''National Survivors for Prevention of Suicide Day.''

SENATE RESOLUTION 118

At the request of Mr. REID, the names of the Senator from Wisconsin (Mr. KOHL) and the Senator from Nebraska (Mr. KERREY) were added as cosponsors of Senate Resolution 118, a resolution designating December 12, 1999, as ''National Children's Memorial Day.''

SENATE RESOLUTION 163

At the request of Mrs. BOXER, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of Senate Resolution 163, a resolution to establish a special committee of the Senate to study the causes of firearms violence in America.

SENATE RESOLUTION 172

At the request of Mr. BROWNBACK, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of Senate Resolution 172, a resolution to establish a special committee of the Senate to address the cultural crisis facing America.

SENATE RESOLUTION 179

At the request of Mr. BIDEN, the names of the Senator from Vermont (Mr. LEAHY), the Senator from New Jersey (Mr. TORRICELLI), and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of Senate Resolution 179, a resolution designating October 15, 1999, as ''National Mammography Day.''

SENATE RESOLUTION 181

At the request of Mr. HARKIN, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of Senate Resolution 181, a resolution expressing the sense of the Senate regarding the situation in East Timor.

SENATE RESOLUTION 183

At the request of Mr. ASHCROFT, the names of the Senator from South Carolina (Mr. THURMOND), the Senator from Washington (Mr. GORTON), the Senator from Michigan (Mr. ABRAHAM), the Senator from New Hampshire (Mr. SMITH), and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of Senate Resolution 183, a resolution designating the week beginning on September 19, 1999, and ending on September 25, 1999, as National Home Education Week.

AMENDMENT NO. 1572

At the request of Mr. DEWINE his name was added as a cosponsor of Amendment No. 1572 proposed to H.R. 2466, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

AMENDMENT NO. 1642

At the request of Mr. DEWINE his name was added as a cosponsor of Amendment No. 1642 proposed to H.R. 2466, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

AMENDMENT NO. 1643

At the request of Mr. DEWINE his name was added as a cosponsor of Amendment No. 1643 proposed to H.R. 2466, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

AMENDMENTS SUBMITTED

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

HELMS (AND OTHERS) AMENDMENT NO. 1658

Mr. HELMS (for himself, Mr. DEWINE, Mr. ASHCROFT, Mr. ENZI, Mr. BROWNBACK, and Mr. NICKLES) proposed an amendment to the bill, H.R. 2084; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) FINDINGS.—The Senate makes the following findings:

(1) The survival of American culture is dependent upon the survival of the sacred institution of marriage.

(2) The decennial census is required by section 2 of article 1 of the Constitution of the United States, and has been conducted in every decade since 1790.

(3) The decennial census has included marital status among the information sought from every American household since 1880.

(4) The 2000 decennial census will mark the first decennial census since 1880 in which marital status will not be a question included on the census questionnaire distributed to the majority of American households.

(5) The United States Census Bureau has removed marital status from the short form census questionnaire to be distributed to the majority of American households in the 2000 decennial census and placed that category of information on the long form census questionnaire to be distributed only to a sample of the population in that decennial census.

(6) Every year more than $100,000,000,000 in Federal funds are allocated based on the data collected by the Census Bureau.

(7) Recorded data on marital status provides a basic foundation for the development of Federal policy.

(8) Census data showing an exact account of the numbers of persons who are married, single, or divorced provides critical information which serves as an indicator on the prevalence of marriage in society.

(b) SENSE OF SENATE.—It is the sense of the Senate that the United States Census Bureau—

(1) has wrongfully decided not to include marital status on the census questionnaire to be distributed to the majority of Americans for the 2000 decennial census; and

(2) should include marital status on the short form census questionnaire to be distributed to the majority of American households for the 2000 decennial census.

CRAIG AMENDMENT NO. 1659

(Ordered to lie on the table.)

Mr. CRAIG submitted an amendment intended to be proposed by him to the bill, H.R. 2084, supra; as follows:

At the appropriate place, insert the following: ''The Secretary will make available $6,000,000 from the Public Lands Program for safety and capacity improvements to public land access highway U.S. 89 from West Forest Boundary to Bishoff Canyon in Idaho.''

THOMAS (AND ENZI) AMENDMENT NO. 1660

(Ordered to lie on the table.)

Mr. THOMAS (for himself and Mr. ENZI) submitted an amendment intended to be proposed by them to the bill, H.R. 2084, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . No monies may be made available to implement the cost sharing provisions of Section 5001(b) of the Transportation Equity Act for the 21st Century with regard to Section 5117(b)(5) of that Act.

DASCHLE (AND JOHNSON) AMENDMENT NO. 1661

Mr. SHELBY (for Mr. DASCHLE (for himself and Mr. JOHNSON)) proposed an amendment to the bill, H.R. 2084, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. ___. TEMPORARY AIR SERVICE INTERRUPTIONS.

(a) AVAILABILITY OF FUNDS.—Funds appropriated or otherwise made available by this Act to carry out section 47114(c)(1) of title 49, United States Code, may be available for apportionment to an airport sponsor described in subsection (b) in fiscal year 2000 in an amount equal to the amount apportioned to that sponsor in fiscal year 1999.

(b) COVERED AIRPORT SPONSORS.—An airport sponsor referred to in subsection (a) is an airport sponsor with respect to whose primary airport the Secretary of Transportation found that—

(1) passenger boardings at the airport fell below 10,000 in the calendar year used to calculate the apportionment;

(2) the airport had at least 10,000 passenger boardings in the calendar year prior to the calendar year used to calculate apportionments to airport sponsors in a fiscal year; and

(3) the cause of the shortfall in passenger boardings was a temporary but significant interruption in service by an air carrier to that airport due to an employment action, natural disaster, or other event unrelated to the demand for air transportation at the affected airport.

COLLINS AMENDMENT NO. 1662

(Ordered to lie on the table.)

Ms. COLLINS submitted an amendment intended to be proposed by her to the bill, H.R. 2084, supra; as follows:

On page 91, between lines 9 and 10, insert the following:

SEC. 342. (a) ESTABLISHMENT OF COMMISSION.—

(1) ESTABLISHMENT.—There is established a commission to be known as the Airline Deregulation Study Commission (in this section referred to as the ''Commission'').

(2) MEMBERSHIP.—

(A) COMPOSITION.—Subject to subparagraph (B), the Commission shall be composed of 15 members of whom—

(i) 5 shall be appointed by the President;

(ii) 5 shall be appointed by the President pro tempore of the Senate, upon the recommendation of the Majority and Minority leaders of the Senate; and

(iii) 5 shall be appointed by the Speaker of the House of Representatives, in consultation with the Minority leader of the House of Representatives.

(B) MEMBERS FROM RURAL AREAS.—

(i) REQUIREMENT.—Of the individuals appointed to the Commission under subparagraph (A)—

(I) one of the individuals appointed under clause (i) of that subparagraph shall be an individual who resides in a rural area; and

(II) two of the individuals appointed under each of clauses (ii) and (iii) of that subparagraph shall be individuals who reside in a rural area.

(ii) GEOGRAPHIC DISTRIBUTION.—The appointment of individuals under subparagraph (A) pursuant to the requirement in clause (i) of this subparagraph shall, to the maximum extent practicable, be made so as to ensure that a variety of geographic areas of the country are represented in the membership of the Commission.

(C) DATE.—The appointments of the members of the Commission shall be made not later than 60 days after the date of the enactment of this Act.

(3) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(4) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(5) MEETINGS.—The Commission shall meet at the call of the Chairperson.

(6) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(7) CHAIRPERSON.—The Commission shall select a Chairman and Vice Chairperson from among its members.

(b) DUTIES OF THE COMMISSION.—

(1) STUDY.—

(A) DEFINITIONS.—In this subsection, the terms ''air carrier'' and ''air transportation'' have the meanings given those terms in section 40102(a) of title 49, United States Code.

(B) CONTENTS.—The Commission shall conduct a thorough study of the impacts of deregulation of the airline industry of the United States on—

(i) the affordability, accessibility, availability, and quality of air transportation, particularly in small-sized and medium-sized communities;

(ii) economic development and job creation, particularly in areas that are underserved by air carriers;

(iii) the economic viability of small-sized airports; and

(iv) the long-term configuration of the United States passenger air transportation system.

(C) MEASUREMENT FACTORS.—In carrying out the study under this subsection, the Commission shall develop measurement factors to analyze the quality of passenger air transportation service provided by air carriers by identifying the factors that are generally associated with quality passenger air transportation service.

(D) BUSINESS AND LEISURE TRAVEL.—In conducting measurements for an analysis of the affordability of air travel, to the extent practicable, the Commission shall provide for appropriate control groups and comparisons with respect to business and leisure travel.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Commission shall submit an interim report to the President and Congress, and not later than 18 months after the date of the enactment of this Act, the Commission shall submit a report to the President and the Congress. Each such report shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions as it considers appropriate.

(c) POWERS OF THE COMMISSION.—

(1) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the duties of the Commission under this section.

(2) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the duties of the Commission under this section. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

(3) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(4) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(d) COMMISSION PERSONNEL MATTERS.—

(1) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(2) STAFF.—

(A) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil

service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(B) COMPENSATION.—The Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(3) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(4) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(e) TERMINATION OF COMMISSION.—The Commission shall terminate 90 days after the date on which the Commission submits its report under subsection (b).

(f) FUNDING.—

(1) IN GENERAL.—Of the amounts appropriated by this Act, $1,500,000 shall be available to the Commission to carry out this section.

(2) AVAILABILITY.—Funds available to the Commission under paragraph (1) shall remain available until expended.

INHOFE AMENDMENT NO. 1663

Mr. SHELBY (for Mr. INHOFE) proposed an amendment to the bill, H.R. 2084, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . TERMINAL AUTOMATED RADAR DISPLAY AND INFORMATION SYSTEM.

It is the sense of the Senate that, not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration should develop a national policy and related procedures concerning the interface of the Terminal Automated Radar Display and Information System and en route surveillance systems for Visual Flight Rule (VFR) air traffic control towers.

KERRY AMENDMENT NO. 1664

(Ordered to lie on the table.)

Mr. KERRY submitted an amendment intended to be proposed by him to the bill, H.R. 2084, supra; as follows:

In the appropriate place, insert:

''Of the funds made available in this act for Sec. 123 of Title 23 U.S. Code, $2,432,000 shall be provided to the State of Nebraska for improvements to provide access to the Boyer Chute National Wildlife Refuge, Fort Calhoun, Washington County, Nebraska.''

ROBB AMENDMENT NO. 1665

(Ordered to lie on the table.)

Mr. ROBB submitted an amendment intended to be proposed by him to the bill, H.R. 2084, supra; as follows:

At the appropriate place, insert the following:

SEC. . NOISE BARRIERS, VIRGINIA.

Use of Apportioned Funds: Notwithstanding any other provision of law, the Secretary of Transportation may approve the use of funds apportioned under paragraphs (1) and (3) of section 104(b) of title 23, United States Code, for construction of Type II noise barriers for the West Langley community along Interstate 495.

DURBIN AMENDMENT NO. 1666

(Ordered to lie on the table.)

Mr. DURBIN submitted an amendment intended to be proposed by him to the bill, H.R. 2084, supra; as follows:

At the appropriate place, insert the following:

SEC. . (a) FINDINGS.—The Senate finds that the Village of Bourbonnais, Illinois and Kankakee County, Illinois, have incurred significant costs for the rescue and cleanup related to the Amtrak train accident of March 15, 1999. These costs have created financial burdens for the Village, the County, and other adjacent municipalities.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the National Railroad Passenger Corporation (Amtrak) should reimburse the Village of Bourbonnais, Illinois, Kankakee County, Illinois, and any other related municipalities for all necessary costs of rescue and cleanup efforts related to the March 15, 1999 accident, not covered by other outside sources including insurance.

THOMAS (AND ENZI) AMENDMENT NO. 1667

(Ordered to lie on the table.)

Mr. THOMAS (for himself and Mr. ENZI) submitted an amendment intended to be proposed by them to the bill, H.R. 2084, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . For purposes of Section 51127(b)(5) of the Transportation Equity Act for the 21 Century, the cost sharing provisions of Section 5001(b) of that Act shall not apply.

DEWINE (AND OTHERS) AMENDMENT NO. 1668

(Ordered to lie on the table.)

Mr. DEWINE (for himself, Mr. COVERDELL, Mr. GRAHAM, Mr. MURKOWSKI, Mr. SMITH of Oregon, Ms. LANDRIEU, Mr. BREAUX, and Mr. GRASSLEY) submitted an amendment intended to be proposed by them to the bill, H.R. 2084, supra; as follows:

On page 91, between lines 9 and 10, insert the following:

SEC. 342. (a) AMOUNTS FOR DRUG ELIMINATION ACTIVITIES.—In addition to any other amounts appropriated by this Act for the Coast Guard, $345,000,000 are appropriated to the Coast Guard, of which—

(1) $151,500,000 shall be used as operating expenses for the drug enforcement activities of the Coast Guard in accordance with section 812(a) of the Western Hemisphere Drug Elimination Act (title VIII of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)); and

(2) $193,500,000 shall be used by the Commandant of the Coast Guard, in a manner that the Commandant determines to be consistent with section 812 of the Western Hemisphere Drug Elimination Act, for acquiring maritime patrol aircraft, surface patrol vessels, or sensors.

ABRAHAM (AND LEVIN) AMENDMENT NO. 1669

(Ordered to lie on the table.)

Mr. ABRAHAM (for himself and Mr. LEVIN) submitted an amendment intended to be proposed by them to the bill, H.R. 2084, supra; as follows:

On page 6, line 14, strike ''$2,772,000,000'' and replace with ''$2,775,666,000''.

Insert on page 7, line 22, after the word ''systems'', '':*Provided further*, That the Secretary of Transportation shall continue to operate and maintain the seasonal Coast Guard air search and rescue facility located in Muskegon, Michigan''.

REED AMENDMENT NO. 1670

(Ordered to lie on the table.)

Mr. REED submitted an amendment intended to be proposed by him to the bill, H.R. 2084, supra; as follows:

At the end of title III, add the following:

SEC. ___. (a) In title I, under the heading ''COAST GUARD'', the total amount appropriated for alteration of bridges is hereby increased by $2,000,000. The additional $2,000,000 shall be available for removal of the Sakonnet River Railroad Bridge, Rhode Island.

(b) In title I, under the heading ''COAST GUARD'', the total amount appropriated for acquisition, construction, and improvements for shore facilities–general for minor AC&I shore construction projects is hereby reduced by $2,000,000.

SMITH AMENDMENT NO. 1671

(Ordered to lie on the table).

Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to the bill, H.R. 2084, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. ___. PROHIBITION ON FUNDING ESTABLISHMENT OF NATIONAL IDENTIFICATION CARD.

None of the funds appropriated or otherwise made available by this or any other Act (including unobligated balances of prior year appropriations) may be used to carry out—

(1) any provision of law that establishes a national identification card; or

(2) section 656 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (relating to identification-related documents).

TORRICELLI AMENDMENT NO. 1672

(Ordered to lie on the table.)

Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill, H.R. 2084, supra; as follows:

On page 91, between lines 9 and 10, insert the following:

SEC. 3___. USE OF SURFACE TRANSPORTATION FUNDS FOR RESTORATION OF AIRPORT HANGER, CAPE MAY COUNTY AIRPORT.

Notwithstanding any other provision of law, the guidance issued by the Secretary of Transportation in June 1999 excluding aviation from the definition of surface transportation for the purpose of funding for transportation enhancement activities shall not apply to the application of the Naval Air Station Wildwood Foundation for a grant of funds apportioned under section 104(b)(3) of title 23, United States Code, for phase 2 of the project for restoration of Airport Hangar

No. 1 at Cape May County Airport, New Jersey.

REID AMENDMENTS NOS. 1673–1674

(Ordered to lie on the table.)

Mr. REID submitted two amendments intended to be proposed by him to the bill, H.R. 2084, supra; as follows:

AMENDMENT NO. 1673

At an appropriate place in the Federal-aid Highways (Limitations on Obligations) (Highway Trust Fund) section insert the following: ''*Provided further,* That, not withstanding any other provision of law, the Secretary shall, at the request of the State of Nevada, transfer up to $10,000,000 OF Minimum Guarantee apportionments, and an equal amount of obligation authority, to the State of California for use on High Priority Project No. 829 'Widen I–15 in San Bernardino County,' Section 1602 of Public Law 105–178.''

AMENDMENT NO. 1674

At an appropriate place in the Federal-aid Highways (Limitations on Obligations) (Highway Trust Fund) section insert the following: ''*Provided further,* that, not withstanding any other provision of law, the Secretary shall, at the request of the State of Nevada, transfer up to $10,000,000 OF Minimum Guarantee apportionments, and an equal amount of obligation authority, to the State of California for use on High Priority Project No. 829 'Widen I–15 in San Bernardino County,' Section 1602 of Public Law 105–178.''

DORGAN (AND CONRAD) AMENDMENT NO. 1675

(Ordered to lie on the table.)

Mr. DORGAN (for himself and Mr. CONRAD) submitted an amendment intended to be proposed by them to the bill, H.R. 2084, supra; as follows:

On page 91, between lines 9 and 10, insert the following:

SEC. 3 . EMERGENCY ROAD RECONSTRUCTION FUNDS FOR SPIRIT LAKE INDIAN RESERVATION.

Of the amount available for obligation from the emergency fund authorized by section 125 of title 23, United States Code, $15,419,198 shall be obligated to pay for the repair or reconstruction of highways, roads, and trails in the Spirit Lake Indian Reservation that were damaged by disasters that occurred before the date of enactment of this Act.

LANDRIEU (AND WYDEN) AMENDMENT NO. 1676

(Ordered to lie on the table.)

Ms. LANDRIEU (for herself and Mr. WYDEN) submitted an amendment intended to be proposed by them to the bill, H.R. 2084, supra; as follows:

On page 65, line 22, before the period at the end of the line, insert the following '': *Provided*, That the funds made available under this heading shall be used for the submission to the appropriate committees of Congress by the Inspector General, not later than July 15, 2000, of a report on the extent to which air carriers and foreign carriers deny travel to airline consumers with non-refundable tickets from one carrier to another, including recommendations to develop a passenger-friendly and cost-effective solution to ticket transfers among airlines when seats are available.

GORTON (AND OTHERS) AMENDMENT NO. 1677

Mr. GORTON (for himself, Mrs. FEINSTEIN, Mr. BRYAN, Mr. LIEBERMAN, Mr. REED, Mr. MOYNIHAN, Mr. CHAFEE, and Mrs. BOXER) proposed an amendment to the bill, H.R. 2084, supra; as follows:

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

SEC. 3___. SENSE OF THE SENATE CONCERNING CAFE STANDARDS.

(a) FINDINGS.—The Senate finds that—

(1) the corporate average fuel economy (CAFE) law, codified at chapter 329 of title 49, United States Code, is critical to reducing the dependence of the United States on foreign oil, reducing air pollution and carbon dioxide, and saving consumers money at the gas pump;

(2) the cars and light trucks of the United States are responsible for 20 percent of the carbon dioxide pollution generated in the United States;

(3) the average fuel economy of all new passenger vehicles is at its lowest point since 1980, while fuel consumption is at its highest;

(4) since 1995, a provision in the transportation appropriations Acts has prohibited the Department of Transportation from examining the need to raise CAFE standards for sport utility vehicles and other light trucks;

(5) that provision denies purchasers of new sport utility vehicles and other light trucks the benefits of available fuel saving technologies;

(6) the current CAFE standards save more than 3,000,000 barrels of oil per day;

(7)(A) the current CAFE standards have remained the same for nearly a decade;

(B) the CAFE standard for sport utility vehicles and other light trucks is ¾ the standard for automobiles; and

(C) the CAFE standard for sport utility vehicles and other light trucks is 20.7 miles per gallon and the standard for automobiles is 27.5 miles per gallon;

(8) because of CAFE standards, the average sport utility vehicle emits about 75 tons of carbon dioxide over the life of the vehicle while the average car emits about 45 tons of carbon dioxide;

(9) the technology exists to cost effectively and safely make vehicles go further on a gallon of gasoline; and

(10) improving light truck fuel economy would not only cut pollution but also save oil and save owners of new sport utility vehicles and other light trucks money at the gas pump.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the issue of CAFE standards should be permitted to be examined by the Department of Transportation, so that consumers may benefit from any resulting increase in the standards as soon as possible; and

(2) the Senate should not recede to section 320 of this bill, as passed by the House of Representatives, which prevents an increase in CAFE standards.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce that on Thursday, September 23rd, the Committee on Energy and Natural Resources will hold an oversight hearing titled, ''Y2K—Will The Lights Go Out?'' The purpose of the hearing is to explore the potential consequences of the year 2000 computer problem to the Nation's supply of electricity. The hearing will be held at 9:30 a.m. in room 366 of the Dirksen Senate Office Building in Washington, D.C.

Those who wish further information may write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. SHELBY. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, September 15, for purposes of conducting a full committee hearing which is scheduled to begin at 10:00 a.m. The purpose of this hearing is to consider the nominations of David Hayes to be Deputy Secretary of the Interior; Sylvia Baca to be Assistant Secretary of the Interior for Land and Minerals Management; and Ivan Itkin to be Director of the Office of the Civilian Radioactive Waste Management, Department of Energy.

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

COMMITTEE ON FINANCE

Mr. SHELBY. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Wednesday, September 15, 1999 beginning at 10:00 a.m. in 215 Dirksen.

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

COMMITTEE ON GOVERNMENT AFFAIRS

Mr. SHELBY. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be permitted to meet on Wednesday, September 15, 1999 at 10:00 a.m. for a hearing on the nomination of Sally Katzen to be Deputy Director for Management, Office of Management and Budget.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. SHELBY. 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, September 15, 1999 at 9:30 a.m. to conduct an oversight hearing on the issue of the Indian Self-Determination and Education Assistance Act and Contract Support Costs.

The hearing will be held in room 485, Russell Senate Building.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. SHELBY. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will meet during the session of the Senate on Wednesday, September 15, 1999 at 9:30 a.m. to conduct and oversight hearing on the issues of the Indian Self-Determination and Education Assistance Act and Contract Support Costs.

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. SHELBY. Mr. President, the Committee on the Judiciary requests unanimous consent to conduct a hearing on Wednesday, September 15, 1999 beginning at 10:00 a.m. in Room 226 Dirksen.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. SHELBY. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, September 15, 1999 at 9:30 a.m. to mark up an original omnibus committee funding resolution for the period October 1, 1999 through February 28, 2001.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. SHELBY. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, September 15, 1999 at 9:30 a.m. in Room SR–301 Russell Senate Office Building, to mark up an original omnibus committee funding resolution for the period October 1, 1999 through February 28, 2001.

For further information concerning this meeting, please contact Tamara Somerville at the Rules Committee on 4–6352.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. SHELBY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, September 15, 1999 at 2:00 p.m. to hold a closed hearing on intelligence matters.

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

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. SHELBY. Mr. President, I ask unanimous consent that the Science, Technology, and Space Subcommittee of the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, September 15, 1999, at 2:30 p.m. on Telemedicine Technologies and Rural Health Care.

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

ADDITIONAL STATEMENTS

VOLUNTEERISM AND COMMUNITY SPIRIT

● Mr. GREGG. Mr. President, New Hampshire is a place where community spirit and volunteerism is still a big part of our culture and it is partly for that reason that our state is consistently ranked as one of the most livable places in the United States. One of the reasons why our state remains one of the best places to live is that we try to limit the amount of government intrusion into our lives. Unfortunately that message has not gotten through to some people who work in the Forest Service in New Hampshire.

The White Mountain National Forest, which is overseen by the U.S. Forest Service, provides outdoor recreation and economic opportunities for thousands of people who live and work nearby. Preserving this national forest takes a lot of dedication and hard work and many people contribute to keeping the forest in good shape by volunteering their time to clear trails of debris and pick up trash.

In fact, over the summer, two retirees, Frank Barilone, 67, and Ted Matte, 66, both of Ellsworth, were cleaning up Ellsworth Park Beach, which had become littered with an old bob house, rotted rowboats, and assorted cans and bottles and other trash. They had been coming to the area for over 30 years and had both recently decided to retire to the area. They took the initiative to discuss the trash problem with the local Forest Service office in Holderness which told them to go ahead and clean it up which they did. As a reward for their hard work, the Forest Service fined them $150 for ''maintaining the national forest without a permit,'' which happens to be a federal offense.

It seems to me that the Forest Service has it all backwards. Instead of thanking Mr. Barilone and Mr. Matte for their hard work, the Forest Service gave them a slap in the face in the form of a ticket and a $150 fine. Most people expect the Forest Service to ticket people who pollute the forest, not people who try to clean it up. The Forest Service's decision to fine these two retirees $150 for cleaning up Ellsworth Park will discourage, not encourage, the public to take a greater role in the protection of our state's natural resources.

So on behalf of the people of New Hampshire, I thank Mr. Barilone and Mr. Matte for volunteering their time to help clean up our national forest. Their can-do attitude is what makes New Hampshire such a great place to live. Keep up the good work!●

IN RECOGNITION OF FRANKLIN DELANO GARRISON

● Mr. LEVIN. Mr. President, I rise today to pay tribute to a true champion for working people from my home State of Michigan, Frank Garrison, who is retiring this month from his position as president of the Michigan AFL–CIO after more than 40 years in the labor movement.

In many ways, Frank's life story is the story of the labor movement itself over these past 65 years. Born Franklin Delano Garrison in 1934, during the depths of the Great Depression, he was named for the President who gave hope to millions of working Americans and whose Works Projects Administration provided Frank's father with a job. At the age of 10, Frank entered the workforce himself, shoveling coal into his school's boilers so his brothers and sisters could eat lunch at school.

While these early years taught Frank the value of work, they also taught him that to achieve their piece of the American dream, working people needed strong advocates, both in the workplace and in government. He joined the United Auto Workers in 1952 working at the Saginaw Steering Gear plant in Saginaw, Michigan. Once in the union, the same work ethic that filled that school boiler with coal helped Frank rise through the ranks. He held several positions in his local and his region on his way to becoming the UAW's Legislative Director in 1976 and the Executive Director of the Union's Community Action Program in 1982. During those years, he played a key role in many election campaigns and even helped an upstart former President of the Detroit City Council win a seat in the United States Senate.

In 1986, after the sudden death of Michigan AFL–CIO President Sam Fishman, Frank was selected president by the AFL–CIO's General Board. Throughout the thirteen years he has served in that position he has upheld the finest traditions of the labor movement. In an era when special interests tried to dominate the political debate, Frank's was a voice that spoke for the broad interest of working people, whether or not they ever carried a union card—fighting for a higher minimum wage, for health care for all, to strengthen Social Security and Medicaid and to preserve those industrial jobs that had brought economic security to working families in Michigan and throughout the country. Few Americans have fought longer or harder for working people than Frank Garrison. His pursuit of justice in the workplace has improved opportunity and security and safety for an untold number of Americans.

And through it all, the good times and the bad, the victories and the defeats, Frank never lost touch with the convictions that brought him to the labor movement in the first place. And he never lost that twinkle in his eye or the ability to fill a room with laughter, sometimes at my expense, but more often at his own. He has been a strong leader, a wise counselor, but most of all a loyal friend.

Mr. President, Frank Garrison has earned the respect and gratitude of so many people from my home state of Michigan both within and without the labor movement, and across the political spectrum. I know my colleagues will join me in wishing him and his family well in his well deserved retirement, and in offering him a heartfelt ''thank you'' for his lifelong commitment to improving the lives of working men and women and their families.●

ALAN G. LANCE ELECTED NATIONAL COMMANDER OF THE AMERICAN LEGION

● Mr. CRAPO. Mr. President, I rise to congratulate Mr. Alan G. Lance for his election on September 9, 1999, as the National Commander of the American Legion.

Mr. Lance is a twenty year member of the American Legion; and, has served as the Idaho State Commander, National Executive Committeeman, and National Foreign Relations Chairman. After serving in the U.S. Army Judge Advocate General Corps Mr. Lance moved to Meridian, Idaho, established a private legal practice, and was subsequently elected to the Idaho House of Representatives. He is currently serving his second term as Attorney General for the State of Idaho and is Chairman of the Conference of Western Attorneys General. Mr. Lance is the first Idahoan to serve in the distinguished position of National Commander for this respected and influencial veterans' organization.

For the past eighty years the American Legion has stood tall for the rights and benefits of the men and women who have been willing to offer the ultimate sacrifice for our freedom and way of life. The American Legion is a major sponsor of the Boy Scouts of America and is a vital partner in community service with 15,000 posts worldwide.

Mr. Lance brings legal and legislative experience which will serve him well in advocating for the needs of the American Legion's approximately 3 million members. He is a leader and a patriot, and will be a strong leader for veterans' issues, especially health care. Idaho is proud of the new National Commander. I look forward to working with Mr. Lance in helping to keep the promises made by Congress and the nation to our deserving veterans.●

TRIBUTE TO ROSEMARY WAHLBERG

● Mr. KENNEDY. Mr. President, it is an honor to take this opportunity to recognize a community leader who has given so much to the people of Southeastern Massachusetts. Rosemary Wahlberg has been a Director of the Quincy Community Action Programs for twenty-six years. Under her leadership, these programs have helped large numbers of families on issues ranging from education to healthcare to child care to energy conservation. This year Rosemary is retiring, and her loss will be felt deeply by all of those whose lives she has touched.

Rosemary's commitment to public service is extraordinary. Throughout her many years of service, she has helped people to make impressive progress in improving their quality of life. As an advocate and coordinator, she has assisted South Shore communities in the battle to reduce poverty and promote self-sufficiency for low-income families. She has served as a member of the Quincy Housing Authority, on the Quincy College Board of Trustees, and on the Board of Directors for numerous local, state, and regional committees devoted to community service.

Rosemary's accomplishments have earned wide recognition. She has received distinguished awards from the City of Quincy, the University of Massachusetts, the South Shore Coalition for Human Rights, the Atlantic Neighborhood Assocation, South Shore Day Care Services, and many other grateful organizations, who recognize the boundless energy, ability and commitment she pours into every project.

For all of us who know Rosemary, we are inspired by her dedication to those less fortunate in our society. She has served the people of Quincy and the South Shore with extraordinary distinction, and she is a dear friend to all of us in the Kennedy family. In addition to all of her other activities, she has been devoted to her wonderful family, raising eight children and caring for twenty-one grandchildren.

It is with the greatest respect and admiration that I pay tribute to this remarkable leader. Her public service and generosity are a shining example to us all. I know that I speak for all of the people of Massachusetts when I say that she will be missed greatly.●

MINORITY ARTS RESOURCE COUNCIL AND THE AFRICAN AMERICAN RODEO

● Mr. SANTORUM. Mr. President, last year, for the first time in Philadelphia's history, the African American Rodeo came to that great city. It was a memorable occasion with approximately 8,000 school children attending the rodeo at the Apollo Stadium. While these children were entertained by the rodeo and re-enactments of life in the old West, they learned of the many contributions made by African Americans to our nation's history.

On October 8 and 9, of this year, the African American Rodeo is again coming to the City of Brotherly Love to present re-enactments of historical figures of the old West. Such performances are important because our history books and Hollywood have failed to give proper recognition of the great sacrifices and heroic deeds made by African Americans.

Mr. President, more than 200,000 African American soldiers served in the Civil War. After the war, many of these trained soldiers were sent west, forming two infantry and two cavalry units. The term ''Buffalo Soldier'' was given to them by the Native Americans whom they encountered. Those soldiers, their families, and thousands who were freed from slavery were among our early settlers, cowpunchers, and farmers in a number of the western states.

It is with pleasure that I salute the Minority Arts Resource Council, its founder and Executive Director, Mr. Curtis E. Brown, its board members, and its volunteers for once again bringing this great event to the city of Philadelphia. I urge my colleagues to join me in saluting the invaluable services and contributions of African Americans and the role that they have played and continue to play in American history.●

ON THE RETIREMENT OF ALEXANDRIA CITY MANAGER VOLA LAWSON

● Mr. ROBB. Mr. President, I take this opportunity to honor an outstanding public servant. Recently, Vola Lawson, the city manager of the City of Alexandria, announced her retirement. During her fourteen years as city manager, Ms. Lawson provided the City with solid leadership and opened the doors of City Hall to all Alexandrians. I'm proud to add my name to the long list of those who are praising Vola Lawson. Her distinguished career offers the ideal model for public officials, and inspires confidence in our public institutions. I ask that yesterday's article from The Washington Post on Vola Lawson's retirement be printed in the CONGRESSIONAL RECORD.

The article follows:

[From the Washington Post, Sept. 14, 1999]

AFTER 14 YEARS, 4 MAYORS, ALEXANDRIA LEADER TO RETIRE—FIERY CITY MANAGER LAWSON IN OFFICE SINCE 1985

[By Ann O'Hanlon]

Vola Lawson, the tough veteran city manager of Alexandria, announced yesterday that she will retire in March, marking a major transition for the city she helped define during the 28 years she worked for it.

''I think this city is one of the greatest cities in America,'' said Lawson, standing in the City Hall lobby that was named for her this year. ''This is a very bittersweet day for me.''

Lawson, who turns 65 today, has been city manager since 1985, a tenure more than twice the national average. During that time, the city has lured or endured major new development, including the planned U.S. Patent and Trademark Office and a planned 300-acre residential and commercial complex on an abandoned railroad yard. Under Lawson, Alexandria also turned away a bid from then-Gov. L. Douglas Wilder and then-Redskins owner Jack Kent Cooke to build a football stadium there.

In her 14 years, Lawson served under four mayors, all of whom stood with her yesterday, singing her praises.

''Vola has never met a stranger,'' said state Sen. Patricia S. Ticer (D-Alexandria), one of the former mayors. ''She is a shining example of what a public servant should be.''

Although her retirement was expected, a murmur still ran through the city of 122,000 yesterday.

''Boy, that's going to change the city more than anything I can imagine,'' said Katherine Morrison, executive director of the Campagna Center, a prominent local charity. ''I don't know anyone who knows Alexandria better or has devoted more of their life to Alexandria.''

Lawson worked her way up in Alexandria, blazing a path for women and minorities that some say is her prime legacy. As city manager, she has transformed City Hall from

a largely white bureaucracy to an institution that better reflects the city's 40 percent minority population.

''I think her legacy in the city and in the minority communities will be absolutely enduring,'' said J. Glenn Hopkins, executive director of Hopkins House, an agency for children and families. ''Her ability to be compassionate and to create a compassionate government, her ability to manage and her ability to be accessible to black people, to Hispanic people, to old people, to everybody, regardless of their background or their history or their race, is exceptional among people of her level.''

Among today's city and county administrators, Lawson's professional pedigree is unusual. She attended George Washington University part time but dropped out when she had her first child. She plunged into community activism, and as a campaign organizer helped elect the city's first black council member in 1970.

Her entry to City Hall was with the antipoverty program, and she later worked in the housing office. She quickly rose to assistant city manager and found time to initiate the Head Start program and after-school child care at every elementary school.

Lawson said she became an Alexandrian by accident. She and her husband, David, a psychiatrist, had planned to move back to Chevy Chase, but she got hooked on the community.

''We'll live the rest of our lives here,'' she said. ''We never planned to live here. We fell in love with Alexandria.''

Praise gushed from all corners yesterday, but there were criticisms, too: of an overbearing management style and a temper.

''She's very controlling, and that probably is her downside,'' said Jack Sullivan, who heads the city's civic federation. Nonetheless, said Sullivan, she has ''a marvelous personality'' and is ''one of the ablest public administrators I have ever met.''

Lawson's wrath is ''legendary,'' said a close friend, Rep. James P. Moran Jr. (D–Va.), who as mayor hired Lawson. But the source of the anger, he said, is unselfish.

''If you have acted in a way that hurt the city and you should or did know better, then you're dead meat with Vola,'' he said.

William H. Hansell Jr., who heads the International City/County Management Association, said her 14-year tenure is ''remarkable,'' especially in a community as ''diverse and challenging as Alexandria.''

She accomplished it by reflecting the values of the city, he said, laughing that ''there are not too many city managers who tell a billionaire and a governor where to stick their stadium.''

Lawson put the city on firm financial footing, twice achieving the Aaa bond rating and significantly lowering real estate taxes.

Her retirement will take effect March 1, after which she plans to see more of her two grandchildren, enhance her reputation as a movie buff and read the three stacks of books she bought at yard sales.

When people walk into the lobby that bears her name and wonder who Vola Lawson was, Moran said, they should be told, ''She was a woman who chose to devote her mind and her heart to all the citizens of this community.''●

PILT AMENDMENT TO THE INTERIOR APPROPRIATIONS BILL

● Mr. HATCH. Mr. President, I support the PILT amendment to the Interior Appropriations bill, which increases payments to counties in lieu of taxes. I have worked closely with my good friend and colleague, Senator ABRAHAM, in crafting this amendment, and I would like to express my sincere appreciation to the Senator from Michigan for his efforts in this regard. Senator ABRAHAM has consistently shown a sensitivity to and an understanding of the needs of rural Americans, especially those living in communities surrounded by public lands.

Most of my colleagues understand, by now, that 70 percent of my home state is either owned or controlled by the federal government. I believe that Utah's public lands stand out for their grandeur and unique beauty. Many of our Senate colleagues and staff members have visited these areas to hike, fish, ski, or mountain bike.

No one loves these public lands more than the citizens who live among them. But, for the local citizens, these lands can be both a blessing and a curse. For a number of Utah counties, as much as 90 percent of their lands are federally owned, which means they cannot generate tax revenue from these lands.

Where once public lands were a source of jobs and opportunity for rural America, these lands have increasingly been restricted to single-use activities, such as hiking, biking, or river running. Utah certainly provides excellent opportunities for these types of activities, and we welcome visitors from all over the world.

But, we shouldn't forget, Mr. President, that these visitors come with needs: they need roads to travel on, someone to put out their fires, law enforcement to keep them safe, someone to collect their trash, someone to come find them when they are lost, and someone to transport them to safety when they are hurt. Mr. President, the obligation to fulfill these needs falls on local county governments. With every new wilderness area, monument, or recreation area, county revenues shrink along with taxable economic activity; yet the influx of needy visitors increases.

The services counties provide are not money makers. To the contrary, they exact a tremendous cost on rural governments. The puny revenue local governments raise with their stunted tax base will never cover the costs of providing primary services to visitors over the entire area of their county. For this reason, Congress implemented the Payments in Lieu of Taxes program—known as PILT—which compensates rural counties for some of these services.

The problem is that this program has been funded at less than half the authorized level, and this has caused serious hardship for our counties. This amendment, we hope, will be the first installment in an overall plan to bring the PILT program to full funding. With small increases to PILT every year, our counties will eventually be made whole. We are not talking about a huge amount of money. We are talking $15 million in FY 2000. Last year Senator ABRAHAM and I were able to raise funding for PILT to $124 million, but this amount was cut back to $120 million in Conference. I hope that this year, we can maintain a strong increase in PILT funding.

If your child gets lost in Arches National Park, it will be a Grand County search and rescue team that will mobilize to find him. If you fall and break your ankle on the trail in Dixie National Forest, it will be a Garfield County helicopter and paramedics who will get you off the mountain and to the hospital. When you leave Zion National Park, it will be a Washington county solid waste truck that picks up your garbage. If someone should start a fire while camping in the Wasatch National Forest, the Wasatch County firefighters will be there to put it out.

Our rural governments do all this whether we pay them or not. But it is obviously unfair not to compensate them for it. Mr. President, I believe we should stop treating our rural governments as though they were unpaid chambermaids to the rest of the nation. Our rural areas don't mind providing services to tourists who come to enjoy public lands, but they deserve to be justly compensated by the owners of the land, the taxpayers, for the basic services they provide.

I urge my colleagues to support the PILT amendment.●

TRIBUTE TO BRUCE E. SCOTT

● Mr. WELLSTONE. Mr. President, I speak today in honor of Mr. Bruce E. Scott, R.Ph., MS, FASHP., a constituent of mine from Minnesota. Mr. Scott has recently been elected to serve as the president of the American Society of Health-System Pharmacists ASHP. His leadership will be valuable as ASHP pursues its primary mission—the safe and effective use of medications. Mr. Scott, as president of ASHP, will represent pharmacists practicing in hospitals, health maintenance organizations, long-term care facilities, home care, hospice and other health-care settings.

Mr. Scott is currently Vice President of Pharmacy Operations for Allina Health Systems headquartered in St. Paul, Minnesota. Allina is a non-profit health care system serving residents of Minnesota, Wisconsin and North and South Dakota. As Vice President of Pharmacy Operations, Mr. Scott is responsible for providing pharmacy services in four metropolitan hospitals with 1700 beds and for developing pharmacy services for Allina Medical Group, with 500 health care providers and 65 clinics.

Exercising his commitment to the future of pharmacy leadership, Mr. Scott continues to serve as Clinical Assistant Professor and Associate Member of the Graduate Program in Hospital Pharmacy at the University of Minnesota College of Pharmacy in Minneapolis, a non-salaried position he has held for more than 10 years. As a member of the graduate facility, Mr. Scott assists and

advises graduate students in conducting their research and serves as a guest lecturer at the University.

After receiving his Bachelor of Science in Pharmacy from the University of Wisconsin School of Pharmacy, Mr. Scott went on to complete his Master of Science in Pharmacy Practice from the University of Kansas School of Pharmacy. Prior to election as President of the ASHP, Mr. Scott served as a member of ASHP Boards of Directors. He also held the distinguished position of President of the Minnesota Society of Hospital Pharmacists from 1992–1993, and in 1994 he was named a Fellow of the ASHP in recognition of his sustained contributions to pharmacy practice excellence.

American Society of Health-System Pharmacists is fortunate to have an individual with the credentials of Mr. Scott at its helm, as the organization devotes its attention to issues of patient safety and the effective use of prescription medications.●

FOUR CORNERS INTERPRETIVE CENTER ACT

● Mr. HATCH. Mr. President, I would like to take this opportunity to say a few words about S. 28, the Four Corners Interpretive Center Act. I was very pleased that the Senate saw fit to pass this bill by voice vote on September 9, 1999, and I fully expect that this legislation will pass the House and be sent to the President during this Congress.

This legislation could not have passed without the strong support of its cosponsors, Senators ALLARD, BENNETT, BINGAMAN, CAMPBELL, and DOMENICI. Chairman BEN NIGHTHORSE CAMPBELL and the staff of the Senate Indian Affairs Committee deserve special praise for going the extra mile in shepherding this proposal through the committee with speed and professionalism.

The Four Corners Interpretive Center Act will benefit the Four Corner states, the Navajo Nation, and Ute Mountain Ute tribe, and especially the throngs of visitors who make the special effort to visit the remote Four Corners region, the only location where the corners of four states converge. A quarter million tourists visit the Four Corners each year, only to find that there are no utilities, no permanent restrooms, no running water, no telephones, and no vending stations for their convenience.

Additionally, the Four Corners National Monument has unique historical, cultural, and environmental significance. The absence of any educational exhibits to help visitors appreciate the area is a wasted opportunity. The interpretive center authorized by this bill will enable all Americans who come to this area to learn about the ancient home of the Anasazi people as well as the area's geography, plant and animal species.

The objective of S. 28 is simple: to aid in the construction and maintenance of an interpretive center at the Four Corners National Monument. The bill calls for a cooperative agreement among the Navajo Nation, Ute Mountain Ute tribe, affected local governments, and the four corners states to be approved by the Interior Department. Matching funds from each of the four states would also be required. Arizona has already committed funds. This is the type of intergovernmental partnership that has worked well on a variety of other projects throughout the country, and it is an appropriate model for the interpretive center.

Again, I want to thank my colleagues in the Senate for passing this important legislation.●

UNANIMOUS-CONSENT AGREEMENT—CONFERENCE REPORT TO ACCOMPANY H.R. 2490

Mr. SHELBY. Mr. President, I ask unanimous consent that at 10 a.m. on Thursday, September 16, the Senate proceed to the consideration of the conference report to accompany H.R. 2490, the Treasury-Postal appropriations bill.

I further ask consent that the reading be waived and that there be 10 minutes of debate equally divided in the usual form.

I finally ask consent that following the debate, the Senate proceed to a vote on the adoption of the conference report with no intervening action or debate.

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

ELEVATING THE POSITION OF DIRECTOR OF THE INDIAN HEALTH SERVICE TO ASSISTANT SECRETARY FOR INDIAN HEALTH

Mr. SHELBY. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 268, S. 299.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (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 for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Indian Affairs, with an amendment on page 6, line 24, to insert ''(29 U.S.C. 761b(a)(1))''.

Mr. SHELBY. I ask unanimous consent the committee amendment be agreed to, the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The committee amendment was agreed to.

The bill (S. 299), as amended, was read the third time and passed, as follows:

S. 299

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

SECTION 1. OFFICE OF ASSISTANT SECRETARY FOR INDIAN HEALTH.

(a) ESTABLISHMENT.—There is established within the Department of Health and Human Services the Office of the Assistant Secretary for Indian Health in order to, in a manner consistent with the government-to-government relationship between the United States and Indian tribes—

(1) facilitate advocacy for the development of appropriate Indian health policy; and

(2) promote consultation on matters related to Indian health.

(b) ASSISTANT SECRETARY FOR INDIAN HEALTH.—In addition to the functions performed on the date of enactment of this Act by the Director of the Indian Health Service, the Assistant Secretary for Indian Health shall perform such functions as the Secretary of Health and Human Services (referred to in this section as the ''Secretary'') may designate. The Assistant Secretary for Indian Health shall—

(1) report directly to the Secretary concerning all policy- and budget-related matters affecting Indian health;

(2) collaborate with the Assistant Secretary for Health concerning appropriate matters of Indian health that affect the agencies of the Public Health Service;

(3) advise each Assistant Secretary of the Department of Health and Human Services concerning matters of Indian health with respect to which that Assistant Secretary has authority and responsibility;

(4) advise the heads of other agencies and programs of the Department of Health and Human Services concerning matters of Indian health with respect to which those heads have authority and responsibility; and

(5) coordinate the activities of the Department of Health and Human Services concerning matters of Indian health.

(c) REFERENCES.—Reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to the Director of the Indian Health Service shall be deemed to refer to the Assistant Secretary for Indian Health.

(d) RATE OF PAY.—

(1) POSITIONS AT LEVEL IV.—Section 5315 of title 5, United States Code, is amended—

(A) by striking the following:

''Assistant Secretaries of Health and Human Services (6).''; and

(B) by inserting the following:

''Assistant Secretaries of Health and Human Services (7).''.

(2) POSITIONS AT LEVEL V.—Section 5316 of title 5, United States Code, is amended by striking the following:

''Director, Indian Health Service, Department of Health and Human Services.''.

(e) DUTIES OF ASSISTANT SECRETARY FOR INDIAN HEALTH.—Section 601(a) of the Indian Health Care Improvement Act (25 U.S.C. 1661(a)) is amended—

(1) by inserting ''(1)'' after ''(a)'';

(2) in the second sentence of paragraph (1), as so designated, by striking ''a Director,'' and inserting ''the Assistant Secretary for Indian Health,''; and

(3) by striking the third sentence of paragraph (1) and all that follows through the end of the subsection and inserting the following: ''The Assistant Secretary for Indian Health shall carry out the duties specified in paragraph (2).

''(2) The Assistant Secretary for Indian Health shall—

''(A) report directly to the Secretary concerning all policy- and budget-related matters affecting Indian health;

''(B) collaborate with the Assistant Secretary for Health concerning appropriate matters of Indian health that affect the agencies of the Public Health Service;

''(C) advise each Assistant Secretary of the Department of Health and Human Services concerning matters of Indian health with respect to which that Assistant Secretary has authority and responsibility;

''(D) advise the heads of other agencies and programs of the Department of Health and Human Services concerning matters of Indian health with respect to which those heads have authority and responsibility; and

''(E) coordinate the activities of the Department of Health and Human Services concerning matters of Indian health.''.

(f) CONTINUED SERVICE BY INCUMBENT.—The individual serving in the position of Director of the Indian Health Service on the date preceding the date of enactment of this Act may serve as Assistant Secretary for Indian Health, at the pleasure of the President after the date of enactment of this Act.

(g) CONFORMING AMENDMENTS.—

(1) AMENDMENTS TO INDIAN HEALTH CARE IMPROVEMENT ACT.—The Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.) is amended—

(A) in section 601—

(i) in subsection (c), by striking ''Director of the Indian Health Service'' both places it appears and inserting ''Assistant Secretary for Indian Health''; and

(ii) in subsection (d), by striking ''Director of the Indian Health Service'' and inserting ''Assistant Secretary for Indian Health''; and

(B) in section 816(c)(1), by striking ''Director of the Indian Health Service'' and inserting ''Assistant Secretary for Indian Health''.

(2) AMENDMENTS TO OTHER PROVISIONS OF LAW.—The following provisions are each amended by striking ''Director of the Indian Health Service'' each place it appears and inserting ''Assistant Secretary for Indian Health'':

(A) Section 203(a)(1) of the Rehabilitation Act of 1973 *(29 U.S.C. 761b(a)(1))*.

(B) Subsections (b) and (e) of section 518 of the Federal Water Pollution Control Act (33 U.S.C. 1377 (b) and (e)).

(C) Section 803B(d)(1) of the Native American Programs Act of 1974 (42 U.S.C. 2991b–2(d)(1)).

NATIVE AMERICAN BUSINESS DEVELOPMENT, TRADE PROMOTION, AND TOURISM ACT OF 1999

Mr. SHELBY. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of Calendar No. 269, S. 401.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 401) to provide for business development and trade promotion for Native Americans, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Native American Business Development, Trade Promotion, and Tourism Act of 1999''.

SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) clause 3 of section 8 of article I of the United States Constitution recognizes the special relationship between the United States and Indian tribes;

(2) beginning in 1970, with the inauguration by the Nixon Administration of the Indian self-determination era, each President has reaffirmed the special government-to-government relationship between Indian tribes and the United States;

(3) in 1994, President Clinton issued an Executive memorandum to the heads of departments and agencies that obligated all Federal departments and agencies, particularly those that have an impact on economic development, to evaluate the potential impacts of their actions on Indian tribes;

(4) consistent with the principles of inherent tribal sovereignty and the special relationship between Indian tribes and the United States, Indian tribes retain the right to enter into contracts and agreements to trade freely, and seek enforcement of treaty and trade rights;

(5) Congress has carried out the responsibility of the United States for the protection and preservation of Indian tribes and the resources of Indian tribes through the endorsement of treaties, and the enactment of other laws, including laws that provide for the exercise of administrative authorities;

(6) the United States has an obligation to guard and preserve the sovereignty of Indian tribes in order to foster strong tribal governments, Indian self-determination, and economic self-sufficiency among Indian tribes;

(7) the capacity of Indian tribes to build strong tribal governments and vigorous economies is hindered by the inability of Indian tribes to engage communities that surround Indian lands and outside investors in economic activities on Indian lands;

(8) despite the availability of abundant natural resources on Indian lands and a rich cultural legacy that accords great value to self-determination, self-reliance, and independence, Native Americans suffer higher rates of unemployment, poverty, poor health, substandard housing, and associated social ills than those of any other group in the United States;

(9) the United States has an obligation to assist Indian tribes with the creation of appropriate economic and political conditions with respect to Indian lands to—

(A) encourage investment from outside sources that do not originate with the tribes; and

(B) facilitate economic ventures with outside entities that are not tribal entities;

(10) the economic success and material well-being of Native American communities depends on the combined efforts of the Federal Government, tribal governments, the private sector, and individuals;

(11) the lack of employment and entrepreneurial opportunities in the communities referred to in paragraph (7) has resulted in a multigenerational dependence on Federal assistance that is—

(A) insufficient to address the magnitude of needs; and

(B) unreliable in availability; and

(12) the twin goals of economic self-sufficiency and political self-determination for Native Americans can best be served by making available to address the challenges faced by those groups—

(A) the resources of the private market;

(B) adequate capital; and

(C) technical expertise.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To revitalize economically and physically distressed Native American economies by—

(A) encouraging the formation of new businesses by eligible entities, and the expansion of existing businesses; and

(B) facilitating the movement of goods to and from Indian lands and the provision of services by Indians.

(2) To promote private investment in the economies of Indian tribes and to encourage the sustainable development of resources of Indian tribes and Indian-owned businesses.

(3) To promote the long-range sustained growth of the economies of Indian tribes.

(4) To raise incomes of Indians in order to reduce the number of Indians at poverty levels and provide the means for achieving a higher standard of living on Indian reservations.

(5) To encourage intertribal, regional, and international trade and business development in order to assist in increasing productivity and the standard of living of members of Indian tribes and improving the economic self-sufficiency of the governing bodies of Indian tribes.

(6) To promote economic self-sufficiency and political self-determination for Indian tribes and members of Indian tribes.

SEC. 3. DEFINITIONS.

In this Act:

(1) BOARD.—The term ''Board'' has the meaning given that term in the first section of the Act entitled ''To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry in the United States, to expedite and encourage foreign commerce, and for other purposes'', approved June 18, 1934 (19 U.S.C. 81a).

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means an Indian tribe or tribal organization, an Indian arts and crafts organization, as that term is defined in section 2 of the Act of August 27, 1935 (commonly known as the ''Indian Arts and Crafts Act'') (49 Stat. 891, chapter 748; 25 U.S.C. 305a), a tribal enterprise, a tribal marketing cooperative (as that term is defined by the Secretary, in consultation with the Secretary of the Interior), or any other Indian-owned business.

(3) INDIAN.—The term ''Indian'' has the meaning given that term in section 4(d) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(d)).

(4) INDIAN GOODS AND SERVICES.—The term ''Indian goods and services'' means—

(A) Indian goods, within the meaning of section 2 of the Act of August 27, 1935 (commonly known as the ''Indian Arts and Crafts Act'') (49 Stat. 891, chapter 748; 25 U.S.C. 305a);

(B) goods produced or originated by an eligible entity; and

(C) services provided by eligible entities.

(5) INDIAN LANDS.—

(A) IN GENERAL.—The term ''Indian lands'' includes lands under the definition of—

(i) the term ''Indian country'' under section 1151 of title 18, United States Code; or

(ii) the term ''reservation'' under—

(I) section 3(d) of the Indian Financing Act of 1974 (25 U.S.C. 1452(d)); or

(II) section 4(10) of the Indian Child Welfare Act of 1978 (25 U.S.C. 1903(10)).

(B) FORMER INDIAN RESERVATIONS IN OKLAHOMA.—For purposes of applying section 3(d) of the Indian Financing Act of 1974 (25 U.S.C. 1452(d)) under subparagraph (A)(ii), the term ''former Indian reservations in Oklahoma'' shall be construed to include lands that are—

(i) within the jurisdictional areas of an Oklahoma Indian tribe (as determined by the Secretary of the Interior); and

(ii) recognized by the Secretary of the Interior as eligible for trust land status under part 151 of title 25, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(6) INDIAN-OWNED BUSINESS.—The term ''Indian-owned business'' means an entity organized for the conduct of trade or commerce with respect to which at least 50 percent of the property interests of the entity are owned by Indians or Indian tribes (or a combination thereof).

(7) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(8) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

(9) TRIBAL ENTERPRISE.—The term ''tribal enterprise'' means a commercial activity or business managed or controlled by an Indian tribe.

(10) TRIBAL ORGANIZATION.—The term ''tribal organization'' has the meaning given that term in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l)).

SEC. 4. OFFICE OF NATIVE AMERICAN BUSINESS DEVELOPMENT.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—There is established within the Department of Commerce an office known as the Office of Native American Business Development (referred to in this Act as the ''Office'').

(2) DIRECTOR.—The Office shall be headed by a Director, appointed by the Secretary, whose title shall be the Director of Native American Business Development (referred to in this Act as the ''Director''). The Director shall be compensated at a rate not to exceed level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) DUTIES OF THE SECRETARY.—

(1) IN GENERAL.—The Secretary, acting through the Director, shall ensure the coordination of Federal programs that provide assistance, including financial and technical assistance, to eligible entities for increased business, the expansion of trade by eligible entities, and economic development on Indian lands.

(2) INTERAGENCY COORDINATION.—The Secretary, acting through the Director, shall coordinate Federal programs relating to Indian economic development, including any such program of the Department of the Interior, the Small Business Administration, the Department of Labor, or any other Federal agency charged with Indian economic development responsibilities.

(3) ACTIVITIES.—In carrying out the duties described in paragraph (1), the Secretary, acting through the Director, shall ensure the coordination of, or, as appropriate, carry out—

(A) Federal programs designed to provide legal, accounting, or financial assistance to eligible entities;

(B) market surveys;

(C) the development of promotional materials;

(D) the financing of business development seminars;

(E) the facilitation of marketing;

(F) the participation of appropriate Federal agencies or eligible entities in trade fairs;

(G) any activity that is not described in subparagraphs (A) through (F) that is related to the development of appropriate markets; and

(H) any other activity that the Secretary, in consultation with the Director, determines to be appropriate to carry out this section.

(4) ASSISTANCE.—In conjunction with the activities described in paragraph (3), the Secretary, acting through the Director, shall provide—

(A) financial assistance, technical assistance, and administrative services to eligible entities to assist those entities with—

(i) identifying and taking advantage of business development opportunities; and

(ii) compliance with appropriate laws and regulatory practices; and

(B) such other assistance as the Secretary, in consultation with the Director, determines to be necessary for the development of business opportunities for eligible entities to enhance the economies of Indian tribes.

(5) PRIORITIES.—In carrying out the duties and activities described in paragraphs (3) and (4), the Secretary, acting through the Director, shall give priority to activities that—

(A) provide the greatest degree of economic benefits to Indians; and

(B) foster long-term stable economies of Indian tribes.

(6) PROHIBITION.—The Secretary may not provide under this section assistance for any activity related to the operation of a gaming activity on Indian lands pursuant to the Indian Gaming Regulatory Act (25 U.S.C. 2710 et seq.).

SEC. 5. NATIVE AMERICAN TRADE AND EXPORT PROMOTION.

(a) IN GENERAL.—The Secretary, acting through the Director, shall carry out a Native American export and trade promotion program (referred to in this section as the ''program'').

(b) COORDINATION OF FEDERAL PROGRAMS AND SERVICES.—In carrying out the program, the Secretary, acting through the Director, and in cooperation with the heads of appropriate Federal agencies, shall ensure the coordination of Federal programs and services designed to—

(1) develop the economies of Indian tribes; and

(2) stimulate the demand for Indian goods and services that are available from eligible entities.

(c) ACTIVITIES.—In carrying out the duties described in subsection (b), the Secretary, acting through the Director, shall ensure the coordination of, or, as appropriate, carry out—

(1) Federal programs designed to provide technical or financial assistance to eligible entities;

(2) the development of promotional materials;

(3) the financing of appropriate trade missions;

(4) the marketing of Indian goods and services;

(5) the participation of appropriate Federal agencies or eligible entities in international trade fairs; and

(6) any other activity related to the development of markets for Indian goods and services.

(d) TECHNICAL ASSISTANCE.—In conjunction with the activities described in subsection (c), the Secretary, acting through the Director, shall provide technical assistance and administrative services to eligible entities to assist those entities with—

(1) the identification of appropriate markets for Indian goods and services;

(2) entering the markets referred to in paragraph (1);

(3) compliance with foreign or domestic laws and practices with respect to financial institutions with respect to the export and import of Indian goods and services; and

(4) entering into financial arrangements to provide for the export and import of Indian goods and services.

(e) PRIORITIES.—In carrying out the duties and activities described in subsections (b) and (c), the Secretary, acting through the Director, shall give priority to activities that—

(1) provide the greatest degree of economic benefits to Indians; and

(2) foster long-term stable international markets for Indian goods and services.

SEC. 6. INTERTRIBAL TOURISM DEMONSTRATION PROJECTS.

(a) PROGRAM TO CONDUCT TOURISM PROJECTS.—

(1) IN GENERAL.—The Secretary, acting through the Director, shall conduct a Native American tourism program to facilitate the development and conduct of tourism demonstration projects by Indian tribes, on a tribal, intertribal, or regional basis.

(2) DEMONSTRATION PROJECTS.—

(A) IN GENERAL.—Under the program established under this section, in order to assist in the development and promotion of tourism on and in the vicinity of Indian lands, the Secretary, acting through the Director, shall, in coordination with the Under Secretary of Agriculture for Rural Development, assist eligible entities in the planning, development, and implementation of tourism development demonstration projects that meet the criteria described in subparagraph (B).

(B) PROJECTS DESCRIBED.—In selecting tourism development demonstration projects under this section, the Secretary, acting through the Director, shall select projects that have the potential to increase travel and tourism revenues by attracting visitors to Indian lands and lands in the vicinity of Indian lands, including projects that provide for—

(i) the development and distribution of educational and promotional materials pertaining to attractions located on and near Indian lands;

(ii) the development of educational resources to assist in private and public tourism development on and in the vicinity of Indian lands; and

(iii) the coordination of tourism-related joint ventures and cooperative efforts between eligible entities and appropriate State and local governments that have jurisdiction over areas in the vicinity of Indian lands.

(3) GRANTS.—To carry out the program under this section, the Secretary, acting through the Director, may award grants or enter into other appropriate arrangements with Indian tribes, tribal organizations, intertribal consortia, or other tribal entities that the Secretary, in consultation with the Director, determines to be appropriate.

(4) LOCATIONS.—In providing for tourism development demonstration projects under the program under this section, the Secretary, acting through the Director, shall provide for a demonstration project to be conducted—

(A) for Indians of the Four Corners area located in the area adjacent to the border between Arizona, Utah, Colorado, and New Mexico;

(B) for Indians of the northwestern area that is commonly known as the Great Northwest (as determined by the Secretary);

(C) for the Oklahoma Indians in Oklahoma;

(D) for the Indians of the Great Plains area (as determined by the Secretary); and

(E) for Alaska Natives in Alaska.

(b) ASSISTANCE.—The Secretary, acting through the Director, shall provide financial assistance, technical assistance, and administrative services to participants that the Secretary, acting through the Director, selects to carry out a tourism development project under this section, with respect to—

(1) feasibility studies conducted as part of that project;

(2) market analyses;

(3) participation in tourism and trade missions; and

(4) any other activity that the Secretary, in consultation with the Director, determines to be appropriate to carry out this section.

(c) INFRASTRUCTURE DEVELOPMENT.—The demonstration projects conducted under this section shall include provisions to facilitate the development and financing of infrastructure, including the development of Indian reservation roads in a manner consistent with title 23, United States Code.

SEC. 7. REPORT TO CONGRESS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary, in consultation with the Director, shall prepare and submit to the Committee on Indian Affairs of the Senate and the Committee on Resources of the House of Representatives a report on the operation of the Office.

(b) CONTENTS OF REPORT.—Each report prepared under subsection (a) shall include—

(1) for the period covered by the report, a summary of the activities conducted by the Secretary, acting through the Director, in carrying out sections 4 through 6; and

(2) any recommendations for legislation that the Secretary, in consultation with the Director, determines to be necessary to carry out sections 4 through 6.

SEC. 8. FOREIGN-TRADE ZONE PREFERENCES.

(a) PREFERENCE IN ESTABLISHMENT OF FOREIGN-TRADE ZONES IN INDIAN ENTERPRISE ZONES.—In processing applications for the establishment of foreign-trade zones pursuant to the Act entitled ''An Act to provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes'', approved June 18, 1934 (19 U.S.C. 81a et seq.), the Board shall consider, on a priority basis, and expedite, to the maximum extent practicable, the processing of any application involving the establishment

of a foreign-trade zone on Indian lands, including any Indian lands designated as an empowerment zone or enterprise community pursuant to section 1391 of the Internal Revenue Code of 1986.

(b) APPLICATION PROCEDURE.—In processing applications for the establishment of ports of entry pursuant to the Act entitled ''An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and fifteen, and for other purposes'', approved August 1, 1914 (19 U.S.C. 2), the Secretary of the Treasury shall, with respect to any application involving the establishment of a port of entry that is necessary to permit the establishment of a foreign-trade zone on Indian lands—

(1) consider that application on a priority basis; and

(2) expedite, to the maximum extent practicable, the processing of that application.

(c) APPLICATION EVALUATION.—In evaluating applications for the establishment of foreign-trade zones and ports of entry in connection with Indian lands, to the maximum extent practicable and consistent with applicable law, the Board and the Secretary of the Treasury shall approve the applications.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act, to remain available until expended.

Mr. SHELBY. Mr. President, I ask unanimous consent the committee substitute amendment be agreed to, the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The committee substitute amendment was agreed to.

The bill (S. 401), as amended, was read the third time and passed.

INDIAN TRIBAL ECONOMIC DEVELOPMENT AND CONTRACT ENCOURAGEMENT ACT OF 1999

Mr. SHELBY. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 270, S. 613.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 613) to encourage Indian economic development, to provide for the disclosure of Indian tribal sovereign immunity in contracts involving Indian tribes, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Indian Affairs, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Indian Tribal Economic Development and Contract Encouragement Act of 1999''.

SEC. 2. CONTRACTS AND AGREEMENTS WITH INDIAN TRIBES.

Section 2103 of the Revised Statutes (25 U.S.C. 81) is amended to read as follows:

''SEC. 2103. (a) In this section:

''(1) The term 'Indian lands' means lands the title to which is held by the United States in trust for an Indian tribe or lands the title to which is held by an Indian tribe subject to a restriction by the United States against alienation.

''(2) The term 'Indian tribe' has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

''(3) The term 'Secretary' means the Secretary of the Interior.

''(b) No agreement or contract with an Indian tribe that encumbers Indian lands for a period of 7 or more years shall be valid unless that agreement or contract bears the approval of the Secretary of the Interior or a designee of the Secretary.

''(c) Subsection (b) shall not apply to any agreement or contract that the Secretary (or a designee of the Secretary) determines is not covered under that subsection.

''(d) The Secretary (or a designee of the Secretary) shall refuse to approve an agreement or contract that is covered under subsection (b) if the Secretary (or a designee of the Secretary) determines that the agreement or contract—

''(1) violates Federal law; or

''(2) does not include a provision that—

''(A) provides for remedies in the case of a breach of the agreement or contract;

''(B) references a tribal code, ordinance, or ruling of a court of competent jurisdiction that discloses the right of the Indian tribe to assert sovereign immunity as a defense in an action brought against the Indian tribe; or

''(C) includes an express waiver of the right of the Indian tribe to assert sovereign immunity as a defense in an action brought against the Indian tribe (including a waiver that limits the nature of relief that may be provided or the jurisdiction of a court with respect to such an action).

''(e) Not later than 180 days after the date of enactment of the Indian Tribal Economic Development and Contract Encouragement Act of 1999, the Secretary shall issue regulations for identifying types of agreements or contracts that are not covered under subsection (b).

''(f) Nothing in this section shall be construed to—

''(1) require the Secretary to approve a contract for legal services by an attorney;

''(2) amend or repeal the authority of the National Indian Gaming Commission under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.); or

''(3) alter or amend any ordinance, resolution, or charter of an Indian tribe that requires approval by the Secretary of any action by that Indian tribe.''.

SEC. 3. CHOICE OF COUNSEL.

Section 16(e) of the Act of June 18, 1934 (commonly referred to as the ''Indian Reorganization Act'') (48 Stat. 987, chapter 576; 25 U.S.C. 476(e)) is amended by striking '', the choice of counsel and fixing of fees to be subject to the approval of the Secretary''.

Mr. SHELBY. Mr. President, I ask unanimous consent the committee substitute amendment be agreed to, the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The committee substitute amendment was agreed to.

The bill (S. 613), as amended, was read the third time and passed.

INDIAN TRIBAL REGULATORY REFORM AND BUSINESS DEVELOPMENT ACT OF 1999

Mr. SHELBY. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 271, S. 614.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 614) to provide for regulatory reform in order to encourage investment, business, and economic development with respect to activities conducted on Indian lands.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Indian Affairs, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Indian Tribal Regulatory Reform and Business Development Act of 1999''.

SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) despite the availability of abundant natural resources on Indian lands and a rich cultural legacy that accords great value to self-determination, self-reliance, and independence, Native Americans suffer rates of unemployment, poverty, poor health, substandard housing, and associated social ills which are greater than the rates for any other group in the United States;

(2) the capacity of Indian tribes to build strong Indian tribal governments and vigorous economies is hindered by the inability of Indian tribes to engage communities that surround Indian lands and outside investors in economic activities conducted on Indian lands;

(3) beginning in 1970, with the issuance by the Nixon Administration of a special message to Congress on Indian Affairs, each President has reaffirmed the special government-to-government relationship between Indian tribes and the United States; and

(4) the United States has an obligation to assist Indian tribes with the creation of appropriate economic and political conditions with respect to Indian lands to—

(A) encourage investment from outside sources that do not originate with the Indian tribes; and

(B) facilitate economic development on Indian lands.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To provide for a comprehensive review of the laws (including regulations) that affect investment and business decisions concerning activities conducted on Indian lands.

(2) To determine the extent to which those laws unnecessarily or inappropriately impair—

(A) investment and business development on Indian lands; or

(B) the financial stability and management efficiency of Indian tribal governments.

(3) To establish an authority to conduct the review under paragraph (1) and report findings and recommendations that result from the review to Congress and the President.

SEC. 3. DEFINITIONS.

In this Act:

(1) AUTHORITY.—The term ''Authority'' means the Regulatory Reform and Business Development on Indian Lands Authority.

(2) FEDERAL AGENCY.—The term ''Federal agency'' means an agency, as that term is defined in section 551(1) of title 5, United States Code.

(3) INDIAN.—The term ''Indian'' has the meaning given that term in section 4(d) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(d)).

(4) INDIAN LANDS.—

(A) IN GENERAL.—The term ''Indian lands'' includes lands under the definition of—

(i) the term ''Indian country'' under section 1151 of title 18, United States Code; or

(ii) the term ''reservation'' under—

(I) section 3(d) of the Indian Financing Act of 1974 (25 U.S.C. 1452(d)); or

(II) section 4(10) of the Indian Child Welfare Act of 1978 (25 U.S.C. 1903(10)).

(B) FORMER INDIAN RESERVATIONS IN OKLAHOMA.—For purposes of applying section 3(d) of the Indian Financing Act of 1974 (25 U.S.C. 1452(d)) under subparagraph (A)(ii), the term ''former Indian reservations in Oklahoma'' shall be construed to include lands that are—

(i) within the jurisdictional areas of an Oklahoma Indian tribe (as determined by the Secretary of the Interior); and

(ii) recognized by the Secretary of the Interior as eligible for trust land status under part 151 of title 25, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(5) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

(7) TRIBAL ORGANIZATION.—The term ''tribal organization'' has the meaning given that term in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l)).

SEC. 4. ESTABLISHMENT OF AUTHORITY.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary, in consultation with the Secretary of the Interior and other officials whom the Secretary determines to be appropriate, shall establish an authority to be known as the Regulatory Reform and Business Development on Indian Lands Authority.

(2) PURPOSE.—The Secretary shall establish the Authority under this subsection in order to facilitate the identification and subsequent removal of obstacles to investment, business development, and the creation of wealth with respect to the economies of Native American communities.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Authority established under this section shall be composed of 21 members.

(2) REPRESENTATIVES OF INDIAN TRIBES.—12 members of the Authority shall be representatives of the Indian tribes from the areas of the Bureau of Indian Affairs. Each such area shall be represented by such a representative.

(3) REPRESENTATIVES OF THE PRIVATE SECTOR.—No fewer than 4 members of the Authority shall be representatives of nongovernmental economic activities carried out by private enterprises in the private sector.

(c) INITIAL MEETING.—Not later than 90 days after the date of enactment of this Act, the Authority shall hold its initial meeting.

(d) REVIEW.—Beginning on the date of the initial meeting under subsection (c), the Authority shall conduct a review of laws (including regulations) relating to investment, business, and economic development that affect investment and business decisions concerning activities conducted on Indian lands.

(e) MEETINGS.—The Authority shall meet at the call of the chairperson.

(f) QUORUM.—A majority of the members of the Authority shall constitute a quorum, but a lesser number of members may hold hearings.

(g) CHAIRPERSON.—The Authority shall select a chairperson from among its members.

SEC. 5. REPORT.

Not later than 1 year after the date of enactment of this Act, the Authority shall prepare and submit to the Committee on Indian Affairs of the Senate, the Committee on Resources of the House of Representatives, and to the governing body of each Indian tribe a report that includes—

(1) the findings of the Authority concerning the review conducted under section 4(d); and

(2) such recommendations concerning the proposed revisions to the laws that were subject to review as the Authority determines to be appropriate.

SEC. 6. POWERS OF THE AUTHORITY.

(a) HEARINGS.—The Authority may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Authority considers advisable to carry out the duties of the Authority.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Authority may secure directly from any Federal department or agency such information as the Authority considers necessary to carry out the duties of the Authority.

(c) POSTAL SERVICES.—The Authority may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) GIFTS.—The Authority may accept, use, and dispose of gifts or donations of services or property.

SEC. 7. AUTHORITY PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—

(1) NON-FEDERAL MEMBERS.—Members of the Authority who are not officers or employees of the Federal Government shall serve without compensation, except for travel expenses as provided under subsection (b).

(2) OFFICERS AND EMPLOYEES OF THE FEDERAL GOVERNMENT.—Members of the Authority who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Authority shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Authority.

(c) STAFF.—

(1) IN GENERAL.—The chairperson of the Authority may, without regard to the civil service laws, appoint and terminate such personnel as may be necessary to enable the Authority to perform its duties.

(2) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The chairperson of the Authority may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed under GS–13 of the General Schedule established under section 5332 of title 5, United States Code.

SEC. 8. TERMINATION OF THE AUTHORITY.

The Authority shall terminate 90 days after the date on which the Authority has submitted a copy of the report prepared under section 5 to the committees of Congress specified in section 5 and to the governing body of each Indian tribe.

SEC. 9. EXEMPTION FROM FEDERAL ADVISORY COMMITTEE ACT.

The activities of the Authority conducted under this title shall be exempt from the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act, to remain available until expended.

Mr. SHELBY. I ask unanimous consent that the committee substitute amendment be agreed to, the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The committee substitute amendment was agreed to.

The bill (S. 614), as amended, was read the third time and passed.

ALASKA NATIVE AND AMERICAN INDIAN DIRECT REIMBURSEMENT ACT OF 1999

Mr. SHELBY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 272, S. 406.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (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.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Indian Affairs, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Alaska Native and American Indian Direct Reimbursement Act of 1999''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) In 1988, Congress enacted section 405 of the Indian Health Care Improvement Act (25 U.S.C. 1645) that established a demonstration program to authorize 4 tribally-operated Indian Health Service hospitals or clinics to test methods for direct billing and receipt of payment for health services provided to patients eligible for reimbursement under the medicare or medicaid programs under titles XVIII and XIX of the Social Security Act (42 U.S.C. 1395 et seq.; 1396 et seq.), and other third-party payors.

(2) The 4 participants selected by the Indian Health Service for the demonstration program began the direct billing and collection program in fiscal year 1989 and unanimously expressed success and satisfaction with the program. Benefits of the program include dramatically increased collections for services provided under the medicare and medicaid programs, a significant reduction in the turn-around time between billing and receipt of payments for services provided to eligible patients, and increased efficiency of participants being able to track their own billings and collections.

(3) The success of the demonstration program confirms that the direct involvement of tribes and tribal organizations in the direct billing of, and collection of payments from, the medicare and medicaid programs, and other third payor reimbursements, is more beneficial to Indian tribes than the current system of Indian Health Service-managed collections.

(4) Allowing tribes and tribal organizations to directly manage their medicare and medicaid billings and collections, rather than channeling all activities through the Indian Health Service, will enable the Indian Health Service to reduce its administrative costs, is consistent with the provisions of the Indian Self-Determination Act, and furthers the commitment of the Secretary to enable tribes and tribal organizations to manage and operate their health care programs.

(5) The demonstration program was originally to expire on September 30, 1996, but was extended by Congress, so that the current participants would not experience an interruption in the program while Congress awaited a recommendation from the Secretary of Health and Human Services on whether to make the program permanent.

(6) It would be beneficial to the Indian Health Service and to Indian tribes, tribal organizations, and Alaska Native organizations to provide permanent status to the demonstration program and to extend participation in the program

to other Indian tribes, tribal organizations, and Alaska Native health organizations who operate a facility of the Indian Health Service.

SEC. 3. DIRECT BILLING OF MEDICARE, MEDICAID, AND OTHER THIRD PARTY PAYORS.

(a) PERMANENT AUTHORIZATION.—Section 405 of the Indian Health Care Improvement Act (25 U.S.C. 1645) is amended to read as follows:

''(a) ESTABLISHMENT OF DIRECT BILLING PROGRAM.—

''(1) IN GENERAL.—The Secretary shall establish a program under which Indian tribes, tribal organizations, and Alaska Native health organizations that contract or compact for the operation of a hospital or clinic of the Service under the Indian Self-Determination and Education Assistance Act may elect to directly bill for, and receive payment for, health care services provided by such hospital or clinic for which payment is made under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) (in this section referred to as the 'medicare program'), under a State plan for medical assistance approved under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) (in this section referred to as the 'medicaid program'), or from any other third party payor.

''(2) APPLICATION OF 100 PERCENT FMAP.—The third sentence of section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) shall apply for purposes of reimbursement under the medicaid program for health care services directly billed under the program established under this section.

''(b) DIRECT REIMBURSEMENT.—

''(1) USE OF FUNDS.—Each hospital or clinic participating in the program described in subsection (a) of this section shall be reimbursed directly under the medicare and medicaid programs for services furnished, without regard to the provisions of section 1880(c) of the Social Security Act (42 U.S.C. 1395qq(c)) and sections 402(a) and 813(b)(2)(A), but all funds so reimbursed shall first be used by the hospital or clinic for the purpose of making any improvements in the hospital or clinic that may be necessary to achieve or maintain compliance with the conditions and requirements applicable generally to facilities of such type under the medicare or medicaid programs. Any funds so reimbursed which are in excess of the amount necessary to achieve or maintain such conditions shall be used—

''(A) solely for improving the health resources deficiency level of the Indian tribe; and

''(B) in accordance with the regulations of the Service applicable to funds provided by the Service under any contract entered into under the Indian Self-Determination Act (25 U.S.C. 450f et seq.).

''(2) AUDITS.—The amounts paid to the hospitals and clinics participating in the program established under this section shall be subject to all auditing requirements applicable to programs administered directly by the Service and to facilities participating in the medicare and medicaid programs.

''(3) SECRETARIAL OVERSIGHT.—The Secretary shall monitor the performance of hospitals and clinics participating in the program established under this section, and shall require such hospitals and clinics to submit reports on the program to the Secretary on an annual basis.

''(4) NO PAYMENTS FROM SPECIAL FUNDS.—Notwithstanding section 1880(c) of the Social Security Act (42 U.S.C. 1395qq(c)) or section 402(a), no payment may be made out of the special funds described in such sections for the benefit of any hospital or clinic during the period that the hospital or clinic participates in the program established under this section.

''(c) REQUIREMENTS FOR PARTICIPATION.—

''(1) APPLICATION.—Except as provided in paragraph (2)(B), in order to be eligible for participation in the program established under this section, an Indian tribe, tribal organization, or Alaska Native health organization shall submit an application to the Secretary that establishes to the satisfaction of the Secretary that—

''(A) the Indian tribe, tribal organization, or Alaska Native health organization contracts or compacts for the operation of a facility of the Service;

''(B) the facility is eligible to participate in the medicare or medicaid programs under section 1880 or 1911 of the Social Security Act (42 U.S.C. 1395qq; 1396j);

''(C) the facility meets the requirements that apply to programs operated directly by the Service; and

''(D) the facility—

''(i) is accredited by an accrediting body as eligible for reimbursement under the medicare or medicaid programs; or

''(ii) has submitted a plan, which has been approved by the Secretary, for achieving such accreditation.

''(2) APPROVAL.—

''(A) IN GENERAL.—The Secretary shall review and approve a qualified application not later than 90 days after the date the application is submitted to the Secretary unless the Secretary determines that any of the criteria set forth in paragraph (1) are not met.

''(B) GRANDFATHER OF DEMONSTRATION PROGRAM PARTICIPANTS.—Any participant in the demonstration program authorized under this section as in effect on the day before the date of enactment of the Alaska Native and American Indian Direct Reimbursement Act of 1999 shall be deemed approved for participation in the program established under this section and shall not be required to submit an application in order to participate in the program.

''(C) DURATION.—An approval by the Secretary of a qualified application under subparagraph (A), or a deemed approval of a demonstration program under subparagraph (B), shall continue in effect as long as the approved applicant or the deemed approved demonstration program meets the requirements of this section.

''(d) EXAMINATION AND IMPLEMENTATION OF CHANGES.—

''(1) IN GENERAL.—The Secretary, acting through the Service, and with the assistance of the Administrator of the Health Care Financing Administration, shall examine on an ongoing basis and implement—

''(A) any administrative changes that may be necessary to facilitate direct billing and reimbursement under the program established under this section, including any agreements with States that may be necessary to provide for direct billing under the medicaid program; and

''(B) any changes that may be necessary to enable participants in the program established under this section to provide to the Service medical records information on patients served under the program that is consistent with the medical records information system of the Service.

''(2) ACCOUNTING INFORMATION.—The accounting information that a participant in the program established under this section shall be required to report shall be the same as the information required to be reported by participants in the demonstration program authorized under this section as in effect on the day before the date of enactment of the Alaska Native and American Indian Direct Reimbursement Act of 1999. The Secretary may from time to time, after consultation with the program participants, change the accounting information submission requirements.

''(e) WITHDRAWAL FROM PROGRAM.—A participant in the program established under this section may withdraw from participation in the same manner and under the same conditions that a tribe or tribal organization may retrocede a contracted program to the Secretary under authority of the Indian Self-Determination Act (25 U.S.C. 450 et seq.). All cost accounting and billing authority under the program established under this section shall be returned to the Secretary upon the Secretary's acceptance of the withdrawal of participation in this program.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1880 of the Social Security Act (42 U.S.C. 1395qq) is amended by adding at the end the following:

''(e) For provisions relating to the authority of certain Indian tribes, tribal organizations, and Alaska Native health organizations to elect to directly bill for, and receive payment for, health care services provided by a hospital or clinic of such tribes or organizations and for which payment may be made under this title, see section 405 of the Indian Health Care Improvement Act (25 U.S.C. 1645).''.

(2) Section 1911 of the Social Security Act (42 U.S.C. 1396j) is amended by adding at the end the following:

''(d) For provisions relating to the authority of certain Indian tribes, tribal organizations, and Alaska Native health organizations to elect to directly bill for, and receive payment for, health care services provided by a hospital or clinic of such tribes or organizations and for which payment may be made under this title, see section 405 of the Indian Health Care Improvement Act (25 U.S.C. 1645).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2000.

SEC. 4. TECHNICAL AMENDMENT.

(a) IN GENERAL.—Effective November 9, 1998, section 405 of the Indian Health Care Improvement Act (25 U.S.C. 1645(e)) is reenacted as in effect on that date.

(b) REPORTS.—Effective November 10, 1998, section 405 of the Indian Health Care Improvement Act is amended by striking subsection (e).

Mr. SHELBY. Mr. President, I ask unanimous consent that the committee substitute amendment be agreed to.

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

The committee substitute amendment was agreed to.

Mr. SHELBY. 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 the bill be printed in the RECORD.

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

The bill (S. 406), as amended, was read the third time and passed.

ORDERS FOR THURSDAY, SEPTEMBER 16, 1999

Mr. SHELBY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until the hour of 9:30 a.m. on Thursday, September 16. I further ask unanimous consent that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of the transportation appropriations bill.

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

PROGRAM

Mr. SHELBY. Mr. President, for the information of all Senators, the Senate will convene at 9:30 in the morning and

immediately begin consideration of the transportation appropriations bill. By a previous consent agreement, at 10 a.m. the Senate will begin debate on the Treasury-Postal appropriations conference report, with a vote to take place at approximately 10:10 a.m. Also, the Senate is expected to complete action and vote on passage of the transportation appropriations bill during Thursday's session. The Senate may also consider further conference reports and any executive items on the Calendar.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. SHELBY. 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 8:24 p.m., adjourned until Thursday, September 16, 1999, at 9:30 a.m.

EXTENSIONS OF REMARKS

CONGRATULATIONS J.W. ''SKIP'' TINNEN UPON HIS RETIREMENT

HON. PAT DANNER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1999

Ms. DANNER. Mr. Speaker, my good friend and constituent, J.W. ''Skip'' Tinnen will soon be retiring from the board of directors of Saint Luke's Northland Hospital and I want to express my best wishes to him on this occasion.

Skip was first elected to the board of directors of the Spelman Memorial Hospital (which later became Saint Luke's Northland Hospital in 1978). He served as an active member of the board until January 1999, when he was elected to Emeritus status, and he continues to serve in this capacity. He is the first member of the board of Saint Luke's Northland or Spelman Memorial Hospital to serve in this role.

Skip has actively served on many committees of the hospital board including Finance Committee, Long Range Planning Committee, Joint Conference Committee, Public Relations & Personnel Committee and Strategic Planning Committee. During the years 1994 and 1995 he had a perfect attendance at hospital board meetings. He has been very active in the expansion of the hospital facility. Also, he has been an active supporter of the philanthropic efforts of the hospital which include the golf classic and serving as vice president of the Spelman Medical Foundation.

Not only has Skip served the local health care community, he is also active in many civic and community organizations. He is the owner of the Plattsburg Leader newspaper and is very active with the Northwest Missouri Press Association.

Skip Tinnen's contributions to Saint Luke's Northland Hospital, the community, the sixth Congressional District of Missouri and our Nation should not go unnoticed. For all his many efforts on behalf of that which is good in our country, I want to say ''Thank you, Skip, job well done.''

TRIBUTE TO HAMMOND CARPENTERS UNION

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Mr. VISCLOSKY. Mr. Speaker, it is my distinct honor to congratulate some of the most dedicated and skilled workers in Northwest Indiana. On September 18, 1999, in a salute to their workers' durability and longevity, the Hammond Carpenters Union Local 599 will recognize their members with 25 years or more of dedicated service. They will be recognized at a pin ceremony during their 100 year anniversary celebration banquet to be held this Saturday at the Operating Engineers Local 150 Hall in Merrillville, Indiana. These individuals, in addition to the other Local 599 members who have served Northwest Indiana so diligently for such a long period of time, are a testament to the proto-typical American worker: loyal, dedicated, and hardworking.

The Carpenters Local 599, which received its charter in 1899, will honor members for their years of devoted service. The members who will be honored for 60 years of service include: Frank E. Caise and Frank Rueth. The members who will be honored for 50 years of service include: Willard Rains and Wayne Verble. The members who will be honored for 45 years of service include: Ronald Carlson and Leo Ceroni. The members who will be honored for 40 years of service include: Ezequile J. Lopez and Walter Wisinski. The members who will be honored for 35 years of service include: Donald Archer, Robert L. Farkas, Paul Hornak, Joseph W. Komoroski, Robert Lowry, Harold G. McMillion, Bernard Ritchey, Edward T. Scheeringa, Darrell E. Sills, and John Verbeek. The members who will be honored for 30 years of service include: G.A. Argentine, Charles A. Gibbs, Raymond J. Maida, Rudy Medellin, and William R. Underwood. The members who will be honored for 25 years of service include: Daniel R. Brown, Timothy P. Foley, and John S. Perz.

As Orville Dewey said, ''Labor is man's greatest function. He is nothing, he can be nothing, he can achieve nothing, he can fulfill nothing, without working.'' The men and women of Local 599, in addition to all of the local unions in Northwest Indiana, form the backbone of our economy and community. Without their blood, sweat, and tears, Indiana's First Congressional District would not be the place I love, nor would it be my proud home.

Mr. Speaker, I ask that you and my distinguished colleagues join me in congratulating these dedicated, honorable, and outstanding members of the Hammond Carpenters Union Local 599, in addition to all the hard-working union men and women in America. The men and women of Local 599 are a fine representation of America's union men and women; I am proud to represent such dedicated individuals in Congress. Their hard labor and dauntless courage are the achievement and fulfillment of the American dream.

WAYS AND MEANS COMMITTEE BLOCKING RETURN TO WORK HELP FOR THE NATION'S DISABLED

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Mr. STARK. Mr. Speaker, important health care legislation to provide work incentives for the disabled was unanimously passed by the Senate on June 16, 1999 (S. 331) and approved by the House Commerce Committee on July 1st (H.R. 1180) this year. Since then, this bill which was jointly referred to the Ways and Means Committee has been stalled and blocked. The Ways and Means Committee has done nothing to move this legislation forward despite the fact that this bill is good policy and has widespread support (229 cosponsors in the House and 79 cosponsors in the Senate).

According to the Social Security Administration, 8 million people of working age now collect disability benefits under Social Security Disability Insurance (SSDI) or Supplemental Security Income (SSI). While America's unemployment rate is the lowest in decades, the unemployment rate among working age adults with disability is nearly 75%. H.R. 1180 will help the disabled re-enter the workplace, yet Ways and Means refuses to act.

The current SSDI and SSI legislation forces the disabled to choose between work and health insurance coverage. The choice between being unproductive or uninsured is inherent to SSDI's and SSI's definition of disability which equates disability with unemployability. This is a distorted view in a world where individual worth and accomplishment are measured in the workplace.

Surveys show that most people of working age with disabilities want to work; however, they are fearful of losing health care coverage if they seek employment and then lose their job. The result is that less than half of one percent of SSDI beneficiaries and only about one percent of SSI beneficiaries ever actually leave the SSA disability rolls to return to work.

It is difficult to overstate the benefits associated with holding a job when you suffer from physical or mental impairment. The restoration of emotional wellbeing associated with feelings of self-worth and accomplishment causes a domino effect with a cascade of benefits that goes well beyond the monetary value of employment. It is well recognized that depression is endemic among the disabled and that depression frequently contributes to a downward spiral of hopelessness, helplessness and amplified symptoms. Doctors understand that there is no prescription in their medical bag that will remedy this vicious cycle; in the absence of a cure, what the patient really needs are the tools to adjust to chronic impairment.

Today's challenge in health care is to empower each individual to live productively in the face of impairment. We cannot delude ourselves that medicine through research and clinical excellence will master the problems of death and disability. We cannot look to new miracles to prevent, cure and effectively treat every ailment. The reality is that improving clinical practice is likely to increase, not reduce the ranks of the disabled. We bear the responsibility to integrate individuals with impairments as fully as possible into the fabric of our society. Indeed, we cannot afford to squander the skills and talents of these individuals.

The fact is we should not confuse the difference between impairment and disability.

Unfortunately, impairment is common and frequently permanent. Disability occurs when impairment has serious functional consequences. Our governmental programs should promote the realization of the full potential of the impaired individual, thereby minimizing disability. Health-promoting legislation provides incentives to return to the marketplace, providing a secure safety net for those who require it.

The Work Incentive Improvement Act is one step in the right direction—empowering individuals with impairments by emphasizing new possibilities rather than lost potential. The Ways and Means Social Security and Health Subcommittees have lost their way if we do not grasp this important opportunity to acknowledge the value of disabled Americans.

IN RECOGNITION OF THE STUDENTS OF YOUTH TOGETHER AS THEY CELEBRATE THEIR ''WEEK OF UNITY: ONE LAND, ONE PEOPLE''

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Ms. LEE. Mr. Speaker, I rise today to pay special tribute to the students of the Ninth Congressional District as they return to their classrooms for the 1999–2000 school year. In particular, I wish to highlight a group of students who are working diligently to ensure peace and harmony in our schools.

Throughout the week of September 7 through 13, 1999, students from Berkeley, Castlemont, Fremont, Richmond, and Skyline High Schools, celebrated a ''Week of Unity: One Land, One People.'' These students are members of the Youth Together Project, a multiracial violence prevention and social justice project which operates in each of the five high schools. The event is an attempt by Youth Together students and their allies—students, teachers, parents, and community leaders—to unite students of all races together to promote unity and peace on their school campuses. It is a concept of unity, reconnecting us to our ancestors and homelands, reminding us that we are all native/tribal people struggling in an urban environment. It is based upon the creation belief held by our Native American foremothers and fathers that we are all descendants of one land and one people.

The theme for this year's event was eloquently taken from a quote by Dr. Martin Luther King, ''True peace is not merely the absence of tension: it is the presence of justice.'' Some of the many activities and initiatives held during the ''Week of Unity'' included: The Castlemont Unity Mural, honoring 17 Americans who have come to represent the struggle for recognition and inclusion in the ideal of a united community. The ''Commitment To Peace Banner'' which involved students and adults asking all students to sign a banner committing themselves to peaceful conflict resolution. In addition, a mentoring program has been proposed that would connect seniors and juniors with incoming ninth graders to help promote a safe and comfortable transition for new students.

The students hope to establish the ''Week of Unity: One Land, One People'' as an annual event at each of their campuses. The main objectives of the event are to prevent outbreaks of violence and to set a positive tone that will determine the environment for the rest of the school year. By taking leadership and ownership of their schools, students are demonstrating through action the vision of a united community based upon principles of respect, justice and peace. These and many other initiatives stand as incontrovertible evidence that the young people of Oakland, Berkeley, and Richmond have a clear understanding of the multicultural issues that exist in their communities and are not afraid to stand up and take the lead in combating problems where they exist.

In closing, Mr. Speaker, I would just like to say how proud I am that the students of Youth Together understand that Native Americans, African Americans, Latinos, Asian Pacific Islanders and whites must come together to work for peace and justice in our schools and communities. In addition, I believe that the work being done by students in my district proves to the world that our young people are for real in seeking peace and justice and are living and working each and every day the dream of Dr. Martin Luther King, Jr.

TRIBUTE TO JOSÉ CHARFAUROS NEDEDOG

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Mr. UNDERWOOD. Mr. Speaker, it is with great sense of sadness that I acknowledge the passing of one of Guam's leaders. The Honorable José Charfauros Nededog, a member of the 4th Guam Legislature, recently passed away at the age of 79.

Senator Nededog was born on January 31, 1920, in the village of Agat—the son of Emilio Nededog and Carmen Charfauros Nededog. He attended Bishop Olaiz Elementary School in Agat and graduated from Seaton Schroeder High School in Agana. Prior to enlisting in the United States Navy, he attended Phillip Commercial School in Honolulu, HI. Having enlisted in the Navy, Senator Nededog took personnel supervision courses in Brooklyn, NY, and Naval Intelligence Courses at Pearl Harbor, HI. He served during World War II, attaining the rank of Chief Petty Officer in the Naval Reserve.

He was elected to represent the people of Guam and serve in the 4th Guam Legislature. His experience as a senator enabled him to further serve the people as a member of several governmental councils. He was a member of the Territorial Planning Commission, the Bureau of Planning Council, the Manpower Resource and Development Council, the Seashore Protection Agency, and the First Constitutional Convention. At various times, he served as Center Director, Program Director, and Executive Director of the Government of Guam's Office of Economic Opportunity. He also served as Executive Director of the 17th Guam Legislature.

In addition to his government service, Senator Nededog also worked in the private sector. He was the general manager of the Kaneohe Venetian Manufacturing Co. in Hawaii, the sales and promotion manager of the Marianas Electric and Supply Co., and the general manager of Universal Insurance and Realty Co.

The Senator was also active in community organizations. He was a member of the Veterans of Foreign Wars (VFW) Post at Pearl Harbor, HI. In addition, he was active with the Kaneohe Welfare Association and OEO, 9th District. In his desire to help the youth and be a role model, he worked with the Boy Scouts Committee, Troop 5 at Mount Carmel Parish in the village of Agat. He also served as Scout Master for Troop 113, St. Ann's Parish at Kaneohe, HI.

The passing of the late Senator José Charfauros Nededog is a loss felt by the whole island. On behalf of the people of Guam, I offer my condolences and join his widow, the former Josefina Torres, and their children, Joseph, George, Melvin, Franklin, Kathleen, and Jocelyn, in mourning the loss of a husband, a father, and fellow legislator and servant to the people of Guam. Adios, Senator Nededog.

INTERNET CONSUMER INFORMATION PROTECTION ACT

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Mr. VENTO. Mr. Speaker, the age of the Internet has put more and more Americans on-line and is evolving faster than we could have ever imagined. Each day new companies and industries form out of the constant technological innovation that has come to symoblize this information superhighway. It has allowed average people sitting in their living rooms the opportunity to connect with a myriad of businesses and services. However, with this convenience there comes a growing concern that private information is being misused. Today, I am introducing the Internet Consumer Information Protection Act in an effort to address this problem.

The Internet Consumer Information Protection Act will allow people to regain control over their own personal information without unnecessarily hindering those services which collect data for legitimate purposes. Under this legislation, any customer data gathered by an entity could not be passed on to a third party unless: notice is provided, consumers are allowed an opportunity to direct that the information not be shared; and are given the opportunity, at no charge, to review, verify or correct any data compiled. Internet services would still be allowed to share information with affiliates and would also be allowed to supply data to third parties for the purpose of performing services or functions except for marketing purposes, provided that such entity would have an affirmative responsibility barring the use or sharing of such data.

Obviously, issues involving the internet are complex and constantly changing, and therefore deserve careful and thoughtful consideration. It is important to note that the focus of this legislation is not to stop the accumulation and transactional use of data, but to give consumers a sense of understanding and effective control over their own information. Also, such policy would function to ensure that such entities take responsibility to maintain the integrity of the information being used for intended purposes.

As the Internet becomes as integral part of our daily lives, it is imperative that we in Congress take a common sense approach, like this proposed legislation, to ensure that businesses are able to benefit from this technology while citizens are able to retain a voice and aren't asked to involuntarily sacrifice their own personal privacy in the name of an undefined information age. The preservation of privacy is a cherished freedom which unchecked technology must not be allowed to circumvent or exploit.

TRIBUTE TO MERVYN MOSBACKER

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Mr. ORTIZ. Mr. Speaker, I rise today to pay tribute to an outstanding young man and American who has dedicated his life to the pursuit of justice, Mervyn Mosbacker.

Mervyn is the new U.S. attorney for the Southern Judicial District of Texas. He is a native of Brownsville, TX, and an eminently qualified lawman. Last year, Mervyn was recommended unanimously, by members of the Texas Delegation who represent congressional districts in the Southern Judicial District of Texas, to fill the vacancy for the position of U.S. attorney for the Southern District of Texas in Houston.

The White House nominated him, and the Senate confirmed him in short order. Mervyn was an attractive candidate to us for his position for many reasons, not the least of which was the ease with which this clean-cut young lawyer already working in the U.S. Attorney's Office already would glide through the vetting process.

Mervyn was born in Mexico and his mother, who currently lives in Brownsville, is from Ciudad Victoria, Tamaulipas. He will bring a very unique understanding of the needs of this judicial district to the U.S. Attorney's Office. He knows what is important to us here in South Texas because of our shared experiences.

He is familiar with the issues that bring cases to the courts along the border such as drugs, trade law, international law, and illegal immigration. His tenure of service in the U.S. Attorney's Office brings a history of knowledge of how the office works.

The position of U.S. attorney is a sacred position of the public trust. This is the advocate of the interests of the taxpayers of South Texas. The U.S. attorney is the Federal representative for the interests of justice under our laws in local areas. It is an honor to hold this position, but it entails an enormous responsibility as well.

I am enormously confident that Mervyn Mosbacker will bring South Texas common sense to the Office of United States Attorney for the Southern District of Texas. I ask my colleagues to join me today in congratulating Mervyn today as he takes the oath of office as U.S. attorney.

TRIBUTE TO SHEET METAL WORKERS

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Mr. VISCLOSKY. Mr. Speaker, it is my distinct honor to congratulate some of the most dedicated and skilled workers in northwest Indiana. On September 17, 1999, in a salute to their workers' durability and longevity, the Sheet Metal Workers Local #20, of Gary, Indiana, will honor their members with sixty, fifty, forty, and twenty-five years of continuous service. These individuals, in addition to the other Local #20 members who have served northwest Indiana so diligently for such a long time, are a testament to the prototypical American worker: loyal, dedicated, and hard-working.

The men and women of Local #20 are a fine representation of America's working families. I am proud to represent such dedicated men and women in Congress. The Sheet Medal Workers Constitution states, ''* * * to establish and maintain desirable working conditions and thus provide for themselves and their families that measure of comfort, happiness, and security to which every citizen is entitled in return for his labor, from a deep sense of pride in our trade, to give a fair day's work for a fair day's pay.'' For sixty years, Edward Shirnko and Denator Migliorini have followed this creed. For fifty years, the following individuals have followed this creed: Mike Busika, James Cameron, Earl Chance, Melvin Crook, Marvin Forsythe, Vernon W. Hoehn, Eugene Hornrich, James Kocman, Eugene Koontz, Richard McClelland, Marcus Meyer, Charles D. Meyers, James Moscato, Raymond Mueller, Joseph E. Mullholland, William D. Nielsen, Chester Nowak, Ray Ritthaler, William Singel, Joseph Zeman, and Thomas M. Zimmer. In 1959, Jack Bacon, J.B. Bugg, Melvin Earnhart, Willima K. Hart, Vernon W. Hoehn, Louis Holzli, James R. Hood, Dellis Ivers, Leroy Johnson, Homer Keller, Robert Kish, Gordon LaBounty, Frank Macewicz, Jr., Clyde Martin, Gilbert Mecchia, Terry Messenich, Donald O'Dell, Homer Rachford, Lorne Rearick, John Sisco, and Daniel Wracker began their forty years of service to northwest Indiana and membership in the Sheet Metal Workers trade union. In addition to the great service and dedication displayed by the sixty, fifty, and forty-year continued service members, the members with twenty-five years of continued service that will be honored include: Daniel Bajda, Frank Beigelbeck, Lloyd Bielski, Timothy Bolster, Joseph L. Byres, Dan Gross, James Hirschfelder, Ted Jones, Vincent Macielewicz, James Odle, Peter Nielson, Larry P. Long, Tom Lopez, Donald McAuliffe, James Moskalick, John Moskalick, Leo Plawecki, Glen Shanks, Benito Torres, David Towasnicki, Thomas D. Zimmer, Melvin Lolkema, and William J. Singel.

Mr. Speaker, I ask that you and my distinguished colleagues join me in congratulating these dedicated, upstanding members of the Sheet Metal Workers Local #20 for their hard work in fulfilling the American dream. I offer my heartfelt congratulations to these individuals, as they have worked arduously to make this dream possible for others. They have proven themselves to be distinguished advocates for the labor movement, and they have made northwest I a better place in which to live and work.

INTERNATIONAL COMPARISON OF PRESCRIPTION DRUG COVERAGE FOR THE ELDERLY SHOWS UNITED STATES LAGS FAR BEHIND MAJOR INDUSTRIALIZED NATIONS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Mr. STARK. Mr. Speaker, my staff recently conducted an analysis of eight industrialized nations and found that the United States is the only country lacking government-sponsored prescription drug coverage for its senior citizens.

The chart I am submitting today clearly illustrates our Government's failure to provide pharmaceutical coverage for seniors who need it most.

Canada, the United Kingdom, Germany, Japan, France, Sweden, and the Netherlands all provide universal prescription drug coverage for the elderly. The UK and France fully exempt the elderly from copayments for certain prescription drugs. Sweden provides a similar exception, but in no case charges seniors more than a $10 copayment for prescription drugs or more than $200 in annual out-of-pocket expenses. The findings clearly show that elderly Americans are being denied a fair system of drug coverage.

Further, recent analyses show that drug prices in the United States are surging by 18 percent per year, with the result that more seniors will be unable to purchase needed medications. Yet the elderly have a particular need for prescription drug coverage, as seniors purchase one-third of all prescription drugs while they only comprise 12 percent of our population.

As employer-sponsored retiree health coverage in the United States rapidly erodes and Medicare HMO's pull out of many markets and lower existing drug benefits, it is time to recognize that the private sector will never be able to guarantee drug coverage for all seniors. In contrast, adding an outpatient drug benefit to Medicare would do exactly that.

If so many other industrialized nations can provide prescription drug coverage for their senior citizens, why can't we?

I urge you to support legislation to add a prescription drug benefit to Medicare. If we do not, we will do great harm to millions of seniors who lack any drug insurance to pay for medications their doctors prescribe.

Contrary to what the pharmaceutical industry would have you believe, the debate is not about price controls. The debate is about coverage.

GOVERNMENT SPONSORED PRESCRIPTION DRUG COVERAGE FOR SENIOR CITIZENS

	Country—							
	United States	Canada	United Kingdom	Germany	Japan	Netherlands	France	Sweden
National Policy.	No outpatient prescription drug coverage for seniors under Medicare. Medicaid provides prescription drug coverage for some low-income seniors; policies vary by state.	All provinces provide prescription drug plans for senior citizens, with copayments that vary by province.	Prescription drug coverage with co-payments; exemptions from some copayments for people over age 60.	Copayments range from $5 to $7, depending on the prescription. Patients also pay the difference between government reimbursed price and the market price (typically the difference between generic and name brand.	Free medical care for all individuals over age 70 (over 65, if bedridden), with nominal co-payments. Free care includes ''supply of medications'' Additional nominal co-payment for individuals taking more than one, two to three, or six or more prescription drugs per day.	Patient cost sharing of 20 percent, up to a maximum level. In addition, patients pay difference between maximum reimbursed price and the market price, similar to Germany.	''Essential drugs'' (e.g., cancer treatment) require no cost sharing; ''Normal prescriptions'' (e.g., antibiotics) require 30% cost sharing; ''comfort'' drugs (e.g., tranquilizers) require 60% cost sharing. Elderly individuals with a need for multiple drugs are reimbursed for all costs.	No charge for pharmaceuticals for treatment of chronic diseases. $10 co-payment for all other prescription drugs. Annual copayments capped at $200, for combination of prescription drugs, physician consultations, physical therapy, and hospital inpatient care
Does this coverage exist for non-elderly?.	No. Low-income individuals may be covered under Medicaid. Varies by state.	No. Extent of coverage varies by province.	Yes. However, coverage for elderly is more generous.	Yes	Yes. However, coverage for elderly is more generous.	Yes	Yes. However, coverage for elderly needing multiple drugs is more generous.	Yes

Source: The Boston Consulting Group, Inc. ''Ensuring Cost-Effective Access to Innovative Pharmaceuticals: Do market Interventions Work?'', April 1999. Graig, Laurene A., Health of Nations: An International Perspective of U.S. Health Care Reform. (Congressional Quarterly Inc. Washington, DC: 1999). Lassey, Marie L., Lassey, William, R., and Martin J. Jinks. Health Care Systems Around the World: Characteristics, Issues, Reforms. (Prentice Hall, New Jersey: 1997).

RECOGNIZING STANLEY M. CHESLEY UPON HIS RECEIVING THE SHALOM PEACE AWARD

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Mr. PORTMAN. Mr. Speaker, I rise today to recognize Stanley M. Chesley, a distinguished constituent, who will receive the prestigious Shalom Peace Award from the Jewish National Fund on November 6, 1999.

The Shalom Peace Award is given to those who have made outstanding contributions to Israel and peace. It has been presented to an individual only eight times in the 99 year history of the Jewish National Fund. In receiving the award, Mr. Chesley joins other esteemed recipients, including Elie Weisel, Lady Margaret Thatcher, General Colin Powell, and Jihan Sadat.

Stan Chesley was born on March 26, 1936 in Cincinnati. He received his B.A. from the University of Cincinnati in 1958 and his LL.B. in 1960. He was admitted to the bar in 1960, and joined the law firm that is now known as Waite, Schneider, Bayless & Chesley, L.P.A. Mr. Chesley currently serves as President of the firm. He is a member of the bars of the Supreme Court of the United States, the Supreme Court of Ohio, and the United States District Court of Appeals for the Second, Fourth and Sixth Circuits. For eight years, he served on the Supreme Court of Ohio's Board of Commissioners on Grievances and Discipline, and was Vice Chair for two years. He has been a lecturer and author for the American Bar Association and many other legal organizations.

While Stan Chesley is an accomplished and successful attorney, he also is well known for his dedicated public service. In 1995, he was appointed to the United States Holocaust Museum Council by President Clinton. He also serves on the National Board of Governors of Hebrew Union College, the National Executive Committee of the American Israel Public Affairs Committee, the National Board of Directors of the American Committee for the Weizmann Institute of Science, the Board of Trustees of the University of Cincinnati and Board of Directors of the University of Cincinnati Foundation. He generously gives of his time to these and many other worthwhile organizations and causes in Greater Cincinnati.

Cincinnati salutes Stan Chesley as he receives this well deserved recognition.

WELCOMING INTERNATIONAL WOMEN TO THE WOMEN, SPIRITUAL MIDWIVES OF THE MILLENNIUM CONFERENCE

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Ms. STABENOW. Mr. Speaker, this weekend women from across the world will gather in Windsor, Ontario to celebrate 300 years of international diversity at the ''Women, Spiritual Midwives of the Millennium'' Conference.

This weekend's conference will emphasize the important role women play in breaking down the walls of racism and will celebrate the differences that make each women unique. I would like to extend my enthusiastic support to the conference participants as they unite women from all corners of the world with their healing message of love and understanding.

Leading the conference will be two dynamic women whose strong spirituality has defined their careers, Marianne Williamson and Reverend Ortheia Barnes-Kennerly.

Marianne Williamson has earned international acclaim for her talents as an author and lecturer. Her words have motivated and inspired. Ms. Williamson co-founded The Renaissance Alliance, a non-profit organization applying spiritual principles to social and political issues, and is committed to causes benefitting people with life-threatening illness. In addition to her other accomplishments, Marianne Williamson is the spiritual leader of the Church of Today, the Unity Church of Warren, Michigan. Ms. Williamson is a role model for young women everywhere and an extraordinary example of the selflessness of the human spirit.

Reverend Ortheia Barnes-Kennerly's life has been defined by her commitment to diversity and spirituality. She and her husband, Robert E. Kennerly, founded the SpiritLove Ministries in Detroit. Through both words and song, Reverend Barnes-Kennerly has moved people of all colors and creeds to love and heal.

Today I recognize the efforts of Marianne Williamson and the Reverend Ortheia Barns-Kennerly and encourage them to continue to preach their messages of unity and strength.

TRIBUTE TO THE ACADEMY OF OUR LADY OF GUAM

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Mr. UNDERWOOD. Mr. Speaker, fifty years ago, Bishop Apollinaris William Baumgartner laid the groundwork for the establishment of the Academy of Our Lady of Guam. With the assistance of my aunt, Sister Mary Inez Underwood, the Academy first opened its doors on September 8, 1949—the first class consisting of 36 freshmen who received classroom instruction from within a section of the Agana Cathedral Activities Hall. Within that hall, the students developed skills in the sciences, mathematics, language and fine arts under the able direction of the Sisters of Mercy.

Under Monsignor Felixberto Camacho Flores, the future Archbishop of Agana, construction of a permanent structure for the school commenced in 1960. Since then, the Academy has attained high standards of education and has been at the forefront in delivering quality educational services to the young women of Guam. From an initial enrollment of 36 students in 1949, the student body now consists of over 400 young women. In 1973, it became the first high school on Guam to receive full accreditation. Under the Western Association of Schools and Colleges, the Academy has gone through the accreditation process four times since—the last being in March of 1996.

Through the years, the Academy has distinguished itself as one of the finest college and career-bound preparatory schools on Guam and the Western Pacific. Due to the school's high academic standards, Academy students have brought honors to the island of Guam. As presidential scholars, national merit scholars and national and international sports competition champions, Academy students have garnered honors and brought them back to Guam. Today, we find the school's graduates in various leadership positions. The Academy has generated, among others, doctors, judges, lawyers, corporate executives, diplomats, and public officials.

As this fine Catholic institution celebrates its golden jubilee, I extend my sincerest congratulations to the administrators, faculty, staff, students, and alumnae of the Academy of Our Lady of Guam. For fifty years, the Academy

has provided quality education and guidance to Guam's young women. As a result, the school's alumnae have made substantial contributions toward the transformation of Guam from an island ravaged by war in the forties to its present status as a political and economic center in the Western Pacific. I am confident that this institution of faith and learning will continue its commitment to excellence by providing a valuable educational opportunity to the young women of Guam.

HONORING THE RETIREMENT OF BILL PETERSON, MINNESOTA AFL–CIO SECRETARY-TREASURER

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Mr. VENTO. Mr. Speaker, I would like to bring to my colleagues attention the retirement of an individual who has committed his life as a tireless advocate for working men and women in Minnesota and our nation, Bill Peterson. Mr. Peterson has announced that he will retire from his nine years of service as the Minnesota AFL–CIO Secretary-Treasurer. Before that, Bill served as the Executive Secretary of the Minnesota Building Trades and business representative to the Iron Workers Local 512.

I have had the privilege of knowing Bill Peterson since his days as a ''hand'' on the job. In fact, he has had the benefit of working and associating with all of the Vento Boys (Dan, Frank, Kurt and myself) since he first started on his journey of the building trades leadership. He began as an Ironworker Business Representative, followed as the MN Building Trades Executive Secretary and eventually was elected to serve as the AFL–CIO Minnesota State Federation Secretary-Treasurer.

During his many years of service, Bill Peterson has worked to improve the quality of life for working families. His effectiveness during tough times as a spokesman for the Minnesota AFL–CIO has greatly benefited working people and educated more than one legislator. Under Bill Peterson, there have been great strides in the development of worker pension programs, the availability of year-round work for members of the building trades, the State Davis-Bacon law, the State Apprenticeship Council, and Union Labor Project contract agreements. Today and tomorrow, worker's conditions and wages will continue to evolve on the basis of the foundation established by building trade labor leaders like Bill Peterson.

There have also been some very tough events during Bill's tenure. One vivid event I'll always recall is when the tower antenna went down in Shoreview and iron workers lost their lives. While we grieved over their deaths, we also resolved not to let this accident go unnoticed. As a result, when Minnesota joined in the establishment of a worker's memorial day, it is events like this that are remembered. The Minnesota Building Trades have also been leaders for tough Occupational Health and Safety Act enforcement, with Bill Peterson in the forefront leading the fight for on the job safety and health.

Bill Peterson will best be remembered for his commitment to education and to the children of working men and women. When the federal commitment to State Apprenticeship programs was under attack, Bill Peterson rallied Congressional and national labor to keep this important training program in place. As a key elected state-wide Member of the University of Minnesota Board of Regents, Bill has been a strong voice for working families, advocating forcefully to keep a college education as a financially viable option for the children of working families and for working men and women seeking new careers.

In addition to his professional activities, Bill has been a volunteer extraordinaire, donating his time and talents for my benefit and that of many others. It is in that role that I will always remember Bill. While many will remember him working the halls of the State Capitol or speaking at the State AFL–CIO convention, I will always picture Bill in an apron carrying a pot of Minnesota corn at the annual Vento Corn Feed for 25 years.

Despite the health challenges that have been a part of his life from youth, Bill has done much more than this share as a professional and a volunteer. His life's work provides labor brothers and sisters the shoulders to stand upon as today's and tomorrow's Minnesota Union movement and views move into the future.

Bill Peterson is truly an example of those whose successful leadership has positively promoted rights for the workers and workers families in our community. We are all richer for his advocacy, his hard work and most importantly, his friendship. I, as many throughout the labor-political sphere, deeply appreciate his friendship, support and counsel through the years.

All my best to Bill and also to his family, who have provided support through the years: his wife Lolly, their three children and grandchildren. It is with heartfelt thanks that I wish Bill Peterson the best of health and a well-deserved retirement.

TRIBUTE TO OTTO MCMATH

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Mr. DAVIS of Illinois. Mr. Speaker, I take this opportunity to pay tribute to one of the most committed, most dedicated and most courageous public interest advocates this country has ever known, Mr. Otto McMath.

Whereas, the Almighty God has called to his eternal rest, my friend and neighbor, Mr. Otto McMath; and whereas, for more than twenty years, Mr. Otto McMath was an integral part of the staying power of the South Austin Coalition Community Council; and whereas, the South Austin Coalition Community Council, is one of the most effective organizations of its kind; and whereas, Otto McMath and his neighbors have been instrumental in developing, promoting, and generating funds for the Low Energy Assistance Program, fighting back against redlining and other forms of economic discrimination and in developing community policing and neighborhood safety programs. As a member of SACCC, Mr. McMath's acts of heroism are legendary. He was never a limelighter; but could always be counted upon to rise to the occasion when the need presented itself.

Mr. McMath had a serious understanding of community interest and functioned with a high level of principle. He was never one to go along to get along or to make decisions on the basis of individual self interest or expediency. He was a true warrior, a true soldier and a true hero for the people.

I thank you Otto McMath. You knew how to live and you have died with dignity.

SPANISH PARKS WILDERNESS ACT OF 1999

SPEECH OF

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1999

Ms.DEGETTE. Mr. Speaker, I rise in support of H.R. 898 to designate certain land in the San Isabel National Forest in the State of Colorado as the ''Spanish Peaks Wilderness''. I believe wilderness designation for the Spanish Peaks is a critical first step toward preserving the unique, pristine wild lands in Colorado. In the last Congress, I cosponsored legislation introduced by Representative David Skaggs and cosponsored by Representative MCINNIS which would have protected Spanish Peaks as wilderness.

This year's version is a good bill, but it contains a change which causes great concern. Unfortunately, a new provision in the bill allows the Forest Service to continue to permit motorized access to an off-road segment of the Wahatoya trailhead. This provision is both unnecessary and environmentally damaging. I hope the legislation will be amended to prevent such motorized use in this off-road segment.

With the introduction of H.R. 829, the Colorado Wilderness Act of 1999, and H.R. 898, I am heartened that we are having an active and thoughtful debate on wilderness. The majority of Coloradans believe that we must protect the forty-nine areas designated in my legislation as well as the Spanish Peaks. These areas constitute the backbone of our state's beauty and are essential in preserving our quality of life.

I commend my colleague for recognizing the importance of preserving lands like the Spanish Peaks Wilderness.

MARKING THE DAY THAT NGAWANG CHOEPHEL WAS DETAINED BY THE GOVERNMENT OF CHINA IN 1995

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Mr. SANDERS. Mr. Speaker, today marks the day the Ngawang Choephel, a Tibetan musicology student at Middlebury College in Vermont, was detained by the Government of China four years ago. Ngawang Choephel studied musicology at Middlebury College on a Fulbright scholarship, and he was reported missing in 1995 while researching folk music in Tibet as part of his studies. It was more than a year before the Government of China acknowledged his arrest and imprisonment.

He is currently serving an 18-year prison term in a remote area of China. His mother has not seen him in more than 3 years, and officials of the Government of China refuse to allow her to see him.

Mr. Speaker, the Government of China has never produced any evidence whatsoever that Ngawang Choephel engaged in any political or illegal activity. His imprisonment is part of the Government of China's brutal campaign of repression in Tibet, Choephel's home.

We must not let Ngawang Choephel be forgotten. We must continue to use all the means at our disposal to secure his release from an unjust imprisonment on trumped-up charges, and we must continue our efforts to keep human rights high on this country's foreign policy agenda. Until we see genuine progress on human rights in China, we should withhold the granting of Most Favored Nation trading status, and we should urge U.S. corporations to stop investing in China. This kind of effort helped topple apartheid in South Africa, and there is no reason to believe it would not have an effect on the human rights situation in China.

I urge my colleagues to hold the Government of China accountable for its human rights abuses, and hasten the day that Ngawang Choephel is free again.

PERSONAL EXPLANATION

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Mr. CROWLEY. Mr. Speaker, on September 9, 1999, I had to be in New York on official business and missed rollcall votes 399, 400, 401, 402, 403, and 404. I ask that the record reflects that had I been present, I would have voted ''nay'' on rollcall vote 399, ''aye'' on rollcall vote 400, ''nay'' on rollcall vote 401, ''aye'' on rollcall vote 402—the motion to recommit the VA/HUD Appropriations, ''nay'' on rollcall vote 403, the FY 99 VA/HUD Appropriations bill, and ''nay'' on rollcall vote 404, the DC Appropriations Conference Report.

ACKNOWLEDGE THE EXCELLENT WORK OF THE COOPERATIVE CENTER FEDERAL CREDIT UNION

HON. BARBARA LEE

OF CALIFORNIA

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Ms. LEE. Mr. Speaker, we, Representatives BARBARA LEE and STEPHANIE TUBBS JONES, note that this week, the 29th Congressional Black Caucus Annual Legislative Confference will be taking place in Washington, D.C. An Issue Forum on Credit Unions is being held on September 16, 1999 to expand on the critical knowledge that ''Credit Unions Bring Power and Wealth to the Community''.

The impetus for, and the success of this Forum is largely the work of Ms. Carole Kennerly, Director of the Cooperative Center Federal Credit Union, and the team that she brought together to develop this issue forum.

Mr. Speaker, I want to acknowledge the work done, and congratulate the members, employees, staff, board of directors and committee volunteers of the Cooperative Center Federal Credit Union (CCFCU) for its initiative in proposing and holding the Credit Union Issue Forum on September 16, 1999 and for bringing it to the attention of the 29th annual legislative conference of the Congressional Black Caucus in Washington, D.C.

Special appreciation is expressed to these individuals:

National Chairperson: Carole Kennerly, CCD, Director, Cooperative Center Federal Credit Union.

Coordinators:

IfeTayo, T.L. Bonner-Payne, Supervisory Committee, Cooperative Center, FCU.

Shirley A. Sheffield, Member, Cooperative Center Federal Credit Union.

Kim Medley, Member, Cooperative Center Federal Credit Union.

Joseph Villa, Former President/CEO, Allen Temple Baptist Church Federal Credit Union.

Barry Kane, V.P., Central Region Branches, Governmental Affairs, Patelco Credit Union.

Chris Kerecman, V.P., Federal Governmental Affairs, California Credit Union League.

Odessa J. Woods-Mathews, member, Social Security Administration Federal Credit.

Dr. Gwendolyn Nurse-Wright, Paragon Federal Credit Union, Englewood Cliff, N.J.

Rosemary George, Communication Specialist, National Credit Union Administration.

Patricia Brownell, V.P., Credit Union Development, National Credit Union Foundation.

N. Sharifah Ibsan, graphic artist.

PERSONAL EXPLANATION

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Ms. STABENOW. Mr. Speaker, I rise today to explain my vote regarding H. Con. Res. 180, a resolution that expresses the sense of Congress that President Clinton should not have granted clemency to members of the FLAN. During my tenure in Congress, I have supported strong antiterrorism measures. I oppose the actions of the President and oppose the release of these prisoners. These acts of terrorism are obviously deplorable, and I am especially concerned about the lack of remorse shown by these prisoners. But I also oppose taking this vote before hearings are held and evidence is reviewed, given the fact that this resolution challenges the constitutional authority of the President. Thus, I have voted ''present'' on this bill.

RECOGNIZING NATIONAL POLLUTION PREVENTION WEEK

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Mr. PORTMAN. Mr. Speaker, I would like to take this opportunity to recognize and support September 20–26 as National Pollution Prevention Week, which will be observed in the Second District of Ohio and throughout the Nation.

One of the most cost-effective ways to have clean streets, drinkable water, and breathable air is to focus on preventing pollution before it is created. Often, this is best achieved locally. The Greater Cincinnati Earth Coalition has done just that by forming a Regional Waste Reduction Group to focus on such things as energy conservation, plastics recycling, and generally reducing waste at the local level. The coalition is also actively involved in the implementation of a regional environmental education and information resource center.

Mr. Speaker, the objective to Pollution Prevention Week is to prevent pollution through education, cooperation, and voluntary recycling rather than through restrictive government regulations. It can encourage us to work for a cleaner environment while maintaining a competitive, prosperous business climate. These are goals we can all rally around, and I hope my colleagues will join me in recognizing Pollution Prevention Week.

SHOPPING FOR HEALTH CARE SHOULDN'T BE SO HARD

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Mr. STARK. Mr. Speaker, we all know the problems that the high cost of health care causes for Americans. What is surprising is how hard it is for a patient/consumer to shop around for the price of a medical procedure.

Shopping for the best price on a standard medical procedure is extremely difficult when one is healthy. It becomes nearly impossible when one is sick. Medicare should lead the way in helping establish pricing information that could help consumer/patients make their health care dollar stretch.

Over the last few weeks, my staff has made calls to various hospitals and doctors' offices to find the cost of an Extracorporal Shock Wave Lithotripsy (ESWL) procedure. A lithotripsy procedure is one of the best ways to treat kidney stones, one of the more painful types of medical conditions that forces at least 100,000 Americans to require medical attention a year. Lithotripsy, an outpatient procedure which takes about an hour, uses a high energy machine to deliver shock waves to the kidney stone, smashing it to smaller pieces which then gradually pass out of the kidney, and then the body.

The data from these calls about the cost of lithotripsy were eye opening. Not only was the price difference between hospitals and facilities notable, but so was the difficulty in gathering the information, especially the cost of this procedure for Medicare enrollees.

For example, in the Greater Washington area, total cost of lithotripsy varied from approximately $5,400 at Johns Hopkins USA hospital to approximately $9,000 at George Washington University Hospital. The following chart lists other hospitals' and doctors' responses to the questions of cost for (1) someone without insurance and (2) someone with Medicare. What was as upsetting as the price differences was the difficulty in finding the cost to Medicare enrollees of this standard procedure. Staff was often told that hospital-using patients would be charged the 20% approved Medicare rate. In fact, patients often pay up to

50% of the Medicare Hospital Outpatient Department (HOPD) approved rate, which is a huge burden to the patient.

Along with the underquoting of a patients' future bill, staff at many hospitals were not able to supply information about what was the approved rate that Medicare would pay, which would make it impossible for patients to plan ahead for their future bill.

Mr. Speaker, Medicare is moving to a Prospective Payment System for Hospital Outpatient Department procedures. Under this new system, over time (unfortunately in many cases 20–30 years) the patient's share of the total bill will return from today's average of 50–50 to the normal Medicare co-payment of 20%. The establishment of this system will also make it easier for consumers to know what the price for a procedure at a particular institution really is. The calls by my staff show that, if one has a non-emergency medical need, some calling around can save literally thousands of dollars. But this information comparing costs between hospitals and other settings where the procedure can be done (such as an ambulatory surgical center where it is being proposed to allow lithotripsy to be done) should be more easily available.

I hope that in this age of the Internet and other easier information gathering sources that we will find ways to make this type of basic shopping less of a mystery. Other data will be able to tell us the quality of different providers. Together, this information can help us choose both the quality and the price of the service we seek. This type of information can help reduce some of the outrageous costs of the American health care system and push the overall system toward higher quality.

Name of provider	Approximate cost of facility fees	Approximate doctors cost	Approximate totals
1. Johns Hopkins USA (at Bayview):			
A. Self-Pay	$2200	$2100	Procedure $5300
B. Medicare			Price changed from call made previously—now is $5400. Medicare would cover 80% so patients pay $1080. Anesthesia is separate and very hard to determine—'can't answer,' because cost depends on individual procedure.
2. Bethesda, Maryland Urologist Group Practice:			
A. Self-Pay		Initially, office policy to not give price, but then quoted about $3000.	
B. Medicare		Medicare pays 80% of approved cost	
3. A Maryland Urologist	N/A	$3500	
4. University of VA Medical Center:			
A. Self-Pay	UVA is State hospital; one can get help/discounts eligible for financial assistance.		Estimate from $7000 to $10,000.
B. Medicare	Patient charged 20% of what is approved by Medicare	Said Medicare won't approve all of $10,000	Was ''impossible'' for hospital to get this information; patient must talk to Medicare about what is approved.
5. George Washington University Hospital:			
A. Self-Pay			$9000, 25% discount for payment up front—[25% discount is $2250, which lowers facility fee to $6750]. This is a flat fee-paid up front and there should be no additional fees, but doesn't include anesthesia. Anesthesia is approximately $409 an hour for this procedure. The non-prepaid rate is $630.
B. Medicare			Was directed to talk to Medicare about what they cover.
6. Georgetown University Medicare Center	Depends on hospital fees. It varies, but assume $2000 for each half-hour—so assume $4000–$5000 for hospital fees.	Fee during procedure is $3800	Despite repeated calls, could not get in touch with insurance/billing department to find out the cost for Medicare enrollees.
7. Urologic Surgeons of Washington:			
A. Self-Pay	N/A	Doctors cost: $3482	
B. Medicare		Medicare fee schedule brings down amount so patient ends up paying approximately $160.	
8. Duke University Medical Center:			
A. Self-Pay	Facility fees are approximately $6500	Doctors fees are approximately $2500	
B. Medicare	Hospital accepts what Medicare pays outside of deductible ($768).	Need to file claim first; then can tell cost of doctors' fee	
9. Midwest Stone Institution (Missouri)			Total costs run from $8000–12,000. Could not find out what Medicare approves.
10. American Kidney Stone Management, Ltd.	Cannot give cost without knowing which hospital is performing operation because there is ''great difference between hospital costs.''.		

TRIBUTE TO CENTRAL BAPTIST CHURCH

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Mr. VISCLOSKY. Mr. Speaker, It is a great pleasure to congratulate Central Baptist Church in Hobart, Indiana, as it celebrates its 90th anniversary as a parish this Sunday, September 19, 1999. I would also like to take this opportunity to congratulate Reverend Webb, senior pastor, on this glorious occasion.

A church of humble beginnings, Central Baptist Church was established as First Baptist Church in 1909, and celebrated its first service on January 20, 1909, in the home of Mrs. Harriet Cathcart. The parish's first pastor, Reverend George Griffin, having caught a vision while visiting Mrs. Cathcart, helped in the organization of the church. During his six months of service with the church, Reverend Griffin was influential in the purchase of three lots for $950, which provided a suitable site for the church. After Pastor Griffin left in June 1909, the Indiana State Board (Northern Baptist) sent Reverend J.E. Smith to serve the congregation. The Women's Missionary Board of Indiana lent the church $5,000 to start constructing a building for the new church. Many parishioners contributed time, talent, money, and raw materials to help construct the First Baptist Church. With the help of the parishioners, the first service was held in the new auditorium, which was a basement with dirt floors on December 9, 1909. The furnace was a coke salamander with no stack which regularly filled the room with smoke. In addition to this, the roof leaked when it rained and when the Aetna Powder Company blew up, there were no windows left. Conditions were bleak, but the ministry had survived its first year. Pastor Smith left in June of 1910. Several months passed without a pastor. The church, then made up of 50 members, decided to discontinue services until the Mission Board could send them a new shepherd.

On January 1, 1912, Reverend Wilson was sent to help revitalize the church. With the help of Reverend Wilson the attendance rose from 13 to 128 during the first year of his ministry. Because of the large number of Baptist families arriving to the area, a new building was started in August of 1912 and dedicated in September 23, 1913.

By 1920, the membership had grown to 350 parishioners under the direction of Pastor O.B. Sarber. The church was without a pastor for exactly one year when Pastor William Ayer came to Central Baptist Church in 1927. During Pastor Ayer's tenure with the church, he started a radio ministry and ''The Little Brown Church'' was mounted on a Ford and used for street meetings throughout Gary. In 1932, Pastor Ayer left a thriving church with more than 700 members.

Over the years, the church moved from Gary to Portage township due to a shift in population and was led by a variety of pastors. In spite of its many changes, the loyal parishioners continued to grow and prosper. The present facility, including the Sanctuary, was erected in stages. The first stage which included the gym, kitchen, and several classrooms was completed in May 1974 and phase two was completed in October of the same year. Ground was broken in April 1987 and the Hines Sanctuary was dedicated on January 9, 1983.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in congratulating the parish family of Central Baptist Church, under the guidance of Reverend David Webb, as they prepare to celebrate their 90th anniversary. All past and present parishioners and pastors should be proud of the numerous contributions they have made out of the love and devotion they have displayed for their church throughout the past 90 years.

COMMEMORATING THE LIFE OF MS. ETHEL ROBERSON

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Mr. DAVIS of Illinois. Mr. Speaker, I submit the following for the RECORD.

Whereas, the Almighty God has called to her eternal rest, Ms. Ethel Roberson, and

Whereas, Ms. Ethel Roberson, for many years was an active resident of the Austin Community and openly participated in civic, community and political affairs; and

Whereas, Ms. Roberson was mild mannered, easy to interact with and did not often raise her voice, she was nevertheless, strong, effective and not to be taken lightly. Large urban inner city communities are often difficult places to live and have been difficult to save and maintain.

The Austin Community on the Westside of Chicago has been such an area; but today, it is strong, vibrant, struggling, fighting back and holding on because of people like Ms. Roberson.

Ethel, you have been a role model and your quiet spirit and determination shall continue to live on. We love, respect, bless and revere you.

WEST VIRGINIA'S NATIVE AMERICAN HERITAGE

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Mr. RAHALL. Mr. Speaker, West Virginia is not normally known for its Native American population, but former West Virginia State Senator Robert K. Holliday recently wrote a highly informative commentary on this matter in the July 19, 1999, edition of the Fayette Tribune. His article focuses in particular on the local Algonquin families in Fayette County and I submit it to be reprinted in the CONGRESSIONAL RECORD.

[From the Fayette Tribune, July 19, 1999]

FAYETTE COUNTY INDIANS KEEPING HERITAGE ALIVE

(Robert K. Holliday)

About eight Indian tribes (families) are formally organized in West Virginia, and one such family lineage is found in Fayette County. The familial group here was given a certificate officially on May 13, 1997, and was given a certificate of incorporation by Ken Hechler, secretary of state, under the name of Algonquin People.

Each of the family tribes in the state seek to bring about an understanding of Indian culture to the world. They undertake to portray the American Indian lore, musical and narrative, to form a record of the songs and legends of their race. Surely, such civilization of the native American tradition is of great value to the history of human race as well as the history of America.

National and state history books are so wrong to show only the brutal side of war when the Indians look out with reference upon the world of nature, and at all times invocationally to the hours of his or her birth and death, as being sacrosanct. They tell of their life in reverences and in symbol and ceremony. Their art is not the extravagance of daily living but it took centuries to evolve.

As in Judaism, Islam, and Christianity, the Indians always have had but one God. The Hindus may profess one God that is supreme but the sects have 350 million other gods. It is time that the forces of hate in America realize that all the religions and races have codes of high, decent morality.

Let's look a little more closely at the local Algonquin families, headed by a national chief, Stanley Miller of Beckwith, and Cindy Petty, sub-chief, of Oak Hill. In the Fayette-based organization three members come from Ohio, seven from Kentucky, six from North Carolina and eight from Nevada. About 465 are from West Virginia. They have been gathering together about every two months at the Fayette 4–H Camp, Beckwith.

Chief Miller reveals and contends that the Algonquins were here when Moses lived, the Egyptians were building the ancient pyramids and the New River was formed before the Nile River, thus substantiating that in itself exposes another reason why the New River was recognized by U.S. Senator Byrd and others as a national river or even could be established as something greater.

Algonquins believe in one God as the creator of the world, in spirit of their other spiritual angels. They pinpoint good and evil. They feel the U.S. government should do more for the Indians at their reservations, and more importantly in education and promoting their traditional culture.

The Algonquins love America and its Constitution. They do want the government to bring together men and women of all religions and races and strive to end hatred in our blessed land. They deplore the calling of Indians red men or their wives ''squaws.''

To be a member of the local families' tribe, a person may have as little as 1/16 Indian blood. Some of the tribe colonies are the Shawnee, Fox, Delaware, Sauk, Kickapoo, Miami, Cherokee, Mingo, Mohegan, Seneca and others may be adopted as well.

Even in Fayette I am compelled to know that the Indians were here a long, long time ago. With Gov. W.W. Barron and other archaeologists we went to the mouth of Armstrong Creek in 1963 where it was let out that perhaps about 35,000 B.C.E. that aboriginal people were buried there. It was the site of an Indian village of old. We even bored down into the graves to examine the remains and discover other findings. Around the shoulders on the mountain of Armstrong, much now destroyed by surface mining, are more aptly pointed to as Indian works but most often called ''mystery walls'' that have run a few miles.

It was of course not the white man that was here first. The date of man's arrival in America is open to discussion, though archaeological evidence from sites suggests many dates before and after 14,000 years ago. Homo sapiens sapiens (fully modern man) were the first to inhabit the Americas during the latter part of the Ice Age. Our real forefathers came over the Bering land bridge that was then formed by ice, and they migrated from Siberia to this land.

In Shawnee: Kechtalinnie.

ENSURING EQUAL EMPLOYMENT OPPORTUNITIES FOR VETERANS

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Ms. LEE. Mr. Speaker, I rise before you today to speak in favor of equal employment opportunities for our veterans.

Today, we are in a time of economic growth that our nation has not seen in more than thirty years. With each day that passes, our citizens are reaping the benefits of this growth, but our economic recovery has not benefitted everyone equally. Most Americans agree that every human being has basic rights, including the rights to life, liberty and the pursuit of happiness. The key to having these basic rights is economic opportunity. This includes the opportunity to have a good job that pays a livable wage.

Equal employment opportunity is when an employer treats its job applicants without regard to their race, color, religion, sex, national origin, disability, sexual orientation or veteran status.

If economic opportunity is the key to ensuring life, liberty and the pursuit of happiness, how do we ensure economic opportunity regardless of veteran status?

The U.S. Department of Labor's Office of Federal Contract Compliance Programs, the California Department of Veterans Affairs and the Employment Development Department, along with many other local and state agencies, are committed to ensuring that U.S. veterans gain access to equal employment opportunities and affirmative action programs.

A symposium to discuss these opportunities will take place today in San Francisco, California. The topics of this symposium will include federal requirements for employment solicitations, veteran preference in Federal and State employment vs. obligations as a Federal contractor, vocational rehabilitation and/or state rehabilitation, and service-connected disabilities vs. disabilities covered under the Americans with Disabilities Act and the Rehabilitation Act.

I am confident that the outcome of the topics discussed at this symposium will open economic and employment opportunities for our veterans like never before, so that they too can fully participate in our nation's economic growth.

TRIBUTE TO MICHAEL H. VINCENT AND BONNIE WORKMAN FOR THEIR SERVICE TO DELAWARE

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Mr. CASTLE. Mr. Speaker, it is with great pleasure that I rise today to honor and pay tribute to two outstanding dedicated and caring Delawareans—Mike Vincent, President of the Delaware Volunteer Firemen's Association (DVFA) and Bonnie Workman, President of the Ladies Auxiliary of the DVFA. On behalf of the citizens of the First State, I would like to honor these two fine individuals for their tireless efforts at the DVFA and the Ladies Auxiliary of the DVFA.

Family, friends, volunteer firemen, and members of the Ladies Auxiliary of the DVFA can now take a moment to truly appreciate the hard work and dedication of these fine individuals during their many years of service. This type of dedication is rare among individuals, and I am happy to rise and commend them for it.

Delaware fire companies are comprised of outstanding, caring and dedicated men and women who unselfishly, day-after-day, year-after-year give their time and talents to help

prevent fires, to battle fires, and to provide emergency medical services for our citizens. In 1999, President Vincent served on the Governor's EMS Improvement Committee and helped pass legislation to facilitate better EMS services for all Delawareans. In addition, President Vincent worked tirelessly for funds to improve training for first response to tragedies caused by weapons of mass destruction. Due to the leadership and commitment of President Vincent and President Workman, Delaware Fire and Emergency services have continued to be a strong and vital part of our community today.

I salute Mike and Bonnie for their truly exemplary record of public and community service and most importantly for their dedication to the cause of DVFA and the Ladies Auxiliary of the DVFA. Bonnie's efforts to raise funds for the DVFA scholarships have helped countless students reach their academic goals. Finally, Mike's success in raising the volunteer fire fighter and ladies auxiliary tax credit to $300 will reduce state income tax burdens—the least that can be done for those who risk their lives to protect us. Mike and Bonnie's leadership, teamwork and commitment will find a permanent place in Delaware volunteer fire service history.

Mr. Speaker, this week the gavel will fall opening the DVFA and the Ladies Auxiliary of the DVFA 1999 Conference to celebrate the anniversaries of their leadership and service to towns and communities throughout Delaware. it is important that this dedicated organization continue to be able to recruit and to retain young men and women who are committed to public service. As Delaware's Representative in Congress, I am proud to have this opportunity to extend my congratulations and best wishes for a successful conference. The support for the DVFA and the Ladies Auxiliary of the DVFA is strong and the tradition of service is solid. I hope they realize how deeply their efforts are appreciated.

THE TEXAS TECH UNIVERSITY MARCHING BAND RECEIVES THE NATION'S HIGHEST HONOR FOR COLLEGIATE MARCHING BANDS

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Mr. COMBEST. Mr. Speaker, I rise today to honor the Texas Tech University Marching Band. The ''Goin' Band from Raiderland'' has received the Sudler Intercollegiate Marching Band Trophy, the Nation's highest and most coveted award for college and university marching bands. This award is given annually to a college or university marching band ''that has demonstrated particular excellence over a period of many years.'' It is appropriate to take a moment to acknowledge and celebrate the accomplishments of this distinguished group.

The ''Goin' Band'' consists of more than 400 members and is led by Mr. Keith Bearden, who is in his 19th year as director. The band was formed the year Texas Tech University opened its doors to students, and this year, the ''Goin' Band from Raiderland'' celebrates its 75th anniversary. The Sudler Trophy is an honor not only for the current band members but also for the band's alumni in recognition of many years of outstanding performances.

The Texas Tech marching band has received numerous invitations to perform throughout the world. In recent years, the ''Goin' Band'' has performed during halftime shows for the Dallas Cowboys, the Houston Oilers and the Denver Broncos. In addition, the marching band has performed at the All American, Cotton, Copper, Sun, Alamo, and Independence Bowls and was the lead band at the Battle of Flowers Parade for the Fiesta Celebration in San Antonio. The band has even marched in the inaugural parades of Governor Ann Richards and Governor George W. Bush.

All marching band directors in NCAA schools participated in the selection of the Sudler Trophy award by completing ballots. The ballots were then sent to a committee and the final decision was made during the Midwest Band & Orchestra Clinic in Chicago last December. The presentation of the award will be on Saturday, September 18 in conjunction with Alumni Band Day.

The ''Goin' Band from Raiderland'' has displayed dedication and commitment to excellence for many years. Through hard work and discipline, the band has accomplished much and is very deserving of this award. I would like to congratulate each member and alumni of the Texas Tech University Marching Band.

YOUTH FINANCIAL EDUCATION ACT

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Mr. POMEROY. Mr. Speaker, I am very pleased to join my colleague Representative DREIER in introducing the Youth Financial Education Act. This legislation provides grants to states to carry out youth financial education programs in elementary and secondary schools across the country.

Today's dynamic global economy demands more of our nation's young people than ever before. Children are making important financial decisions even before they enter the workforce. In order to make informed choices regarding personal finances, young people must have the skills, knowledge, and experience needed to manage their money and achieve general financial literacy. Financial education is critical to their ability to provide for their families and save for retirement.

Despite the importance of youth financial education, the average American high school senior lacks even very basic knowledge of personal financial affairs. A nationwide survey conducted in 1997 by the Jump$tart Coalition for Personal Financial Literacy examined the knowledge of 1,509 12th graders. On average, survey respondents answered only 57 percent of the questions correctly, and only 5 percent of the respondents received a ''C'' grade or better. It should come as no surprise, then, that personal bankruptcies are at an all-time high in this country, and the personal savings rate is currently in the negative for the first time in decades.

Mr. Speaker, our legislation would help improve the financial literacy of our youth by authorizing grants to states of at least $500,000 to carry out financial education programs in elementary and secondary schools. The legislation does not mandate that state or local education agencies teach personal finance; it merely encourages them to integrate financial education into existing courses, such as economics or mathematics. Most importantly, the bill provides states with the resources necessary to develop teacher training and professional development activities in personal financial education.

I would like to take this opportunity to express my appreciation to Chairman Dreier for his leadership in this effort. I would also like to personally thank Dara Duguay, executive director of the Jump$tart Coalition for Personal Financial Literacy, for her organization's critical role in the introduction of this legislation. I look forward to working with Jump$tart and its partners, as well as other member of the education and banking communities, as this legislation moves forward.

Mr. Speaker, all young adults should have the educational tools necessary to make informed financial decisions. This legislation will go a long way towards preparing our young people for their financial future, and I urge my colleagues to support it.

OPPOSING DELAY IN TAX BENEFITS TO WORKING POOR

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Mr. NEAL of Massachusetts. Mr. Speaker, recently a trial balloon involving a delay in earned income tax credit refunds has been floated by the majority party. The balloon needs to be popped immediately so we can move on to more serious solutions.

The earned income tax credit is designed to provide a refund of payroll taxes to the working poor, thereby giving an income supplement as well as an extra work incentive. Under current law, most individuals receive an earned income credit in the form of a refund in May after they file their income taxes. The Republican proposal would single these refunds out to be paid over a 12-month period. This would result in a $7 billion saving for this fiscal year because about 25 percent of the total refund would be pushed into the next fiscal year. This $7 billion would then be used, reportedly, to offset spending in the Labor-HHS Appropriations Bill.

Mr. Speaker, I don't think it is fair for Republicans to deny working families a tax refund to pay for a shortfall of funds in an Appropriations Bill. I think there are better ways to find the money than to take refunds away from those who need them the most.

It is not the fault of the working poor that Republicans put together an unrealistic budget resolution this spring, and are now desperate to find some way to implement it. But to lash out against those who need their tax refund the most is unconscionable. We should stick this idea where it belongs, in the trash can, and start to implement a bipartisan budget that will win broad support in the House.

I would also note that given this time in the filing system, it is by no means clear that the changes necessary to delay earned income credit refunds for the working poor can be accomplished without significantly slowing down refunds for all other Americans. The current

system does not distinguish between types of refunds, and it is possible that this proposal will result in all refunds having to be done manually, which will delay refunds for all. This is clearly not the intention, but bad proposals sometimes bring unexpected results and it would be better simply to move on to other solutions to our budget problems.

YOUTH FINANCIAL EDUCATION ACT

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Mr. DREIER. Mr. Speaker, every day Congress is working to find ways to address our nation's high consumer debt, bankruptcy and low savings rate. A key piece in solving this puzzle is the lack of financial literacy—the ability to manage money—among the majority of our nation's citizens. I believe that educating our nation's youth about personal finance should be a top priority. That is why I am pleased to introduce today the Youth Financial Education Act, which would provide grants to states to support financial education programs in elementary and secondary schools across the country.

Our schools teach reading, writing, history, languages, mathematics, and science, among other subjects. But do we teach our children how to balance a checkbook? Do we instruct them on compounding interest, which allows one to save vast amounts of money over the long term for an education, or retirement, or to buy a home? Do we instruct them in avoiding the credit card trap of easy financing, only to be hit later with high finance charges? Do we train students to understand how to budget their money, and do they realize the relationship of taxes, spending, and investing? Too often, Mr. Speaker, we do not.

Today's dynamic global economy demands more of our nation's young people than ever before. Our young people make financial decisions today that will affect them for years to come. Financial education is critical to their ability to make wise decisions. Our youth must have access to the skills, knowledge and experience needed to manage their personal finances and achieve general financial literacy.

Despite the importance of youth financial education, the average American high school senior lacks basic skills in the management of personal financial affairs. A nationwide survey conducted in 1997 by the Jump$tart Coalition for Personal Financial Literacy examined the knowledge of 1,509 12th graders. On average, survey respondents answered only 57 percent of the questions correctly, and only 5 percent of the respondents received a ''C'' grade or better. It should come as no surprise, then, that personal bankruptcies are at an all-time high in this country, and the personal savings rate at an all-time low.

The Youth Financial Education Act would help improve the financial literacy of our youth by authorizing grants to states of at least $500,000 to carry out financial education programs in elementary and secondary schools. This legislation does not mandate that state or local education agencies teach personal finance; it merely encourages them to integrate financial education into existing courses, such as economics and mathematics. Most importantly, the bill provides states with the resources necessary to develop teacher training and professional development activities in personal financial education.

Additionally, I would like to thank Dara Duguay, executive director of the Jump$tart Coalition for Personal Financial Literacy, for her organization's efforts in the introduction of this legislation. I look forward to working with Jump$tart and its partners, as well as other members of the education and banking communities, as this legislation moves forward.

Mr. Speaker, we must make available to our nation's youth the tools they need to master the basic financial management skills vital to making informed financial decisions. This legislation provides an opportunity to prepare our young people for their financial future and I urge my colleagues to support it.

RECOGNITION OF THE 50TH WEDDING ANNIVERSARY OF BILL AND MILLIE DAVIS

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Ms. WOOLSEY. Mr. Speaker, I rise today to pay tribute to two remarkable individuals, Bill and Millie Davis and to recognize them for achieving an extraordinary milestone—their Golden Wedding Anniversary. I truly wish I were able to join with them as they gather with so many wonderful family and friends in Corte Madera to celebrate their 50th Wedding Anniversary.

Bill and Millie Davis have lived in the Congressional District I am privileged to represent for close to 40 years. Their first date was at the old Rose Bowl in Larkspur, California. And it is no wonder they chose to return and live in this community many years after they were married on September 11, 1949, in Berkeley, California. It is testament to them both that most all of their original wedding party will be on hand in Corte Madera to again celebrate this wonderful occasion 50 years later.

Bill and Millie are now residents of Rohnert Park, California. It seems like just yesterday that we were at their home helping to surprise Bill for his 70th birthday. On June 2, 1992, Millie had the great sense to have a birthday the very same day that I won my first primary election. You can be sure we were celebrating together that night.

Bill and Millie purchased their first home in Walnut Creek, California. Unfortunately, after an unusually wet winter flooded their new home they needed to move to San Francisco. Over the years, Bill and Millie designed and built two beautiful homes, one in Mill Valley, California, the other in Larkspur, California, where they raised their three children, Blake, Grant and Diane. They are also proud new grandparents, of Grace Louise Davis born on January 8, 1999. I had the pleasure of meeting their beautiful granddaughter when she was less than a month old at my home during my annual Chowder feed this year.

Prior to joining the faculty at City College of San Francisco, Bill taught junior high school in Pittsburg, California. He spent roughly 30 years teaching at CCSF, where he also helped to build the art department. Many of his fellow faculty members and several of his former students are also helping to celebrate this tremendous achievement. Since his retirement, Bill has researched and co-written, Manjiro, a colorful story about the first Japanese person to visit, and later open relations with the United States. He has produced a number of multi-media presentations and video documentaries. Most recently he started, ''Gift of a Lifetime'' in which he produces special personalized video biographies. Bill is also a real family man and as you see today, managed to capture many of our favorite moments on film.

Millie is truly a special, one-of-a-kind person who is constantly taking care of others. She has been a devoted mother and very involved in her community over the years. Besides volunteering on numerous campaigns, she has been quite involved in the Parent Teachers Association and the American Association of University Women, to name just a few of her activities. After the children were in school she went back to work at the James Irvine Foundation in San Francisco, where she was the Executive Assistant to the President for over a decade.

After 50 years of marriage, Bill and Millie are life-long companions that truly complement each other. They are a wonderful example for others and an inspiration to us all. I would like to congratulate them both again on this truly significant achievement.

CELEBRATING THE REDEDICATION OF EL SEGUNDO MIDDLE SCHOOL

HON. STEVEN T. KUYKENDALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Mr. KUYKENDALL. Mr. Speaker, I rise today to celebrate the rededication of the El Segundo Middle School. Closed for the last twenty years, the school's facilities have been repaired and upgraded and its doors are once again open to students and faculty.

El Segundo Junior High School first opened in 1965, but it closed shortly thereafter due to a decline in enrollment. The school was then leased to the Los Angeles Raiders to serve as a training facility for the professional football franchise.

In recent years the El Segundo community has experienced a significant growth in families and it soon became clear that another middle school was necessary. Through the vision and determination of local educators and parents, the El Segundo Middle School is being rededicated today.

I commend the citizens of El Segundo in recognizing the importance of their children's education and approving the school bond measures necessary for preparing the school for its reopening.

I congratulate the Board of Education, Superintendent Watkins, Assistant Superintendent Smith, and Principal Webb on the re-dedication of El Segundo Middle School. I wish the students of El Segundo much success during their years at El Segundo Middle School.

A MEMORIAL TRIBUTE OF THE HONORABLE JOHN MORENO

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Mrs. NAPOLITANO. Mr. Speaker, as a former Member of the California Legislature, it is with particular sadness that I offer this Memorial Tribute to a pioneering colleague, the Honorable John Moreno, late a retired Member of the Assembly, 51st District from 1962–1964.

Assemblyman John Moreno was one of the first Latinos elected to the California Legislature in the 20th Century. A native son of Los Angeles, California, he won election in 1962 from what was then the 51st Assembly District, encompassing parts of East Los Angeles, Santa Fe Springs, Pico Rivera and Montebello. These same communities that I now proudly represent in my 34th Congressional District, were very honorably and well represented by my distinguished predecessor during a time of historic growth and achievement in the State of California.

One of Assemblyman Moreno's major accomplishments in office was winning passage of a bond issue to build Rio Hondo Community College in the 1960's after three earlier bond measures had failed. He also helped the college district avert bankruptcy through legislation that allowed it to prolong a tax override and complete construction of the campus in 1966.

Assemblyman Moreno demonstrated leadership on a host of important legislation including civil rights, aid to the aged and support for farm workers. He served on the state Compensatory Education Commission and co-authored a bill that funded special programs for disadvantaged students, including youths from migrant families and those who were learning English.

John Moreno began his political career as a member of the first City Council of the City of Santa Fe Springs, California. He was a driving force behind city incorporation in 1957 and later served as Mayor. Before entering the Assembly, he taught elementary and high school for 11 years in Pico Rivera, Whittier and Los Angeles. He served in the Navy during the closing months of World War II, then attended the University of Southern California, earning a Bachelors degree in 1951. After leaving the Legislature, he moved to Washington, D.C., where he taught school and opened a home improvement business. He later moved to New York City and ran his business there until retirement in 1992.

The Honorable John Moreno was one of just a few remarkable minority candidates to break through the heavy obstacles of institutional racism during an era when legislative districts were routinely gerrymandered to prevent Mexican-Americans and other minorities from holding elective office. He and his few Latino colleagues paved the way for future generations of Latino elected leaders, including myself, where today the Latino Legislative Caucus in the California Legislature numbers 7 state Senators and sixteen Members of the Assembly, including the past two consecutive Speakers of the Assembly.

John Moreno passed away August 19, 1999 at Mount Sinai Hospital in New York. He was 72 years of age. He is survived by his wife of 18 years, Judith Anderson, four daughters and two sons from a previous marriage, and two sisters.

Mr. Speaker, I join with his many friends and admirers, former constituents and the cities and communities of his Southeast Los Angeles County district in mourning his loss and paying tribute to his many outstanding accomplishments and dedicated service to others.

IN HONOR OF THE 60TH ANNIVERSARY OF THE FOREST CITY PARK CIVIC ASSOCIATION

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to honor and congratulate the Forest City Park Civic Association of Cleveland, Ohio on its 60th charter anniversary. The Civic Association marked its anniversary with a celebration on August 10, 1999.

The Civic Association dates back to May 11, 1939 when it was first chartered by the state of Ohio as a non-profit, non-political organization. It was the first group in southeast Cleveland to set up a vigorous Neighborhood Improvement Program which served to catalyze similar programs in other communities.

The Forest City Park Civic Association has also pioneered many other activities during its 60 years of existence. They have been involved in a Green Up campaign to plant trees and shrubs throughout the community along with civic participation in pollution control and abatement. Other activities of the Civic Association entail garden tours, picnics and street parties for the community.

Mr. Speaker, I would like to congratulate the members of the Forest City Park Civic Association on their anniversary and salute them for sixty years of civic service and continuing their dedication to the community.

IN RECOGNITION OF THE 25TH ANNIVERSARY OF ST. HELENA HOSPITAL'S FIRST OPEN HEART SURGERY

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize St. Helena Hospital as it celebrates its 25th anniversary of the first open heart surgery in the hospital's Cardiac Center. Located in my hometown of St. Helena in the Napa Valley, St. Helena Hospital is one of the country's premier medical facilities. But I don't say that just because this is the hospital where my mother, my father, one of my sons and I were born and where my wife, Janet, worked as a nurse in the Intensive Care Unit.

The St. Helena Hospital has an outstanding cardiac care facility. It began in May of 1974, when Wilfred Tam, M.D. performed the North Bay's first open-heart surgery at St. Helena Hospital. This made St. Helena Hospital one of the first community hospitals to perform the procedure. The surgery was just one in a series of firsts in the region for the hospital's Cardiac Center, which opened in 1972. Today, St. Helena Hospital's Cardiac surgery team has more than 68 years of combined surgical experience and has performed more than 15,000 open-heart surgeries.

Recognized as a pioneer and a leader in cardiac care, St. Helena Hospital has continued its tradition of high-tech innovation. In 1997, it was the nation's first hospital to purchase the Medtronic Octopus, a device that immobilizes the beating heart during minimally invasive bypass surgery.

Installed in 1993, St. Helena Hospital's digital by-plane cardiovascular catheterization suite was the first of its kind in the United States. Work is scheduled to begin this year to upgrade the hospital's other suite with new, state-of-the-art equipment.

To celebrate its quarter-century of excellence in cardiac care, St. Helena Hospital is hosting a community celebration on September 26, 1999 honoring the physicians and staff who make the Cardiac Center a leader in heart health, and also honoring the ''Mended Hearts'' for whom they have cared over the years.

Mr. Speaker, it is appropriate at this time that we acknowledge and honor the St. Helena Hospital Cardiac Center for its outstanding Cardiac Center and for its tremendous twenty-five year commitment to providing the very best in quality health care.

DRUG INTERDICTION OR DRUG SMUGGLING?

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Mr. DIAZ-BALART. Mr. Speaker, I rise today to commend to you the attached article from earlier this summer written by Mr. Frank Calzon, entitled ''Behind Castro: Money laundering, drug smuggling.'' Mr. Calzon is the executive director of the Center for a Free Cuba in Washington, D.C. and is a tireless fighter for democratic causes. I encourage my colleagues to learn from his insightful article.

BEHIND CASTRO: MONEY LAUNDERING, DRUG SMUGGLING

State Department and Coast Guard officials last week flew to Havana seeking ''to improve U.S.-Cuban cooperation on drug interdiction.''

If the Clinton administration would look to history, it would have known that it was a vain mission and would set about probing instead the relationship between Colombia's drug trade and the guerrilla movements over which Fidel Castro exercises inordinate influence.

Havana complains that it lacks resources to combat drug trafficking. But, even if one accepts this at face value, it is unclear how the United States should respond. Should we provide resources to the Cuban Ministry of the Interior—Havana's KGB-Gestapo? Do it while holding in federal custody Cuban spies charged with gathering information about military bases in Florida and linked to the shootdown of the Brothers to the Rescue pilots?

Havana has managed to purchase state-of-the-art radio-jamming equipment and foot the bill for thousands of foreigners to visit

the island and condemn the U.S. embargo. Could it be that inadequate funding for drug interdiction is simply the result of Castro's misguided priorities?

In 1982 a federal grand jury indicted four high-ranking Cuba government officials, including a vice admiral of the Cuban navy and a former Cuban ambassador to Colombia. They were charged with facilitating the smuggling of drugs into the United States.

In 1983 then-President Ronald Reagan said that there was ''strong evidence'' of drug smuggling by high-level Cuban government officials. And in 1989 Castro executed several Ministry of the Interior officials and Cuba's most decorated army officer, Gen. Arnaldo Ochoa, allegedly involved in the drug trade. Castro did so after years of suggesting that U.S. accusations of drug smuggling were lies ''concocted by the CIA.'' He has never explained how widespread Cuba's involvement with narcotrafficking was then or how a military and national hero such as Ochoa, with no oversight over Cuba's harbors or airspace, could have been involved.

Then there is the mystery of how several hundred million dollars appeared in the coffers of Cuba's National Bank. Castro's American supporters assert that $800 million is sent by the Cuban-American community every year to relatives. However, given the relatively small number of Cuban-American households who still have relatives in Cuba, it is mathematically impossible for that community to generate such funds. The amount is approximately equivalent to the income Cubs derived in 1997–98 from its main export: sugar. Money laundering and drug smuggling are the logical sources of this mysterious income.

It should be noted that, despite major narcotics charges brought against Ochoa and the other Interior Ministry officers, no accounting was ever presented of what should have been multimillion-dollar payoffs.

Claims of Castro's cooperation with U.S. anti-narcotics efforts are a rerun of the Noriega saga. Panamanian strongman Gen. Manuel Antonio Noriega currently is serving a long, federal sentence for his role in the drug trade. He had extensive ties to the Cuban dictator. Evidence was presented at his trial that Castro once mediated a dispute between Noriega and the Medellin drug cartel.

Nevertheless, Gen. Barry R. McCaffrey, the Clinton administration's drug czar, recently said that there is ''no conclusive evidence to indicate that the Cuban leadership is currently involved in this criminal activity.'' The general seems to be unaware of a report released by his own office in March, titled ''1998 Annual Assessment of Cocaine Movement.'' It states: ''Noncommercial air movements from Colombia to the Bahamas were most prolific in 1998. Most flights fly either east or west of Jamaica, and subsequently fly over Cuban land mass.'' It adds that the cocaine flown over Cuban territory is dropped ''in or near Cuban territorial waters.''

Given Castro's sensitivity concerning unidentified aircraft flying over Cuba, as evidenced by the Brothers to the Rescue shootdown, it is inexplicable that not one drug-smuggling airplane has ever been shot down over the island.

There are those who believe that the Cuban leopard has changed his spots. Maybe. But the consequences of taking Castro at his word can be tragic. The impact of the drug epidemic on America's youth is far too important to allow the facts linking Castro to the drug trade to be swept under the rug.

BIPARTISAN CAMPAIGN FINANCE REFORM ACT OF 1999

SPEECH OF

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 417) to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, and for other purposes:

Mr. BORSKI. Mr. Chairman, I rise in strong support of the Shays-Meehan Campaign Finance Reform Act and urge my colleagues to vote against all ''poison pill'' amendments that will be offered today. I am proud to cosponsor this bipartisan legislation, which represents the best, real opportunity to reform our broken campaign finance system.

The issue of campaign finance reform cuts to the essence of democracy. Our unique American political system will not survive without the participation of the average American citizen. Unfortunately, more and more Americans are dropping out—with each election, fewer Americans are voting. They are doing so because they no longer believe that their vote matters. As they see more and more money pouring into campaigns, they believe that their voice is being drowned out by wealthy special interests.

Despite the cynicism of the American public, Congress has failed to enact significant campaign finance reform legislation since 1974. In that year, in the wake of the Watergate Scandal, Congress imposed tough spending limits on direct, ''hard money'' contributions to candidates. Unfortunately, no one at that time forsaw how two loopholes in the law would lead to a gross corruption of our political system.

The first loophole is ''soft'' money—the unregulated and unlimited contributions to the political parties from corporations, labor unions, or wealthy individuals. ''Soft'' money allows wealthy special interests to skirt around ''hard'' money limits and dump unlimited sums of money into a campaign.

During the 1996 election cycle, approximately 30 percent of all large federal contributions came in the form of soft money to political parties. Both parties raised soft money at a 75 percent higher rate than four years ago. For the 2000 elections, it is estimated that soft money spending will exceed $500 million—more than double the total for the 1996 elections.

Soft money is used to finance the second loophole in campaign finance law: sham issue advertisements. This loophole allows special interests to spend huge sums of money on campaign ads advocating either the defeat or election of a candidate. As long as these ads do not use the magic words ''vote for'' or ''vote against'' they are deemed ''issue advocacy'' under current law and therefore not subject to campaign spending limits or disclosure requirements.

During the 1996 elections, the television and radio airwaves were flooded with these sham issue ads—many of which were negative attack ads. Americans who see or here these ads have no idea who pays for them because no disclosure is required. They drown out the voice of the average American citizen, and even sometimes of the candidates themselves. Without reform, we can certain expect a huge increase in these sham issue ads.

The Shays-Meehan bill begins to restore public confidence in our electoral system by closing these two egregious loopholes. The bill bans all contributions of soft money to federal campaigns. Specifically, it bans national party committees from soliciting, receiving, directing or spending soft money. The bill also prohibits state and local parties from spending soft money on federal election activity.

In an effort to ban campaign advertisements that masquerade is ''issue advocacy,'' Shays-Meehan tightens the definition of ''express advocacy'' communications. Under the bill, any ad that is clearly designed to influence an election is deemed ''express advocacy'' and must therefore abide by federal contribution and expenditure limits and disclosure requirements. Shays-Meehan includes well crafted language that specifically exempts legitimate voter guides from the definition of ''express advocacy.''

The Shays-Meehan bill would not prevent public organizations from running advertisements, but it would ensure that ads clearly designed to influence an election are regulated under federal law. We have laws clearly designed to regulate and disclose campaign donations and expenditures, and no one should be allowed to evade them. Shays-Meehan would ensure that everyone involved in influencing elections plays by the same rules.

Opponents have argued that the Shays-Meehan bill undermines the First Amendment right of free speech. However, the Supreme Court has ruled that Congress has a broad ability to protect the political process from corruption and the appearance of corruption. It has upheld as constitutional the ability to limit contributions by individuals and political committees to candidates. The Supreme Court has also clearly permitted Congress to distinguish between issue advocacy on the one hand, and electioneering or ''express advocacy'' on the other.

The Meehan-Shays proposal will not cure our campaign finance system of all its evils—and I certainly support more far reaching restrictions on campaign contributions and expenditures. However, the bill will take a modest but significant first step toward restoring integrity in our political system. It will limit the influence of wealthy special interests and help to restore the voice of average American citizens in our political process. In short, enactment of this legislation is essential to the survival of American democracy.

EXPLANATORY STATEMENT ON H.R. 2756, ''FAIR COMPETITION IN TAX-EXEMPT FINANCING ACT OF 1999''

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Mr. HALL of Texas. Mr. Speaker, in August I introduced H.R. 2756, the ''Fair Competition in Tax-Exempt Financing Act of 1999'', which has been referred to the Ways and Means Committee. As a general proposition I believe

that governments should be cautious in their use of tax-exempt financing, particularly when it is used to provide services that can be obtained through the private sector.

Since I introduced the bill, I have learned that it may raise significant issues that could affect the tax-exempt bonds of municipal electric systems. It was certainly not my intent to do anything that would affect the ongoing debate on the private use restrictions on these tax-exempt bonds.

As the Ranking Minority Member of the Energy and Power Subcommittee of the Commerce Committee, which has electric restructuring legislation pending before it, I believe it is prudent that I remain neutral on this issue. In fact I have encouraged the investor-owned utilities and public power systems to reach an agreement on private use and offer it to the Congress as a solution to this important restructuring issue.

Mr. Speaker, in order to make my intentions completely clear, were I permitted to withdraw the bill, I would do so. However, the custom in the House is not to permit bills to be withdrawn. As a result of the information I have received and the concerns that have been expressed since the introduction of the bill, I have decided not to seek further action on this legislation.

CONGRATULATIONS TO MARILYN PRICE BIRNHAK AND J. ROBERT BIRNHAK ON 35 YEARS OF SERVICE AND LEADERSHIP TO THE GREATER PHILADELPHIA COMMUNITY

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Mr. HOEFFEL. Mr. Speaker, my heartfelt congratulations to Mr. and Mrs. J. Robert Birnhak for being honored at the 35th anniversary celebration of Weight Watchers of Philadelphia on Saturday, September 18, 1999. Marilyn Price Birnhak along with the support of her husband J. Robert Birnhak founded Weight Watchers of Philadelphia thirty-five years ago. As founder and first president, she watched her group of eight members grow to roughly 20,000 members over the years, meeting in towns throughout the southeastern Pennsylvania and southwestern New Jersey areas.

Mr. and Mrs. Birnhak have also instilled in their children a sense of leadership, as their son John currently serves as the company's vice president of finance and their daughter Tracey is vice president of marketing and business development. All of their children are active in their communities.

The Birnhak family has contributed to Weight Watchers' tremendous growth in the Philadelphia area, as well as in the broader reaches of the franchise. Mr. Birnhak served as a past president of the Weight Watchers Franchise Association, and Mrs. Birnhak served first as vice president and then as president of the association.

In addition to their commitment to Weight Watchers, the Birnhaks have been leaders in the larger community as well. Mr. Birnhak has been active on the board of the Philadelphia Geriatric Center and Congregation Beth Sholom in Elkins Park, Pennsylvania. Both he and Mrs. Birnhak have been honored by the State of Israel Bonds, Jewish Theological Seminary and Ben Gurion University in Israel. Mrs. Birnhak is also on the board of directors of the Philadelphia Theatre Company.

Mrs. Birnhak has contributed significantly to numerous health panels, seminars and health fairs. She has lectured at medical colleges and universities and appeared on radio and television talk shows.

Through Weight Watchers the Birnhaks have participated in a myriad of charitable endeavors for the United Way, the American Heart Association, the March of Dimes, the Alzheimer's Association, the Hero Scholarship Fund, Weight Watchers of Philadelphia, Inc. Feeds the Hungry, the Kidney Foundation, among others. In particular, Weight Watchers of Philadelphia, Inc. is to be commended for being the single largest contributor to the Philadelphia Hero Scholarship Fund.

Once again, my congratulations to a wonderful couple and their family.

PERSONAL EXPLANATION

HON. RICK LAZIO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Mr. LAZIO. Mr. Speaker, because I was unavoidably detained, I was absent for the vote on the Bereuter/Wicker amendment to H.R. 417. This amendment would prohibit campaign contributions to federal candidates from any individual other than a U.S. citizen or national. Had I been present, I would have voted in favor of the Bereuter amendment in part because it would have been consistent with my record. On July 14, 1998, I voted for a similar amendment offered by Representative VITO FOSSELLA (vote #276 of the Second Session of the 105th Congress) during last year's debate on campaign finance reform.

THOMAS PUGH HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to a noted community leader, Mr. Thomas E. Pugh, as he is honored by the Ethics Institute of Northeastern Pennsylvania at their annual dinner. I am pleased to have been asked to join in this event.

A former CEO of the John Heinz Institute of Rehabilitation in Wilkes-Barre, Tom Pugh now works at Allied Services in Scranton. He began there as director of communications and served later as vice president of corporate services better assuming his current role as vice-president of rehabilitation.

Tom is a dedicated professional who is active on both the local and international scene. Since 1994, Tom has worked with the Litewska Children's Hospital in Warsaw, Poland as a consultant on hospital privatization and foundation formation. He conducts a corporate program that provides equipment to the Association of Disabled People of Lithuania. Tom also serves as a consultant to Trnava University Healthcare Management Education Project in the Slovakia Republic. Locally, Tom is active in the Arthritis Foundation, the James S. Brady Center, the Northeast Region Board of the Health Education Center, and the Northeast Regional Cancer Institute. He serves as Executive Vice-President of the Board of Pennsylvania Association of Rehabilitation Facilities.

Mr. Speaker, Tom Pugh is a dedicated professional and community leader. His commitment to improving the lives of the disabled both here and abroad is well known. The Ethics Institute of Northeastern Pennsylvania, which was established to increase the understanding of contemporary ethical issues in business, government, politics, health care and social issues, is wise to fete him. I send my sincere best wishes to Tom as he accepts this prestigious award.

TRIBUTE TO THE LUTKE FAMILY

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Mr. CAMP. Mr. Speaker, I rise today to honor the Lutke family of Marion, Michigan, whose farm was recently designated a Centennial Farm by Secretary of State Candice Miller and the Michigan Historical Commission.

This honor is bestowed on farms that have remained in the same family for 100 years or more. The Lutke farm was established in 1873. Today Harvey and Ruth Lutke harvest 280 acres of hay and corn.

The Centennial Farm designation recognizes the rich agricultural heritage of our great state. It pays tribute to the generations of families who have fed the world and passed on their legacy of hard work and determination to their children.

The Lutke family's success is a source of pride to Missaukee County, to Michigan, and our nation. I am pleased to have the opportunity to honor them today in the U.S. House of Representatives and I wish them many more generations of bounty.

GROWING DIGITAL DIVIDE

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Mr. LARSON. Mr. Speaker, today I rise to draw attention to our nation's growing digital divide. The nation's economy is surging to unprecedented levels. The productivity of small business start-ups, driven by technology and American ingenuity, is bursting with entrepreneurial capital and the creation of unparalleled wealth.

Yet amidst the euphoria, there is growing concern about the alarming trend of limited access to the benefits of this ''digit'' economy.

In its July report, ''Falling Through The Net,'' the Department of Commerce confirmed these fears about the information ''haves'' and ''have nots'' citing a persisting ''digital divide'' between the information rich and the information poor. A divide characterized by a disparity of race, gender, wealth and geography that grows disturbingly further apart.

The great irony of this technology enterprise is that it's running out of a vital fuel source: skilled workers. American corporations are now in the position of asking Congress to help import a workforce from foreign countries.

Congress needs to reinforce a crucial pipeline for this needed fuel so that our technological enterprises can feel secure in their ability to grow. That pipeline has been and continues to be public education. Unfortunately, the pipeline is clogged because our policies are floundering with piecemeal, patch-worked solutions instead of a solidly constructed plan. We cannot meet the demands of a digital economy, with inadequate infrastructure, untrained teachers, resistant universities, indecisive government, and a private sector that thinks donating its old computers is the solution to the problem.

Congress must recognize a fundamental need to rethink how we deliver education in our classrooms. It needs to light up the desktops of our students and the blackboards of their teachers, and provide students with the training and skills they need to be contributing members of our future workforce. Specifically, it needs to bring the information superhighway into our schools and libraries, giving students the opportunity to participate in the global economy.

In order for this opportunity to be seized by Congress, it will take more than a thirty second sound bite. It will require a long term plan.

Congress must forge a new alliance of the nation's talented technological sector and leading academic and government agencies, to develop a strategic plan with appropriate implementation bench marks. The information infrastructure needed for classrooms and public libraries must be examined to ensure that it provides the most efficient and cost effective results. Yet, we must also realize that while a high-tech education system is critical, it won't work without trained professionals.

As a parent of three and a former teacher, I understand that no act of Congress ever reads to a child at night, tucks him in, or offers him the kind of nurturing growth that comes from caring parents. Similarly, no piece of technology can replace a highly trained teacher. There can be no high tech, without high touch.

According to U.S. Secretary of Education Richard Riley, over the next 10 years, this country will need two million new teachers. These new teachers must be digitally fluent and prepared to integrate technology into their daily lesson plans and curriculum. Our colleges and universities must be prepared to provide this outcome, and Congress must be prepared to provide incentives. These incentives would include tax credits for equipment purchases, tuition credits to acquire new skills, and incentives for business to buddy with teachers and adopt schools.

The third component of how Congress can integrate high-tech learning into our society, relates to creating a civic culture that will encourage young people with computer talent to share their knowledge with their community. The best way to make that happen will be through a youth technology corps.

A national tech corps starting in the fifth grade and continuing through high school, this youth technology corps will be of technological service to its peers and adults, and expose young people to the importance of community service. Learning the important lesson that serving is as important as being served.

Congress has a responsibility to leave no one behind in the digital economy. It must provide the opportunities needed to help Americans attain personal and financial security in a global economy. It can make this happen, or it can be remembered as the Congress that squandered an unprecedented educational moment.

HONORING REVEREND AMOS G. JOHNSON

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Mr. KILDEE. Mr. Speaker, I am honored to rise before you today on behalf of the congregation of New Bethel Missionary Baptist Church in Pontiac, Michigan. On Friday, September 17, the New Bethel family will gather to honor Reverend Amos G. Johnson for 42 years of dedicated service to the community in the name of the Lord.

Born in Mississippi, Reverend Amos Johnson was heavily influenced by his mother, whom he helped around the house as a young man, and his father, the Reverend Robert Johnson. In 1944, Mr. Johnson was called up to serve his country in the United States Army. It was there that he received his calling. The following year, Reverend Johnson enrolled in American Baptist Theological Seminary, receiving his theology degree as well as a Bachelor of Arts degree from Jackson State College.

In 1957, Reverend Johnson left Mississippi for Michigan, and weeks later became the head of New Bethel Missionary Baptist Church. In those 42 years, the New Bethel congregation has grown from 50 to nearly 2,000 under Pastor Johnson's leadership. The church has moved from their original building to a beautiful new facility directly across the street. The original church still remains, in its new role as the New Bethel Outreach Ministry-Shelter for the homeless, servicing 161 families and 288 children.

Reverend Johnson's time with the ministry has allowed him to develop a strong support network that extends outside the church. The pastor has been affiliated with and has held leadership positions in groups such as the Greater Pontiac District Association, Wolverine State Congress, Oakland County Ministerial Fellowship, and the National Baptist Congress of Christian Education, to name a few. He has also been honored with an honorary degree from the Urban Bible Institute in Detroit.

Reverend Johnson's deeds in the name of the Lord are as remarkable as his deeds on behalf of God's children in the Pontiac community. In addition to the Outreach Center, he has served as chaplain at North Oakland Medical Center in Pontiac, and has worked tirelessly to aid those struggling with substance abuse. Counting strong relationships with young people as a major accomplishment, Reverend Johnson can often be found working with students and teachers in the Pontiac School District. Many public officials can be found seeking Reverend Johnson's guidance on pressing matters and issues.

Mr. Speaker, it is with great pride that I ask you and my fellow Members of the 106th Congress to join me in saluting Reverend Amos Johnson. I also ask that you acknowledge the contributions made by Marjorie, his wonderful wife of 49 years, who has been with him every step of the way, as well as their two children. Self evident is their lifelong commitment to enhancing the dignity and nurturing the spirits of all people. Our community is a much better place because of the Johnsons.

SAN YSIDRO HEALTH CENTER—HONORING THE PAST, LOOKING TOWARD THE FUTURE

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Mr. FILNER. Mr. Speaker, I rise today to honor the San Ysidro Health Center and the 30 years it has been contributing to the health of my community. From humble beginnings as a volunteer grassroots program run out of a house on the property where the present 50,000-square foot medical center now operates, the center has grown with satellite clinics in Chula Vista and National City. It serves 37,000 people now and has a budget of $17 million.

Mr. Speaker, today is a day for looking back and honoring the pioneers who started this amazing caring center and the visionaries who use this firm foundation to provide even greater services to the people of the South Bay area of San Diego County.

Thirty years ago, Elena Savala and 10 other members of the Club de las Madres decided they needed more than one doctor to serve the 700 residents of San Ysidro at that time. Although they spoke little English and had little formal education, they approached the University of California at San Diego for assistance. In a little house that the City of San Diego donated, volunteer health care professionals began to offer services for the nominal fee of $1.

The eleven women formed the center's first Board of Directors. In 1972 they hired another forward-thinking and committed health care warrior, Gabriel Arce, to direct the center. Under his leadership, the health center moved from a small trailer to the original clinic, a modern building with six examining rooms. The center continued to grow and in 1980 made an historic leap—it created the Community Health Group, the only health maintenance organization (HMO) in the State of California with an all MediCal (Medicaid) caseload.

Today, the San Ysidro Health Center provides primary care, dental care, social services, nutrition counseling, laboratory services and a pharmacy. Beyond its three primary health care clinics in San Ysidro, Chula Vista and National City, its mental health component, the Behavioral Health Group, operates an extensive countywide mental health network that treats children, adolescents and adults in the communities of San Ysidro, Chula Vista, San Diego, Santee and San Marcos.

Of the center's 37,000 patients, 70 percent live at or below the poverty level, 77 percent are women, 30 percent are children under the age of 12 and 60 percent are on MediCal, Medicare or receive County Medical Services.

The grassroots flavor of the center remains alive—many patients later come to work for

the center, inspired to pursue health-related careers by the care they see offered there.

That inspiration promises to continue. The current forward-looking Board of Directors, lead by President Macario Gutierrez, has involved the center in a partnership with Scripps Family Practice Residency Program. The residency program will be offered at the Chula Vista Family Clinic, one of the two satellite clinics. It is all of our hope that some of the San Ysidro Health Center's patients of today will become the doctors of tomorrow, inspired by the access to and commitment of this unique residency program.

This partnership is born out of the California Area Health Education Center Program. This program was established in 1972 to form partnerships between California's schools of medicine and local organizations throughout the state. The program established a special border outreach unit. The partnership with the San Ysidro Health Center allows the program to continue and expand its opportunities to emphasize care for our Latino population and the special demands of health care along the border. The program trains doctors to work in areas which do not have adequate health care coverage.

Mr. Speaker, I ask you join with me in honoring the vision, and quality health care that San Ysidro Health Center has offered over the past 30 years and that I am sure they will offer for the next 30 years with their special partners. The center's unique blend of commitment to our community and involvement of residents in providing the highest quality health care deserves to be emulated nationwide.

LATINA ACTION DAY

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Ms. ROYBAL-ALLARD. Mr. Speaker, on September 15, 1999, Hispanas Organized for Political Equality (HOPE) will host Latina Action Day in Washington, D.C. It is with great pleasure and pride that I commend them for their commitment to Latinas.

Since its founding in 1989, HOPE has remained dedicated to improving the educational, political and economic status of Latinas. HOPE has anchored itself by the principle that knowledge of the political process coupled with active participation will guarantee a more representative, democratic government.

HOPE, through its Latina Action Day in Washington, D.C., rallies several national community, business, and women's organizations to our nation's capitol for indepth dialogues and analysis of current issues impacting the community at large. September 15, 1999, marks the second year that Latina Action Day will be held in Washington, D.C. and continues to be an annual event that brings together hundreds of women for the purpose of educating and empowering Latinas in all phases of economic, cultural, and social structures.

As Latinas assume more leadership positions nationally, it becomes increasingly important to have firsthand knowledge of legislative issues and to participate in the political process.

I salute HOPE for recognizing the value in an educated citizenry and wish the continued success in forwarding their mission.

GROUNDBREAKING CELEBRATION FOR THE JOHN W. KIND SENIOR COMMUNITY

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Ms. PELOSI. Mr. Speaker, on September 16th, a wonderful event is taking place as we celebrate the groundbreaking on the John W. King Senior Community. Another wonderful event is taking place at the same time with the celebration of the 80th birthday of this important project's founder, inspiration, and guiding light—John W. King. It is appropriate for us to celebrate both of these events at the same time, because this groundbreaking is the culmination of Mr. King's vision and determination. Without him, this project would simply not exist.

John King's contributions to the quality of life in San Francisco are too numerous to list. Mr. King has worked tirelessly as an advocate for San Francisco's seniors, to ensure that they have access to affordable housing and services. The John W. King Senior Community is the latest addition to John's lifelong work. This innovative project will provide 91 one-bedroom apartments to serve low-income seniors in the City's Visitacion Valley. It will provide easy access to on-site support services, a transportation center and a nutrition center. The project also includes a child-care center, which helps to meet community needs and will provide opportunities for the senior residents to develop relationships with the youngest generation.

We can all be proud of the role of the federal government, particularly the Department of Housing and Urban Development, as well as the role of the City of San Francisco, and Catholic Healthcare West, in helping to finance the John W. King Senior Community, which is a joint project of the John W. King Senior Center, Mercy Charities Housing California, and Housing Conservation & Development Corporation.

We can be particularly proud of John King, whose vision, strength, determination and hard work are examples for us all. Happy Birthday, Mr. King. May you continue your good works for the next eighty years.

TRIBUTE TO EARLINE MCCLAIN

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Mr. DUNCAN. Mr. Speaker, Earline McClain, one of my constituents who has had a very distinguished career in education, has written a poem that I hope will be read by a great many people. It expresses some very important ideas about our Nation and how each of us has a responsibility to treat each other with respect and humility.

I have enclosed a copy of the poem, entitled "Think," and would like to call it to the attention of my colleagues and other readers of the RECORD.

THINK

Take a look at yourself. What's made you so bereft Of human concern? Why have you not learned That all people have worth and no one on this earth Has the right to heap scorn on any person ever born!

Label them as you may; call them black, trash, foreign, migrant or gay You have no right to say they are inferior, to feel superior; You are human, and so are they!

What's a migrant worker? Surely not a shirker But strangers in this land, doing all that they can To eke out a living. Others should be giving All that they can afford. Things are not ours to hoard!

Never should one deny others the chance to try To better their condition. When you are in a position to offer a helping hand, When you're called American, you must fully understand What makes up this "free" land. America's a melting pot And if you heat it up too hot, so anyone is scorched or burned, A painful lesson you'll learn, all people are God's concern!

When you don't give, but hoard, think of one born in a manger When your neighbor's ox is gored, your ass is in danger! You are your brothers' keeper and involved with him much deeper Than you may want to be. When another's plight you see,

Think: But for God's grace, that's me or His Grace may yet let me be, For He controls our destiny and how I treat others, He may treat me.

KENTUCKY SOCIETY OF THE DAUGHTERS OF THE AMERICAN REVOLUTION

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Mr. WHITFIELD. Mr. Speaker, I rise in recognition of the efforts of the 4,279 women of the Kentucky Society of the Daughters of the American Revolution.

The Kentucky organization was founded 104 years ago to serve as an instrument of the National Society of the Daughters of the American Revolution and to further the DAR's dedication to the promotion of education among our nation's citizens, preservation of our historical treasures, and encouragement and recognition of patriotic endeavors among citizens of the United States.

Mr. Speaker, the State Board of Management of the Kentucky Society will meet in my hometown of Hopkinsville, Kentucky on Saturday September 18, 1999. This meeting will honor in remembrance the life and the Bicentennial of the death of our nation's Founding Father and First President, George Washington.

The Kentucky Society of the Daughters of the American Revolution provides innumerable patriotic services, including but not limited to caring for our veterans; providing citizenship manuals to prospective U.S. citizens; the creation of a DAR-supported school in Hindman, Kentucky to teach Dyslexic students to read and write; and the recognition of students in

our Commonwealth's schools who have demonstrated good citizenship and service to country.

Mr. Speaker, Constitution Week, September 13–17 marks the Two Hundred Twelfth Anniversary of the signing of the Constitution.

The National Society of the Daughters of the American Revolution and the Kentucky Society of the Daughters of the American Revolution promote vigilance among all U.S. citizens to understand and protect the freedoms guaranteed to them by the Constitution. They deserve our respect and our gratitude for their efforts and I offer this statement in recognition of their superb and continuing patriotism.

BIPARTISAN CAMPAIGN FINANCE REFORM ACT OF 1999

SPEECH OF

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 417) to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, and for other purposes:

Mr. MOORE. Mr. Chairman, during the 1996 election cycle a Virginia-based organization called Triad Management spent hundreds of thousands of dollars in my home state of Kansas, as well as in Oklahoma and Louisiana, among other states. The money was spent on sham issue ads of dubious accuracy. I am including in the RECORD with my statement a copy of a New York Times article that recounts Triad's activities in this regard.

Rigorous debate is part of democracy in America, and free speech is a right and freedom that all of us cherish. When you and I stand up to exercise that right, not only to conduct the business of the people but also to run in partisan elections, we show our face. But there are those who enter the public debate anonymously, however, backed by funds, the source of which is unknown.

Mr. Chairman, this type of activity has two effects on American voters. The first is to cause outrage—and rightly so. After all, how can one expect justice and fair play from a system that has the appearance of being up for sale?

The second is apathy. Sadly, we know this to be true based upon recent voter turnout statistics. Average voters feel like they can't make a difference in our system of big bucks and anonymous contributions, and their response is to refuse to participate.

Mr. Chairman, you and I have both seen this outrage and apathy. Isn't it time we do something about it?

Triad is one of the many examples of this abuse of the system; abuses enactment of Shays-Meehan will end. By passing this bill, no one is telling the anonymous donors to Triad that they can't be a part of the public debate. Instead, it simply requires them to reveal themselves to the public and show their face, just like everyone else has to do.

Mr. Chairman, passing H.R. 417 is the one step Congress can take that will most contribute to restoring the public's loss of confidence in our political process. People have an absolute right to know who is trying to influence their vote and the vote of their elected representatives.

I urge my colleagues to pass H.R. 417 immediately so we can shine the light of day on this problem.

[From the New York Times]

A BACK DOOR FOR THE CONSERVATIVE DONOR

CONSULTANT USED PAC'S AND NONPROFITS TO OFFER MAXIMUM IMPACT

(By Leslie Wayne)

WASHINGTON, May 21—When Floyd Coates, an Indiana businessman and one-time candidate for Congress, decided to make some big campaign donations in the last election, he wanted to be sure that the $100,000 or so he planned to give would end up supporting his brand of conservative, free-market, promilitary, anti-abortion candidates.

''I wanted to do all I could,'' Mr. Coates said. ''But I didn't want my money to go to the 5 to 10 percent of the Republican candidates who were too liberal, or to the 5 to 10 percent who didn't have a chance.''

So, for guidance, Mr. Coates turned to Triad Management Services, a Washington political consulting concern headed by a former fund-raiser for Oliver L. North. Tapping into a network of conservative donors across the country, Triad funneled their money through nonprofit groups and political action committees to support conservative candidates in important races. By finding donors and advising them where to put their money, Triad pumped more than $5 million into last-minute negative television, advertisements that benefited Republican candidates and, in some cases, swayed elections.

A Democratic candidate for Congress in Kansas was described in an advertisement produced by Triad with money from conservative donors as supporting ''special preferences for gays and lesbians.'' She lost. A Democratic Congressional candidate in Montana lost his slim lead, and the election, after a Triad advertisement portrayed him as a wife-beater.

In the hotly contested race for Bob Dole's Senate seat in Kansas, the Democratic challenger, who had been running neck-and-neck, lost after a last-minute $200,000 advertising blitz from Triad characterized her as a ''liberal'' from Massachusetts, the state she left 20 years ago.

Few people, least of all the Congressional candidates under attack, knew where the money for these advertisements came from: a little-known group taking advantage of loopholes in campaign finance laws on behalf of Republican candidates.

''Triad played the role of an orchestra leader,'' said Bill Hogan of the Center for Public Integrity, a nonprofit research group. ''They had an ocean of money, and where it comes from and where it goes doesn't have to be disclosed. These organizations skirt the very fine print of the Federal regulations. It's secret money, and the level of it is worse today than during Watergate.''

Working outside the confines of the Republican Party, Triad, a profit-making consulting group, came up with ways for conservative donors—including corporations, which are prohibited from giving directly to Congressional candidates—to get money to tight races where conservative Republicans stood a chance of victory. The money was often channeled into television advertisements through nonprofit organizations—including one headed by Lyn Nofziger, a former aide to President Ronald Reagan who was convicted of three felony ethics violations—in ways that make it impossible to trace the sources or the amounts of the donations.

In a year in which one new loophole after another in campaign finance law was being exploited, Triad carved out a unique role as a middleman and showed how nonprofits could be used to steer money into Congressional races. Triad did not collect campaign dollars itself. Rather, it advised individual donors on which candidates and political action committees to support. And it found donors, whose names were never disclosed, to contribute to nonprofit groups that used Triad to design attack advertisements.

In exchange for this, Triad collected a fee from the individual donors and took a portion of the money raised for the television advertisements. While there are many Washington consulting firms that advise candidates and parties, Triad is the rare one that advises donors.

For a fee, Triad would advise donors like Mr. Coates on which Congressional candidates and conservative political action committees to support. In doing so, Triad enabled conservative donors to maximize the impact of their dollars by coming up with back-door, but legal, ways for them to get money to Republican candidates in amounts above the $2,000 Federal contribution limits.

This happened when Triad donors gave to candidates and to political action committees that would, in all likelihood, make donations to the same candidates. Using Mr. Coates as an example, he and his wife, Anne, gave $5,000 to the Eagle Forum, a PAC headed by the anti-abortion leader Phyllis Schlafly, which gave money to candidates to whom the Coateses had already given.

For instance, the Coateses had already contributed $2,000 to Randy Tate, a Republican Congressional candidate in Washington. Eagle Forum's political committee gave him an additional $7,000. The Coateses gave $2,000 to Sam Brownback, a Republican running for Mr. Dole's vacant seat in Kansas. Eagle Forum gave $7,000. The Coateses gave $3,800 to Jean Leising, a Republican Congressional candidate in Indiana, and the Eagle Forum contributed $5,000.

Similarly, the Coateses gave $5,000 to something called the American Free Enterprise PAC, which in turn, gave $7,000 to Mr. Tate and $4,500 to Mr. Brownback. In all, the Coateses donated to 14 conservative political action committees and 21 Congressional candidates; 17 of those candidates received money from the PAC's that had received money from Mr. and Mrs. Coates.

''I turned to Triad for research, and I liked their recommendations,'' Mr. Coates said. ''I mailed checks to PAC's and candidates that shared my pro-life Christian values. But what the PAC's did with that money, I had no idea. They got no direction from me.''

The role of Triad is under scrutiny by the Senate Governmental Affairs Committee, headed by Senator Fred Thompson, Republican of Tennessee. Under prodding from the Democratic minority, the committee recently subpoenaed Triad and two nonprofit organizations hired by Triad to find donors and produce last-minute multimillion-dollar advertising blitzes attacking Democrats.

One nonprofit is Citizens for Reform, headed by Peter Flaherty, a one-time campaign manager for President Reagan. Citizens for Reform raised and spent $2 million from August to October 1996 on races in 10 states, with the most going to Kansas and California. Mr. Flaherty said in an interview that Triad had raised all the money for his group, which was founded last spring, and had spent it for him.

''We played a major role in the 1996 election, and we are quite happy with our results,'' Mr. Flaherty said. ''Triad produced our television ads, drafted scripts and bought

television time. They basically managed it and lined up vendors for a television campaign and for our direct mail and phone banks.''

Citizens for Reform, as a nonprofit organization, is not required to disclose its donations. Because it engages in some lobbying, however, donations to it are not tax-deductible.

In fact, it is the promise of anonymity—as well as a sky-is-the-limit rule on donations—that makes these nonprofit groups popular among big donors. Unlike contributions to individual Federal office-seekers and PAC's, there are no limits on how much can be donated to a nonprofit. And corporations, which are barred from donating to Federal candidates, can give to nonprofits.

''Privacy is important to our donors,'' said Mr. Flaherty, who added that his nonprofit did not take foreign money. ''Nondisclosure is something we definitely point out.''

The lack of disclosure, however, troubles some. ''This is completely invisible money,'' said Kenneth Gross, former enforcement chief for the Federal Election Commission. ''At least soft money is disclosed. This money isn't. It's one thing to have money that is under the radar screen. Money from nonprofits isn't even close to the radar screen.''

The second nonprofit Triad advised was Citizens for the Republic Education Fund, where Mr. Nofziger is a director. This group spent $2 million at the end of the 1996 election on advertisements produced and designed by Triad with money Triad had found for the nonprofit group. These spots focused on United States Senate races in Arkansas, especially against Winston Bryant, a Democrat who lost.

Mr. Nofziger declined to comment beyond saying, ''As long as they are fiddling around with Senate hearings, it's best for me not to talk.''

Triad's founder and president is Carolyn Malenick, a former fundraiser for Mr. North. She also heads Citizens for the Republic Education Fund. Ms. Malenick's commitment to the conservative cause is well known, as is her fund-raising prowess.

''Carolyn is a terrific fund-raiser,'' Mr. Flaherty said. ''She has a Midas touch. She has a bigger vision than others. People were never asked to contribute at this level before.''

Triad collects a management fee based on donations to the two non-profits—in essence, a cut of all the money they raise. In addition, Ms. Malenick charges some donors a fee for her advice, on a sliding scale.

''My clients are typically socially conservative businessmen and women,'' Ms. Malenick said in an interview. ''I provide them with due diligence, or research, in the political environment. If you want to buy stocks, you go to a stockbroker and get research and advice. That's what I do in the political arena, which is heavily regulated.

''We don't dictate or tell my clients what to do. We say, 'Here are the campaign giving limits and here are the laws.' We say, 'Here are the candidates who are viable and who feel the way you do.'''

Mark Braden, former general counsel of the Republican National Committee and Ms. Malenick's lawyer, compared her to a corporate consultant. ''Carolyn has taken a Fortune 500 activity, consulting, and moved it to a group of socially conservative rich folks,'' Mr. Braden said. ''And it's worked well.''

One group Ms. Malenick said she did not work with closely is the Republican Party, although Republicans like Senator Don Nickles of Oklahoma have appeared in her literature. ''I'm not an agent of the Republican Party,'' Ms. Malenick said. ''I don't work for them. We choose where to get involved, and there is no need to tell them.''

Rich Galen, a spokesman for the National Republican Congressional Committee, confirmed that view but acknowledged social ties between Triad's principals and the party. ''Lots of people in this town get seen in the same places,'' Mr. Galen said. ''So I don't want you to think some of these people don't show up in the same place and have a drink. But we do not do any coordination with them. That would be improper.''

As well as illegal. One of the questions Senate Democrats want answered involves the extent of coordination, if any, between Triad, the nonprofits and the Republican Party. If coordination is shown, then Triad's nonprofit organizations could face the same disclosure and spending limits as other political committees.

Those on the receiving end of Triad's advertisements said they had been stunned by the onslaught. Jill Docking, a Democrat, was in a dead heat with Mr. Brownback for the Kansas seat vacated by Mr. Dole. She saw her chances vanish after an advertising blitz.

''We couldn't figure out where the ads were coming from,'' said Ms. Docking, a Wichita stockbroker. ''Even more frustrating was the massive deluge. The ads came at me in every direction in the last weeks. There were five or six of these ads to every one of mine. Our television looked pretty pitiful. It clearly swayed the election.''

Those who benefited from Triad's activities, like Senator Brownback, said they did not have a hand in the advertisements.

Still, the spots did not hurt. Said David Kensinger, Mr. Brownback's deputy campaign manager, ''Never look a gift horse in the mouth.''

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, September 16, 1999 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 21

9 a.m.
United States Senate Caucus on International Narcotics Control
To hold hearings on counterinsurgency vs. counter-narcotics issues in regards to Colombia.
SH–216

9:30 a.m.
Health, Education, Labor, and Pensions
To hold hearings on issues relating to hybrid pension plans.
SD–106

SEPTEMBER 22

9:30 a.m.
Indian Affairs
To hold hearings on Indian trust fund reform.
SR–485

Health, Education, Labor, and Pensions
Business meeting to consider pending calendar business.
SD–430

10 a.m.
Armed Services
Readiness and Management Support Subcommittee
To hold hearings to receive testimony on the national security requirments and continued training operations at the Vieques Training Range.
SR–222

SEPTEMBER 23

9:30 a.m.
Energy and Natural Resources
To hold oversight hearings to explore the potential consequences of the year 2000 computer problem to the Nation's supply of electricity.
SD–366

10 a.m.
Environment and Public Works
To hold hearings on the nomination of Richard A. Meserve, of Virginia, to be a Member of the Nuclear Regulatory Commission; the nomination of Paul L. Hill, Jr., of West Virginia, to be Chairperson of the Chemical Safety and Hazard Investigation Board; the nomination of Major General Phillip R. Anderson, United States Army, to be a Member and President of the Mississippi River Commission, under the provisions of Section 2 of an Act of Congress, approved June 1879 (21 Stat. 37) (33 USC 642); the nomination of Sam Epstein Angel, of Arkansas, to be a Member of the Mississippi River Commission; and the nomination of Brigadier General Robert H. Griffin, United States Army, to be a Member of the Mississippi River Commission, under the provisions of Section 2 of an Act of Congress, approved June 1879 (21 Stat. 37) (33 USC 642).
SD–406

SEPTEMBER 28

9:30 a.m.
Veterans Affairs
To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of the American Legion.
345 Cannon Building

SEPTEMBER 29

9:30 a.m.
Indian Affairs
To hold hearings on S. 1508, to provide technical and legal assistance for tribal justice systems and members of Indian tribes.
SR–485

Health, Education, Labor, and Pensions
Business meeting to consider pending calendar business.
SD–430

2:30 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold oversight hearings on the practices of the Bureau of Reclamation regarding operations and maintenance costs and contract renewals.
SD–366

SEPTEMBER 30

2:30 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on S. 1457, to amend the Energy Policy Act of 1992 to assess opportunities to increase carbon storage on national forests derived from the public domain and to facilitate voluntary and accurate reporting of forest projects that reduce atmospheric carbon dioxide concentrations.
SD–366

OCTOBER 6

9:30 a.m.
Indian Affairs
Business meeting to consider pending calendar business.
SR–485

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S10875–S10961

Measures Introduced: Ten bills were introduced, as follows: S. 1583–1592. **Page S10929**

Measures Passed:

Indian Health Service Position: Senate passed 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, after agreeing to a committee amendment. **Pages S10955–56**

Native American Business Development, Trade Promotion, and Tourism Act: Senate passed S. 401, to provide for business development and trade promotion for Native Americans, after agreeing to a committee amendment in the nature of a substitute. **Pages S10956–58**

Indian Tribal Economic Development and Contract Encouragement Act: Senate passed S. 613, to encourage Indian economic development, and to provide for the disclosure of Indian tribal sovereign immunity in contracts involving Indian tribes, after agreeing to a committee amendment in the nature of a substitute. **Page S10958**

Indian Tribal Regulatory Reform and Business Development Act: Senate passed S. 614, to provide for regulatory reform in order to encourage investment, business, and economic development with respect to activities conducted on Indian lands, after agreeing to a committee amendment in the nature of a substitute. **Pages S10958–59**

Alaska Native and American Indian Direct Reimbursement Act: Senate passed 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, after agreeing to a committee amendment in the nature of a substitute. **Pages S10959–60**

Transportation Appropriations: Senate began consideration of H.R. 2084, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, taking action on the following amendments proposed thereto: **Pages S10875–79, S10892–S10923**

Adopted:

Wyden Modified Amendment No. 1625, to make available funds for the investigation of unfair or deceptive practices and unfair methods of competition by air carriers, foreign air carriers, and ticket agents involving the failure to disclose information on the over booking of flights. **Pages S10875–79**

Wyden Amendment No. 1626, to make available funds for the investigation of unfair or deceptive practices and unfair methods of competition by air carriers and foreign air carrier involving denying airline consumers access to information on the lowest fare available. **Pages S10875–79**

Shelby (for Daschle) Amendment No. 1661, to make available funds for apportionment to the sponsors of primary airports taking account of temporary air service interruptions to those airports. **Page S10907**

Shelby (for Inhofe) Modified Amendment No. 1663, to express the sense of the Congress that the Administrator of the Federal Aviation Administration should develop a national policy and related procedures concerning the interface of the Terminal Automated Radar Display and Information System and en route surveillance systems for Visual Flight Rule (VFR) air traffic control towers. **Page S10907**

By a unanimous vote of 94 yeas (Vote No. 276), Helms Amendment No. 1658, expressing the sense of the Senate that the United States Census Bureau should include marital status on the short form census questionnaire to be distributed to the majority of American households for the 2000 decennial census. **Pages S10906–07, S10921–22**

Rejected:

By 40 yeas to 55 nays (Vote No. 275), Gorton Amendment No. 1677, to express the sense of the Senate concerning corporate average fuel economy (CAFE) standards for sport utility vehicles and other light trucks. **Pages S10892–99, S10907–21**

During consideration of this measure today, Senate also took the following action:

By 63 yeas to 34 nays (Vote No. 274), provision beginning on page 21, line 1 through page 22, line 11, relating to the distribution of revenue aligned budget authority (RABA), of the committee-reported bill, was voted to be germane. Subsequently, the point of order, that the RABA provision is legislation on an appropriations bill which violates Rule XVI of the Standing Rules of the Senate, thus fell. **Page S10906**

A unanimous-consent agreement was reached providing for further consideration of the bill, on Thursday, September 16, 1999. **Page S10960**

Treasury/Postal Service Appropriations Conference Report—Agreement: A unanimous-consent-time agreement was reached providing for the consideration of the conference report on H.R. 2490, 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, on Thursday, September 16, 1999, with a vote on adoption to occur thereon. **Page S10955**

Messages From the House: **Pages S10927–28**

Communications: **Pages S10928–29**

Statements on Introduced Bills: **Pages S10929–47**

Additional Cosponsors: **Pages S10947–48**

Amendments Submitted: **Pages S10948–51**

Notices of Hearings: **Page S10951**

Authority for Committees: **Pages S10951–52**

Additional Statements: **Pages S10952–55**

Record Votes: Three record votes were taken today. (Total—276) **Pages S10906, S10921–22**

Adjournment: Senate convened at 10:01 a.m., and adjourned at 8:24 p.m., until 9:30 a.m., on Thursday, September 16, 1999. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on pages S10960–61.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS—VA/HUD

Committee on Appropriations: Subcommittee on VA, HUD, and Independent Agencies approved for full committee consideration an original bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000.

TELEMEDICINE TECHNOLOGIES

Committee on Commerce, Science, and Transportation: Subcommittee on Science, Technology, and Space concluded hearings on how telemedicine technologies are impacting rural health care, after receiving testimony from James Brick, West Virginia University Department of Medicine (Robert C. Byrd Health Science Center), Morgantown; Sam Burgiss, University of Tennessee Medical Center, Knoxville; Richard Ferrans, Louisiana State University School of Medicine, New Orleans; Lt. Col. Ronald K. Poropatich, USA, Walter Reed Army Medical Center, Washington, D.C., on behalf of the American Telemedicine Association; and Aaron S. Waitz, Eastman Kodak Company, Allendale, New Jersey.

NOMINATIONS

Committee on Energy and Natural Resources: Committee concluded hearings on the nominations of David J. Hayes, of Virginia, to be Deputy Secretary of the Interior, Sylvia V. Baca, of New Mexico, to be Assistant Secretary of the Interior for Land and Minerals Management, and Ivan Itkin, of Pennsylvania, to be Director of the Office of Civilian Radioactive Waste Management, Department of Energy, after the nominees testified and answered questions in their own behalf. Ms. Baca was introduced by Senator Domenici, and Mr. Itkin was introduced by Senator Spector.

NOMINATIONS

Committee on Finance: Committee concluded hearings on the nominations of James G. Huse, Jr., of Maryland, to be Inspector General, Social Security Administration, and Neal S. Wolin, of Illinois, to be General Counsel for the Department of the Treasury, after the nominees testified and answered questions in their own behalf.

NOMINATION

Committee on Governmental Affairs: Committee concluded hearings on the nomination of Sally Katzen, of the District of Columbia, to be Deputy Director for Management, Office of Management and Budget, after the nominee, who was introduced by Senator Levin, testified and answered questions in her own behalf.

FALN MEMBERS CLEMENCY

Committee on the Judiciary: Committee held hearings to examine certain implications of the President's grant of clemency for members of the Armed Forces of National Liberation (the FALN), receiving testimony from Puerto Rico Representative Angel M. Cintron, San Juan; Gilbert G. Gallegos, Grand Lodge Fraternal Order of Police, Washington, D.C.; Rev. C. Nozomi Ikuta, United Church of Christ, Cleveland, Ohio; Rocco Pascarella, Washingtonville,

New York; William P. Newhall, New York, New York; Donald R. Wofford, Wilmington, North Carolina; and Richard S. Hahn, Long Beach, California.

Hearings recessed subject to call.

BUSINESS MEETING

Committee on Rules and Administration: Committee ordered favorably reported an original resolution authorizing expenditures by committees of the Senate for the period October 1, 1999 through September 30, 2000, and October 1, 2000 through February 28, 2001.

INDIAN CONTRACT SUPPORT COSTS

Committee on Indian Affairs: Committee concluded oversight hearings on the contracting provisions of the Indian Self-Determination and Education Assistance Act, focusing on shortfalls in contract support costs and alternatives for funding them, after receiving testimony from Jim Wells, Director, Energy, Resources and Science Issues, Resources, Community, and Economic Development Division, General Accounting Office; Kevin Gover, Assistant Secretary of the Interior for Indian Affairs; Michel E. Lincoln, Deputy Director, Indian Health Service, Department of Health and Human Services; Edward K. Thomas, Central Council of Tlingit and Haida Indian Tribes of Alaska, Juneau; W. Ron Allen, National Congress of American Indians, Washington, D.C.; Mayor Timothy E. Gilmartin, Metlakatla, Alaska, on behalf of the Metlakatla Indian Community-Annette Island Reserve; and Lloyd Miller, Sonosky, Chambers, Sachse, Miller and Munson, Anchorage, Alaska.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee will meet again tomorrow.

House of Representatives

Chamber Action

Bills Introduced: 15 public bills, H.R. 2868–2882, and 1 resolution, H.J. Res. 66, were introduced. **Pages H8374–75**

Reports Filed: Reports were filed today as follows:

H.R. 28, to provide for greater access to child care services for Federal employees (H. Rept. 106–323 Pt. 1); and

H. Res. 294, providing for consideration of H.R. 1402, to require the Secretary of Agriculture to implement the Class I milk price structure known as Option 1A as part of the implementation of the final rule to consolidate Federal milk marketing orders (H. Rept. 106–324). **Page H8374**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Ewing to act as Speaker pro tempore for today. **Page H8293**

Defense Authorization: The House agreed to the conference report on S. 1059, to authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces by a recorded vote of 424 ayes to 45 noes, Roll No. 424. **Pages H8295–H8318**

Rejected the Dingell motion to recommit the conference report to the committee on conference with instructions to insist on striking all provisions that limit any existing authority of the Secretary to direct the National Nuclear Security Administration by a yea and nay vote of 139 yeas to 281 nays, Roll No. 423. **Pages H8316–17**

Civil Aviation Research and Development Authorization: The House passed H.R. 1551, to authorize the Federal Aviation Administration's civil aviation research and development programs for fiscal years 2000 and 2001. **Pages H8320–24**

Agreed to the committee amendment in the nature of a substitute made in order by the rule. **Page H8324**

Agreed to:

The Sensenbrenner amendment that strikes the authorization of several research and development activities of the FAA that were authorized by H.R. 1000, the Aviation and Investment and Reform Act for the 21st Century; **Pages H8323–24**

The Traficant amendment that encourages the FAA to conduct research on the laser visual guidance landing system; and **Page H8324**

The Traficant amendment that insures the compliance of the ''Buy American Act'', expresses the sense of Congress to support the purchase of American-made equipment and products, and prohibits contracts to those who affix a ''Made in America'' inscription to any product that is not made in the United States. **Page H8324**

H. Res. 290, the rule that provided for consideration of the bill was agreed to by voice vote.

Pages H8319–20

Department of Energy Research, Development, and Demonstration Authorization: The House passed H.R. 1655, to authorize appropriations for fiscal years 2000 and 2001 for the civilian energy and scientific research, development, and demonstration and related commercial application of energy technology programs, projects, and activities of the Department of Energy. Pages H8324–38

Agreed to the committee amendment in the nature of a substitute made in order by the rule.

Page H8338

Agreed to:

The Sensenbrenner amendment that clarifies GAO report requirements and includes the Lawrence Livermore, Sandia, and Los Alamos national laboratories and the Y–12 Plant to the list of laboratories which prohibit citizens of certain foreign nations from entering classified areas; Pages H8331–32

The Traficant amendment that insures the compliance of the ''Buy American Act,'' expresses the sense of Congress to support the purchase of American-made equipment and products, and prohibits contracts to those who affix a ''Made in America'' inscription to any product that is not made in the United States; Page H8332

The Andrews amendment that designates $2 million for biometric technology security; Page H8332

The Udall of Colorado amendment that increases funding for energy technology and conservation research and development programs; Pages H8332–34

The Stupak amendment that prohibits the Secretary from selecting a route for the transportation of Mixed Oxide Fuel from Los Alamos, New Mexico to Chalk River, Canada without issuing a rule based on the record after an opportunity for agency hearing; Pages H8334–36

The Berkley amendment that authorizes $2 million to establish a nuclear waste transmutation research and development program; and Pages H8336–37

The Jackson-Lee of Texas amendment that expresses the sense of the Congress that the Department of Energy should increase its efforts to recruit and employ qualified minorities for carrying out the research and development functions of the Department. Pages H8337–38

H. Res. 289, the rule that provided for consideration of the bill was agreed to by voice vote.

Pages H8318–19

Treasury, Postal, and General Government Appropriations: The House agreed to the conference report on H.R. 2490, 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 by a yea and nay vote of 292 yeas to 126 nays, Roll No. 426. Pages H8338–52

Rejected the Murtha motion to recommit the report to the conference committee by a yea and nay vote of 61 yeas to 359 nays, Roll No. 425.

Page H8351

Meeting Hour—Friday, September 17: Agreed that when the House adjourns today, it adjourn to meet at 10 a.m. on Friday, September 17.

Page H8352

Meeting Hour—Tuesday, September 21: Agreed that when the House adjourns on Friday, September 17, it adjourn to meet at 12:30 p.m. on Tuesday, September 21 for morning-hour debates. Page H8352

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business on Wednesday, September 22. Page H8352

Quorum Calls—Votes: Three yea and nay votes and one recorded vote developed during the proceedings of the House today and appear on pages H8316–17, H8317–18, H8351, and H8351–52. There were no quorum calls.

Adjournment: The House met at 10:00 a.m. and adjourned at 6:55 p.m.

Committee Meetings

FAMILY FINANCIAL CRISIS

Committee on Agriculture: Concluded hearings to review the farm financial crisis. Testimony was heard from Dan Glickman, Secretary of Agriculture.

AMERICAN HOMEOWNERSHIP AND ECONOMIC OPPORTUNITY ACT

Committee on Banking and Financial Services: Subcommittee on Housing and Community Development held a hearing on H.R. 1776, American Homeownership and Economic Opportunity Act of 1999. Testimony was heard from William Apgar, Assistant Secretary, Housing-Federal Housing Commissioner, Department of Housing and Urban Development; and public witnesses.

BALANCED BUDGET ACT

Committee on Commerce: Subcommittee on Health and Environment held a hearing on the Balanced Budget Act of 1997: Impact on Cost Savings and Patient Care. Testimony was heard from Mike Hash, Deputy Administrator, Health Care Financing Administration, Department of Health and Human Services; William J. Scanlon, Director, Health Financing and Public Health, GAO; Daniel L. Crippen, Director,

CBO; Murry Ross, Executive Director, Medicare Payment Advisory Council; and public witnesses.

OVERSIGHT—BROADCAST OWNERSHIP REGULATIONS

Committee on Commerce: Subcommittee on Telecommunications, Trade, and Consumer Protection held an oversight hearing on Broadcast Ownership Regulations. Testimony was heard from public witnesses.

OLDER AMERICANS ACT AMENDMENTS

Committee on Education and the Workforce: Ordered reported, as amended, H.R. 782, Older Americans Act Amendments of 1999.

Y2K COMPUTER PROBLEM

Committee on Government Reform: Subcommittee on Government Management, Information, and Technology held a hearing on The Y2K Computer Problem: Implications for International Travel. Testimony was heard from John O'Keefe, Special Representative for the Year 2000, Department of State; David Jhirad, Senior Adviser, Multilateral and Bilateral Affairs, Department of Energy; and a public witness.

BALKANS OVERSIGHT

Committee on International Relations: Held a hearing on Balkans Oversight I: Corruption in Bosnia. Testimony was heard from the following officials of the Department of State: Larry C. Napper, Coordinator, Support for Eastern European Assistance; and David Dlouhy, Special Advisor, Bosnia Implementation; and Craig Buck, Mission Director, Bosnia-Herzegovina, Kosovo and Montenegro, AID, U.S. International Development Cooperation Agency.

EAST TIMOR RESOLUTION; TAIWAN, THE PRC, AND THE TAIWAN SECURITY ENHANCEMENT ACT

Committee on International Relations: Subcommittee on Asia and the Pacific approved for full Committee action H. Res. 292, expressing the sense of the House of Representatives regarding the referendum in East Timor, calling on the Government of Indonesia to assist in the termination of the current civil unrest and violence in East Timor; and supporting a United Nations Security Council-endorsed multinational force for East Timor.

The Subcommittee also held a hearing on Taiwan, the PRC, and the Taiwan Security Enhancement Act. Testimony was heard from Senator Thomas; Susan Shirk, Deputy Assistant Secretary, East Asian and Pacific Affairs, Department of State; Kurt Campbell, Deputy Assistant Secretary, Asia and Pacific Affairs, Department of Defense; and public witnesses.

SPECIAL COUNSEL ACT

Committee on the Judiciary: Subcommittee on Commercial and Administrative Law held a hearing on H.R. 2083, Special Counsel Act of 1999. Testimony was heard from James K. Robinson, Assistant Attorney General, Criminal Division, Department of Justice; and public witnesses.

PRIVATE PROPERTY RIGHTS IMPLEMENTATION ACT

Committee on the Judiciary: Subcommittee on the Constitution held a hearing on H.R. 2372, Private Property Rights Implementation Act of 1999. Testimony was heard from Joseph Barbieri, Deputy Attorney General, State of California; and public witnesses.

INDIAN FEDERAL RECOGNITION ADMINISTRATIVE PROCEDURES ACT

Committee on Resources: Held a hearing on H.R. 361, Indian Federal Recognition Administrative Procedures Act. Testimony was heard from Representative McIntyre; Loretta Tuell, Acting Director, Office of Tribal Services, Bureau of Indian Affairs, Department of the Interior; and public witnesses.

FEDERAL MILK MARKETING ORDERS

Committee on Rules: Granted, by voice vote, a structured rule providing 1 hour of debate on 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. The rule waives clause 3 of rule XIII (requiring the inclusion in the report of a CBO cost estimate and a statement on certain budget matters if the measure includes new budget or entitlement authority) and section 308(a) of the Congressional Budget Act (requiring a Congressional Budget Office cost estimate in the committee report on any legislation containing new budget authority) against consideration of the bill. The rule makes in order the Committee on Agriculture amendment in the nature of a substitute as an original bill for the purpose of amendment, modified by the amendments printed in part A in the report of the Committee on Rules accompanying the resolution. The rule provides that the amendment in the nature of a substitute is considered as read.

The rule waives clause 7 of rule XVI (prohibiting nongermane amendments) against the amendment in the nature of a substitute. The rule makes in order only those amendments printed in part B of the Rules Committee report accompanying the resolution. The rule provides that amendments made in

order may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendments printed in the report.

The rule permits the Chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce voting time to five minutes on a postponed question if the vote follows a fifteen minute vote. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Representatives Pombo, Boehner, Manzullo, Blunt, Green of Wisconsin, Ryan of Wisconsin, Sweeney, Stenholm, Peterson of Minnesota, Dooley of California, Minge, Obey, Sanders, Kind, Baldwin and Crowley.

PILOT FATIGUE

Committee on Transportation and Infrastructure: Subcommittee on Aviation concluded hearings on Pilot Fatigue, Part II. Testimony was heard from public witnesses.

AIRCRAFT ELECTRICAL SYSTEM SAFETY

Committee on Transportation and Infrastructure: Subcommittee on Oversight, Investigations, and Emergency Management held a hearing on Aircraft Electrical System Safety. Testimony was heard from Bernard Loeb, Director, Office of Aviation Safety, National Transportation Safety Board; Thomas McSweeny, Associate Administrator, Regulation and Certification, FAA, Department of Transportation; and public witnesses.

COMMITTEE MEETINGS FOR THURSDAY, SEPTEMBER 16, 1999

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: business meeting to mark up proposed legislation making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000, 3 p.m., SD–106.

Committee on Energy and Natural Resources: Subcommittee on Forests and Public Land Management, to hold hearings on the Administration's Northwest Forest Plan, 2:30 p.m., SD–366.

Committee on Foreign Relations: to hold hearings on foreign missile developments and the ballistic missile threat to the United States through 2015, 2:30 p.m., SD–419.

Committee on Governmental Affairs: Permanent Subcommittee on Investigations, to hold hearings on the practices and operations of the securities day trading industry, 9:30 a.m., SD–628.

Subcommittee on International Security, Proliferation and Federal Services, to hold hearings on the annual report of the Postmaster General, 2 p.m., SD–628.

Committee on Health, Education, Labor, and Pensions: Subcommittee on Public Health, to hold hearings to examine issues relating to children's health, 10 a.m., SD–430.

Select Committee on Intelligence: to hold closed hearings on pending intelligence matters, 2 p.m., SH–219.

Committee on the Judiciary: business meeting to mark up S. J. Res.3, proposing an amendment to the Constitution of the United States to protect the rights of crime victims; the nomination of Robert Raben, of Florida, to be an Assistant Attorney General; and S. Res. 178, designating the week beginning September 19, 1999, as ''National Historically Black Colleges and Universities Week'', and other pending committee business, 10 a.m., SD–226.

Subcommittee on Youth Violence, to hold oversight hearings on activities of the Office of Justice Program and to examine a proposed reorganization plan, 2 p.m., SD–226.

House

Committee on Resources, oversight hearing on the enforcement of Federal laws and the use of Federal funds in the Northern Mariana Islands, 11 a.m., 1324 Longworth.

Next Meeting of the SENATE

9:30 a.m., Thursday, September 16

Senate Chamber

Program for Thursday: Senate will continue consideration of H.R. 2084, Transportation Appropriations.

At 10 a.m., Senate will consider the conference report on H.R. 2490, Treasury/Postal Service Appropriations.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m. Friday, September 17

House Chamber

Program for Thursday: The House is not in session.

Extension of Remarks, as inserted in this issue

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