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House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
September 23, 1999.

I hereby appoint the Honorable JOEL HEFLEY 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:

Give us we pray, O gracious God, the vision to see Your will for righteousness in our world and give us attentive hearts to see the need for reconciliation and respect in our communities and in our institutions. We pray that Your good spirit will enlighten us with love in our own lives so that we will be the people You would have us be and do those works of justice that benefit every person. As we are open to Your spirit and armed with Your grace, may we then be empowered to be Your people in our daily lives. Bless us, O God, this day and every day, we pray. 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 gentlewoman from Idaho (Mrs. CHENOWETH) come forward and lead the House in the Pledge of Allegiance.

Mrs. CHENOWETH 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 one-minutes on each side.

WHO IS TO BLAME FOR DO-NOTHING CONGRESS?

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

Mr. SENSENBRENNER. Mr. Speaker, I rise today to thank the distinguished minority leaders of both the House and the other body for settling what to me has long been a confusing issue.

In spite of all the legislation the Republican Congress has passed so far, the Social Security lockbox, tax relief, and debt reduction, the Ed-Flex bill, and the military readiness bill, to name just a few, we have listened for months to Democrats bluster about the do-nothing Congress.

When I picked up my copy of The Hill yesterday, I finally began to understand what they mean by a do-nothing Congress. They mean themselves. On the front page, the distinguished minority leader of the other body proclaimed his disappointment that the first session of the 106th Congress was not more productive, while only a few lines of newsprint away the distinguished minority leader of the House claimed that the Democrats have dominated the Congressional agenda since 1994.

So, Mr. Speaker, if the Democrats are in control and nothing is being done, then I ask the Members, who is to blame?

GUN SAFETY LEGISLATION

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

Ms. DELAURO. Mr. Speaker, for 5 months many of us in this body have urged the Republican leadership to help us enact common-sense gun safety measures that will keep guns out of the hands of kids and criminals. But at every turn we have been stalled and stymied, we have been told that we are rushing, that we need to wait.

Waiting means more lives are lost. Every day that passes takes a toll of 13 children, 13 youngsters killed every day by guns. Hundreds of children have been killed just in the time since the tragedy at Columbine High School.

Today I join my colleagues in continuing to pay tribute to some of those children and urge the Congressional leadership to pass gun safety legislation in their memory.

Paulette Peak, age 8, killed by gunfire on July 31, 1999, Chicago Illinois;

Reginald McClaine, age 16, killed by gunfire on August 4, 1999, Bronx, New York;

Aaron Thomas, age 16, killed by gunfire on August 5, 1999, St. Louis, Missouri;

Tamara Seline, age 17, killed by gunfire on August 6, 1999, West Palm Beach, Florida.

GUN CONTROL LAWS

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

Mrs. CHENOWETH. Mr. Speaker, most people who know me know that I

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am never really inclined to praise The Washington Post. But The Washington Post, to their credit, ran a very fine story this past Sunday about gun control that surprised me quite a bit.

Apparently, my friends on the other side of the aisle missed that article or have decided to merely misrepresent this whole issue. The article points out that none of the gun control bills debated by Congress this year if passed into law would have stopped any of the recent shootings which have taken so many of our children's lives.

The reason is quite simple. All of the killers had either bought their guns legally or found an easy way to get around State and Federal laws. The article went through each shooting and each killer, the killers at Columbine; Mike Barton in Atlanta; Buford Furrow, Jr., in Los Angeles; Benjamin Nathaniel Smith in Illinois and Indiana; and Larry Geen Ashbrook in Fort Worth, Texas; and it traced the steps through which the purchase of the guns occurred before those shootings.

Again, no gun control laws so passionately advocated by those on the other side would have had any impact on these killers.

CAPTIVE ELEPHANT ACCIDENT PREVENTION ACT

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

Mr. FARR of California. Mr. Speaker, I rise today, first of all, to thank game show host Bob Barker for coming to Washington, D.C. in support of the bill I am introducing today and sorry that he had to have emergency surgery. We all wish him well as he recovers from this.

Today I am introducing the Captive Elephant Accident Prevention Act, H.R. 2929, to make circuses more humane for animals and safer for spectators. I am not interested in seeing the circus industry unduly hindered or encumbered. My bill is a practical, reasonable bill that addresses a fundamental wrong in the entertainment industry.

The problem is that we have to break the will of wild beasts, big beasts that are 10 feet tall, weigh several tons, in order for them to perform stunts at circuses. They use high-powered electric prods. They tie them up. And we can see that when an animal goes wild, as this one did in Honolulu, that the only way to stop them from injuring people is to shoot them. That is what happened in this case where an animal had 57 rounds shot into him before he was brought down.

Animals like elephants are not horses or dogs. They cannot be trained for those purposes. I urge my colleagues to join me in cosponsoring H.R. 2929.

FALN TERRORISTS RELEASED FROM PRISON

(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, it is the practice in our Nation that victims of crime and their families be consulted before criminals who have perpetrated the crimes against them are released from prison.

Well, it just so happens that the victims of the FALN terrorist attacks were never even consulted; they were never even notified that these terrorists were about to be set free from prison, another injustice against the American people and victims of crime by our President.

Yet, the Clinton-Gore Administration took months talking to the terrorists and their representatives as they made their decision. We know that the First Lady was consulted. She first agreed, and then she said she changed her mind. We are told that the Vice President is consulted about everything. I wonder what his response or his role was in granting the terrorists their freedom.

Why were not 139 bombings, 6 people killed, dozens maimed enough to keep terrorists off of our streets? The American people and the victims of crime deserve answers to these questions, not silence through executive privilege.

CONGRESS TURNS OTHER CHEEK

(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, FBI agents testified that the Justice Department blocked their investigation of illegal campaign contributions to the Democrat National Committee in the last campaign.

FBI agents also said, under oath, Justice Department lawyers actually impeded and delayed and obstructed any investigation.

Beam me up, Mr. Speaker. Whether we are a Republican or a Democrat or an Independent, this is wrong. This may in fact be criminal. And the Justice Department warrants a thorough investigation by an independent counsel, not one of their own peers.

The trouble is, Mr. Speaker, Congress turns the other cheek. Shame, Congress.

I yield back China Gate. I yield back Travel Gate. I yield back Ruby Ridge. I yield back Waco. And I yield back more to come.

DEMOCRATS WANT TO SPEND MORE—REPUBLICANS WANT TO SPEND LESS

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

Mr. STEARNS. Mr. Speaker, as we move to the end of the closure for our budget this year, on almost every single bill, on almost every single amendment to every bill, this dispute between the Republicans and the Democrats comes down to the same thing. The Democrats want to spend more and more around here. Republicans want to spend less and provide accountability.

In fact, any attempt by Republicans to limit spending is met by outrage, accusations by the Democrats that Republicans are mean-spirited.

Yet, for 40 years while they were in the majority there was hardly a Government program they did not support, a Government program they did not expand, or a Government program they did not dream about building. Yet, now Democrats are actually trying to portray themselves as a party of fiscal responsibility.

Please spare us, the American people, this rhetoric. Republicans were elected in 1994, and they forced the President to sign a balanced budget despite loud protests from the left that it would require savage cuts. The Republicans believe in fiscal accountability, and they are trying hard to value the taxpayers' money.

REMEMBERING FIREFIGHTER STEPHEN MASTO

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

Mrs. CAPPS. Mr. Speaker, I rise today with a heavy heart to honor the service and pay tribute to Stephen Joseph Masto. Stephen died in late August while helping to battle a wildfire in Los Padres National Forest in my district.

At the young age of 28, Stephen had already devoted his career to public safety. He spent his career fighting fires all over Southern California and the central coast. We can never repay Stephen or his family for his dedication, hard work, and ultimate sacrifice. Rather, we must honor him by being especially mindful of the brave men and women firefighters he has left behind.

These individuals have committed themselves to protecting the lives and safety of their neighbors in times of need. Like Stephen, they are true heroes in every sense of the word.

I know that I speak for my entire community when I extend my most heartfelt condolences to Stephen's families and loved ones who will miss him so terribly. We honor him when we honor the people he has left behind.

IT IS TIME TO CLEAN HOUSE AT THE JUSTICE DEPARTMENT

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

Mr. CHABOT. Mr. Speaker, it seems that rarely does a day go by when we

do not learn of more allegations of mismanagement, stonewalling, and coverups at the Department of Justice.

Yesterday, during the testimony before the Senate committee, FBI agents assigned to investigate the Clinton White House's involvement in the widespread campaign financial scandal said that Justice Department officials blocked their efforts to carry out the investigation.

At one point during the investigation, the special agent in charge of the Little Rock FBI office personally wrote to FBI Director Louis Freeh to express his concern about Justice's role in hampering the investigation, maintaining that the team leading the investigation, at best, simply was not up to the task.

Mr. Speaker, the Justice Department continues to lose confidence of the law enforcement community, confidence of the Congress, and confidence of the American people. It is time to restore that confidence. It is time to clean House at the Justice Department. It is time for Attorney General Janet Reno to step down.

GUN VIOLENCE IN AMERICA

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

Mrs. MALONEY of New York. Mr. Speaker, while this Congress delays, while this Congress continues to look the other way, America's children are falling victim to gun violence at an alarming rate. The American people are demanding that this House take action to protect our young people from gun violence.

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That is why I am so proud to stand here with my colleagues in reading the rollcall of children who have been victims of gun violence since Columbine. The child safety locks could have prevented many of these accidental deaths. This Congress should pass this legislation and stop delaying, delaying, delaying.

Richard Stanley, age 15, killed by gunfire on August 6, 1999, West Palm Beach, Florida; Erik Kraemer, age 17, killed by gunfire on August 7, 1999, Turtle Lake, Wisconsin; Halley Finch and many more that I will place in the RECORD.

LET US PASS THE INTERSTATE CLASS ACTION JURISDICTION ACT TODAY

(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, this week of September 19 to 25 marks Lawsuit Abuse Awareness Week. I commend members of the Western Maryland Citizens Against Lawsuit Abuse, WMCALA, for joining thousands of Americans in informing the general public of the high price we all pay for frivolous lawsuits and excessive jury awards.

Today this House has the opportunity to reduce lawsuit abuse by passing the Interstate Class Action Jurisdiction Act. This bill will discourage frivolous class action claims.

I urge my colleagues on both sides of the aisle to vote yes and pass this sensible and important legislation.

Frivolous lawsuits and excessive jury awards exact a heavy price from all Americans in the form of higher prices for goods and services, fewer jobs, loss of safety improvements and product innovations, and delays in compensation for citizens with legitimate claims. Please pass the Interstate Class Action Jurisdiction Act today.

LET US PASS REAL GUN SAFETY REFORM NOW

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I stood here yesterday and I will stand here many more days, if it takes our presence on the floor to cause this Congress to pass real gun safety reform.

I stand here to continue the rollcall of dead children who have been killed by gunfire since Columbine. Mr. Speaker, it is important that we close the gun show loopholes that will disallow criminals and others who should not have guns from getting guns. It will disallow those who would kill our children or would put guns in the hands of our children that they might accidentally shoot each other.

Mr. Speaker, are my colleagues aware that unlike our movie theaters where one must be accompanied by an adult for certain type movies, that children can randomly go through gun shows with no supervision? Yes, Mr. Speaker, we need real gun safety reform, the elimination of automatic clips. We need to protect our children, and it is for that reason I stand here today to read the rollcall of our dead children who died by gunfire:

Timothy Rodriguez, age 16, killed by gunfire on August 7, 1999, Peoria, Arizona; Preston Posey, age 14, killed by gunfire on August 8, 1999, Louisville, Kentucky; Jaire Soler, age 15, killed by gunfire on August 8, 1999, Bronx, New York.

AMERICA HAS OVERPAID THE COST OF GOVERNMENT

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

Mr. TIAHRT. Mr. Speaker, imagine going to McDonald's and ordering a nine-piece chicken nuggets and a large drink. The cost is $4.50. You give the clerk a $5 bill. The clerk takes your money, gives you the chicken and the drink but no change. So you ask, where is my fifty cents? And the clerk says, well, I could give you the fifty cents, but then I would have to trust you to spend it right.

Well, you would be appalled. You would be angry. It is your money. But, Mr. Speaker, that is exactly what will happen if the President vetoes the tax cut.

America has overpaid the cost of government. We locked up all Social Security. We have protected all of Medicare payments. We are even paying down the publicly held debt, and still we have money left over. We have overpaid the cost of government. The change is ours.

Well, the President does not trust us to spend it right. He has even publicly said so. But I trust you, the Republicans trust you, and I hope the President will change his mind and trust America and give us back our change and sign the tax relief law.

CHILDREN KILLED BY GUNFIRE

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

Ms. SLAUGHTER. Mr. Speaker, I would like to continue to read the names of children killed by gunfire since the April 20 Columbine massacre: Anthony Joseph Stroud, age 12, killed by gunfire in July 1999, Houston, Texas; Reginald McClaine, age 16, killed by gunfire on August 4, 1999, Bronx, New York; Aaron Thomas, age 16, killed by gunfire on August 5, 1999, St. Louis, Missouri; Erik Kraemer, age 17, killed by gunfire on August 7, 1999, Turtle Lake, Wisconsin; Halley Finch, age 5, killed by gunfire on August 7, 1999, Gary, Indiana; Jeremy Lee Gearon, age 16, killed by gunfire on August 7, 1999, Gary, Indiana; DeJuan Williams, age 17, killed by gunfire on August 9, 1999, St. Louis, Missouri; Alexande Durrive, age 14, killed by gunfire on August 10, 1999, Miami, Dade County, Florida.

EVERY CHILD IN AMERICA IS NOW SADLY A TARGET OF CHINESE MISSILES, COURTESY OF TECHNOLOGY TRANSFERS

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

Mr. HAYWORTH. Mr. Speaker, I note with interest the recitation of names by my colleagues on the left. I think it is a tragedy when any child dies. I think it is likewise a tragedy when we can add to the rollcall the names of the living. Nicole Irene Hayworth, Scottsdale, Arizona; Hannah Lynn Hayworth, Scottsdale, Arizona; John Mica Hayworth, Scottsdale, Arizona; and every child in America now sadly a target of Chinese missiles, courtesy of transfers of technology, curiously supported by campaign donations from

Chinese interests to the Democratic National Committee.

Yes, it is a tragedy when any child dies, but the answer is not in abridging constitutional rights. It is in enforcing existing laws on the books. Just as current laws for campaign finance have not been enforced, just as current laws for firearms have not been enforced, the lawlessness, Mr. Speaker, comes from those who are elected to faithfully execute the laws.

WE DO NOT NEED ANOTHER MONTH IN OUR CALENDAR TO CONTINUE DOING NOTHING

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

Mr. DOGGETT. Mr. Speaker, with only 6 congressional working days remaining in this Federal fiscal year, only one of the 13 appropriations bills necessary for the continued operation of our Government has actually been signed into law. This is the kind of record of inattention to duty, of inaction that brought us the costly Republican government shutdowns in the all-too-recent past.

It is perhaps most symbolic of this Congress that one of the few bills that has been approved was a commemorative medal for the great explorers Lewis and Clark, for I think that not even such great explorers could find any accomplishment in this Congress. In the words of the majority leader, the gentleman from Texas (Mr. ARMEY), ''We have sort of bumped into a wall.''

With this Congress, America is bumping into a wall of inaction.

Now the Republican leadership is even considering the creation of a thirteenth month on the Federal calendar. If they worked more than halftime during the first 12 months, we would not need such nonsense.

CLINTON–GORE ADMINISTRATION HAVE TURNED BLIND EYE TO RUSSIAN CORRUPTION

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

Mr. ROYCE. Mr. Speaker, over the last 7 years, the IMF, with the backing of the Clinton administration, has loaned the Russian Government $20 billion. All the while, the administration assured Congress and the American people that they were working with Russia to facilitate reforms. Yet as details of the vast money laundering out of Russia unraveled this month, Deputy Secretary of State Strobe Talbott said, quote, ''calm down, world. We have been aware from the beginning that crime and corruption are a huge problem in Russia and a huge obstacle to Russian reform.''

Indeed, in 1995, the CIA met with Vice President Gore to present evidence on the personal corruption of Prime Minister Victor Chernomyrdin with whom Vice President Gore led a joint American-Russian commission. According to the New York Times, Mr. Gore rejected that report.

It is time that the Clinton-Gore administration tell Congress and the American people what else they have rejected and why they have turned a blind eye for so long.

THE PRESIDENT SHOULD RECONSIDER HIS VETO OF THE TAXPAYER RELIEF ACT

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

Mr. SCHAFFER. Mr. Speaker, the President's penchant for raising taxes on America's working-class families, to fund costly, unproven and inefficient government programs for special interest groups, his expected veto today of the Taxpayer Relief Act is neither surprising nor unexpected. However, one would think this President would care to leave a better legacy than having created the most costly and overbearing bureaucracy in the history of our Nation.

If and when the President uses his veto pen later today, he will effectively eliminate the best opportunity we have ever had to protect Social Security and Medicare, while paying down the massive debt our country has accrued after 40 years of liberal spending.

There is more, Mr. Speaker. In addition to offering broad relief for middle-class taxpayers, including the repeal of the death tax, an across-the-board reduction in income and capital gains tax rates, marriage tax penalty relief and education, health care and dependent care assistance, the Taxpayer Refund and Relief Act contains provisions specifically designed to assist America's farmers and ranchers currently enduring the worst farm economy since the Great Depression.

The President's harmful treatment of agriculture is nothing new either. His affinity for campaign-style rhetoric, broken promises and outright hostility toward agriculture has resulted in record numbers of farmers and ranchers facing defaults, foreclosures, and farm auctions.

STAND FIRM FOR THE BENEFITS EVERY AMERICAN DESERVES: JUSTICE UNDER THE LAW

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, let me just say that we put together a $792 billion tax relief package for the people of the United States of America. There is a tax savings for every American. There is tax savings for education.

We tried to put America back on track. Guess what the President is going to do today? He is going to veto that legislation and put a $792 billion tax increase on every American person in this country.

Furthermore, to try to offset the stench of Waco that is going around today, this White House has the audacity to try to sue an American industry, the tobacco companies. They are legal operations. The idea is to take the pressure off of Waco.

We must have justice in this Nation. We are a Nation of justice. We must stand firm for the benefits that every American deserves, and that is justice under the law.

THE MARRIAGE TAX PENALTY WILL CONTINUE

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

Mr. KINGSTON. Mr. Speaker, today's theme team is proud to present to the President of the United States the smoke and mirror award for vetoing the middle-class tax cut. The middle class in America, the President says, deserves a break. Of course, a couple of years ago, remember, he was asking these same middle class people to invest in government and yet today he refused to invest in them by letting us keep our own money.

Therefore, in Savannah, Georgia, Marilyn and Robert Johnson will continue to pay the marriage tax penalty that they are having to pay ever since they were married, because this President does not want to give them relief.

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Ms. C.C. Jones in Brunswick, Georgia who works out of her house will continue to not have the 100 percent deduction for buying her health care, because the President will not give it to her. And then, a good friend of mine named Jimmy, I am not going to say his last name, because he is in an income bracket that is not necessarily something the President cares about, he would have gotten a 7 percent tax reduction today, but the President says, no, Jimmy, you keep on working those 50 to 60 hours a week, because Washington is going to grow, not the American taxpayers. They are not going to keep their money.

To you, Mr. President, I proudly present the Smoke and Mirror Award. Job well done for government bureaucrats. One more victory for Washington, one less for middle-class taxpayers.

TAX BILL DOES NOT PLAN FOR THE FUTURE OF OUR COUNTRY

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

Mr. GREEN of Texas. Mr. Speaker, I am proud to stand here today and say that I am glad the President is going to veto that tax cut bill, because talk about smoke and mirrors, over the next 10 years, they expect to have a $3 trillion surplus if the economy stays as

good as it is today, and $2 trillion of that is Social Security receipts. The Republicans passed a $790 billion bill for a tax cut. That does not leave anything for Medicare; it does not leave anything for education.

Of course, why should we expect them to plan for 10 years from now? Right now, the last appropriations bill we have on this floor, it is not even here yet, is the education funding bill. It should be first and not last. They are going to cut Federal aid to education dramatically to meet their caps, and that is what is wrong.

That is why I am glad the President is vetoing that tax bill, because it does not plan for the future of our country.

REPUBLICANS WANT AMERICANS TO SPEND THEIR OWN MONEY

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

Mr. LINDER. Mr. Speaker, the last person in the well made the case very clearly as to what the debate is about. The Republican's $792 billion tax cut gives money back to the people who earned it. The Democrats want to spend it. It is just that simple.

We heard the gentleman say we did not have enough money for education and for the programs he wants to spend it on.

We want you to spend it; they want to spend it for you. It is a very, very simple issue.

The one thing that we are very clear on is that we passed the Social Security lockbox. Not one penny of Social Security surpluses will go for spending or for tax relief; it will go for Social Security. I will repeat it again. We want you to spend it; they want to spend it for you.

HOUSE NEEDS TO PASS GOOD GUN SAFETY LEGISLATION TO KEEP OUR CHILDREN SAFE

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

Ms. MILLENDER-MCDONALD. Mr. Speaker, how long? How long will our children have to wait before we can pass good gun safety legislation? How long will our parents, who are petrified to send their children to school for fear of that fatal call that they will get? How long, Mr. Speaker, must this House wait to ensure our children the safety that they deserve when they are in school or in church?

I suggest to my colleagues, Mr. Speaker, my bill, the child safety lock bill that was introduced in the 105th Congress and in the 106th Congress that has not passed this House yet, would have perhaps prevented Andre Holmes, age 15, killed by gun fire on September 1, 1999 in Atlanta, Georgia; Larry N. Perry, age 17, killed by gun fire on September 1, 1999 in Omaha, Nebraska; Kyla Washington, age 1, killed by gun fire on September 4, 1999, Dolton, Illinois; Christopher Fogleman, age 12, killed by gun fire on September 4, 1999, Wilmington, North Carolina.

Mr. Speaker, the list goes on and on. Let us not forget, the children are watching.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 1501, JUVENILE JUSTICE REFORM ACT OF 1999

Mr. DOOLITTLE. Mr. Speaker, pursuant to clause 7C of rule XXII, I hereby announce my intention to offer a motion to instruct conferees on H.R. 1501 tomorrow.

Mr. Speaker, the form of the motion is as follows:

Mr. DOOLITTLE moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendments to the bill H.R. 1501 be instructed to insist that the conference report—

(1) recognize that the primary cause of youth violence in America is depraved hearts, not inanimate weapons;

(2) recognize that the second amendment to the Constitution protects the individual right of American citizens to keep and bear arms; and

(3) not impose unconstitutional restrictions on the second amendment rights of individuals.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2558

Mr. FROST. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 2558.

The SPEAKER pro tempore (Mr. HEFLEY). Is there objection to the request of the gentleman from Texas?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 1875, INTERSTATE CLASS ACTION JURISDICTION ACT OF 1999

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 295 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 295

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. 1875) to amend title 28, United States Code, to allow the application of the principles of Federal diversity jurisdiction to interstate class actions. 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 the Judiciary. 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 the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII and except pro forma amendments for the purpose of debate. Each amendment so printed may be offered only by the Member who caused it to be printed or his designee and 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 Member 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 Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. 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.

Mr. Speaker, House Resolution 295 a modified, open rule providing for consideration of H.R. 1875, the Interstate Class Action Jurisdiction Act of 1999.

Mr. Speaker, H. Res. 295 provides one hour of general debate, equally divided and controlled by the chairman and the ranking minority member of the Committee on the Judiciary. The rule provides that the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill be considered as an original bill for the purpose of amendment.

House Resolution 295 also provides that the amendment in the nature of a substitute shall be open to amendment by section. The resolution provides for the consideration of pro forma amendments and those amendments printed in the CONGRESSIONAL RECORD which may be offered only by the Member who caused it to be printed or his designee, and shall be considered as read.

The rule also allows the Chairman of the Committee of the Whole to postpone recorded votes and to reduce to 5 minutes the voting time on any postponed question, provided voting time on the first in the series of questions is not less than 15 minutes.

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

Mr. Speaker, this bill is intended to eliminate the abuse of the current class action rules. Today, an attorney can devise a theoretical case, write it as a class action, and argue that he is pursuing the claim on behalf of millions of people, none of which solicited that attorney's assistance. Using this practice, hundreds of frivolous lawsuits are filed in favorable State courts and used as high-stakes, court-endorsed blackmail devices against companies which usually settle rather than face a long and arduous court battle.

The Advisory Committee on Civil Rules of the Federal Judicial Conference has reported that class actions have increased 300 to 1,000 percent per company in the last 3 years. This explosion of class actions, done in the name of the consumer, has cost businesses and consumers billions of dollars in legal fees and higher prices. Even worse, legitimate legal claims have been collusively resolved by lawyers in back rooms while the real victims have gotten, at best, a handful of coupons for their favorite laundry detergent.

One of the rules that allows the attorneys to abuse the class action process is the ''diversity'' requirement. Foreseeing the possibility that attorneys that would seek the most favorable State court to hear their case, the Founding Fathers included a provision in article III of the Constitution that cites numerous situations in which Federal courts would have jurisdiction when a case included different parties from different States.

Since that time, however, the threshold for removal of a Federal case to Federal court has been significantly raised to require that the claim by each member of the class exceed $75,000 and members of the class are of different States. These new standards have promoted ''venue shopping'' by attorneys, who go looking for States that would be particularly favorable to their claim.

Mr. Speaker, H.R. 1875 would end this abuse. Under new rules included in the bill, interstate class actions could be returned to the proper venue, the Federal courts, where both plaintiff and defendant have an equal standing. Either a plaintiff or a defendant could have the right to remove the case to the Federal level. Further, attorneys would have less of an incentive to file frivolous claims when the venue could be changed from their favorable State courtroom to a more balanced Federal bench.

Mr. Speaker, H.R. 1875 also protects the jurisdictions of State courts by ensuring that class actions involving less than $1 million in claims or fewer than 100 people could still be heard at the State level. Cases in which State officials or agencies are the primary defendants would also be left to State courts.

Unfortunately, some will argue today that this bill will prevent Americans from getting justice. Do not be fooled. What they really mean is that trial lawyers will not be able to fill their coffers in State courts at the expense of both the businesses they sue and the citizens that they supposedly represent. Under current rules, if two lawyers have entered competing class actions in court, the first to be decided gets all of the relief and the other action is moot, which leaves the members of the other action without any recourse in court. H.R. 1875 would allow plaintiffs to remove their case to Federal court, where these similar actions would be coordinated into a single action, benefiting the people seeking redress and not the trial lawyers.

H.R. 1875 also includes provisions to ensure that these new rules will not place unreasonable burdens on the Federal judiciary. While CBO estimates that H.R. 1875 would have only a minimal impact on the Federal bench, the bill requires the GAO to complete a study on the effect that the changes in diversity rules would have on the Federal judiciary and report to Congress no later than 1 year after the bill's enactment.

I applaud my friend from Virginia (Mr. GOODLATTE) and the gentleman from Illinois (Mr. HYDE), the chairman of the Committee on the Judiciary, for their good work on this action, which returns our class action system to the fundamental principles intended by our founders when they created the Federal judiciary. This bill is fair to all parties and restores the impartial venue of the Federal courts to class actions. I encourage every Member to support this fair rule and the underlying rule.

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

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

Mr. Speaker, I rise in strong opposition to this bill. H.R. 1875 has an innocuous title, the Interstate Class Action Jurisdiction Act, but its content is destructive.

Mr. Speaker, this bill makes it harder for the little guy to have his day in court. It seriously limits the ability of Americans to seek redress for injuries caused by large corporations. This legislation also represents an unwarranted incursion into State court prerogatives and by doing so will further clog the already backlogged and overloaded Federal court system. This legislation does nothing to curb abuses of the class action system, but it will ensure that legitimate claims will be harder to pursue, will be more expensive to pursue, and will take far longer in the courts than they already are.

In short, Mr. Speaker, this is a very bad bill, and it deserves to be defeated.

H.R. 1875 flies directly in the face of the notion of States' rights that my Republican colleagues are so often heard to extol. The bill removes every class action from State court, unless all of the primary defendants are incorporated, or have their principal place of business in the State where the case is filed, or unless virtually all of the plaintiffs are citizens of that State.

□ 1045

The Attorneys General of New York and Oklahoma have written to the Speaker raising objections to this bill based on the very notion of States' rights. They write, ''Such a radical transfer of jurisdiction in cases that most commonly raise questions of State law would undercut State courts' ability to manage their own court systems and consistently interpret State laws.''

The President of the Conference of Chief Justices wrote to the chairman of the Committee on the Judiciary to say, and again I quote, ''We believe that H.R. 1875 in its present form is an unwarranted incursion on the principles of Federalism underlying our system of government.''

Mr. Speaker, some proponents of this legislation say that it is a simple procedural fix. Others contend that it was designed to fix abuses of the class action system. But Mr. Speaker, there are those of us who ask, how could an unwarranted incursion on the principles of judicial Federalism represent a simple procedural fix?

There are others of us who ask why, if the intent is to address abuse, are there no specific remedies for specific problems embodied in this bill?

Mr. Speaker, this bill faces a certain veto. It is opposed by the Justice Department, the Judicial Conference of the United States, the Conference of Chief Justices, the Attorneys General of New York, Oklahoma, Connecticut, Florida, Idaho, Iowa, Kansas, Massachusetts, Minnesota, New Hampshire, Oregon, Pennsylvania, Vermont, Tennessee, and West Virginia. It is opposed by a wide range of consumer groups, health groups, social justice groups, and the trial lawyers.

They are all rightly concerned that H.R. 1875 will remove class actions from forums which are most convenient for victims of wrongdoing. They are all rightly concerned that passage of this legislation would deny class action relief which could remedy fraudulent behavior, discriminatory practices, or negligence.

I share these concerns, Mr. Speaker, and urge the defeat of this bill.

Mr. Speaker, I yield 6 minutes to the gentleman from Texas (Mr. DOGGETT).

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

Mr. Speaker, for the great tobacco companies; the health maintenance organizations, for which so many people are asking that this Congress pass a Patients' Bill of Rights, as this Congress sits on its hands in inactivity, about abuses of patients in managed care; for the gun manufacturers and their role in gun violence; for the great insurance companies; for all of those

who believe that personal responsibility is a wonderful, basic, moral concept for everyone except for themselves, this is a great piece of legislation.

It is based on the concept that personal responsibility is for someone else, but for some who engage in wrongdoing, Congress must step in and insulate and protect them from the consequences of that wrongdoing. This bill is based on the concept that if you are big enough and bold enough, and if you lubricate the system of government at campaign time enough, and if you just steal a little bit from everyone, that you are entitled to not be held accountable for the consequences of your wrongdoing.

That is why over 70 public health and consumer organizations, groups like the American Lung Association, the American Women's Medical Association, the National Council of Senior Citizens, have said, well, if personal responsibility is such a basic American concept, how about applying it to these entities in this country that are content to just take a little bit from everyone?

I join them in opposing this misguided legislation. For some reason, our Republican colleagues are always eager to protect State wrongs. If a State neglects its citizens, if it is not meeting their needs, Republicans object to the Federal Government playing any role. That is the position that Republicans took, for example, with reference to the creation of Social Security and Medicare, and with reference to Federal support for education. But if a State has true States' rights, the Republicans are not a bit reluctant to interfere and take away those rights.

This bill would take all class actions filed in State courts and rip them out of the hands of the State judiciary and take them into Federal courts. Of course, these are Federal courts that are already overburdened and clogged and unable to meet the responsibilities they already have.

As my colleague, the gentleman from Texas (Mr. FROST) just pointed out, that is why many within the Federal judiciary oppose this legislation. The same is true of our State judges, an independent State judiciary being very fundamental to the organization of our country. Since most of these class action suits are based upon the law of an individual State, Mr. Speaker, it is that State judiciary that is most familiar with the substantive law involved in these various class action suits.

If a health maintenance organization in Texas abuses a Texas citizen, I have confidence in the Texas judiciary within our State to examine State law and determine whether our State deceptive practices act or other provision of our Insurance Code has been violated, not just with regard to one Texan, but with regard to many Texans, rather than shifting that into the Federal judiciary.

I believe that Texas ought to have the right to establish its own law to protect its consumers in health maintenance organizations, as it took the lead in doing, and have those actions disposed of by our Texas judiciary.

This legislation would destroy that right and shift into a crowded and overwhelmed Federal judiciary the job of policing the wrongdoing of the few against the many. It is the taking away of States' rights that, as my colleague, the gentleman from Texas, has rightfully noted, has caused the attorneys general of these States, has caused State judges, to say, do not interfere with what we are doing.

There has been no case made that our State courts are abusing their responsibilities, are not fulfilling their responsibilities, to justify this amazing assumption of power by the Federal courts, a right they do not want in the Federal judiciary, and which, at the same time, will cut out the heart of the right of the States to decide cases interpreting State law as it affects the citizens of their State.

The only justification for this legislation is for those who have committed some of the greatest wrongs in this country, the tobacco companies that continue to addict 3,000 children a day to nicotine addiction, the insurance companies and the health maintenance organizations that continue to have a stranglehold on this Congress, to not pass a Patients' Bill of Rights.

Other wrongdoers in our society are now influencing this Congress to take away one of the only effective remedies that our citizens have. That is to come together in an efficient way in the court system, when the Congress will not act, to turn to the courts and seek a remedy there in front of a jury of their peers. If someone has taken a little from the many, not to bar the courthouse door, the way citizens have been blocked out of this Congress, but permitting Americans to join together before a local State judge and proceed in the State judiciary and seek some remedy for wrongdoing that has occurred, which this Congress would not address.

Now that same crowd of special interests, which has encouraged this as an inactive do-nothing Congress, is saying, close off the one remedy the people have to join together in their individual States. It is wrong. This bill should be rejected.

Mr. LINDER. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Texas (Mr. SESSIONS), my colleague on the Committee on Rules.

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

Mr. Speaker, I rise today in support of the rule for consideration of the Interstate Class Action Jurisdiction Act of 1999. The underlying legislation will streamline the ability of courts to deal with class action lawsuits. This is very important for Americans, and as my colleague from Texas has argued, it is important for people who live in States and local jurisdictions.

However, we believe that it is important for us to make sure that people who do need remedy in class action lawsuits are handled properly. Today we offer this change in the law to ensure that multiple litigants who reside outside of a particular State who wish to become a party to a class action lawsuit must file that action within Federal court.

Our Founding Fathers did not intend for one State to judge class action lawsuits involving many other States. The Federal courts are better equipped with not only resources but also the staff to handle class action lawsuits involving citizens of diverse States.

This rule makes in order any germane amendments to exempt industries from class action reform. These amendments, however, should be rejected. Such amendments go against the underlying principles of this bill, that Federal courts are the appropriate venues to try large class action lawsuits involving citizens of diverse States, and that applies no less to tobacco, guns, or HMO litigation.

Since there are no specific reasons to carve out a specific industry, any amendment to do so can only be intended to derail the bill or apply a political correctness test to what should be neutral rules of civil procedure.

Mr. Speaker, these are contentious issues. They are important issues to our entire Nation, and as such, should be treated properly at the Federal level. This is a proper way to handle contentious national problems. It is important to recognize that this rule has been crafted to accommodate amendments that are objectionable to many Members of this body, including myself.

But what we are trying to do is to make sure that we craft a rule that allows open debate, to allow other people who disagree with us to be able to bring these amendments, such as they are, to try and carve out these three areas. I simply disagree with them.

Therefore, this rule sponsored by the gentleman from Georgia (Mr. LINDER) I believe is fair, it deserves the support of this body, and it is, I believe, important for our colleagues to recognize that we should not carve out three areas that are contentious political debates in this country to put them to specific State district courts within a State and expect a State to not only have the burden of that cost, but also to where we take it outside of where a Federal remedy is necessary.

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

Mr. Speaker, this legislation ignores a fundamental fact about the way the judiciary is organized in the United States.

In the Federal court system, the same Federal judges hear both civil and criminal cases. In the State court system, as in my State of Texas, there is a complete separate set of judges

that hear civil cases and a separate set of judges that hear criminal cases.

What the Republican majority has done during the last 5 years is vastly increase the number of crimes that are now heard in Federal court, so that they have overburdened the Federal court system by adding additional cases that must be heard by Federal judges, and now they want to further overburden the Federal court system by bucking almost all class actions to the Federal court level.

They ignore the fact that our State courts are structured with two separate types of courts, one for civil jurisdiction and one for criminal jurisdiction, and our Federal judiciary must hear both civil and criminal cases before the exact same judges. They are putting an inexcusably difficult burden on the Federal judiciary.

I had the opportunity as a very young man right out of law school to clerk for a Federal judge. I do have some understanding of the way the Federal judiciary in this country operates. We are now piling so many cases on the backs of Federal judges that we are going to make it impossible for real justice to be achieved through the Federal system.

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

Mr. FROST. I yield to the gentleman from Texas.

□ 1100

Mr. DOGGETT. Mr. Speaker, is the gentleman from Texas (Mr. FROST) familiar with the record of this Congress on appointments and vacancies in the Federal judiciary in Texas and across the country as to whether or not, over the last several years, there have been literally dozens of vacancies left in our Federal trial courts and in our Federal appellate courts, which are the very ones that will now have shifted to them significant and expansive new litigation?

Mr. FROST. Mr. Speaker, I am happy to respond. In fact, I very much am. There is an article in today's Washington Post describing that exact situation about how slow the current Congress, the members of the other body have been to fill Federal vacancies during the last several years.

Mr. DOGGETT. Mr. Speaker, so will not the effect of this legislation be to shift the rights of those who have been wronged to Federal courthouses where the bench and the office is empty because the same Republican Congress that is proposing this legislation will not approve judges to sit in the seats to deal with the business that those courts have that they are overburdened with today?

Mr. FROST. Mr. Speaker, that is exactly the case. As I indicated, this same Congress has been adding jurisdiction to the Federal courts on the criminal side so that more and more time is taken up with hearing criminal cases. Now they want to increase the civil jurisdiction of the Federal court system and, as the gentleman has pointed out, not fill those judgeships so that all those matters can be handled in a prompt way.

Mr. Speaker, I am prepared to yield back in just a moment. I would urge that the rule be defeated. I would urge that the bill be defeated. This is a bad piece of legislation that is going to substantially harm the Federal judiciary and substantially harm the rights of litigants in this country.

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

Mr. LINDER. Mr. Speaker, I yield such time as he might consume to the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules, for the closing arguments on a very fair rule.

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

Mr. DREIER. Mr. Speaker, I thank the gentleman from Atlanta, Georgia (Mr. LINDER), the distinguished chairman of the Subcommittee on Rules and Organization of the House, for his fine leadership on the Committee on Rules and his management of this and his moving it so expeditiously.

I am not going to take a long period of time other than to say I cannot believe that the gentleman from Texas (Mr. FROST) would advocate opposing an open rule which simply had a prefiling requirement for the CONGRESSIONAL RECORD. I mean, it is a modified open rule. Seven amendments have been filed.

We are going to see what obviously will be a free-flowing debate, I suspect not unlike the exchange we saw between the two gentlemen from Texas, Mr. DOGGETT and Mr. FROST, just now.

This bill is not about attorney bashing. I mean, the trial lawyers are often criticized around here. But that is really not the issue. The fact of the matter is, in my State of California, we have often seen judge shopping take place. That is what is going on right now all around the country.

What has that done? It has unfortunately increased cost to consumers, and it has created an amazing burden. That is the reason that the gentleman from Virginia (Mr. GOODLATTE) and others are going to be moving forward with what I believe to be a very fair and balanced measure which will have a free and open debate. It is the right thing for us to do. We want to make sure that people do, in fact, have their day in court.

I will tell both of the gentlemen from Texas, Mr. DOGGETT and Mr. FROST, that I am looking forward to superb judicial appointments coming from the next administration. I am looking forward to a United States Senate which will, at the speed of light, confirm those spectacular appointments.

Mr. LINDER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. HEFLEY). The question is on the resolution.

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

Mr. FROST. 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 241, nays 181, not voting 11, as follows:

[Roll No. 437]

YEAS—241

Aderholt	Frank (MA)	Miller, Gary
Archer	Franks (NJ)	Moore
Armey	Frelinghuysen	Moran (KS)
Bachus	Gallegly	Moran (VA)
Baker	Ganske	Morella
Ballenger	Gekas	Murtha
Barr	Gibbons	Myrick
Barrett (NE)	Gilchrest	Nethercutt
Bartlett	Gillmor	Ney
Barton	Gilman	Northup
Bass	Goode	Norwood
Bateman	Goodlatte	Nussle
Bereuter	Goodling	Ose
Biggert	Goss	Oxley
Bilbray	Graham	Packard
Bilirakis	Granger	Paul
Bliley	Green (WI)	Pease
Blumenauer	Greenwood	Peterson (MN)
Blunt	Gutknecht	Peterson (PA)
Boehlert	Hall (TX)	Petri
Boehner	Hansen	Phelps
Bonilla	Hastings (WA)	Pickering
Bono	Hayes	Pitts
Boucher	Hayworth	Pombo
Boyd	Hefley	Pomeroy
Brady (TX)	Herger	Porter
Bryant	Hill (MT)	Portman
Burr	Hilleary	Pryce (OH)
Burton	Hobson	Quinn
Buyer	Hoekstra	Radanovich
Callahan	Horn	Ramstad
Calvert	Hostettler	Regula
Camp	Houghton	Reynolds
Campbell	Hulshof	Riley
Canady	Hunter	Rogan
Cannon	Hutchinson	Rogers
Castle	Hyde	Rohrabacher
Chabot	Isakson	Ros-Lehtinen
Chambliss	Istook	Roukema
Chenoweth	Jenkins	Ryan (WI)
Coburn	John	Ryun (KS)
Collins	Johnson (CT)	Salmon
Combest	Johnson, Sam	Sanford
Condit	Jones (NC)	Saxton
Cook	Kasich	Schaffer
Cooksey	Kelly	Sensenbrenner
Cox	King (NY)	Sessions
Cramer	Kingston	Shadegg
Crane	Knollenberg	Shaw
Cubin	Kolbe	Shays
Cunningham	Kuykendall	Sherwood
Davis (VA)	LaHood	Shimkus
Deal	Largent	Shuster
DeLay	Latham	Simpson
DeMint	LaTourette	Sisisky
Dickey	Lazio	Skeen
Dooley	Leach	Smith (MI)
Doolittle	Lewis (CA)	Smith (NJ)
Doyle	Lewis (KY)	Smith (TX)
Dreier	Linder	Souder
Duncan	LoBiondo	Spence
Dunn	Lucas (KY)	Stearns
Ehlers	Lucas (OK)	Stenholm
Ehrlich	Manzullo	Strickland
Emerson	Martinez	Stump
English	McCollum	Sununu
Eshoo	McCrery	Talent
Everett	McHugh	Tancredo
Ewing	McInnis	Tauzin
Fletcher	McIntosh	Taylor (NC)
Foley	McKeon	Terry
Forbes	Metcalf	Thomas
Fossella	Mica	Thornberry
Fowler	Miller (FL)	Thune

Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—181

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Bonior
Borski
Boswell
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Edwards
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Price (NC)
Rahall
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—11

Coble
Diaz-Balart
Engel
Hall (OH)
Holden
Jefferson
Rangel
Royce
Scarborough
Sweeney
Waters

□ 1127

Messrs. DELAHUNT, SPRATT, TAYLOR of Mississippi and RODRIQUEZ changed their vote from ''yea'' to ''nay.''

Mr. HALL of Texas changed his vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT CONFEREES ON H.R. 1501, JUVENILE JUSTICE REFORM ACT OF 1999

The SPEAKER pro tempore (Mr. HEFLEY). The unfinished business is the question of agreeing to the motion to instruct on the bill (H.R. 1501) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide grants to ensure increased accountability for juvenile offenders; to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide quality prevention programs and accountability programs relating to juvenile delinquency; and for other purposes, offered by the gentlewoman from California (Ms. LOFGREN), on which the yeas and nays were ordered.

The Clerk will designate the motion.

The text of the motion is as follows:

Ms. Lofgren moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill, H.R. 1501, be instructed to insist that the committee of conference recommend a conference substitute that—

(1) includes a loophole-free system that assures that no criminals or other prohibited purchasers (e.g. murderers, rapists, child molesters, fugitives from justice, undocumented aliens, stalkers, and batterers) obtain firearms from non-licensed persons and federally licensed firearms dealers at gun shows;

(2) does not include provisions that weaken current gun safety law; and

(3) includes provisions that aid in the enforcement of current laws against criminals who use guns (e.g. murderers, rapists, child molesters, fugitives from justice, stalkers and batterers).

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentlewoman from California (Ms. LOFGREN) on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 305, nays 117, not voting 11, as follows:

[Roll No. 438]

YEAS—305

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Ballenger
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Biggert
Bilbray
Bilirakis
Blagojevich
Blumenauer
Blunt
Boehlert
Bonior
Bono
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Buyer
Calvert
Camp
Campbell
Canady
Capps
Capuano
Cardin
Carson
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Combest
Condit
Conyers
Cook
Coyne
Crane
Crowley
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
English
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Filner
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goss
Granger
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hastings (FL)
Hefley
Herger
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holt
Hooley
Horn
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
Lantos
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McInnis
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Nethercutt
Northup
Nussle
Obey
Olver
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pelosi
Petri
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogan
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Sabo
Salmon
Sanchez
Sanders
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Simpson
Skeen
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stearns
Stupak
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Walden
Walsh
Waters
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—117

Aderholt
Archer
Armey
Bachus
Baker
Barcia
Barr
Barrett (NE)
Bass
Berry
Bishop
Bliley
Boehner
Bonilla
Boucher
Bryant
Burr
Burton
Callahan
Chabot
Chenoweth
Coburn
Collins
Cooksey
Costello
Cramer
Cubin
Danner
DeLay
DeMint
Dingell
Emerson
Everett
Fletcher
Gekas
Gibbons
Goode
Goodlatte
Goodling
Gordon
Graham
Green (TX)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hill (IN)
Hill (MT)
Hilliard
Hostettler
Hulshof
Jenkins
Johnson, Sam
Jones (NC)
Kingston
LaHood
Lampson
Largent
Lewis (KY)
Lucas (KY)
Lucas (OK)
McCrery
McIntosh
McIntyre
Moran (KS)
Murtha
Myrick
Ney
Norwood
Oberstar
Ortiz
Paul
Pease
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Pickett
Pitts
Pombo

Rahall	Sisisky	Taylor (NC)
Riley	Skelton	Thornberry
Rogers	Smith (MI)	Thune
Ryun (KS)	Smith (TX)	Tiahrt
Sandlin	Souder	Toomey
Sanford	Spence	Turner
Sessions	Stenholm	Vitter
Shadegg	Strickland	Wamp
Sherwood	Stump	Watkins
Shimkus	Sununu	Watts (OK)
Shows	Talent	Whitfield
Shuster	Tanner	Wicker

NOT VOTING—11

Cannon	Hall (OH)	Rangel
Coble	Holden	Royce
Cox	Istook	Scarborough
Engel	Jefferson	

□ 1137

Messrs. BURTON of Indiana, NEY, DELAY, SHOWS, WHITFIELD, ADERHOLT, STRICKLAND, LARGENT, and KINGSTON changed their vote from ''yea'' to ''nay.''

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

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. YOUNG of Alaska. Mr. Speaker, I mistakenly voted in favor of the motion to instruct conferees on H.R. 1501 offered by Ms. LOFGREN. My vote should have been recorded as a vote in opposition to the motion.

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 1875, the bill to be considered in the Committee on the Whole shortly.

The SPEAKER pro tempore (Mr. HEFLEY). Is there objection to the request of the gentleman from Virginia?

There was no objection.

INTERSTATE CLASS ACTION JURISDICTION ACT OF 1999

The SPEAKER pro tempore. Pursuant to House Resolution 295 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. 1875.

The Chair designates the gentleman from Utah (Mr. HANSEN) as chairman of the Committee of the Whole, and requests the gentleman from Colorado (Mr. HEFLEY) to assume the chair temporarily.

□ 1138

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. 1875) to amend title 28, United States Code, to allow the application of the principles of Federal diversity jurisdiction to interstate class actions, with Mr. HEFLEY (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 Virginia (Mr. GOODLATTE) and the gentleman from Michigan (Mr. CONYERS) each will control 30 minutes.

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

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

Mr. Chairman, this much-needed bipartisan legislation corrects a serious flaw in our Federal jurisdiction statutes. At present, those statutes forbid our Federal courts from hearing most interstate class actions, the lawsuits that involve more money and touch more Americans than virtually any other litigation pending in our legal system.

Mr. Chairman, the class action device is a necessary and important part of our legal system. It promotes efficiency by allowing plaintiffs with similar claims to adjudicate their cases in one proceeding. It also allows claims to be heard in cases where there are small harms to a large number of people, which would go otherwise unaddressed because the cost to the individuals suing could far exceed the benefit to the individual. However, class actions have been used with an increasing frequency and in ways that do not promote the interests they were intended to serve.

In recent years, State courts have been flooded with class actions. As a result of the adoption of different class action certification standards in the various States, the same class might be certifiable in one State and not another or certifiable in State court but not in Federal court. This creates the potential for abuse of the class action device, particularly when the class involves parties from multiple States or requires the application of the laws of many States.

For example, some State courts routinely certify classes before the defendant is even served with a complaint and given a chance to defend. Other State courts employ very lax class certification criteria rendering virtually any controversy subject to class action treatment.

There are instances where a State court, in order to certify a class, has determined that the law of that State applies to all claims, including those of purported class members who live in other jurisdictions. This has the effect of making the law of that State applicable nationwide.

The existence of State courts which broadly apply class certification rules encourages plaintiffs to forum shop for the court which is most likely to certify a purported class. In addition to forum shopping, parties frequently exploit major loopholes in the Federal jurisdiction statutes to block the removal of class actions that belong in Federal court.

For example, plaintiffs' counsel may name parties that are not really relevant to the class claims in an effort to destroy diversity. In other cases, counsel may waive Federal law claims or shave the amount of damages claimed to ensure that the action will remain in State court.

Another problem created by the ability of State courts to certify class actions which adjudicate the right of citizens of many States is that oftentimes more than one case involving the same class is certified at the same time. In the Federal court system, these cases involving common questions of fact may be transferred to one district for coordinated or consolidated pretrial proceedings.

When these class actions are pending in State courts, however, there is no corresponding mechanism for consolidating the competing suits. Instead, a settlement or judgment in any of the cases make the other class actions moot. This creates an incentive for each class counsel to obtain a quick settlement of the case and an opportunity for the defendant to play the various class counsel against each other and drive the settlement value down. The loser in this system is the class member whose claim is extinguished by the settlement at the expense of counsel seeking to be the one entitled to recovery of fees.

Our bill is designed to prevent these abuses by allowing large interstate class action cases to be heard in Federal court. It would expand the statutory diversity jurisdiction of the Federal courts to allow class action cases involving minimal diversity. That is when any plaintiff and any defendant are citizens of different States to be brought in or removed to Federal court.

Article 3 of the Constitution empowers Congress to establish Federal jurisdiction over diversity cases, cases between citizens of different States. The grant of Federal diversity jurisdiction was premised on concerns that State courts might discriminate against out-of-state defendants.

In a class action, only the citizenship of the named plaintiff is considered for determining diversity, which means that Federal diversity jurisdiction will not exist if the named plaintiff is a citizen of the same State as the defendant regardless of the citizenship of the rest of the class.

□ 1145

Congress also imposes a monetary threshold, now $75,000, for Federal diversity claims. However the amount in controversy requirement is satisfied in a class action only if all of the class members are seeking damages in excess of the minimum required by the statute.

These jurisdictional statutes were originally enacted years ago, well before the modern class action arose, and they now lead to perverse results. For example, under current law a citizen of

one State may bring in Federal court a simple $75,001 slip-and-fall claim against a party from another State. However, if a class of 25 million product owners, each having a claim of $10,000 living in all 50 States, brings claims collectively worth $250 billion against the manufacturer, the lawsuit cannot be heard in Federal court.

This result is certainly not what the framers had in mind when they established Federal diversity jurisdiction. Our bill offers a solution by making it easier for plaintiff class members and defendants to remove class actions to Federal court where cases involving multiple State laws are more appropriately heard. Under our bill, if a removed class action is found not to meet the requirements for proceeding on a class basis, the Federal court would dismiss the action without prejudice, and the action could be refiled in the State court.

This legislation does not limit the ability of anyone to file a class action lawsuit. It does not change anybody's rights to recovery. Our bill specifically provides that it will not alter the substantive law governing any claims as to which jurisdiction is conferred. Our legislation merely closes the loophole allowing Federal courts to hear big lawsuits involving truly interstate issues while ensuring that purely local controversies remain in State courts. That is exactly what the framers of the Constitution had in mind when they established Federal diversity jurisdiction.

I urge each of my colleagues to support this very important bipartisan legislation.

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

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

Mr. Chairman, this is a measure, H.R. 1875, that will remove class actions involving State law issues from State courts, the forum most convenient for victims of wrongdoing to litigate and most familiar with the substantive law involved, to the Federal courts where the class is less likely to be certified and the case will take longer to resolve.

Now why is this being done in the face of all the arguments for States rights, the concern about the Tenth Amendment to the Constitution that reminds us that all powers not explicitly delegated to the Federal system is reserved to the States? Why are we here with a bill that would now take this power from the State courts and subject it to Federal rule?

Although this bill is described by its proponents as a simple procedural fix, in actuality it rewrites a major rewrite of the class action rules that would bar most forms of State class actions. That is right; it would bar most forms of State class actions. H.R. 1875 is appropriately opposed by the Department of Justice, both the State and Federal courts, by consumer interest groups, and public interest groups as well.

Now class action procedures offer a valuable mechanism for aggregating small claims that otherwise might not warrant individual litigation. This legislation will undercut that important principle by making it far more burdensome, expensive and time consuming for injured persons to obtain access to justice in the State courts.

In doing so, it will make it more difficult to protect our citizens against violations of consumer health, safety and environmental laws, to name but a few important ones. Thus, the bill will benefit only one class of litigants, corporate wrongdoers. The most obvious examples of corporate defendants that have been susceptible to State class actions are, as we know, tobacco, gun, and managed care industries.

H.R. 1875 will also damage both the Federal and State courts. As a result of Congress' increasing propensity to federalize State crimes and the Senate, the United States Senate's, unwillingness to confirm judges, the Federal courts are already facing a dangerous work-load crisis. By forcing resource-intensive class actions into Federal court, H.R. 1875 will effectively further aggravate those problems and cause victims to wait in line even longer, as much as 3 years or more, to obtain trial. Moreover, to the extent class actions are remanded to State court, the legislation effectively only permits case-by-case adjudications, potentially draining away precious State court resources as well.

Now finally, the legislation raises constitutional issues because H.R. 1875 does not merely operate to preempt an area of State law, which is onerous enough, but rather it unilaterally strips the State courts of their ability to use class actions' procedural device to resolve State law disputes. The courts have previously indicated that efforts by the Congress to dictate such State court procedures implicate important Tenth Amendment issues and should be avoided. These powers that are not explicitly granted the Federal system are reserved to the States, and we are taking this very important judicial tool away from the States.

So H.R. 1875's incursion into State court prerogatives is no less dangerous to the public than many of the radical forms of tort reform that were rejected of court stripping that was rejected by both the Congress and the administration, and thus I urge that H.R. 1875, Interstate Class Action Jurisdiction Act of 1995, likewise be rejected.

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

Mr. GOODLATTE. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia (Mr. BOUCHER), one of the lead cosponsors of this legislation, a member of the Committee on the Judiciary and my friend.

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

Mr. BOUCHER. Mr. Chairman, I rise today in strong support of H.R. 1875, which I am pleased to be co-authoring with my friend and Virginia colleague, the gentleman from Roanoke (Mr. GOODLATTE). Our measure makes a much needed reform in an area that has been subjected to substantial abuse.

Increasingly, lawsuits that are truly national in scope are being filed as State class actions, and a range of problems attends this growing practice. Some State judges employ an almost anything-goes approach that renders virtually any controversy subject to certification as a State class action.

Some State courts routinely engage in a practice that is best described as drive-by class certifications in which the decision to certify the class is made before the defendant is even served with the complaint and given an opportunity to contest the class certification. In such an environment, defendants and even plaintiffs are being denied the most routine of rights as there is a rush to certify classes and a rush to settle the cases.

For example, in order to prevent removal of cases to Federal courts, the amount that is sued for is sometimes kept artificially below the $75,000 jurisdictional threshold for Federal court actions, and that is done even though in many of these instances the plaintiffs would be entitled to recover more than $75,000. In the same vein, class action complaints in many cases will not raise Federal causes of action that could legitimately be raised; also, for the purpose of denying the defendants the opportunity to remove the cases to Federal court.

These practices are clearly not in the interests of the plaintiffs on whose behalf the class actions have been filed, and neither are the quick settlements that often follow and that yield large fees for the plaintiff's attorneys and negligible returns for the plaintiffs themselves.

Another major problem arises from the inability of States to consolidate class action proceedings that often are filed in more than one State and that involve the same issues of law and fact, that involve the same causes of action, and that involve the same class members on both the plaintiff's side and also the same defendants.

Frequently, these parallel cases proceed in numerous States at the same time to the disadvantage of all parties concerned. This circumstance sometimes leads to competition among the States in order to get the certification first and to achieve the first settlement, whatever the cost of that settlement to the plaintiffs on whose behalf the class action has been filed. In the Federal courts, of course, multidistrict litigation can be consolidated, thereby eliminating and avoiding all of these problems.

The legislation that is before the House today seeks to address these concerns by permitting cases that are truly national in scope to be removed to Federal court even if the traditional

diversity requirements are not met. Today, the target defendant is almost always a large out-of-state corporation. To prevent removal under current rules an in-state defendant, such as a retailer or distributor of the product that is the subject of the action against whom recovery is generally not sought, will be joined as a party defendant simply to prevent there being complete diversity and to prevent the removal of the case to Federal court.

Our legislation would permit removal in that instance if the center of gravity of the case is truly national in scope. The legislation is carefully drafted to provide that cases which are local, and we refer to these as interstate cases, will not be entertained in the Federal courts unless the traditional removal rules are met. If the defendant and the majority of the plaintiffs are in-state parties, and if the law of that State will govern disposition of the proceedings, then the Federal judge will be required to remand that case for proceedings in State court.

Some of the opponents of this legislation claim that it essentially federalizes all class actions. That simply is not the case. If the case is local in nature, if the majority of the plaintiffs, if the defendant are residents of the State in which the class action is filed, and if the law of that State would be dispositive of the proceeding, then the Federal judge under this legislation would be required to return that case as a class action to the State courts, and so State class actions can proceed under those arrangements where the cases are, in fact, purely local.

The legislation sensibly improves our legal system without limiting anyone's right to file a class action or to receive recovery; and I am pleased to be joined in co-authoring this measure with the gentleman from Virginia (Mr. GOODLATTE), the gentleman from Virginia (Mr. MORAN), the gentleman from Tennessee (Mr. BRYANT). And this morning I am pleased to strongly urge its adoption by the House.

Mr. CONYERS. Mr. Chairman, I yield myself 1 minute before yielding to the gentleman from Ohio (Mr. KUCINICH) because both the previous speakers supporting the bill have talked about the ability of courts to allow the certifying of class actions before the defendants have had an opportunity to respond, and I would like to point out that not only is this barred by the Constitution, that there is a Supreme Court case on it preventing it; and the two Alabama State court cases have both held that classes may not be certified without notice and full opportunity for defendants to respond, and the class certification criteria must be rigorously applied.

So I just want to lay that chestnut to rest as the debate goes on.

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

Mr. KUCINICH. Mr. Chairman, I thank the gentleman from Michigan (Mr. CONYERS) for yielding this time to me.

□ 1200

Mr. Chairman, I rise in opposition to H.R. 1875, the Interstate Class Action Jurisdiction Act. As someone who has served as a State Senator in Ohio, I am here to confirm that the purpose of State courts should not be diminished. State courts exist to assure the people of the State access to justice, equal protection under the law, right to due process and right to redress for injuries.

Now, I represent the people of the United States through being a Member of this Congress, but I also represent the people of the State of Ohio. The people of my State will not yield their legal rights to H.R. 1875. The fact that a legal issue may have national implications should not and does not mean that the State does not have an abiding interest in the legal architecture which has been set up to provide the people of a State with access to the justice system, and this legislation constitutes an attack on the legal right, not only of the people of the State but of the State itself.

It protects the makers of dangerous products by taking away the rights of consumers to get their day in court. It will give the makers of dangerous products the special right to shop for a court they believe will favor them.

How many other accused can choose the judge that will judge them? We should not give those who make dangerous products advantage over our constituents in that way. It will delay justice for injured consumers. Makers of dangerous products will be able to choose courts that are seriously backlogged. We should not delay justice for injured consumers. It would deprive consumers of the right to have their case heard by State court judges and, as such, represents a manipulation of the jurisdictions and a depriving of people the right of due process at a State level.

I believe that economic rights and the right to justice are interconnected. This law would be an attempt to deconstruct those rights simultaneously and individually. This legislation ought to be defeated, and I urge my colleagues to vote against H.R. 1875.

Mr. GOODLATTE. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia (Mr. MORAN), another of our lead cosponsors on this legislation.

Mr. MORAN of Virginia. Mr. Chairman, I thank my distinguished colleague, the gentleman from Virginia (Mr. GOODLATTE), for yielding me time.

Mr. Chairman, this is good legislation. It is needed legislation. So I rise in strong support of this legislation, because it will correct a statutory anomaly that conflicts with the original intent of the Framers of our Constitution. When the Framers drafted the Constitution, they created so-called diversity jurisdiction to protect parties against bias in State courts and to allow interstate lawsuits to be heard in Federal court. Diversity jurisdiction was codified in statute with individual lawsuits in mind.

Mr. Chairman, I am a strong supporter of the class action device, and I believe that it is an important tool in our legal system to provide justice for injured parties. Class actions improve the efficiency of our legal system and are often the best way to fairly adjudicate claims.

With that said, though, we must also recognize the jurisdictional flaw in our system and the abuses that stem from it. We have a responsibility to ensure that plaintiff's and defendant's rights are both fairly protected.

In 1966, the Advisory Committee on Civil Rules created rule 23 of the Federal Rules of Civil Procedure. It allowed similar claims to be heard together. No one at that time considered the unique nature of class actions and that the diversity jurisdiction statute did not make sense for class actions.

The result of all of this is an historical anomaly that prevents interstate class actions, exactly the type of cases that should be heard in Federal court, from being heard in Federal court where they belong. It was never intended that State court justices in one State should be able to overturn the laws of other States. That does not make sense. It was never intended that that be the case by the Framers of the Constitution.

Under current law, though, most interstate class action lawsuits cannot be heard in Federal court because they do not meet the technical requirements of diversity jurisdiction, or too often due to gaming of the system by plaintiffs' attorneys oftentimes. A plaintiff's attorney will find someone in a State where the defendant is located and as soon as they can do that it goes right into State court. That was not the original intent of the Framers. A case may be worth billions of dollars but a Federal court cannot hear it if each plaintiff's damages are not at least $75,000. It may involve millions of plaintiff class members across the country, but if there is one named plaintiff from the same State as one defendant then that case cannot be heard in Federal court.

Recently, there was a case in Alabama and the attorney for the plaintiff said if anybody wants to claim more than $75,000 then they have to opt out.

They are gaming the system. If somebody has a claim worth more than that then they should be able to get that claim and not be used as pawns to manipulate class action lawsuits.

Most of the recent class action lawsuits filed in State courts are not single State cases. Plaintiffs' attorneys generally file these as nationwide actions, to create the most leverage to force defendants to settle, and that is what the game is all about, forcing large settlements because they know they have nationwide costly implications.

The result of all of this is that one State or county court judge in a forum hand picked by plaintiff's counsel ends up dictating what the law is for the other 49 States.

I do not want Virginia to have its laws decided by a judge in Texas or California or Illinois or New York. My colleagues should not want a State or county court judge in some other State adjudicating their constituents' rights without any accountability to the people of their own State, but that is what is happening today.

This year in a House Committee on the Judiciary hearing, former Clinton administration Solicitor General, and the famous Duke Law School constitutional scholar Walter Dellinger, described what is going on as false federalism, because instead of having a Federal judge decide for all 50 States, a judge of one State is deciding for the other 49 States.

It does not make sense. This false federalism is made worse by the rampant abuses that have been going on in some State courts and the lax certification standards that those courts apply.

It is not right. It should not continue. We need to change it. It is important to recognize this is not a radical change to our legal system. This is only to correct an anomaly that should have been corrected and that until it is corrected will lead to wide scale abuse that is not acceptable.

I strongly urge support for this contrustive corrective legislation.

Mr. CONYERS. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I would point out to my distinguished friend, the gentleman from Virginia (Mr. MORAN), that the limit was raised from $50,000 to $75,000 for diversity jurisdiction by the Federal court system itself. They were trying to make it a higher level to prevent gaming, not to encourage gaming.

Then I should point out to the gentleman that the Judicial Conference of the United States, the chief justice himself presiding, pointed out that 1875 creates a couple of problems. One is that, in effect, they do not have the ability to deal with increased caseload. And they expressed opposition to these class action provisions and also the conflict between these provisions of the bills and longest recognized principles of federalism, and they encourage further deliberate study of the complicated issues raised.

So although the gentleman thinks this is new material, it has been very carefully considered by the Federal judiciary.

Mr. Chairman, I yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Chairman, I appreciate the gentleman from Michigan (Mr. CONYERS) yielding me the time.

Mr. Chairman, I rise to voice my strong opposition to H.R. 1875. This is a classic example of a solution looking for a problem. Worse, it is an ill-conceived solution that actually creates a problem. Class action suits are not clogging State courts as proponents assert, but H.R. 1875 would virtually assure that Federal courts get clogged.

The real problem is that children, families, communities, and small businesses are being injured by dangerous, even reckless, corporate behavior. They need access to our civil justice system. While most businesses take care to sell safe products, some do not. Consider families whose children became ill or died after eating E. coli tainted hamburgers, small businesses and consumers who were overcharged on electric rates, communities whose drinking water was contaminated by pesticides, drivers whose auto insurance policies were unfairly canceled. All of them joined together in class action suits. If H.R. 1875 had been in effect, they would have all found it far more difficult, if not impossible, to get their fair day in court.

I join with consumer groups and senior groups in opposing this legislation.

Mr. GOODLATTE. Mr. Chairman, I yield 4 minutes to the gentleman from Virginia (Mr. DAVIS).

(Mr. DAVIS of Virginia asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Virginia. Mr. Chairman, let me just address some of the comments my colleagues made. Contrary to the assertion that H.R. 1875 would not take away any authority from State courts or otherwise offend well-established principles of federalism, this particular legislation, I think, recognizes that the expansion of Federal diversity jurisdiction over interstate class actions envisioned in this legislation is entirely consistent with the current concept of such jurisdiction.

At present, the statutory gatekeeper for Federal diversity jurisdictions is 28 U.S.C. 1332, which essentially allows Federal courts to hear cases that are large in terms of the amounts in controversy and that have interstate implications in terms of involving citizens from multiple jurisdictions.

By their nature, though, these class actions typically fulfill these requirements. Class actions normally involve so many people and so many claims, that they invariably put huge dollar sums into dispute and implicate parties from multiple jurisdictions. Yet, because section 1332 was originally enacted before the rise of the modern day class actions, it does not take account of the unique circumstances presented by class actions.

As a result, as interpreted by Federal courts, that section has served to potentially exclude class actions from Federal courts while allowing Federal courts much smaller cases having few, if any, interstate ramifications.

That technical problem would be corrected by this legislation. I think it was put together by former solicitor general Walter Dellinger, as he testified before the House Committee on the Judiciary hearing on the bill that if Congress were to rewrite completely the Federal diversity legislation statute, there would be really little legitimate debate that interstate class actions should be the first and foremost type of case to be included within the scope of this statute. So I think the implication there is clear.

I want to thank my friend, the gentleman from Virginia (Mr. GOODLATTE), for introducing this legislation. We have worked together on so many legal reforms and technology-related pieces and to bring it to where it is today, where I think it is on the verge of passage.

This particular legislation implements procedural reforms for interstate class action lawsuits. I think it reduces costs to consumers. It solidifies the rights of plaintiffs, of plaintiffs, by ensuring that they and not their lawyers receive the majority of compensation when they have proven their claims in the court.

Now, what does this bill do? It is intended to correct a technical flaw in the current Federal diversity of citizenship jurisdiction which tends to prevent interstate class actions from being adjudicated in Federal courts. Federal courts will be able to handle class action lawsuits that truly involve interstate issues. This legislation makes it easier for plaintiff class members and defendants to remove cases to Federal court where multiple State laws are more appropriately heard.

Interstate class actions filed in State court could be removed to Federal court using existing removal procedures with three new features. Unnamed class members who are plaintiffs may remove to Federal court class actions in which their claims are being asserted within 30 days after formal notice. Any party, any party whose name can be removed, the consent of the other parties is not required. So plaintiffs' rights are protected in this case and the bar on removing cases to Federal court after one year would not apply to class actions, although removal would still be required within 30 days of the first notice.

If a removed class action is found to not meet the requirements for proceeding on a class basis, the Federal court would dismiss the action without prejudice. Plaintiffs could then refile their claims in the State court, and the statute of limitations on individual class members' claims in such a dismissed class action will not run during the period of action that it was pending in the Federal court.

What could be fairer to all concerned? The act applies only to claims that are filed after the date of enactment.

I think this is good legislation. I think when we look back at the history, that most interstate class actions cannot be heard in Federal court today due to the Federal diversity jurisdiction statutes that allow attorneys to

literally, as my friend, the gentleman from Virginia (Mr. MORAN) said, game the system, or making statements about the amounts in controversy and then reversing those statements later on.

This legislation is needed. I hope my colleagues will vote to adopt it.

□ 1215

Mr. CONYERS. Mr. Chairman, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), who serves on the Committee on the Judiciary and who has worked very vigorously on this subject.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for yielding me this time, and I thank him for his leadership. I thank the gentleman from Virginia (Mr. GOODLATTE), my good friend, Mr. Chairman, who has offered this legislation in good faith and good intentions.

The previous speaker and I have shared a common training in law school, and so it certainly causes me stress to rise in opposition to his position. However, I would argue vigorously that rather than ease the burden of litigants going into the court system, in fact, Mr. Chairman, this represents a sealed, locked, closed and forever impenetrable door to justice in the United States. I say that with a good deal of documentation.

First of all, albeit the testimony in our hearings, there is no concrete evidence that State courts are not doing justice in class action lawsuits; that there is no bias toward the defendant or bias against the defendant, or bias for the plaintiff, or bias against the plaintiff.

We realize that class actions were initially created in State courts based on equity and common law, and I certainly do not want to drain our interests in defining both of those, but it simply means that one comes into a court of equity and we balance the rights and try to be fair for those who would petition the court for justice. It was a way for the common person, common law, to get inside the courthouse and to find justice.

With this legislation that creates partial diversity, what we are saying is, one is blocked from going into the courthouse. Any iota of diversity, that means if one has a class action that inquires or incorporates thousands of Texans, and by the way, the Texas State courts have handled class action lawsuits very ably. But if one has a diversity case or a class action case, this particular statute allows one lone person, a citizen of a State different from the defendant, to add or confuse the mix, if you will, and move this case immediately to the Federal court.

What a shock to those plaintiffs who have organized around an issue, and more importantly, Mr. Chairman, what a shock to the Federal courts who, more often than not, do not certify class action cases and have already indicated to us that they are overwhelmed and overworked with not enough Federal courts, not enough Federal judges, and not enough opportunity to do justice to the cases that they are already in.

Might I say that many of us who have joined in this overload of the Federal courts, many times who have federalized drug laws, and some are very much concerned about the overload, we federalize any number of cases, and now we find, particularly in the State of Texas, I will tell my colleagues that our Federal courts, particularly in the southern district, are overwhelmed with drug cases.

They do drug cases maybe 80 percent of the time, criminal drug cases. We may disagree with the fact that those cases are there and we are criminalizing the smallest amount of drug cases; we are not getting the kingpins, we are just throwing any Tom, Dick and Harry in jail and not solving the problem, but these courts are overwhelmed.

Now, this particular statute offering itself as a justice statute is everything but that. What it does is, it takes the class action lawsuits like a tobacco case lawsuit that is smoothly running through the courts in the State system and throws it into the deadlock of the Federal system; one, they might not have even gotten there, but more importantly, more importantly, most of these cases will not be certified.

This statute would also diversify or throw it to the Federal courts if a citizen of a State is different from any defendant, a foreign state or citizen of a foreign state and any defendant is a citizen of a state, or a citizen of a state and any defendant is a citizen or subject of a foreign state. So this is seeking to implode the class action litigation. It is seeking to imbalance the rights of an individual citizen who would join in a class action against a conglomerate, Mr. Chairman.

I would simply say to my colleagues that this particular Interstate Class Action Jurisdiction Act should not be supported. The President intends to veto this particular statute, and I would hope that we would find a better compromise to serve the scales of justice in the United States.

Mr. Speaker, I have had the privilege to listen to the testimony of many distinguished witnesses when this measure came before the full Committee on the Judiciary. I had hoped that the supporters of this bill in its present form could have persuaded me otherwise, but I simply cannot approve of this measure in its present form as it contains too many potential problems. I am sympathetic to the proponents of this legislation's desire to ensure that class actions are used for their intended purposes. This bill, H.R. 1875, the ''Interstate Class Action Jurisdiction Act of 1999,'' as drafted goes too far.

As you may well be aware, class action suits were initially created in State courts based on equity and common law. In 1849, class action suits became statutory under the Field Code. In 1938, a Federal class action rule was first enacted in the form of Federal Rule of Civil Procedure 23, and in 1966, Rule 23 was amended to grant more flexibility with regard to class actions, particularly with respect to actions seeking monetary damages.

Thirty-six States have adopted the amended Federal Rule 23. Seven States still use class action rules modeled on the original Federal Rule 23. Four States use the Field Code-based class rules. Three States still permit class action suits at common law have no formal class rules.

Article III of Constitution provides for ''limited federal court jurisdiction court based upon diversity.'' Currently, disputes may reach Federal court where the plaintiffs and defendants are residents of different States and the amount in controversy exceeds $75,000. The status quo allows action suits only if every plaintiff is diverse with respect to the defendant. Given the sheer number of plaintiffs in a class action suit, diversity often cannot be achieved.

By amending 28 U.S.C. 1332 (the diversity statute), this bill provides Federal jurisdiction as long as any member of a proposed plaintiff class is (1) a citizen of a State different from any defendant; (2) a foreign state or citizen of a foreign state and any defendant is a citizen of a State; or (3) a citizen of a State and any defendant is a citizen or subject of a foreign state.

This creation of partial diversity, then, drastically changes the nature of Federal jurisdiction. While this measure would provide some sense of uniformity to class actions, I am afraid that this contravenes the Supreme Court's requirement of complete diversity between all named plaintiffs and defendants as articulated in Strawbridge v. Curtiss, 3 Cranch 267 (1806).

I am concerned that this measure is not driven by the desire to streamline the Federal justice system, but instead by the want to protect large corporations. Corporations want Federal jurisdiction as they perceive this arena as more favorable. This bill would funnel class action suits into Federal courts, which has the potential to permit corporations to avoid more stringent State laws.

As currently drafted, the bill's partial diversity standard that likely would result in an explosion in the number of civil cases extending well beyond the capacity of the Federal courts. Congress has been increasingly federalizing State law in general, and State criminal law in particular. In 1997, alone, 22,603 civil cases were pending for 3 years or more. More importantly, the Senate has failed to fill a number of Federal vacancies (over 10 percent of the Federal judicial positions remain vacant).

In addition, H.R. 1875 could result in less efficient litigation. Since Federal courts would still require complete diversity in all other Federal diversity cases, plaintiffs likely would seek to formulate class action suits simply to satisfy the partial diversity requirement created for class action claims. Again, this situation likely would drive more cases into Federal court and increase the burden on the courts.

This legislation simply raises too many questions and presents too many quandaries. Unless these problems are rectified, I cannot support this measure.

Mr. GOODLATTE. Mr. Chairman, I yield myself 1 minute to respond to a couple of points.

First of all, the President has not indicated that he intends to veto this

legislation. There have been communications from his representatives that they might recommend that to him, but that is not the same thing as a veto threat.

Secondly, I would point out to my colleague from Michigan that while the diversity amount, the amount in controversy was raised from $50,000 to $75,000 by the Federal judiciary, the purpose of that is to screen out small lawsuits from going into Federal court. But that is not the case here at all. This is about bringing large lawsuits to Federal court.

The legislation requires a minimum of $1 million in controversy to bring a diversity case class action into Federal court, so we eliminate the anomaly of a situation where somebody with a $75,000 claim can get into Federal court, but somebody who has a class action suit with 100,000 plaintiffs and an amount in controversy of $10,000 each, or a $1 billion claim, cannot get into Federal court today because they do not meet that diversity requirement. This changes that discrepancy in the law and allows big, diverse cases to come into Federal court.

Mr. CONYERS. Mr. Chairman, I yield 4 minutes to the gentleman from Virginia (Mr. SCOTT), who is opposed to the bill and who serves on the Committee on the Judiciary.

Mr. SCOTT. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, this is a radical response to a handful of court decisions that some disagree with. The response is to use political clout just to change the system.

Now, this is not the first time that we have changed the system when we disagree with a court decision. Even pending cases, for example, in the Oklahoma bombing case, we changed the law right in the middle of the case and forced the judge to reverse a preliminary ruling. After an airline case just a couple of years ago, we changed the law after the crash to enable some plaintiffs to get increased damages. The Committee on Education and the Workforce, Mr. Chairman, has already reported a bill which will have the effect of reversing a lower court decision. The case is now on appeal. That bill, if passed, would reverse the lower court decision. We even enacted legislation about a year or two ago which had the effect of entering final judgment in a child custody case that was pending.

So, Mr. Chairman, if one has the political clout, one can come to Congress and change the system to one's advantage and receive special treatment, rather than being relegated to going through the regular court process. That is not fair.

This is also a bad bill, Mr. Chairman, because it is not good policy to continually federalize court proceedings. The Federal judiciary has already complained, the Chief Justice has complained about cases being transferred to Federal court. We have even now street crimes, juvenile crimes being more and more handled by Federal courts. Those are supposed to be handled by the State courts and here we are again federalizing cases.

Now, the proponents complain that the State courts rule on interests of out-of-state parties. That has always been the case and it will always be the case, and this bill does not change it. In fact, if one has multiple defendants of large corporations, multiple plaintiffs, but not technically a class, State courts can continually hear these cases. One can have billion dollar cases, complex, multi-State, but if one has a plaintiff and a defendant both from the same State, the Federal court will not hear that case, but the State court will rule on other State laws, other State interests.

Mr. Chairman, the only people that will be denied the access to State courts will be those who are consumers that need the procedure of a class action to actually hear their cases. Those are cases which are small and cannot be brought as individual cases, so the consumers will be denied, but the large corporations will not.

This bill does not reform; it just transfers the cases of consumers into Federal courts and denies them State access. For those consumers who are affected, this bill will cause confusion, because if a State case is filed, this bill allows anybody who alleges that they are affected by the case to start filing motions. The person is not a plaintiff; the person is not a defendant, just a stranger, so that if one is talking about gaming the system, let us have a defendant that does not like being in State court, finds a friend from out of State, brings them in, and starts filing motions in Federal court.

Now, the person who is filing, if they do not like being in the class, they can opt out of the class, so they have no legitimate purpose other than to add confusion to the case. So rather than having the plaintiff and the defendant proceeding with the trial or with settlement, this bill allows strangers to come in and delay the proceedings, adding expense and making it less likely that the merits of the case will ever be considered.

Mr. Chairman, this bill is unneeded and it is unfair to consumers. It only benefits corporate wrongdoers who want to delay and complicate the cases and, therefore, should be defeated.

Mr. GOODLATTE. Mr. Chairman, I yield 5 minutes to the gentleman from Tennessee (Mr. BRYANT), another lead cosponsor of the legislation.

Mr. BRYANT. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I am pleased to join with a bipartisan group of Members of this House to sponsor this change in this law that is very much needed. As my predecessor, the gentleman from Virginia (Mr. SCOTT) said, sometimes it is necessary to change a law, and that is what we are doing here.

Over the past several years there has been an outburst of the filing of a number of class action lawsuits in State courts. Now, this is proper under law, but the system is also being gamed in doing that by using the principle of diversity and defeating that principle of diversity to end up in State court and prevent the proper removal or possibility of removal to a Federal court. This bill simply corrects this.

Because of the amount of exposure that sometimes these defendants face in a class action lawsuit, the economics of the situation, the expense of having to go through a lengthy trial, the number of claimants involved, very often the defendants have to settle the case out of court. The trial lawyers know this and that is why they file the case like they do, and they do this.

In many of those cases, unfortunately, these class action lawsuits, the plaintiffs, the people who have actually sustained the injuries that the lawsuit is all about, receive very little. I know we have heard a lot about that already, anything from certificates to actually, in some cases, owing money back, whereas the lawyers are the main ones that benefit from this system in terms of receiving enormous fee awards.

That is simply not right. That is part of the gaming of the system where they go out and forum shop and select, rather than a Federal court which is better prepared to handle these types of cases. They select a particular State court around the country that probably is lacking in many ways the ability to handle these lawsuits.

The Federal judges, I understand, will complain that they are overburdened already, and unquestionably, they are. But we hear those same comments from the State judges in the State courts. Everybody in the judicial system today is overburdened. That is because there are an awful lot of criminal cases out there, and there are an awful lot of civil cases out there. So it is not a question of who is the busiest. But I would say that the Federal judges have United States magistrate judges that help them dispose of cases; they have a number of law clerks that help them that do research and help them, but in most cases where we are talking about a State judge, these are simply not assets that are available to a State judge.

In most cases, State judges lack the experience in handling complex, complicated class-action lawsuits, so in terms of actually getting a forum that is best suited, that is most appropriate to give fair justice, there is no question that the Federal courts are better suited to handle these class-action lawsuits.

□ 1230

But again, because of the current law that deals with diversity, that it can easily be affected by adding one party to that to defeat that diversity, this is not occurring, the fact that the Federal courts are not hearing the class

action lawsuits as they should because they are being sent to the State courts and being kept there.

Under our bill, nothing changes about the substantive law, the law that will govern this case. The law that whatever judge that hears this case will apply is still the same. This is simply a matter of correcting the venue, the forum, the place that the trial would be held.

In terms of dealing with a company that perhaps does business across the country, in terms of dealing with plaintiffs, alleged victims of this company or these companies that live in all 50 States that could very well make up the members of that class, it simply is unfair that one State court, whether it is Tennessee, that I represent, or Alabama, or Oregon, should be able to hear that type of case.

Originally, I believe the forefathers put this in our Constitution in terms of setting up the trial system, and our law evolved over the years to create a diversity, so when we had citizens from different States, that we could avoid the home cooking that sometimes occurs when one does not belong to that State, they are sued there, and they have to go in and defend themselves.

The courts recognized that. The Congress has recognized that by creating this diversity so they can have a level playing field, they can be treated fairly. In some cases that was not always the situation because, again, they went into a home cooking environment.

I would suggest that is happening in some of these cases. That is basically the reason that we are here. We are trying to ensure that fair justice is there for all parties. Even though they might be tobacco, firearms, or big corporations, we are all entitled to equal justice, and I think this is a big first step to ensure that occurs.

Mr. CONYERS. Mr. Chairman, I yield 5½ minutes to the distinguished gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, let me make several points, as many points as my time will allow me to make, about this bill, and encourage my colleagues to vote against this proposal.

First of all, I practiced law for a number of years before I ever thought about running for Congress. There is just a basic fairness argument that I think we all need to be aware of.

If a plaintiff is injured, he goes and hires a lawyer, they cultivate, research, put together a case, decide where the appropriate place is to litigate that case, spend months and months preparing for the case, file the case. Two days later somebody who has done absolutely nothing to get that case to trial under this bill has the ability to walk in and move that case to another forum. There is something patently unfair about that. I just want us to focus on that.

The second point I would make is that in 1994, when my Republican colleagues came riding into the House, one of the principles that they gave major lip service to was the whole notion that there was too much going on at the Federal level, that we needed to decentralize government, that our whole system of Federalism was in jeopardy, and we needed to return power to the States.

Time after time after time since 1994 we have seen our Republican colleagues say, well, we do not like the result that we got at the State level, so let us federalize this and let us just take it over, an absolute erosion of States' rights in the criminal law area.

In the area of tort reform they have tried to do it, in the area of juvenile law they have tried to do it. We do not even have a juvenile court, a juvenile judge, a juvenile counselor, and yet, we have tried to federalize juvenile law, and the people who are behind that are the very same people who in 1994 were railing and rhetorically saying, this is terrible, to federalize all this stuff. We need to be returning rights and responsibilities to the most local level, to the State level, the local level, the individual level. Here we are again in this matter trying to bring something else into a Federal court.

The third point I want to make, the Federal courts are hopelessly backlogged. They cannot handle the business that they are doing now. We cannot get the Senate to confirm enough people to fill the vacancies that exist on the Federal bench. Even if they did fill them, there would not be enough judicial power to handle all of these cases.

Yet, here we are in our infinite wisdom saying that the Federal courts know better; the State law, the Federal law, we know everything at this level. This is absolutely contrary to the horse that my colleagues rode into this House on, the States' rights horse. We should not sanction this. It is just a bad idea.

The final point I want to make, and I will talk about this a little bit more in the context of an amendment that I have to offer, is that even if this were a good idea, this bill is so badly drafted, there are some irrationalities in the drafting of the bill, that we are going to try to correct some of them during the course of the debate, and hopefully we will get some of those things worked out.

But there are some just severe unintended, or maybe they are intended. I never know whether my colleagues are accomplishing things that they intend or accomplishing things they do not intend, since they told me they intended to preserve States' rights, and they keep cutting the legs from under it.

Mr. SCOTT. Mr. Chairman, I yield 2½ minutes to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Chairman, I rise against this bill because it is part of a two-part pincers movement aimed at the heart of impartial justice.

Part one, represented by this bill, shifts to the Federal bench most important class action lawsuits. Part two, the other part of the pincer, is to make sure those Federal benches are empty or overburdened with other work.

We know that additional work has been shifted to the Federal judiciary. We know most of the judicial appointments of the President have been held up. But we had a right to think that the other body would in due time act on those judicial appointments. Now I want to commend the chairman of the Committee on Rules for revealing the previously secret part of the Republican plan. It is to keep the Federal judicial benches empty until such time as there is a Republican president.

So what does this bill do? It says you cannot go to a State judge, and you cannot have a Federal judge, unless appointed by a Republican president. So the only judges that can hear class action lawsuits are those that pass a Republican litmus test, and they have the gall to complain about forum shopping.

This takes forum shopping to a new level, because the second part of this pincers movement is nationwide forum tampering, politicizing the Federal courts. The least we could do in this body is to suspend action on this bill until the other body acts upon the President's judicial appointments, confirming those who are qualified, rejecting those who are not qualified, not on the basis of a political litmus test but on the basis of judicial qualifications.

The small in our society will be able to demand justice from the powerful only if we defeat this bill.

Mr. Chairman, I get all wound up on this and then I realize it is time to calm down, because we are not really legislating here. This bill, if it passes both bodies, is going to be vetoed by the President. This is never going to become law. This is political pontificating. This is not real legislating. We are simply here wasting time in the guise of addressing a serious problem.

I look forward to the day when we work out a genuine bipartisan solution that has wide support, not narrow support, wide support on both sides of the aisle, and deal with tort reform.

Mr. GOODLATTE. Mr. Chairman, in that regard, it is my pleasure to yield 2 minutes to the gentleman from Alabama (Mr. CRAMER), yet another Member from the other side.

Mr. CRAMER. Mr. Chairman, I appreciate the gentleman yielding time to me.

Mr. Chairman, I join with my colleagues on this side of the aisle and rise in support of H.R. 1875, the Interstate Class Action Jurisdiction Act of 1999.

I will repeat some of the things that have already been said today. I bring to this debate maybe a unique perspective. I am a lawyer and I am from Alabama. My State has been the butt of many class action jokes. We have seen the proliferation of class actions, frivolous actions, in our State courts.

We have all heard about drive-by certifications, in which classes were certified on the same day that classes were filed, sometimes even before the defendants were notified about the lawsuits. People have heard about the judge who certified I think in a 2-year period of time more class actions than all of the Federal judiciary combined.

Some say if Alabama has a problem, Alabama ought to settle that problem or deal with that problem. We in fact have. The Alabama Supreme Court, the Alabama legislature, they have taken actions to end same-day certifications. We have now made clear that we follow Federal rule XXIII.

It is a good step, but that does not end the problem. These interstate class action lawsuits do not belong in State and county courts in the first place. I do not want a judge in New York determining the rights of citizens in Alabama, and I do not think judges in Alabama should do the same thing for people who live in New York.

There is an important constitutional issue at stake here. I think interstate class actions are meant for the Federal diversity jurisdiction. The Framers of the Constitution intended for large interstate lawsuits to be heard in Federal court.

Members have heard a lot today about what the bill does do. I want to close with what it does not do. This is not a broad tort reform bill. It does not preempt any State laws or change the laws under which a claim will be heard. It does not prevent any claim from being heard, or close the courthouse doors.

This in fact makes sense, and we should pass H.R. 1875, the Interstate Class Action Jurisdiction Act of 1999.

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

We have many points that will be made during the amendments, Mr. Chairman. I would just respond to the suggestion that this will clear up the situation where complex cases will have to be heard in Federal court.

Mr. Chairman, if we have 10 corporations suing 18 different corporations from a number of States, if one plaintiff corporation and one defendant corporation are from the same State, that case involving many different States, involving many different State laws, would be heard in State court.

However, if there is a corporation that is systematically ripping off consumers, a simple systematic theft, not complicated, they cannot use the State court. They are relegated to Federal court by this bill.

□ 1245

Now, it would only serve to complicate the litigation for the consumers trying to get justice against a wrongdoing corporation.

Mr. Chairman, this bill is a bad bill. It serves no constructive purpose. There is no need for it. It is unfair to consumers and, therefore, should be defeated.

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

Mr. GOODLATTE. Mr. Chairman, I yield myself the remaining time.

Mr. Chairman, this is very good legislation that serves very good practical purposes, and let me point out two of them.

First of all, it ends the abuse of nationwide forum shopping to find the one judge in the one court in the one State that thinks that anything goes with regard to class actions. We have seen those abuses.

The gentleman from Alabama (Mr. CRAMER) cited the fact that his State has seen class action abuse in the past. There are 4,700 different court jurisdictions in this country. When one has a class action, it is unlike a case where an individual might have two or three different jurisdictions where they can bring their own personal injury suit or contract action. In a nationwide class action suit, they can often choose from all 4,700 different jurisdictions. They should not have the opportunity to do that. There should be more standardized procedures, and we accomplish that by allowing the removal of truly nationwide class action suits to Federal court.

Secondly, the most diverse cases in this country involving millions and even billions of dollars are currently unable to be brought in the court that can best handle them, the Federal courts. This legislation cures this.

Mr. Chairman, I urge my colleagues to support this legislation and oppose the amendments.

Mr. POMEROY. Mr. Chairman, I rise in reluctant opposition to H.R. 1875, the Interstate Class Action Jurisdiction Act of 1999. I believe strongly that action must be taken to address the widespread abuse of class action rules. This legislation, however, would have the effect of removing the vast majority of class action lawsuits to the already overburdened federal courts and denying plaintiffs in legitimate class actions their right to due process.

There is little dispute that in recent years the class action device has resulted in serious and rampant abuses of our legal system. Federal rules of civil procedure currently make it exceedingly difficult for defendants to remove a class action case to federal court, even when a case is clearly interstate in nature. Federal ''complete diversity'' rules have allowed endless forum shopping to keep class action cases out of the federal courts. In some cases, plaintiffs are named in class action cases based only on their state of residence, simply to destroy complete diversity.

Such legal maneuvers have even been conducted at the expense of plaintiffs involved. In one recent state court class action settlement, consumer class members actually ended up losing money—each one was required to pay $91.13—while the lawyers who brought the lawsuit made $8.5 million. Other such examples abound in which class members received virtually no compensation. Action must be taken to protect both consumers and corporations from such abuses of the legal system.

Although I believe strongly in the need for class action tort reform, I reluctantly oppose H.R. 1875 in its current form. By establishing ''minimal diversity'' rules of jurisdiction, H.R. 1875 would shift jurisdiction of most class action lawsuits from state court to federal court. This would have the practical effect of overburdening the already understaffed federal courts, while further delaying and possibly denying justice for injured plaintiffs.

Mr. Chairman, although I do not support this particular vehicle for class action tort reform, I remain committed to correcting the abuses of our legal system. I am hopeful that my concerns with H.R. 1875 can be resolved as the bill moves through the Senate, so that I may support the conference report for this legislation.

Mr. STARK. Mr. Chairman, I rise today in opposition to H.R. 1875, the Interstate Class Action Jurisdiction Act of 1999. This so-called ''tort reform'' measure proposes to create a huge new roadblock to justice for class action litigants.

If enacted, H.R. 1875 will harm consumers and benefit corporate defendants—among them managed care plans, gun manufacturers and tobacco companies. Although ERISA does not permit injured enrollees to sue their HMO under state malpractice laws, recently some class actions have been successfully filed alleging violations of state consumer fraud and unfair trade practice laws. These class actions are being used to require HMOs to provide needed treatments, access to specialists, and continuity of care.

Yet H.R. 1875 would reverse these gains by making it far easier for managed care plans to force removal of cases filed under state consumer fraud laws to federal court—where outcomes could be inconsistent and unfair.

Currently, most class actions are brought under state law with state court judges interpreting and applying the standards litigants must meet. H.R. 1875 would divest state courts of many of these cases, requiring federal judges to interpret and apply state law. This opens the door to inconsistent interpretation by judges not familiar with state law.

Our current class action system is a win-win-win—for the courts, for litigants, and for society. Class actions are now heard by judges knowledgeable in the area and familiar with the law. The federal bench lacks the resources to handle these cases in its already overburdened docket.

Under present guidelines, class actions may be heard by federal judges when the damage amount involved is more than $75,000 per plaintiff and other requirements are met. In state courts, class actions can be brought when the amount of damage per plaintiff is modest.

H.R. 1875 eliminates the $75,000 figure and the other requirements. Thus, corporate defendants could easily request removal of many state class actions to federal court—over the objections of all plaintiffs or co-defendants.

If this bill is enacted, it will essentially deny a forum to thousands who have been injured by exposure to tobacco products, asbestos and other unsafe products, and thwart reforms that benefit society as a whole. In effect, the class action device itself would be destroyed.

If H.R. 1875 becomes law, dozens of class action lawsuits that could help thousands will simply never be heard. Consumers will again become victims—this time, of a massive federal judicial logjam.

Tobacco companies, asbestos makers, drug manufacturers, and HMOs are lobbying

strongly for H.R. 1875. The Interstate Class Action Jurisdiction Act of 1999 gives them relief at the expense of justice that consumers deserve.

A ''yes'' vote for H.R. 1875 is fundamentally a vote against consumers' rights. It should be quickly rejected.

The CHAIRMAN pro tempore (Mr. BURR of North Carolina). 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.

No amendment to that amendment shall be in order except those printed in the portion of the CONGRESSIONAL RECORD designated for that purpose and pro forma amendments for the purpose of debate. Amendments printed in the RECORD may be offered only by the Member who caused it to be printed or his designee and shall be considered as 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. GOODLATTE. 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 Virginia?

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 AND REFERENCE.

(a) SHORT TITLE.—This Act may be cited as the ''Interstate Class Action Jurisdiction Act of 1999''.

(b) REFERENCE.—Whenever in this Act reference is made to an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 28, United States Code.

SEC. 2. FINDINGS.

The Congress finds that—

(1) as recently noted by the United States Court of Appeals for the Third Circuit, interstate class actions are ''the paradigm for Federal diversity jurisdiction because, in a constitutional sense, they implicate interstate commerce, invite discrimination by a local State, and tend to attract bias against business enterprises'';

(2) most such cases, however, fall outside the scope of current Federal diversity jurisdiction statutes;

(3) that exclusion is an unintended technicality, inasmuch as those statutes were enacted by Congress before the rise of the modern class action and therefore without recognition that interstate class actions typically are substantial controversies of the type for which diversity jurisdiction was designed;

(4) Congress is constitutionally empowered to amend the current Federal diversity jurisdiction statutes to permit most interstate class actions to be brought in or removed to Federal district courts; and

(5) in order to ensure that interstate class actions are adjudicated in a fair, consistent, and efficient manner and to correct the unintended, technical exclusion of such cases from the scope of Federal diversity jurisdiction, it is appropriate for Congress to amend the Federal diversity jurisdiction and related statutes to allow more interstate class actions to be brought in or removed to Federal court.

SEC. 3. JURISDICTION OF DISTRICT COURTS.

(a) EXPANSION OF FEDERAL JURISDICTION.—Section 1332 is amended by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively, and by inserting after subsection (a) the following:

''(b)(1) The district courts shall have original jurisdiction of any civil action which is brought as a class action and in which—

''(A) any member of a proposed plaintiff class is a citizen of a State different from any defendant;

''(B) any member of a proposed plaintiff class is a foreign state and any defendant is a citizen of a State; or

''(C) any member of a proposed plaintiff class is a citizen of a State and any defendant is a citizen or subject of a foreign state.

As used in this paragraph, the term 'foreign state' has the meaning given that term in section 1603(a).

''(2)(A) The district courts shall not exercise jurisdiction over a civil action described in paragraph (1) if the action is—

''(i) an intrastate case,

''(ii) a limited scope case, or

''(iii) a State action case.

''(B) For purposes of subparagraph (A)—

''(i) the term 'intrastate case' means a class action in which the record indicates that—

''(I) the claims asserted therein will be governed primarily by the laws of the State in which the action was originally filed; and

''(II) the substantial majority of the members of all proposed plaintiff classes, and the primary defendants, are citizens of the State in which the action was originally filed;

''(ii) the term 'limited scope case' means a class action in which the record indicates that all matters in controversy asserted by all members of all proposed plaintiff classes do not in the aggregate exceed the sum or value of $1,000,000, exclusive of interest and costs, or a class action in which the number of members of all proposed plaintiff classes in the aggregate is less than 100; and

''(iii) the term 'State action case' means a class action in which the primary defendants are States, State officials, or other governmental entities against whom the district court may be foreclosed from ordering relief.

''(3) Paragraph (1) shall not apply to any claim concerning a covered security as that term is defined in section 16(f)(3) of the Securities Act of 1933 and section 28(f)(5)(E) of the Securities Exchange Act of 1934.

''(4) Paragraph (1) shall not apply to any class action solely involving a claim that relates to—

''(A) the internal affairs or governance of a corporation or other form of business enterprise and that arises under or by virtue of the laws of the State in which such corporation or business enterprise is incorporated or organized; or

''(B) the rights, duties (including fiduciary duties), and obligations relating to or created by or pursuant to any security (as defined under section 2(a)(1) of the Securities Act of 1933 and the regulations issued thereunder).''.

(b) CONFORMING AMENDMENT.—Section 1332(c) (as redesignated by this section) is amended by inserting after ''Federal courts'' the following: ''pursuant to subsection (a) of this section''.

(c) DETERMINATION OF DIVERSITY.—Section 1332, as amended by this section, is further amended by adding at the end the following:

''(f) For purposes of subsection (b), a member of a proposed class shall be deemed to be a citizen of a State different from a defendant corporation only if that member is a citizen of a State different from all States of which the defendant corporation is deemed a citizen.''.

SEC. 4. REMOVAL OF CLASS ACTIONS.

(a) IN GENERAL.—Chapter 89 is amended by adding after section 1452 the following:

''§1453. Removal of class actions

''(a) IN GENERAL.—A class action may be removed to a district court of the United States in accordance with this chapter, but without regard to whether any defendant is a citizen of the State in which the action is brought, except that such action may be removed—

''(1) by any defendant without the consent of all defendants; or

''(2) by any plaintiff class member who is not a named or representative class member of the action for which removal is sought, without the consent of all members of such class.

''(b) WHEN REMOVABLE.—This section shall apply to any class action before or after the entry of any order certifying a class.

''(c) PROCEDURE FOR REMOVAL.—The provisions of section 1446(a) relating to a defendant removing a case shall apply to a plaintiff removing a case under this section. With respect to the application of subsection (b) of such section, the requirement relating to the 30-day filing period shall be met if a plaintiff class member who is not a named or representative class member of the action for which removal is sought files notice of removal no later than 30 days after receipt by such class member, through service or otherwise, of the initial written notice of the class action provided at the court's direction.

''(d) EXCEPTIONS.—

''(1) COVERED SECURITIES.—This section shall not apply to any claim concerning a covered security as that term is defined in section 16(f)(3) of the Securities Act of 1933 and section 28(f)(5)(E) of the Securities Exchange Act of 1934.

''(2) INTERNAL GOVERNANCE OF BUSINESS ENTITIES.—This section shall not apply to any class action solely involving a claim that relates to—

''(A) the internal affairs or governance of a corporation or other form of business enterprise and that arises under or by virtue of the laws of the State in which such corporation or business enterprise is incorporated or organized; or

''(B) the rights, duties (including fiduciary duties), and obligations relating to or created by or pursuant to any security (as defined under section 2(a)(1) of the Securities Act of 1933 and the regulations issued thereunder).''.

(b) REMOVAL LIMITATIONS.—Section 1446(b) is amended in the second sentence—

(1) by inserting '', by exercising due diligence,'' after ''ascertained''; and

(2) by inserting ''(a)'' after ''section 1332''.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 89 is amended by adding after the item relating to section 1452 the following:

''1453. Removal of class actions.''.

(d) APPLICATION OF SUBSTANTIVE STATE LAW.—Nothing in this section or the amendments made by this section shall alter the substantive law applicable to an action to which the amendments made by section 3 of this Act apply.

(e) PROCEDURE AFTER REMOVAL.—Section 1447 is amended by adding at the end the following new subsection:

''(f) If, after removal, the court determines that no aspect of an action that is subject to its jurisdiction solely under the provisions of section 1332(b) may be maintained as a class action under Rule 23 of the Federal Rules of Civil Procedure, it shall dismiss the action. An action dismissed pursuant to this subsection may be amended and filed again in a State court, but any such refiled action may be removed again if

it is an action of which the district courts of the United States have original jurisdiction. In any action that is dismissed pursuant to this subsection and that is refiled by any of the named plaintiffs therein in the same State court venue in which the dismissed action was originally filed, the limitations periods on all reasserted claims shall be deemed tolled for the period during which the dismissed class action was pending. The limitations periods on any claims that were asserted in a class action dismissed pursuant to this subsection that are subsequently asserted in an individual action shall be deemed tolled for the period during which the dismissed class action was pending.''.

SEC. 5. APPLICABILITY.

The amendments made by this Act shall apply to any action commenced on or after the date of the enactment of this Act.

SEC. 6. GAO STUDY.

The Comptroller General of the United States shall, by not later than 1 year after the date of the enactment of this Act, conduct a study of the impact of the amendments made by this Act on the workload of the Federal courts and report to the Congress on the results of the study.

AMENDMENT NO. 4 OFFERED BY MR. NADLER

Mr. NADLER. 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. NADLER:

Page 6, line 5, strike the quotation marks and second period.

Page 6, insert the following after line 5:

''(5)(A) Paragraph (1) shall not apply to any class action that is brought for harm caused by a firearm or ammunition.

''(B) As used in this paragraph, the term 'firearm'—

''(i) has the meaning given that term in section 921(3) of title 18; and

''(ii) includes any firearm as defined in section 5845 of the Internal Revenue Code of 1986.''.

Page 8, line 16, strike the quotation marks and second period.

Page 8, insert the following after line 16:

''(3) FIREARMS OR AMMUNITION.—(A) This section shall not apply to any class action that is brought for harm caused by a firearm or ammunition.

''(B) As used in this paragraph, the term 'firearm'—

''(i) has the meaning given that term in section 921(3) of title 18; and

''(ii) includes any firearm as defined in section 5845 of the Internal Revenue Code of 1986.''.

Mr. NADLER. Mr. Chairman, this amendment would, in effect, exempt from this bill and allow the existing laws governing class action lawsuits to continue to apply to cases brought against gun and ammunition manufacturers.

We have spent months in this House debating how best to combat the rising tide of gun violence in this country, and we still have nothing to show for it. Week after week after week after week we hear horror stories from all over the country of mass murderers, of people walking into schools and churches and shops and opening fire on innocent people.

How does the leadership of this House propose to address this problem? With this legislation that will actually protect gun makers from the consequences of their actions and will not protect the victims of gun violence.

Mr. Chairman, guns kill almost twice as many Americans every year, as all other household and recreational products combined. Despite this grim fact, the gun industry is the last unregulated manufacturer of a consumer product. All other manufacturers are regulated, not the gun manufacturers.

Currently, citizen lawsuits serve as practically the only safety regulation, if we can call it that, of the firearms industries. Lawsuits have been the only way to force manufacturers to make their guns safer. A 1995 class action suit against Remington Arms, which settled for $31.5 million, led to the implementation of greater safety protections for owners of shotguns.

Look at what is happening all across the country. The victims of gun violence are beginning to sue gun manufacturers for their injuries as a consequence of the negligence of the gun manufacturers. Over 20 American cities, as well as the NAACP, have filed lawsuits against gun manufacturers to hold them accountable for the millions of dollars that the public sector must spend coping with the consequences of gun violence.

Gun plaintiffs, like tobacco plaintiffs and others, must sue the gun manufacturers in class action lawsuits because suing as single plaintiffs is almost invariably prohibitively expensive. We should not handicap these important civil suits just as they are beginning.

As my colleagues know, in addition to expanding Federal jurisdiction over class actions, this bill would give gun manufacturers a tremendous advantage in these cases by allowing them to remove these cases to Federal court.

These cases are, of course, determined on the basis of State tort law. The Federal courts that would decide these cases are bound by Federal law to apply, not Federal law, but the State law. But the Federal courts are always going to be much more hesitant to expand the State law from previous decisions than the State courts will, because their expertise is Federal law, not State law.

So by taking these cases from the State forum, where the States can apply and interpret their own laws, to a Federal forum, which are going to be more hesitant to interpret them in new ways and to realize the full implications of the law, we are saying to the defendants they have a much easier forum. To the plaintiffs, to the victims of gun violence, we are going to stack the decks against them.

Now, I think this is a terrible bill in general for a lot of different reasons. But even assuming we want to pass this bill, why not just allow victims of gun violence to continue to bring their cases in State courts? Why bring them before a Federal judge who will have less expertise on the State law, will have to divert his or her attention from cases involving, for example, violence against women or access to clinic or multijurisdiction interstate cases? Are not our Federal judges busy enough?

We know that the average case, if removed to Federal court, will take 6 to 8 years to reach trial; whereas, in most State courts, it will get there in a year or two. Gun victims often cannot wait that extra time. Do we really need the Federal courts to take on thousands of new cases for their dockets?

We should support the victims of gun violence in their efforts to hold the firearms industry accountable when its products cause injury or death and when they are responsible through their negligence, because that obviously is something that has to be proven, when they were negligent and who they sell the guns to and making unsafe products and not putting safety standards or guns or whatever. When that can be proven, we should not stack the decks against the victims of gun violence by pushing this out of the local courts and into the Federal courts.

Victims of gun violence, the American people, deserve comprehensive legislation to get the guns off the streets and protect our children in the schools and protect our people in our churches and day-care centers.

They do not deserve this almost contemptuous treatment in which we say we are not doing anything to protect them, but we are going to make it harder for them if they are injured to prove the negligence of the gun manufacturers. We are going to make it more expensive. We are going to make it farther in time. We are going to make it farther in distance. We do not trust the State courts. We do not believe in States rights. We do not believe in local government despite the rhetoric on this floor. We think State courts are too generous to people. They know the people, the situation a little better than some far-off Federal court. So, therefore, let us move it to a far-off Federal court to make it harder for the plaintiffs in gun violence cases.

Mr. Chairman, I urge my colleagues, if we are going to pass this malevolent bill, at least let us exempt from it cases alleging negligence resulting in violence to victims of gun violence. We should not make it easier for the malefactors of the gun industry. We should make it harder. I urge the adoption of this amendment.

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

Mr. Chairman, I am strongly opposed to this amendment and what may prove to be a series of so-called carve-out amendments. Principled Members, whether they support the underlying legislation or not, will oppose this amendment and other amendments that attempt to pour their views about any particular issue that faces this Congress or any particular litigation that may go before our courts into this procedural debate about how all litigation should be considered in the form of class actions and whether or not one believes they should be removed to Federal court or not, my colleagues

should not support carving out individual sectors of our economy or individual types of lawsuits.

That is exactly how this amendment was treated in a bipartisan fashion by the Committee on the Judiciary in the markup of this bill when this particular amendment or one very like it was defeated by a bipartisan 16 to 6 vote. There are good reasons why it was rejected there, and there are good reasons why it should be rejected here.

This industry-specific exemption from Federal jurisdiction makes no sense. It is like a bill of attainder. It irrationally singles out one industry and slams the Federal courthouse door in its face.

All of us strive to be sure that justice is blind. But when one identifies one group of people and says they are not entitled to the same treatment under the law that everyone else is, justice is not blind.

The amendment is wholly inconsistent with what the Framers had in mind in establishing diversity jurisdiction in Article III of our Constitution. They wanted to allow interstate businesses to have claims against them heard in Federal court so as to avoid local biases. Nowhere in this concept is the idea that certain industries should be exempted from this right, that certain kinds of businesses are less entitled to Federal court protection.

One may not like gun manufacturers, but think of the things that one does like and consider whether if a similar amendment were offered to single out something that is important to one and say that those who promote and support that particular idea, that particular industry, whatever the case might be, that they are not entitled to sit in the same forum of justice that everyone else in this country is entitled to.

The amendment clearly is designed to single out the firearms industry because, in some quarters, it is unpopular. But that is exactly what the Framers of the Constitution were trying to avoid. They are trying to ensure a fair, evenhanded Federal court forum for defendants that may otherwise be hailed into a local court less concerned about protecting the rights of an out-of-State company.

It is very interesting that in the committee report, the additional dissenting views submitted by the gentleman from New York (Mr. NADLER) and others on the gun issue, makes a big point of the fact that the NAACP has filed a class action against the gun industry, seeking to recover for money that the public sector must pay for the consequences of gun violence.

The report goes on to say that we should not handicap such important civil suits before they have even begun.

What I find very interesting about that point is that the NAACP filed their lawsuit in Federal court, not State court. That choice presumably was made because the lawyers filing the NAACP suit know that the Federal courts are more appropriate for dealing with these interstate issues presented by these cases.

This bill would make it easier for groups like the NAACP to bring such cases in Federal court because it works both ways. It expands the rights of plaintiffs to bring interstate cases in Federal court as well as expanding the ability of defendants to remove interstate cases to Federal court.

For all of these reasons, I urge my colleagues to oppose this amendment.

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

Mr. Chairman, it is a bad policy to carve out exceptions in a bill like this because it creates one system for those that are popular with political clout, another system for those without political support that are unpopular.

As the gentleman from Virginia (Mr. GOODLATTE) pointed out, the constitutional principle of equal protection is violated when we have those that get one system and those in another. That principle of equal protection and constitutional protection is particularly needed when we have unpopular individuals. Those are the ones that really need the constitutional protection.

Whatever reason that this carve-out might make sense, those arguments should have been made to the bill in general. But to carve out and have a special exemption I think is wrong, and the carve-out and the amendment, therefore, should be defeated.

□ 1300

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

Mr. SCOTT. I yield to the gentleman from New York.

Mr. NADLER. Mr. Chairman, this is a bad bill. Now, as a general idea, I do not think it is a good idea to have specific carve-outs from legislation. But if we are going to enact egregious legislation, then we can mitigate the damages in the most obvious situations.

And for the gentleman on the other side who got up and said it is terrible, we should not carve out, let me read some of the carve-outs supported by the Republicans for similar legislation. The Biomaterials Access Insurance Act of 1997 passed into law and carves out an exception for breast implant lawsuits. It also carves out an exception for lawsuits by health care providers.

In the 104th Congress, the Common Sense Product Liability Legal Reform Act carved out an exception from the bill's provisions for lawsuits for commercial losses. This very bill carves out an exception from the bill's provisions for lawsuits for commercial losses.

The Senate version of a similar bill, S. 2236, had specific carve-outs for negligence actions involving firearms or ammunitions in negative entrustment actions.

So, Mr. Chairman, the real issue is not should there be carve-outs, because the people on the other side sponsoring this legislation have supported carve-outs. Indeed, this bill contains a carve-out. The question is which carve-outs.

And I would submit that if this bill is going to carve out an exception for lawsuits brought under the Securities Act of 1933, or the Securities and Exchange Act of 1934, as well as corporate government actions, all of which are carved out of this bill, we can carve out an exception so as not to rip the lawsuits started by States and local governments and individuals in class actions out of the State courts into Federal courts for gun manufacturers and ammunition manufacturers when they can prove negligence resulting in death or injury.

The question, as I said, is not are carve-outs a good idea. The question is, as long as we are going to have carve-outs and pass legislation in this bill, should gun manufacturers be subject to carve-outs they do not want, or should we only carve out protections for people accused of violations of securities laws.

Mr. SCOTT. Mr. Chairman, reclaiming my time, I would agree with my colleague that there should not have been carve-outs in those previous bills, there should not have been carve-outs in this bill; and, therefore, this amendment should be defeated.

The CHAIRMAN pro tempore (Mr. BURR of North Carolina). The question is on the amendment offered by the gentleman from New York (Mr. NADLER).

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

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

The CHAIRMAN pro tempore. Pursuant to House Resolution 295, further proceedings on the amendment offered by the gentleman from New York (Mr. NADLER) will be postponed.

AMENDMENT NO. 3 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment that has been made in order by the rule.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Ms. JACKSON-LEE of Texas:

Page 6, line 5, strike the quotation marks and second period.

Page 6, insert the following after line 5:

''(5)(A) Paragraph (1) shall not apply to any class action that is brought for harm caused by a tobacco product.

''(B) As used in this paragraph, the term 'tobacco product' means—

''(i) a cigarette, as defined in section 3 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1332);

''(ii) a little cigar, as defined in section 3 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1332);

''(iii) a cigar, as defined in section 5702(a), of the Internal Revenue Code of 1986;

''(iv) pipe tobacco;

''(v) loose rolling tobacco and papers used to contain that tobacco;

''(vi) a product referred to as smokeless tobacco, as defined in section 9 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4408); and

''(vii) any other form of tobacco intended for human consumption.''.

Page 8, line 16, strike the quotation marks and second period.

Page 8, insert the following after line 16:

''(3) TOBACCO PRODUCTS.—(A) This section shall not apply to any class action that is brought for harm caused by a tobacco product.

''(B) As used in this paragraph, the term 'tobacco product' means—

''(i) a cigarette, as defined in section 3 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1332);

''(ii) a little cigar, as defined in section 3 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1332);

''(iii) a cigar, as defined in section 5702(a) of the Internal Revenue Code of 1986;

''(iv) pipe tobacco;

''(v) loose rolling tobacco and papers used to contain that tobacco;

''(vi) a product referred to as smokeless tobacco, as defined in section 9 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4408); and

''(vii) any other form of tobacco intended for human consumption.''.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I started this debate by acknowledging that the class-action procedure had begun historically with a desire to give equity and justice to the people of the United States of America. I am delighted that over the years we have kept that promise to the American people. We have provided them State courts that have given us equity, given us justice, and provided the opportunity for the individual, the less-of-a-giant person, to go against the giant and prevail.

And, Mr. Chairman, whether it has been in improving car safety in America; whether it has been in providing greater assistance for efforts against manufacturers who would make defective products that would injure large numbers of people; whether it has been in health care, to improve health policy in America, the individual has been protected by the vehicle of a class action and allowing that individual to go into the State court.

Today, I offer an amendment to protect that individual again. Because I am concerned that if this bill is left unamended, it would, for the first time, give Federal courts jurisdiction over all of the State class-action claims, even those involving primarily interstate disputes over State law.

This bill will allow tobacco companies to take State class-action claims away from State courts and put them into Federal courts over the objection of plaintiffs. And, Mr. Chairman, let me tell my colleagues why that is a problem. All of the class-action lawsuits that we have heard of, and that the American people have participated in and have welcomed in getting relief for the heinousness of tobacco and its impact on health in America, would not have been allowed into the Federal courts because the Federal courts had the opportunity to certify class-action tobacco cases and they refused.

Now, in giving some deference to the Federal courts, I have already said they are overwhelmed and oversaturated. In fact, let me tell my colleagues that the Judicial Conference of the United States, Federal judges themselves, have written and said,

I want to inform you that the executive committee of the conference voted to express its opposition to class action provisions in H.R. 1875, the Interstate Class Action Jurisdiction of 1999.

These are the Federal judges.

Mr. Chairman, they do that because they too believe in justice, and they realize that they are overwhelmed and understaffed. There are not enough judges and not enough courts. So by permitting the transfer from State courts to the Federal courts, this legislation will cause indeterminable delay for class-action cases against the tobacco industry, both increasing the cost of suing the industry and in delaying justice for the individual plaintiffs.

This amendment, offered by myself and the gentleman from California (Mr. WAXMAN), would ensure that this bill does not apply to any class action that is brought for harm caused by a tobacco product. And let me say that this effort is not new. Members of Congress, the gentleman from California (Mr. WAXMAN) and others have been working on this fight for years. And out of their efforts we have seen the opportunity for the individual victim to come forward, and we have seen the tobacco industry exposed for its efforts toward promoting its product, knowing that it was dangerous to our health.

This legislation, as currently worded, would allow tobacco companies to remove class actions involving State causes of action to Federal Court involving tobacco cases, it seems. In fact, since the tobacco companies are principally domiciled in States where class actions are not being brought, minimal diversity, as defined by this bill, will always exist between the plaintiffs and the tobacco companies. And unlike the Florida case, which was rendered by the State court, which showed the devastation to those plaintiffs there, those plaintiffs' rights would be violated by moving them to a Federal Court who might ultimately not certify the case. Mr. Chairman, is this justice?

So I urge my colleagues to look seriously at the facts and to understand that the President has indicated that this is an unbalanced law; to understand that Save Lives and Not Tobacco, an organization that has worked with the victims of tobacco, has indicated that this is a bad bill; and the American Heart Association has said this is a bad bill. The Conference of Chief Justices have said this, Mr. Chairman.

These are the State court chief justices:

With regular communication and cooperative effort, State and Federal courts have developed a delicate, complimentary role in class action jurisprudence. H.R. 1875 would radically alter this relationship.

I tell my business friends that they have relief. I would ask that we work together between the State and the Federal system to find relief for them, but I would ask my colleagues to support this amendment and not to extinguish the rights of the victims of all of these tragedies in America. I ask my colleagues to support this amendment.

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

Mr. Chairman, I rise in strong opposition to this amendment, as I did to the previous amendment that was offered. This is another carve-out amendment. It is wrong for the same reasons I cited previously. It singles out a particular group of people, a particular industry, for unfair treatment under our judicial system, and we should not establish that type of principle.

The principal position, whether we are in favor of this legislation or we are opposed to this legislation, is to oppose this amendment because we should not carve out individual groups of people.

It is true that Congress has expanded Federal jurisdiction to encompass cases involving certain subject matters, civil rights, antitrust, environmental, consumer warranty, but those are exercises of Federal question jurisdiction. There is no basis and no precedent for carving out an industry from diversity jurisdiction and extinguishing its right to have cases subject to Federal jurisdiction heard in Federal Court.

Contrary to the premise of this amendment, H.R. 1875 would not turn tobacco litigation upside down. Most money obtained through tobacco litigation has come in State attorneys general cases. These are not class actions and will not be affected by this legislation. Most other tobacco cases are individual actions which, likewise, are unaffected by this legislation.

H.R. 1875 is also prospective only. It would not affect any pending cases, be they class action or otherwise.

Contrary to another premise of this amendment, there is no evidence that tobacco cases are less likely to succeed in Federal Court. Tobacco classes have been certified by both Federal and State courts. Tobacco classes have been rejected by both Federal and State courts.

There is no evidence that class members will get better treatment in State court. Indeed, the evidence is to the contrary. In the only tobacco class action to reach conclusion, the Broin case, that case ultimately settled in State court. But the class members received no money at all. Under the terms of the settlement, they obtained only a right to sue individually. Meanwhile, the class counsel, the lawyers, were awarded $49 million. One law professor assessed the settlement as follows: ''Is the system just when it allows the plaintiffs' lawyers to make $49 million for making the class worse off?''

There is no evidence that tobacco cases would get tried more quickly in State courts. It took 6 years to get the first tobacco class action to trial in

State court; the second took over 4 years. The average time to trial in Federal Court is shorter.

No matter where we may stand on the tobacco issue, we should strongly oppose this amendment. And for all the reasons I just cited, I urge my colleagues to defeat this amendment.

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

Mr. Chairman, in opposing the amendment, I would make the broad point that industry-specific denials of access to the judicial process at either the State or the Federal levels are simply not appropriate. Over the entrance to the United States Supreme Court are words which, in a phrase, define our basic belief in the rule of law. That phrase says, ''Equal justice under the law.'' To honor that principle, any attempt to close the courthouse door to any specific litigant, whether an individual, a specific corporation, or an entire industry should be defeated.

The amendment would close the door to the courthouse to any company within the tobacco industry that seeks to use the removal provisions of this legislation. That simply is not the American way. That approach violates our basic principles of fairness and our principles of equal justice. By a wide bipartisan majority the amendment was rejected by the House Committee on the Judiciary, and I strongly urge the committee here on the floor of the House today to reject this amendment as well.

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

Mr. Chairman, for the same reasons that the last carve-out was bad policy, this carve-out is a bad policy. It sets up one system for the popular, another for the unpopular. It violates the principle of equal protection.

And whatever arguments are being made for why this carve-out makes sense should have been made against the bill. The carve-outs, all of the carve-outs, should be defeated, and the bill should be defeated.

Mr. WAXMAN. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, if this legislation is enacted, it will provide the tobacco industry with unprecedented legal protection. It is nothing less than a back door immunity from class-action lawsuits, the Holy Grail of the tobacco industry.

□ 1315

This bill reminds me of the attempt last Congress to give the tobacco industry a $50-billion tax break. This motion, which was slipped into a massive budget bill, was only repealed when Democrats discovered the provision and the public outcry began. This legislation, too, is a gift for the big tobacco.

Today, most tobacco class action litigation occurs in State courts, but this bill would allow tobacco companies to remove these cases from the State courthouses all over the country. This is exactly what the industry has long sought to do. The industry knows that the rules for certifying and maintaining class actions are far more favorable to corporate defendants in Federal courts. They know that they have been able to defeat class action cases in Federal courts on procedural grounds.

This legislation will make it virtually impossible for Americans to successfully bring class action lawsuits against the tobacco companies. It is designed to create barriers, to raise hurdles, to wear down plaintiffs so that they will give up in frustration and despair.

All across America, people know about the outrageous behavior of tobacco companies. They now know how the companies target our kids, try to addict our teenagers, and have lied to the American people for 4 decades. And this House, in light of all this information, has repeatedly failed to respond to the public health crisis from cigarette smoking in this Nation.

This Congress has failed to pass comprehensive tobacco control legislation. It has failed to pass even narrow tobacco control legislation. It has turned over billions of Federal dollars to the States, dollars recovered from the tobacco settlements, without insisting that even a small portion be spent to protect our kids from tobacco. Instead, this Congress has done nothing. But now it is considering passing legislation that will actually give the tobacco companies special liability protection.

This legislation is a gift to the tobacco industry rendered at the expense of those who wish to hold that industry accountable.

Now, some will argue and have argued that this legislation simply treats tobacco like any other business in America. But it is important to remember three facts.

First, tobacco companies are selling a lethal and addictive drug. Second, the product sold by the tobacco companies are the only consumer product in America that kills when used as directed. And third, the tobacco companies have lied to and deceived the public for over 40 years. These companies have operated for decades with utter disregard to the hundreds of thousands of Americans that are killed each year.

We should put public health first and not make it more difficult to hold the tobacco companies accountable for their actions. They deserve no reward. This is a public health issue. It is about fairness for the victims of tobacco. It is time for Congress to protect our children and public health, not big tobacco.

I urge my colleagues to support the Jackson-Lee amendment.

The CHAIRMAN pro tempore (Mr. BURR of North Carolina). The time of the gentleman from California (Mr. WAXMAN) has expired.

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

Mr. WAXMAN. Mr. Chairman, I yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for joining me on this amendment.

I wanted to add to the statement of the gentleman that there have been a number of carve-outs. In fact, we will find that there is a corporate governance carve-out that was requested. I think my colleague raised the issue that some of these were dealing with Federal questions, but some of these were dealing with the fact that the individual State interests wanted a carve-out.

In particular, in Delaware, the corporate governance was carved out because they like what is going on in State courts in Delaware.

It seems to me, with so many carve-outs, like the securities, this begs the question on a Federal issue. This is life or death. These lawsuits are life or death.

The Castano case would have never come if it had not come to the State court system. People are dying. It is important that this legislation, if passed, does not affect the ability of people who have died or are dying their day in court.

I ask my colleagues to accept this amendment because we are dealing with life or death.

Mr. WAXMAN. Mr. Chairman, reclaiming my time, a lot of people are for States' rights in this House. Except when it comes to the question of whether tobacco companies say they do not want States' rights, they want it to be a Federal issue, and then they are willing to go along with big tobacco against the chance of people who have a legitimate lawsuit to bring their case on a class action basis.

I, too, urge support for the amendment.

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

Mr. Chairman, I am opposed to this amendment. I do not think that we should exempt our carve-out to tobacco industry from other business, corporations, and industries across this country. They should be treated just like any other entity under the provisions of 1875.

It is going to impact tobacco companies negatively if this carve-out is allowed. Tobacco growers in my area have already suffered greatly. In the flue-cured tobacco country, we have had a quota cut of 35 percent over the last 2 years. What does that mean? That means that they have a reduction of 35 percent of their gross income and their expenses stay about the same.

This year prices are down all across the old belt tobacco market, and growers are suffering. Many tobacco farmers are going out of business. They cannot continue along the course that has been thrust upon them.

If we single out the tobacco industry for different treatment than the rest of the businesses and companies in this

country, we will be driving a further nail in the coffin of the tobacco companies. If we do not have them, we will not have buyers. Then the tobacco that is utilized in this country by those adults who choose to use it will come from China, it will come from Zimbabwe, it will come from Brazil.

I want us to be fair to the American tobacco grower, be fair to the American tobacco industry. And I hope that those that want to utilize tobacco in this country will have the opportunity to always purchase American tobacco instead of foreign tobacco. We do not need this unfair treatment for American businesses.

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

Mr. Chairman, I rise in support of the Jackson-Lee amendment. If passed and enacted, the class action bill is going to provide significant protections to corporate defendants against class action lawsuits and no industry will benefit more than the tobacco industry.

I think it is somewhat ironic that here we are today and the Justice Department has announced that they are filing a civil lawsuit seeking billions and billions of dollars' worth of damage for the taxpayers of this country, the attorneys general from around the States have negotiated a settlement worth another $250 billion, the courts are going in the direction of holding the tobacco companies accountable for decades of duplicity; and what are we doing in this House? We are going in the opposite direction. We are saying, that is okay when it comes to big tobacco.

The tobacco companies win whenever there is a debate in this House, but the people in America lose. And when we go into the courts, the only place where we have been able to level the playing field, the sponsors of this legislation want to give a special carve-out to the tobacco industry.

Currently, most tobacco class action litigation occur in State court since the plaintiffs' claims against the industry typically involve State law claims. However, this bill would allow the tobacco companies to remove these cases from State courthouses all across the country, giving the industry back-door immunity from lawsuits.

Not surprisingly, the tobacco industry has long sought to remove State class actions from Federal court. The industry knows the rules of the games of certifying classes and maintaining class actions are more favorable to corporate defendants in Federal courts than in State courts. So the tobacco companies want to have their way. They want to be able to go into Federal court and defeat class actions on procedural grounds.

Now, in the last Congress, the tobacco industry sought a complete ban on class actions and these provisions were widely criticized by the public health community and rejected in the Senate. By severely limiting State class actions, this bill will provide the tobacco industry with special protection from civil class action liability, which is exactly what the Congress and the health community has already rejected. Even if we support the changes to the class action laws that are in this bill, it makes sense to make sure that the tobacco industry is held accountable.

We are at a pivotal point in time in our history in terms of holding the tobacco company accountable. It is the leading preventable cause of death in the United States. Over 400,000 people a year die as a result of tobacco-related illnesses. The least we can do, the least we can do, is give the American people who have been victims through negligence of the tobacco companies their opportunity to join together and fight big tobacco.

The fight against big tobacco is not going to be won, unfortunately, on the floor of this House. But Americans across this country, at a minimum, should have the ability and the right to go into court and State class actions to hold these tobacco companies accountable.

Mr. Chairman, I yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman very much for yielding.

Mr. Chairman, I want to emphasize another case. I thank the gentleman for recounting this whole problem of getting into courts. If we had not had the opportunity to go into State courts, cases like Engle versus R.J. Reynolds Tobacco Company, a successful class action case in Florida, as I mentioned, would not have had the opportunity for trial. Broin versus Philip Morris, which considered the claims of some 60,000 flight attendants harmed by secondhand smoke, would not have been allowed into the courthouse.

So I want to see a balance between business interests and individual interests, but in this instance the scales of justice are weighed heavily in the opposite direction without this carve-out.

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

Mr. MEEHAN. I yield to the gentleman from Texas.

Mr. DOGGETT. Mr. Chairman, before coming to this body, I served as a justice on the Texas Supreme Court; and I know that on our courthouse and courthouses across Texas, and I expect in the State of my colleague, as well, there are the scales of justice. We expect that every litigant will be treated fairly and that those scales will be in balance.

When we apply those scales of justice in this body on this Jackson-Lee amendment, on one side we have every public health organization, some 70 consumer groups, State judges, Federal judges, the State attorneys general, I am sure other law enforcement groups, and on the other side of that scale we have got the big tobacco lobby.

Would not my colleague say it is easy to draw the appropriate balance as between the opponents and supporters of the Jackson-Lee amendment?

Mr. MEEHAN. Mr. Chairman, reclaiming my time, I would say that that is very easy.

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

Mr. Chairman, for the last several years, this Republican Congress has stood idle as each day some 3,000 of our children across America have had the opportunity to be introduced to nicotine. Many of them, perhaps as many as a thousand per day, will die prematurely because of their nicotine addiction.

Secret tobacco documents discovered in the course of class action litigation indicate that these tobacco giants targeted children as young as 12 years old with their propaganda about the joys of smoking.

Before Congress grants this tobacco industry special protection, we need to weigh the heavy consequences of the deplorable history of targeting our youngest Americans to take up smoking, proven in industry documents discovered in these class action suits in State court.

I believe that we must place a high priority on the deadly relationship between children and nicotine. We have to protect our children from the tobacco companies that spend over $5 billion a year, almost $14 million every single day of every single year, to promote their products because they need to replace the thousands of smokers that die off from using their products with new young victims.

This legislation is truly back-door immunity for the tobacco industry. I commend my colleague from Texas (Ms. JACKSON-LEE) for her courage in taking on that industry and declining to give them that back-door immunity.

□ 1330

These are the same tobacco giants that sought to ban class actions in 1997, that have known about the deadly consequences of their product for decades, and that are now back here again asking for special treatment.

As my colleagues know, the relationship between the Republicans in this Congress and the tobacco industry runs very deep and constant. The only thing this House has ever done in response to this vital public health issue in the last two sessions was to approve a $50 billion tax loophole for the tobacco industry.

And when people discovered it tucked in under a title called ''Small Business Protection'', the House Republican leadership got so embarrassed, Mr. Chairman, that they withdrew the whole matter. Just when we thought perhaps the Republican leadership had learned the lesson of that misdeed, they again have stood with the tobacco industry to offer them this major break from responsibility.

Oh, yes, the Republican leadership talks about personal responsibility, but

they do not mean personal responsibility for those who have produced the leading cause of preventable death in this country today, the tobacco industry. The victories that have been won in so many of these important States have occurred in our State courts. The States' attorneys general have played a critical role in exposing tobacco industry wrongdoing. In their pursuit of cases at the State level, they have been invaluable allies of the public health community.

If this bill had been law, we would still be waiting for an answer because our Federal courts are overwhelmed and backlogged in too much of the country. Florida citizens would not know as they learned through the litigation that, ''tobacco companies have engaged in a persistent pattern of fraud, of conspiracy to commit fraud and intentional infliction of emotional distress.''

If this bill had been law, Minnesota State courts would never have had the chance to tell Americans around the country that the tobacco companies set out, ''get smokers as young as possible'' and that our own children were purposefully targeted for nicotine addiction. For these tobacco companies children ''represent tomorrow's cigarette business . . . and will account for the key share of total cigarette volume for at least the next 25 years.'' Those are the words right out of the secret tobacco documents discovered in state court proceedings.

The Congress is not the only body, of course, that has considered changing its class action procedures. The same forces, the tobacco industry and its allies, that are attempting to destroy this useful remedy in this Congress came before the State capitol in the city I represent in Austin, Texas. They sought through other devices, along with their allies—the health maintenance organization and the insurance companies—to bar the doors of the courthouses of the State of Texas. Fortunately, the Texas Legislature had the wisdom to reject their entreaties, and I hope this Congress will do the same thing.

As my colleagues know, a Federal civil lawsuit in too many jurisdictions is little more than a ticket to delay.

The CHAIRMAN pro tempore (Mr. BURR of North Carolina). The time of the gentleman from Texas (Mr. DOGGETT) has expired.

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

Mr. DOGGETT. Should this bill pass, Mr. Chairman, the delay will not only be for those involved in tobacco class-action suits. Certainly they will be damaged, but every litigant, be it corporate, individual, governmental, that has a claim pending, a legitimate claim in our Federal court system throughout this country, will find the already overwhelmed Federal courts to be logjammed even more.

There are over 4,000 State courts that can handle State class actions compared to a much smaller number of our Federal district courts. If Congress today adds to these cases, the noise we will hear in the background will be the wheels of justice coming to a screeching halt. Tobacco companies will have successfully avoided any real threat of being held accountable, of being personally responsible for the damages resulting from their purposeful deceit.

This Congress failed the American people by failing to approve comprehensive tobacco legislation. Let us not fail the American people once again by trampling on their rights to turn to the courthouse in their own State, in their own locality, when the Congress would not respond.

Mr. Chairman, I would add one further note to my colleagues. Because of the stranglehold, and it is a strong stranglehold, that results from their having well oiled the machinery of Government here in Washington, the tobacco companies really face little threat in this Congress. We will not be able to get to the floor of this Congress meaningful legislation to reduce youth smoking; and my colleagues need to know that this vote on the amendment offered by the gentlewoman from Texas will probably be the only vote this year by which the American people and the constituency in each district of the Members of Congress will have an opportunity to judge them as to whether they stand with big tobacco and its wrongdoing or they stand with the children and the public health organizations of America to have an effective remedy for such wrongdoing.

I urge approval of the Jackson-Lee amendment.

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

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

Mr. ETHERIDGE. Mr. Chairman, I rise to oppose this amendment. I do not understand why we are considering carving out tobacco when this legislation simply ensures that the Federal courts are available to parties involved in massive and complex class-action lawsuits. This amendment, by singling out the tobacco industry, I think establishes a very dangerous precedent. What politically incorrect industry will be singled out next? Will it be alcohol? Fatty foods? Or will it be big oil? Such a precedent, that threatens all legal businesses whose products may be considered controversial by some person or political parties.

But let me make my point very clear today. My main concern lies not necessarily with the manufacturers, but they are important because last time I checked, they are the only people who buy any tobacco from our farmers. It really lies with the tobacco farmers.

Mr. Chairman, farmers in my district have born the brunt of this nationwide campaign against tobacco. Sharecroppers, not shareholders. Let me repeat that. Sharecroppers, not shareholders, are the ones who are paying the heavy price, and they continue to pay. The shareholders are getting their money; the sharecroppers are being punished. Tobacco families, tobacco farmers and their communities have been severely harmed by the ongoing campaign. Over the past 2 years these farmers have lost 35 percent of their gross income. My colleagues can imagine what that has done to their net income, and their communities are suffering.

A recent study by VPI and NC State University in North Carolina clearly demonstrates that the tobacco farmers are bearing the burden of the anti-campaign. The study concluded that these lawsuits are particularly punishing to farmers because they are unable to recoup the losses through price increases, as the manufacturers have done. Instead of punishing manufacturers, we are punishing the very people that we want to help, the farmers, and their communities and their families. If we adopt this amendment and single out tobacco industry, tobacco farmers, Mr. Chairman, not the manufacturers, will continue to carry the heaviest load that we are talking about.

And people stand here and say they want to help. They are punishing the people they want to help. The people in my district, Mr. Chairman, are on their backs right now from a hurricane. They cannot stand any more help from this Congress. They need real help in funding that will go to help them get back on their feet. I oppose this amendment, and I urge my colleagues to do the same.

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

Mr. Chairman, it is interesting to stand here on the floor of this House and listen to the debate and especially on an issue like this that should be dwelling on the issue of fairness versus the very emotional issue on the political incorrectness of tobacco; and some would say, I have heard repeated several times today, that some here on this side of the aisle came to Washington to talk about moving many of the rights back to the States and how this is just the opposite of that. But many of those very same people believe in bigger government, and yet today they are saying that, well, we do not think the Federal Government ought to have a role in this, that it ought to be back in the States.

Mr. Chairman, I say this simply to point out to the public that no one has a monopoly on hypocrisy, if that is what we are talking about here. I think each case has to be decided by its merits, and this case, given the history of our law on diversity and given the statute on class-action lawsuits, and that concept that even big businesses and even big unpopular businesses ought to be treated fairly, and especially if they are interstate, they ought to have that right to avoid the local biases that often come out in local courts, and

they have been able to go into court, into Federal court and Federal courts are scattered all throughout the country, it is almost like somehow we are talking about we are denying anyone the right to go to court.

We are not doing that. The Federal courts are open; the State courts remain open, and if they are removed to Federal court, it is a local court in their State, every State has Federal courts; and as I point out in my opening statement, they are probably better equipped to handle these class-action lawsuits because they have law clerks; they have U.S. magistrate judges and all kinds of assistance; they have the experience in complex litigation.

But in the end what we are talking about on this amendment is a carve out, and some have said, Well, you've carved out for securities litigation. Well, the reason we carved out for securities litigation was that we enacted a bill in this Congress a year or two ago that reformed that, that made those changes, so there is no reason to bring this into play as to that subject and cause conflict.

But the last speaker, I want to close my remarks by saying he was familiar with the courthouse, and how the scales of justice is there and how it should be balanced; but I think the key of the lady of justice holding the scales of justice is that she is wearing a blindfold, not that the scales are balanced, and if my colleagues vote for this amendment and carve out a politically unpopular entity such as tobacco and treat them unfairly, different than the rest of them, you have got that lady of justice peeking out from that blindfold, and no longer is justice blind, no longer is justice fair.

Vote against this amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. BRYANT. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman from Tennessee, and I appreciate both his tone and his work, but I think that if my colleagues might, let me cite for them again from the Conference of Chief Justices who have indicated there is a very fine balance of relationship that they have developed between the Federal court system and the State court system on class actions, and we are not here to try to create an imbalance between large companies or unpopular industries. Frankly my colleagues have already carved out a carve-out for the securities industry, and what we are saying is we do not want to implode the opportunities of victims who have been the victims of tobacco usage and tobacco companies.

Mr. BRYANT. Reclaiming my time, as I explained earlier, we carved out the securities litigation because we have already acted on that. There is no sense in passing something that would be inconsistent or cause any problems.

But, again, I think the point we have got to look at here we are making exception, we are singling out something that is not popular; and again under our system of justice, under our lady of justice, justice should be blind. Even though it is tobacco, even though it is firearms, it should be treated the same as any other company; and we certainly are not closing the doors to the courthouse.

In fact, I have complete confidence in the Federal court system to adjudicate this type of litigation and, in fact, would prefer this type of litigation if this type of court venue, if it is a complex case like a class-action lawsuit.

Mr. Chairman, I think both the plaintiffs and defendants deserve this type of treatment.

Mr. WATT of North Carolina. I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Jackson-Lee amendment, but both the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) and Mr. NADLER's amendment really point up the problem with this legislation and what happens when we do not have a central principle that controls when you are going to be in Federal court and when you are going to be in State court and opens you up to efforts to try to pick out one industry or the other and exempt them or not exempt them.

The problem is that there is no central core principle here. We have left the central core principle that our constitutional framework gave to us.

□ 1345

That principle says if there is not something in the Constitution that gives a matter to the Federal Government, that matter is reserved to the States. That is what the constitutional principle is. Once we start to stray away from that constitutional principle, then we do not have a central principle that we are operating from anymore and then we get subjected to this kind of let us make this exception because we do not like this industry or make that exception because we do not like that industry. And we end up with a hodgepodge of jurisdictional standards for when one can get in the State court and when one can get in the Federal court.

Now we have had a long-standing diversity jurisdiction principle that has been at play for years and years and years. It says when someone can get into Federal court; and because the supporters of this legislation do not like that, they start to make exceptions to that principle. And because then people who do not like particular industries do not like that exception then they start making exceptions to the exception, and that is what we are engaged in right now.

The underlying bill is an exception to a long-standing principle. The amendments of the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentleman from New York (Mr. NADLER) want to make an exception to the exception, and none of it makes sense. So what we ought to do is reject the exception to the exception, the Jackson-Lee and the Nadler amendments and any other carve-outs that somebody comes to the floor with during the course of this debate.

More importantly, we ought to reject the underlying bill which is an exception to the generally-accepted rules that we are operating under because then we do not have a central principle if we do not reject the underlying bill.

That is really where we ought to end up on this piece of legislation. So that is why I am rising in opposition to the exception to the exception, but I am also rising in opposition to the bill which is an exception to the rule, and that rule is that if we did not give it to the Federal Government then it is reserved to the State governments, and that is the principle that we ought to be controlled by.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I ask unanimous consent to strike the requisite number of words.

The CHAIRMAN pro tempore (Mr. BURR of North Carolina). Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I know this debate is coming to a close. I could not agree more with my colleague from North Carolina on opposition to the underlying bill, and as well I think it is important to note that this is not a popularity contest. There is no attempt here to select unpopular industries.

I would have hoped that my colleagues had not carved out originally the securities carve-out. I would have hoped they had not carved out the corporate governance carve-out because representatives from the State of Delaware were interested in making sure that those actions stayed in State courts in Delaware developing the massive corporate law of America.

I think in this instance we have a situation where we need to be aware that one-third of high school age adolescents in the United States smoke or use smokeless tobacco, and smoking prevalence still exists among our teenagers. We need to realize that children are being attracted to smoking. What we are simply saying here is not to create an imbalance between unpopular industries and popular, or to create an imbalance between any litigant going into the court of justice, but what we are saying is this legislation will allow one diverse litigant, one, to move a massive class action that has been filed in a State court to a Federal court of which the Conference of Judges in the Federal system have indicated we cannot take it.

In fact, Mr. Chairman, it literally locks the courthouse door because our Federal courts are overwhelmed and understaffed, and we have already seen where tobacco cases have not been certified in the Federal court. And we would not have had the cases that we

have had that were filed in Florida and the one filed on behalf of the airline stewards for secondhand smoke. We would have been in an abyss or a crisis or a limbo or a bottomless hole where individual litigants who get their strength from a class action to allow themselves to be able to access, the equity court, the court of justice in State courts, would be denied.

So I would ask my colleagues to consider this not as a bias toward an unpopular industry but a creating of a balance of the scales of justice for those victims who have been closed out of the Court system because they are alone, they are by themselves, they are frail, they have less money and they are not able to access justice.

Class actions are the access for that and this amendment would help those victims of tobacco usage, and I ask my colleagues to support it and to vote against the underlying bill.

Mr. Chairman, I am offering the following amendment to H.R. 1875, The Interstate Class Action Jurisdiction Act of 1999. I am concerned that this bill if left unamended would for the first time, give federal courts jurisdiction over almost all state class action claims, even those involving primarily intra-state disputes over state law. This bill will allow tobacco companies to take state class action claims away from state courts and put them into federal courts over the objections of plaintiffs.

By permitting the transfer from state courts to the federal courts, this legislation will cause indeterminable delay for class action cases against the tobacco industry, both increasing the costs of suing the industry and delaying justice.

My amendment would ensure that this bill does not apply to any class action that is brought for harm caused by a tobacco product. This legislation as currently worded would allow tobacco companies to remove class actions involving state causes of action to federal court. In fact, since the major tobacco companies are principally domiciled in states where class actions are not being brought, ''minimal diversity'' as defined by this bill will always exist between the plaintiffs and the tobacco companies.

The legislation, therefore, can be said to effectively grant the tobacco industry a free pass to federal court where it will be more difficult for plaintiffs to prevail in class action cases.

My amendment responds to the concerns that many of us have and I urge my colleagues to support this measure.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 295, further proceedings on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) will be postponed.

AMENDMENT NO. 7 OFFERED BY MR. WATT OF NORTH CAROLINA

Mr. WATT of North Carolina. 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. 7 offered by Mr. WATT of North Carolina:

Page 7, line 10, strike ''before or''.

Mr. WATT of North Carolina. Mr. Chairman, I have already expressed my opposition to this bill for a number of reasons, and in the opening debate I also alluded to some internal drafting concerns that I have about the bill. One of those drafting concerns is that the bill allows someone who purports to be a member of a class to come in and remove a case to Federal court before that person is even determined to be a member of the class; before there is a class certification.

The purpose of this amendment is simply to strike two words from the bill. The relevant provision in the bill says this section shall apply to any class action before or after the entry of any order certifying a class. All my amendment would seek to do is to strike two words, ''before or,'' so that at least a person would have to be determined to be a member of the class before that person could pick the lawsuit up and move it to the Federal court.

I am not sure what the objective was to give somebody who is not even determined to be a party to the litigation the right to pick a lawsuit up and move it when they have not even had any role in the case up to that point. So I would encourage my colleagues to support this amendment, although I understand that there may be a substitute for it which I hope I can be supportive of.

AMENDMENT OFFERED BY MR. BOUCHER AS A SUBSTITUTE FOR AMENDMENT NO. 7 OFFERED BY MR. WATT OF NORTH CAROLINA

Mr. BOUCHER. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The CHAIRMAN pro tempore. The Clerk will report the amendment offered as a substitute for the amendment.

The Clerk read as follows:

Amendment Offered by Mr. BOUCHER as a substitute for Amendment No. 7 Offered by Mr. WATT of North Carolina:

Page 7, line 11, insert '', except that a plaintiff class member who is not a named or representative class member of the action may not seek removal of the action before an order certifying a class of which the plaintiff is a class member has been entered'' before the period.

Mr. BOUCHER (during the reading). Mr. Chairman, I ask unanimous consent that the substitute amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. BOUCHER. Mr. Chairman, the amendment of the gentleman from North Carolina (Mr. WATT) would permit a plaintiff to remove a State-filed class action to Federal court only after the State court had entered an order certifying the class.

In my view, the removal opportunity should arise at an earlier time for plaintiffs who are named or representative class members. These plaintiffs should be able to remove at some point before the State court actually enters the certification order.

The substitute to the gentleman's amendment that I am offering would permit named or representative class members to remove prior to the State order certifying the class. Other plaintiff class members could remove only after the certification order is entered.

I want to thank the gentleman from North Carolina (Mr. Watt) for his work with the sponsors of the legislation on this aspect of the removal process. I am hoping that the substitute that we are offering will be acceptable to the gentleman in addressing his concerns, and I would be happy to yield to him for his comments.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. BOUCHER. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Chairman, I thank the gentleman from Virginia (Mr. BOUCHER) for yielding.

Mr. Chairman, I want to tell the gentleman from Virginia how much of a pleasure it has been to try to work toward something that accommodates his concerns and accommodates my concerns. I believe that this amendment, while it does not go all the way to the point that I was trying to get us to, reaches a reasonable balance between the two approaches. It at least does not allow somebody to walk in off the street, unknown to the litigation, and pick it up and move it. One has to be a named class representative or a named plaintiff to move it before they have the right to remove, and I think this accomplishes that purpose.

I would encourage my colleagues to support the substitute; and if the substitute passes, then obviously that would take precedence over the underlying amendment which I have offered.

Mr. BOUCHER. Mr. Chairman, I thank the gentleman from North Carolina (Mr. WATT) for his remarks. I would be pleased to yield to the prime sponsor of the underlying bill, the gentleman from Virginia (Mr. GOODLATTE).

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

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

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman from Virginia (Mr. BOUCHER) for yielding.

Mr. Chairman, I want to commend the gentleman from Virginia (Mr. BOUCHER) for what I think is a very appropriate secondary amendment to the amendment of the gentleman from North Carolina (Mr. WATT), and commend both gentlemen for working this out. We can certainly accept this amendment, and we urge our colleagues to vote for it.

Mr. BOUCHER. Mr. Chairman, I thank the gentleman from Virginia

(Mr. GOODLATTE) for his support, and I would encourage the committee to approve the substitute.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Virginia (Mr. BOUCHER) as a substitute for the amendment offered the gentleman from North Carolina (Mr. WATT).

The amendment offered as a substitute for the amendment was agreed to.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from North Carolina (Mr. WATT), as amended.

The amendment, as amended, was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. FRANK OF MASSACHUSETTS

Mr. FRANK of Massachusetts. 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. 2 offered by Mr. FRANK of Massachusetts:

Page 9, strike line 6 and all that follows through page 10, line 2, and insert the following:

(e) PROCEDURE AFTER REMOVAL.—Section 1447 is amended by adding at the end the following new subsection:

''(f) If, after removal, the court determines that any aspect of an action that is subject to its jurisdiction solely under the provisions of section 1332(b) may not be maintained as a class action under Rule 23 of the Federal Rules of Civil Procedure, it shall remand that aspect of the action to the State court from which it was removed. In such event, that State court may certify the action or any part thereof as a class action pursuant to its State law and such action cannot be removed to Federal court unless it meets the requirements of section 1332(a).''.

Mr. FRANK of Massachusetts. Mr. Chairman, this is the truth in labeling amendment. This bill was originally presented to me in the previous Congress as an effort to have more rationality as to whether or not a particular action ought to be tried at the Federal or the State level, and I agreed with that.

Indeed if this amendment were adopted, I could be supportive of the bill, would be supportive of the bill. I had been a sponsor before, until this particular piece of it evolved. I am not sure where it came in, but here is the problem: We now have very technical rules about what gets someone in a Federal court and what gets someone in a State court. I think it makes sense to change that so that where the bulk of the plaintiffs and the bulk of the defendants and the bulk of the issues are in one State it stays in the State court, and where there is genuine factual diversity it goes to Federal court. That was the legislation I was prepared to support.

There is a piece of this, however, that I think is, to many of the sponsors, a central part of the legislation and it says this: If a class action is filed in State court and can be, under the terms of this bill, removed, even though it did not meet the old technical terms for removal but would meet our new more substantive test for going into Federal court, if a Federal judge found that this particular class action did not meet the rules for class action under the Federal rules it could not be brought as a class action.

□ 1400

It could then be returned to the State, but not as a class action. In other words, this piece of the bill is not to see that certain class actions are litigated at the Federal level rather than the State level. I am aiming at a piece of the bill that seeks to prevent certain class actions from being heard at all.

What came out of the debate is this: some Members of the majority are disappointed in some States. I guess they are kind of like parents whose kids have gone bad. I know they are all for States' right. I know they talk about how much they support States' rights and do not want to see a Federal override. But the problem is, those darn States will not always do what they are told. Some of those States actually allow class-action suits that some businesses do not like, and there is unhappiness over the willingness of some States to do this.

Mr. Chairman, I will say this. There is a certain delicacy on the part of my colleagues, they do not like to mention the States. It is one thing to condemn the States; it is another thing to actually mention which ones. So you probably will not hear during the course of the debate any actual States mentioned. There are a few. Off the floor maybe we can whisper some names.

But the problem they have is, they believe some States are too lax and too willing to allow class actions, so part of the purpose of this bill is not simply to get class actions litigated in Federal court rather than State court, but to keep them from being litigated as class actions at all. That seems to me to be a grave error.

This amendment is very simple. This amendment says that if one gets it removed under the general provisions of this bill, and this bill will make it easier to remove from State to Federal court, and I support that part of it, the amendment says if one gets it removed and a Federal judge says, no, one cannot have it as a class action, then one can go back to State court and have it as a class action in State court. In other words, one's choice is one wants it to be a Federal class action or a State class action, and that I think the bill addresses correctly. But using this as a way to prevent class actions at all is an error, and only this amendment will keep this from happening.

What the amendment says is that if a Federal judge rules that it cannot be a class action, one has the opportunity of going back to the State from which it was removed and maintaining it as a class action. I do not think it is appropriate for us to simply say, as this bill otherwise will after this amendment, hey, some of you States have not gotten it right and you States are allowing class actions that should not be class actions and we, the Federal Government will step in.

This is a proposal to substitute the wisdom and discretion of the Federal courts for State courts as to whether or not class actions ought to be maintained at all.

As I said, and I want to be very clear, to a bill whose purpose it is to have certain actions tried in the Federal rather than a State court because it makes more sense for the class action to be tried there, I am supportive. But a bill whose purpose it is to prevent any class action at all, and that is part of the purpose of this bill, that, I think, is in error.

This amendment would return the bill to what it was advertised as to me: an effort to put class actions where they ought to be, but it would remove from the bill that provision that says, some States have been imprudent in allowing class actions that should not be allowed. I do not think that is a wise decision for the Federal Government to make. We certainly have had no record for it and if, in fact, we are going to have legislation passed that rules that some States have been imprudent, let us have hearings. Let us give those States a chance to defend themselves.

This is a gravely mistaken assault on States who have not been given a chance to defend themselves.

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

Mr. Chairman, this amendment would defeat the whole purpose of H.R. 1875. I must strongly disagree with the gentleman from Massachusetts (Mr. FRANK), with regard to the issue of States' rights. It is not a States' rights issue to allow one State court judge to determine the law in 20 or 30 or 40 other States, and that is what happens now when nationwide class-action lawsuits with tens or hundreds of thousands of plaintiffs cannot be removed to Federal court because of this flaw that has existed in our diversity rules that says that a $75,000 slip and fall involving parties between two States can be removed to Federal court, but a multimillion dollar or multibillion dollar lawsuit involving tens of thousands of parties cannot be removed to Federal court.

To allow one State court judge in one county in one State to determine the laws of a multitude of other States; to allow a judge in the State of Alabama to interpret the laws of New York and New Jersey and Pennsylvania and California and Texas is wrong, and that is what this bill is designed to do.

If the gentleman's amendment passes, the effect will be to say, once the matter is removed to Federal court, if the Federal court does not believe that the legislation constitutes a class action and refuses to certify it as a class action, then it would go right back to the State court and they could

proceed with their lawsuit just as if nothing had ever happened. It would defeat the entire purpose of eliminating forum shopping and it would defeat the entire purpose of making sure that State court judges do not interpret the laws of a multitude of other States.

The whole purpose is to allow the removal of more interstate class actions to Federal courts where they are most appropriately heard. This amendment would make that change worthless.

The amendment would constitute a full endorsement, not a correction, of the rampant class-action abuse that is occurring in State courts. When a Federal court denies class certification in a case, it is typically because litigating the case on a class basis would likely result in a denial of a class member's or a defendant's due process rights or basic fairness principles. This amendment would invite State courts to overrule such Federal court determinations; it would invite State courts to advance class actions that a Federal court has determined would deny due process rights or be unfair to unnamed class members.

The amendment is based on the myth that most States have class-action rules radically different from the Federal class-action rule, and that if a Federal judge judges that a class case may not proceed as a class action under the Federal rule, counsel should be able to take their case back to State court and try their luck under the State rule. In reality, the vast majority of States have class action rules that track the Federal court class-action rule, or have held that the Federal court precedence should guide State courts in making class certification determinations. The problem is that when the rules are largely the same, local judges in many States do not rigorously follow these rules, and their misguided class certification determinations are not readily subject to proper review.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. GOODLATTE. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentleman for that statement, because I think that makes it clear what we are talking about.

The gentleman has just said that the problem is that the rules are the same but a lot of local, i.e. State, judges, are misguided. So this is not a statement that the Federal judges have superior wisdom; and it is, as the gentleman said, an effort to prevent the misguided actions of State judges who cannot be trusted to carry out their own State laws.

Mr. GOODLATTE. Mr. Chairman, reclaiming my time, the legislation does not make any distinction between the wisdom of State court judges in general or Federal court judges in general; it says that State court judges should not be determining the law of other States.

Mr. FRANK of Massachusetts. Mr. Chairman, if the gentleman would continue to yield, the gentleman just referred to misguided State judges. He acknowledges that the rules are largely the same, and what he is saying is, the Federal judges will be guided and they will have to guide those misguided State judges. It is okay to think that.

Mr. GOODLATTE. Mr. Chairman, again reclaiming my time, all I am saying to the gentleman is that we should not allow anybody to have two bites of the apple, and that is what the gentleman's amendment provides for.

The amendment would create enormous inefficiencies and a parade of abuses. In particular, if a defendant fights to defeat class certification and wins in Federal court, it will have to turn around and mount the fight all over again.

The amendment is premised on the false assumption that class proponents will not get a full opportunity to obtain class certification under the current bill. They will. As presently drafted, the legislation will allow litigants multiple chances to obtain certification of proposed classes after removal to Federal court. If the first class proposal in a removed action fails, nothing in this bill precludes the class representatives from making revised class proposals to the Federal court.

The CHAIRMAN. The time of the gentleman from Virginia (Mr. GOODLATTE) has expired.

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

Mr. GOODLATTE. Mr. Chairman, even after the case is dismissed in Federal court, it can be refiled in State court. After the class certification fails, it would not preclude the plaintiff from offering additional class proposals. They just cannot go back in with the same class proposal, because that class has not been certified in Federal court.

Suggestions that H.R. 1875 would federalize all class action rules ignore the current situation, and it ignores the situation that I referred to earlier. It has been suggested that this amendment would prevent H.R. 1875 from federalizing class action rules. In reality, the amendment would perpetuate the federalization of class action rules that is occurring now. At present, a handful of State courts dictate Federal class action policy.

By taking an ''anything goes'' approach to class actions, those few State courts have become a magnet for class actions. Such courts hear a disproportionate number of multi-State and nationwide class actions because they are very lax about what they will certify for class treatment. Passing this bill will standardize the process and make sure that no one State court drives the policy.

Oppose this amendment and support the bill.

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

Mr. Chairman, I will be brief in stating my opposition to this amendment. If the amendment is adopted, the basic reform that we are seeking in this legislation simply would not be achieved. Some cases simply should not be certified as class actions, either in State or in Federal courts. Federal Rule of Civil Procedure 23 is narrowly drawn so as to protect the normal rights of both plaintiffs and defendants. Under rule 23, cases that are overly broad will not be certified as class actions.

When cases are denied class action status, all of the individual members of the purported class are then free to file their individual actions for damages. And so, in the failure of class certification, absolutely no one is denied the opportunity to seek recovery for whatever damages they may have incurred.

If the amendment of the gentleman from Massachusetts is adopted, any case which, because of its broad scope, fails to meet the class certification requirements of rule 23 of the Federal rules, and therefore, is dismissed as a class action in Federal court, could then be certified as a class action in the State that has looser certification standards. That State would then be the final arbiter of whether or not the class would be certified, because removal to the Federal court would then no longer be allowed.

The national cases that involve the residents of many States that are our concern and that underlie this legislation would, under this amendment, still be heard in State courts, and so our basic purpose would not be achieved. The reform that we are seeking would not be put into effect, and for that reason, I urge the defeat of the amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. BOUCHER. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentleman for yielding, because I want to straighten something out now.

The previous speaker said that some of us were operating under a myth, but the myth was just propagated by my friend from Virginia, not by us. I would say to my other friend from Virginia, he accused the sponsor of this amendment of holding the view that there were different State and Federal standards for certifying, and he said that was not the case, it is just that the Federal Government is better at this than the State judges. But as the gentleman from Virginia now standing who graciously yielded to me just said that some of the States have looser standards.

So I do want to point out that there appears to be some difference between the two gentlemen from Virginia here.

Mr. BOUCHER. Mr. Chairman, reclaiming my time, let me say that it is true that most of the States have standards that are roughly coincident with rule 23 of the Federal Rules of Civil Procedure, but there are some

States that have not adopted that rule. There are some States that, in fact, do have broader and looser standards than Federal rule 23; and in many of the instances where abuses have arisen, it is because of those somewhat broader standards.

We have a whole series of cases that the gentleman and I discussed when this matter was in the committee where the State that is certifying a class will be applying its law in such a way as to bind all of the Members of the class and make sure that that particular State's law dominates the decision, notwithstanding the fact that in the State of the residents of many of those individuals, the law is very different. That reversed federalism, which does enormous damages to our traditional principles of federalism is yet another abuse that we are seeking to remedy.

Mr. FRANK of Massachusetts. Mr. Chairman, if the gentleman will again yield, I just wanted to point out that that argument, that there are some States with different standards, is contrary to the argument given by our other colleague from Virginia. I just wanted to point that out. He said we were operating under the myth that there were these States with different standards, and that, in fact, the standards detract from each other.

The gentleman from Virginia (Mr. BOUCHER) is now acknowledging that there are some States with different standards, and I think that is frankly a better way to go than to have the argument that we previously heard that there were these misguided State judges who were misapplying the rules.

In any case, I would say this. I would like to have a hearing and call forward officials from those States; I think it would be useful. Which States are we talking about? Which are the States that are abusive? We ought to be able to know which States we are talking about, and I think we ought to give those States, because I do not remember hearing where we asked those States to come and justify their loose procedures.

□ 1415

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

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

Mr. GOODLATTE. I thank the gentleman for yielding, Mr. Chairman.

Would it not be possible that both facts are true; that in some States the certification process is different than the standards followed in the Federal courts and followed by most of the other States, and it could also be true that in some States some judges do not follow standards that are loosely applied?

Mr. BOUCHER. Reclaiming my time, Mr. Chairman, I think the gentleman from Virginia is precisely right. Even in those States that have standards that approximate Federal rule XXIII, there is a divergence oftentimes in the courts of that very State in terms of how those standards are applied.

Oftentimes, the States do not offer the right of interlocutory appeal on the pure question of class certification. So for the defendants to have an opportunity to challenge the application of that particular State's certification rules, the entire process of the trial has to be undertaken, has to be concluded. That is a waste of time, resources, and money for all parties concerned.

Mr. FRANK of Massachusetts. Mr. Chairman, if the gentleman will yield further, I agree that intellectually both can be true.

I would simply point out to the gentleman from Virginia, he is one who referred to one of those truths as a myth. The gentleman from Virginia first declared it was a myth, and then announced it was true. I am willing to wait for his judgment as to which he means.

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

Mr. Chairman, I would like to point out that as we weigh the intelligence and ability of the Federal judges versus the State judges, it is the Federal judges and the Judicial Conference of the United States that do not want this bill.

They have used the most delicate language imaginable: ''Concern was also expressed about the conflict between these provisions of the bill and long-recognized principles of Federalism.'' Get it? That is what they are saying: Please do not give us this. They demean the State court judges, but the Federal judges to whom they are giving this do not want it.

But since they insist on giving it to them, the Frank-Conyers-Berman-Meehan amendment, this amendment, merely gives the State court the opportunity to reject or accept a class certification determination.

The debate that has been going on here assumes that anything that comes back to the State court is going to automatically be certified as a class action. The State court has the option of determining whether there will be a certification. They may well turn it down. What it does do, this amendment, is to stop the merry-go-round effect of always allowing any State court determination to be removed to the State court.

So this amendment provides simply that if, after removal, the Federal court determines that no aspect of an action that is subject to its jurisdiction may be maintained as a class action under rule 23, the court shall remand the class action to the State court, without the opportunity to be removed again to the Federal court. The State could then proceed with a class certification determination.

After the determination, if the district court determines that the action subject to its jurisdiction does not satisfy the rule 23 requirements, then the court must dismiss the action. This has the effect of striking the class action claim. While the class action claim may be refiled again, any such refiled action may be remanded again if the district court has original jurisdiction.

Therefore, even if a State court would subsequently certify the class, it could be removed again, creating a revolving door between the Federal and State court.

Mr. Chairman, all we are doing is stopping the revolving door action. It is a modest improvement to a measure that is likely not to be kindly received by the administration. This would make it a little bit better.

This provision unfairly prohibits class action lawsuits from being certified by State courts under the State class action rules, which could be more lenient than Federal rule 23. As a result, individual actions could be the only recourse for the plaintiff, and this will eliminate the benefits of a class action in the first place. This is why class actions were created, to seek compensation as a class from the industry because individual lawsuits are too costly.

I urge my colleagues to support the amendment, which will allow the Federal courts the first opportunity to review a class action, but not cut off other class action rights in the State courts.

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

Mr. Chairman, I think this amendment addresses, really, the central point of this debate: Is this a bill about banning all kinds of class actions, or is this debate really about making a change in the diversity rules?

The proponents of this bill argue that this bill represents a minor change in the rules of civil procedure and has no impact on the meritorious class action lawsuits. The way the bill is drafted, however, belies that claim. Instead, it would prohibit the formation of almost all State class actions.

This amendment would correct that problem by only permitting the defendant to remove a class action suit to Federal court once. If it is removed and does not receive Federal certification, then the class can go forward with their class action on the State level if and only if they succeed in receiving certification under the rules of that particular State.

By ending the possibility of repeated removals, this amendment ends the merry-go-round of removals and preserves meritorious State claims actions. Without this amendment, almost no class actions would be able to form on the State level without defendants being able to repeatedly whisk them away to Federal court.

The goal of this legislation is supposed to be a technical change to the diversity jurisdiction rules, not a preclusion of all class action lawsuits. Unfortunately, the way this bill is drafted clearly demonstrates that it intends to preclude class actions, not simply correct diversity jurisdiction problems.

Mr. Chairman, I urge support for this amendment.

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

Mr. Chairman, on the face of it, this may seem to be a corrective measure. The problem is that this is a classic loophole. There are a handful of States that have lax certification standards.

Some might argue that that is what this legislation is all about, that there are certain States that are havens for frivolous class action lawsuits. What this does is to say, you play by the rules, you go to the Federal court, the Federal court finds that your suit is without sufficient merit, and then if you lose, you have the recourse to go right back to the States with the most lax certification standards and start the case over again.

That is the problem with this. If we were talking about having an opportunity to appeal to a Federal court, that would be a more legitimate alternative and one that I think would have merit, personally. I cannot speak for the other sponsors, but I think that might have had merit. This, what this does is to open up a loophole. It is a loophole that in fact will become the standard course of action on the part of plaintiff's attorneys who have figured out how to best abuse the existing system.

So that is why I have to oppose this legislation. Even though my very good friends and people whose judgment I highly respect have offered this amendment, I am afraid that perhaps unwittingly, I am sure unwittingly, they are offering legislation that will open up a loophole that will really nullify the intent of this corrective reform legislation. For that reason, I really think our colleagues should oppose it.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. MORAN of Virginia. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I would just ask my friend, in his experience, has he ever heard himself or any other Member refer flatteringly to a Member whose amendment he intended to support?

Mr. MORAN of Virginia. Actually, not. We offer the most ungenuine flattery to those who we intend to oppose most vigorously. But that does not mean that I did not mean it when I say that the gentleman is a friend and a very credible and respected colleague, I say to the gentleman from Massachusetts. It is just that the gentleman's legislation does not make sense.

Mr. FRANK of Massachusetts. In the future, I would trade three compliments for one vote.

Mr. MORAN of Virginia. The gentleman will not get that. He will have all the compliments he wants, but I certainly would not vote for this legislation. I would not encourage any of my colleagues to vote for it, either.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. FRANK).

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

Mr. FRANK of Massachusetts. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 295, further proceedings on the amendment offered by the gentleman from Massachusetts (Mr. FRANK) will be postponed.

AMENDMENT NO. 6 OFFERED BY MS. WATERS

Ms. WATERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Ms. WATERS:

Page 10, line 4, strike ''The'' and insert ''(a) IN GENERAL.—The''.

Page 10, lines 5 and 6, strike ''date of the enactment of this Act'' and insert ''date certified by the Judicial Conference under subsection (b)''.

Page 10, insert the following after line 6:

(b) CERTIFICATION BY JUDICIAL CONFERENCE.—The Judicial Conference of the United States shall certify in writing to the Congress the first date on or after the date of the enactment of this Action which the number of vacancies of judgeships authorized for the United States courts of appeals, the United States district courts, and the United States Court of Federal Claims, is less than 3 percent of all such judgeships.

Ms. WATERS. Mr. Chairman, this amendment provides that this bill, H.R. 1875, would take effect only once the Judicial Conference of the United States has certified in writing that fewer than 3 percent of Federal judgeships remain unfilled.

I remain firm in my opposition to H.R. 1875 because the bill as designed will dramatically increase the workload of the Federal judiciary. The bill's very purpose is to transfer to the Federal courts a large portion of class action lawsuits currently handled by State courts.

The current workload of the Federal judiciary is already hampered by the backlog of cases, largely due in part because of low-level drug crimes prosecuted under the ill-conceived mandatory minimum drug sentence. The over-federalization of crimes, coupled with the judicial vacancies on the Federal bench, results in meritorious civil claims not being heard.

I come from a people who are all too familiar with the maxim, ''Justice delayed is justice denied.'' On May 11, 1998, the conservative Supreme Court Chief Justice Rehnquist noted that the Senate is ''moving too slowly in filling the vacancies on the Federal bench.'' He also criticized the Congress and the President for ''their propensity to enact more and more legislation, which brings more cases into the Federal court system.''

He said, ''We need more vacancies to deal with the cases arising under existing laws, but if Congress enacts and the President signs new laws allowing more cases to be brought into Federal courts, just filling the vacancies will not be enough. We need additional judgeships.''

Mr. Chairman, allow me to detail the judicial vacancy crisis. Currently, there are 68 Federal judicial vacancies, or approximately 8.5 percent of the Federal judicial positions. On average, Federal District Court judges have 398 civil filings pending.

The Senate in 1999 has confirmed only seven judges. Forty more await action, either on the floor or in the Committee on the Judiciary. Yet, Mr. Chairman, Senator TRENT LOTT has clearly indicated that filling judicial vacancies is not a priority. Last week, in regard to the nomination of a judiciary candidate, the Senator stated, ''There are not a lot of people saying, give us more Federal judges.'' He further said, ''I am trying to move this thing along, but getting more Federal judges is not what I came here to do.''

Meanwhile, 23 vacancies are categorized by the Judicial Conference as judicial emergencies, meaning either that the court in question is facing a burdensome caseload, or that the slot has been vacant for 18 months. As of June 1, fully one-fourth of the positions on the Ninth U.S. Circuit Court of Appeals had not been filled. The Third Circuit has a whopping 20.3 percent judicial vacancy.

Mr. Chairman, the failure of movement on the judicial nominations to the Federal court borders on malpractice.

□ 1430

Clearly, the majority has decided to play political football with the President's nominees at the expense of the American people who have cases that are in need of resolution.

I understand that this body does not have the power to order the other body to confirm the judicial nominees. However, this amendment would provide that the judiciary not undertake additional cases unless there are enough judges to address the suits before the courts.

This amendment is reasonable and is one that should be supported. Mr. Chairman, these numbers speak for themselves. I urge my colleagues to support this amendment.

Let me just conclude by saying I do not have to make a further case. We all know this. The gentleman from Virginia (Mr. GOODLATTE) on the other side of the aisle is even smiling because the case is so clear.

Here we are talking about putting an additional burden on our Federal courts, and we cannot fill the vacancies, and we have no movement from the very people who claim that this must be done in the interest of fairness.

Well, I do not think they can make a case for this. I do not think anybody believes this. They do not even believe it. They know that the courts are backed up, and they know that even those in their own party have spoken

about this terrible problem that we have with these vacancies.

Do not try and overburden these courts even more and back up the cases. If they really want to do something, they will get in their conference, and they will urge Senator LOTT and the others on the other side of the aisle to move these judgeships so we can take care of the cases that are already there.

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

Mr. Chairman, I must say to the gentlewoman from California (Ms. WATERS) the reason I was smiling is because, to state it kindly, this amendment is sort of a sneak attack on the bill, because it has the effect of gutting the bill.

What her amendment provides for is the bill does not go into effect until the Federal court vacancies are below 3 percent. Well, guess what? In the last 15 years, the Federal court vacancies have never been below 3 percent, including a number of instances where there have been Democratically controlled U.S. Senates and Republican Presidents.

So I do not think we should inject ourselves into that debate going on over in the Senate. In fact, the time that the vacancy rate was the highest was just before when President Bush went out in 1991. Instead of the over 8 percent vacancy rate that the gentlewoman cited that exists today, the vacancy rate in 1991 was 16.4 percent.

So there is no doubt that the purpose of this amendment is simply to defeat the legislation; and, therefore, I strongly oppose it.

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

Mr. GOODLATTE. I am delighted to yield to the gentlewoman from California.

Ms. WATERS. Mr. Chairman, would the gentleman from Virginia like to substitute the 3 percent for any number that he thinks is fair and reasonable?

Mr. GOODLATTE. No, Mr. Chairman. Reclaiming my time, I must say that I do not want to inject us into that dispute going on between the Senate and the President for this legislation or any other legislation we have on the floor. This legislation should stand on its own merits, and it does.

One of the concerns addressed is that somehow we are overloading the Federal judiciary. But let me point out that the concern fails to look at our judicial system as a whole.

One of the reasons we need this bill is that many of our State courts are not equipped to deal with these massive complicated class action cases. Indeed, many State courts have crushing case loads and far less staffing, such as magistrate judges and law clerks and other staff, available to manage such cases.

Civil filings in State courts of general jurisdiction have increased 28 percent since 1984 versus only 4 percent increase in our Federal courts. By barring interstate class actions from Federal court one is not solving any problem. One is just keeping these cases before courts that cannot deal with them effectively and fairly.

This concern also ignores the fact that the number of diversity jurisdiction cases being filed in Federal court is going down dramatically. During the 12-month period ending March 31, 1998, diversity jurisdiction case filings in Federal courts fell 6 percent. Through the end of 1998, the decrease is even more dramatic.

This concern also ignores the fact that, since 1990, the number of Federal district court judgeships that Congress has authorized to deal with the workload has increased 12.3 percent to 646 judgeships and that the number of senior judges with staff who are now assisting with the case load is up 64 percent, now 276 judges since 1985.

This concern also fails to take account of the fact that this bill actually has the potential to reduce judicial workload. At present, when identical class actions are filed in Federal and State courts all over the country, as often occurs, there is no mechanism for consolidating those cases before one judge for efficient uniform treatment. So numerous different judges are dealing with the same cases, processing the same issues, and all dealing with the same problems.

However, if these cases were in Federal court, all of those cases would be consolidated before one judge who could deal with the issues once and be done with it.

The opponents' arguments also do not take account of the fact that many completely frivolous lawsuits are being filed because attorneys know they can get away with it before certain State courts. I doubt that many of these wasteful suits would be filed if the attorneys know that they will be facing a Federal district court judge.

Finally, I note that this amendment effectively states that we will let interstate class actions into Federal court if they have the time. That is horrible policy.

What we are talking about here is a right conferred to those engaged in interstate commerce by Article III of the Constitution to have access to our Federal courts to avoid the biases that might be encountered in State courts.

When it comes to criminal rights issues, we do not say to defendants they can have them if the court has time. When it comes to civil rights cases, we do not say that plaintiffs can have access to Federal courts if they have time. Why should this be any different?

Mr. Chairman, I urge opposition to this amendment.

Mr. MORAN of Virginia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the problem with this legislation, and it is not a problem with the intent whatsoever, and I respect the intent that we do not want to overburden Federal judges so that they cannot judiciously consider every case before them, but the problem is that we are passing legislation that is intended to pass the test of time. We are passing it presumably for generations to come.

So we can very well have a situation where we might double, triple, quadruple the number of Federal judges. We could have more Federal judges than we would ever need. But if 97 percent of those judges are the maximum slots that we can fill, if at any time we have a 3 percent vacancy, no matter what the total number of judges is, then we would say no class actions can be filed at the Federal court in terms of the class actions that we are trying to deal with. It has no set number.

So we could deal with the situation where we could have twice, three times the number of Federal judges we have today, and still this amendment would be operable, and one would not be able to implement this amendment because one did not have 97 percent of the slots filled even though many of those slots might one day be in excess of the need that was actually required.

That is the problem with the legislation, not the intent, but the possibility that this might create a situation that, in fact, was irrational and that, in fact, would undermine the intent of the legislation.

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

Mr. MORAN of Virginia. I am happy to yield to the gentlewoman from Colorado.

Ms. DEGETTE. Mr. Chairman, does the gentleman from Virginia (Mr. MORAN) ever know of a situation where we have added more Federal judges when we did not need them in our Federal system? Have we ever actually added Federal judges when the case loads did not warrant it?

Mr. MORAN of Virginia. Mr. Chairman, I would say to the gentlewoman from Colorado that we are not passing legislation to serve the interests of the past. We are passing legislation to serve the interests of the future. So what has been the case in the past is not as relevant as what might be the case in the future.

It is very well possible that we may substantially increase the number of Federal judges and then, just because we have a 3 percent vacancy, the intent of this legislation is essentially null and void. That is not a situation that I am sure my colleague would want to create.

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

Mr. MORAN of Virginia. I am happy to yield to the gentlewoman from California.

Ms. WATERS. Mr. Chairman, the question was asked, but let me just frame it a little bit differently. Has there ever been a time in the history of this Nation that the gentleman from Virginia can identify when we were overstaffed in the Federal court?

Mr. MORAN of Virginia. Mr. Chairman, again, I would say to the gentlewoman from California, my friend and

respected colleague, that what has happened in the past, while it might be precedent, is not as relevant to this legislation as what will happen in the future. We are not passing legislation to apply to the past. We are passing legislation to apply to the future.

I would hope that this Congress, in concert with the Senate, would in fact increase the number of Federal judiciary slots to meet the need. Even if it exceeded the need, if in fact it was a 3 percent vacancy which might be rational at some point in time, then it would nullify this legislation. That is not a situation I am sure that my colleague would want to create.

Ms. WATERS. Mr. Chairman, will the gentleman yield further?

Mr. MORAN of Virginia. I yield to the gentlewoman from California.

Ms. WATERS. Mr. Chairman, certainly the gentleman does not believe that we are attempting to pass legislation for the past.

Mr. MORAN of Virginia. That is right.

Ms. WATERS. Mr. Chairman, we refer to the history of the court, the fact that it has never been overstaffed, that the vacancy problem has grown because we have the documentation that shows that we need more and more judges to take care of the case loads that they are now confronted with.

So the idea of the legislation is not to legislate for the past, but certainly documentation and information that indicate the path that it has traveled in the past would be relevant to the legislation that we are attempting to pass today.

Mr. MORAN of Virginia. Mr. Chairman, reclaiming my time, if the gentlewoman wants to propose legislation to substantially increase the number of Federal judiciary positions, I would cosponsor that legislation in a New York minute or a Los Angeles minute. I certainly think we ought to increase the number of Federal judges, but I do not think we should pass this legislation.

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

Mr. MORAN of Virginia. I yield to the gentlewoman from California.

Ms. WATERS. Mr. Chairman, rather than legislation that would increase the number of judgeships, could the gentleman kindly say to the people he is supporting on this legislation to urge the Senate and the Republican leadership to simply do their job.

Mr. MORAN of Virginia. Mr. Chairman, I represent the people of the United States presumably. I appreciate the gentlewoman's comments.

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

Mr. Chairman, I rise in opposition to this amendment. I think it is not a good idea to tie the receipt by the Federal court of cases based on the number of judges that they have.

It has been pointed out just in some discussions about this here that, what happens if we have pending cases and the percent rises above the 3 percent, is that then that we have to move those cases out? It just is very complicated and most unusual.

But what I would like to do at this point is simply bring some context to this debate on Federal judges. The United States district judges are the judges that these cases first come to. We have appellate judges beyond that up to the Supreme Court.

But we are talking about the district court judges that would hear these cases. Currently, there are 636 United States district judges across the country generally broken down among 93, I think it is 93 districts. We have 93 U.S. attorneys. It is 93 or 94, somewhere in that number. We have 636 district judges of which there are 30 district judges pending in the Senate. There are 12 vacancies where the President has not submitted any names. So roughly 42 pending and 636 in place.

If we average that out, again this is purely an average over the 93 districts, we see somewhere between six and seven judges per district, and something less than one-half a judge short in each district.

So the numbers are not quite as dramatic as one might argue here. We are at roughly 95 percent right now. It looks like there is enough blame to go around on both sides, with the President not submitting names and the Congress not acting to account for the 42 different judges.

But, again, the underlying law, the underlying amendment itself is not good, and I urge my colleagues to vote against that.

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

Mr. Chairman, the legislation before us would take another step in overwhelming our Federal court system. The legislation will also serve to weaken the ability of consumers to enforce consumer health and safety, environmental, and civil rights laws.

□ 1445

For these reasons and others, I will oppose the legislation. But if we are going to pass the legislation, the very least we can do is pass this important amendment to protect the Federal court system from being further taxed.

Congress' responsibility vis-a-vis the courts is funding the judiciary, creating the appropriate number of Federal courts, and filling Federal vacancies, and maintaining a delicate balance between what should be a Federal issue and what should properly be addressed in the State courts. Now, how are we doing on these issues? Contrary to what we have just heard, the House, for example, provided the Federal court system with around $240 million less than that requested by the administration. With reduced funding, the court certainly cannot handle additional caseloads, as this bill calls for.

What happens in the Federal courts, as someone who was just practicing in them as recently as 3 years ago, and rightly so because of speedy trial concerns, criminal cases take precedence to civil cases. So all of these civil cases we are moving to the Federal courts will simply languish if we do not have Federal judges to hear them.

As we have heard, the Federal court system has 64 vacancies currently and anticipates 17 more vacancies shortly. Regrettably, many of these vacancies are concentrated in districts where, as my colleagues have also heard, we have judicial emergencies. What does this mean? At its March 1999 session, the Judicial Conference of the United States said that judicial emergency means as follows: any vacancy in a district court where the waited filings are in excess of 600 per judgeship, or any vacancy in existence more than 18 months where the waited filings are between 430 to 600 per judgeship. And it goes on.

Six hundred per judgeship. And all of the proponents of this bill are saying, well, we need to move the more complex cases to Federal Court because the judges will have time to hear them. If we do not fill these open judgeships, we will not have time to hear these complex cases.

In my own district of Colorado, not the largest judicial district in this country, we have one open judgeship that has been open for almost 2 years. We have two more coming up, and we have another coming up in the 10th Circuit. This is in a very small judicial district. And this plays havoc with the ability to hear any case whatsoever.

We can put the blame on whoever we want. We can put the blame on the White House. We can put the blame on the Senate or whoever, but the point is the people who are constitutionally required in this country to appoint judges need to do so before we can have true justice for anybody in either a civil or a criminal case, but most especially in the civil cases that are languishing now in our courts, the civil rights cases, the consumer cases, the complex environmental cases. We need to fill these judgeships before we can put even more cases into those courts.

So I urge my colleagues, let us put some impetus into filling these vacancies. Let us pass this amendment, at the very least, if we are going to pass this legislation.

Mr. BONIOR. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment by the gentlewoman from California (Ms. WATERS) and the gentleman from Massachusetts (Mr. DELAHUNT).

We have heard in this discussion that the vacancy rate in Federal courts is approximately 9 percent today. And of course when that happens, we end up with a stacking of cases. So what we have here is the Republicans blocking appointments to fill the vacancies, to lessen the burden of the workload. And as a result of that blocking, we have stacking. We have blocking and stacking, blocking and stacking.

And now, on top of all of that, the proposal in the bill seeks to stack even further against those who need a place where they can raise their issues of social conscience, of economic justice, of environmental concerns, and consumer concerns.

Mr. Chairman, some years ago, hundreds of people in the State of Washington fell ill, seriously ill. Many of them began to convulse uncontrollably, others suffered from kidney failure and, in fact, three children died. The public health officials searched frantically to find the cause of this epidemic, and they soon found it. The culprit, of course, was deadly E. Coli bacteria in undercooked hamburger that was sold at the Jack in the Box restaurants.

Well, I do not think there is anybody in this chamber or watching who would argue with the fact that the giant corporation that runs this chain should be held responsible, should be held accountable for what happened here. They should be responsible for their negligence because of what happened to these people and because of the death of these three children. Under current American law, those who have been wronged or have been injured have a right to seek restitution. That is the way the system works. And under the current law they can join together to seek this justice. And in the case of the contaminated hamburgers, they did just that. Unfortunately, under this legislation that we are considering today, these victims would have little recourse.

Under this legislation, they would have had no choice but to choke down this toxic meat. And under this legislation, consumers would find it much, much harder to come together, to join together as a group to fight some of the most powerful, strongest institutions or organizations in this country. That is what class action is all about, organizations that sometimes, unfortunately, abuse their trust, our trust, rip consumers off, or put, in this case of the E. Coli bacteria, put their lives at risk.

The current tort system may have its flaws, Mr. Chairman, but at its core it still offers Americans the best and, in many cases, their only shot at justice. So I want to urge my colleagues to support the amendment offered by the gentlewoman from California and the gentleman from Massachusetts. I want to urge my colleagues to vote ''yes'' on that amendment and to cast a vote for accountability, a vote for justice, a vote for environmental concerns, a vote for economic justice concerns and consumer concerns, and vote ''no'' on this legislation.

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

Mr. Chairman, among the many benefits of this procedure of clustering votes after the debate on a number of amendments, in addition to the far better use of a Member's time, is the fact that a Member who comes in too late to debate the amendment he wanted to debate, gets a chance to debate that amendment on the next amendment. So I rise in support of the Waters amendment but also in support and speaking on behalf of the Frank amendment.

We have heard a lot about the problems of judicial vacancies in the context of this particular amendment. I think it cannot be disputed that as a result of what this bill seeks to do, with its very open and permissive abilities to remove class-action suits to Federal court, the vast majority of class action suits, which raise State law issues and only State law issues, will end up being heard in the Federal courts. This in a system bogged down with large backlogs; bogged down with a number of judicial vacancies.

I am sure no one could have put it better than the gentleman from Massachusetts (Mr. FRANK), whom I missed in terms of his debate on his amendment, the relative absurdity of the situation where now, with very permissive removal rules, a class-action case involving a State law is removed to a Federal court, and the Federal judge determines that, applying his notions of the law, that that class is not appropriately certified. At that particular point one would normally expect that it could be remanded back to the State level for a determination by the State courts of whether under State law it is appropriate to certify the class. Without the Frank amendment, such an action will then again, with the new lawsuit, be removed back to Federal Court. And we will never get out of this revolving door.

So the amendment of the gentleman from Massachusetts, which makes it clear that once a Federal judge has refused to certify the class, that action may be brought in State court, cannot be removed, and it will be up to the State justice system to decide whether there is an appropriate class to certify makes a little bit of sense out of this otherwise both, I think, damaging and somewhat senseless proposal that, in effect, will deprive huge numbers of people of class action remedies in State courts or in Federal courts on matters that are essentially matters of State law.

I support the Frank amendment; I support the Waters amendment. If those amendments do not pass, I urge this bill be defeated.

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

Mr. Chairman, let me echo the words expressed by the gentlewoman from Colorado. This is not about blame. This is not about blaming the Senate or blaming the White House. This is really about justice for the American people. I do not think there is any debate that justice delayed is justice denied. And that is happening now. That is happening every day in our court system now.

Now, this amendment provides that the bill would take effect only once the judicial conference of the United States has certified in writing that fewer than 3 percent of the Federal judgeships remain unfulfilled. The purpose of the amendment is to ensure that the depleted ranks of the Federal branch are restored to their full strength before the courts are asked to take on a new massive workload that this bill would generate.

There should be no doubt that 1875 will have a dramatic impact on the workload of the Federal courts, because its very purpose is to transfer to the Federal system a large proportion of the class-action cases that are currently handled at the State level. The Federal courts, if the underlying bill should pass, will be swamped at a moment when they are already overwhelmed by mounting caseloads.

Since 1990, the number of civil cases filed in Federal court have increased by 22 percent, criminal cases by 25 percent, and appeals by more than 30 percent. In response to this judicial crisis, the Judicial Conference has asked Congress to authorize an additional 69 judgeships, yet not one new judgeship has been authorized or created since 1990, for almost 10 years. And of the 843 judgeships that currently exist, 65, more than 8 percent, are currently vacant. Many have remained unfulfilled for more than a year and a half.

Last year, the Chief Justice himself took the unprecedented step of publicly chastising the Senate for its failure to act on pending nominations and warned of the consequences if Congress continues to enact legislation, exactly like the bill that is before us now, that expands the jurisdiction of the Federal courts. His concerns have been echoed by the Justice Department, the American Bar Association, and the Judicial Conference. Let us listen to those who have to deal with the problem every day. Every day.

Just yesterday, a nonpartisan organization known as Citizens for Independent Courts issued a report which found that the average time it takes to nominate and confirm a Federal judge has increased dramatically over the past 20 years. And at the same time, here we are considering a bill that would impose a major new burden on the Judiciary without regard to its impact on that branch of Government, and without giving our courts the resources they need to do the job.

I daresay, Mr. Chairman, if there was an impact statement that was mandated to be filed with this legislation, it would never be here on the floor of the House. It would not happen.

□ 1500

I believe and suggest and submit that this is irresponsible on those grounds alone. I urge support for the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. WATERS).

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

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

The CHAIRMAN. Pursuant to House Resolution 295, further proceedings on the amendment offered by the gentlewoman from California (Ms. WATERS) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 295, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment No. 4 offered by the gentleman from New York (Mr. NADLER), Amendment No. 3 offered by the gentlewoman from Texas (Ms. JACKSON-LEE), Amendment No. 2 offered by the gentleman from Massachusetts (Mr. FRANK), and Amendment No. 6 offered by the gentlewoman from California (Ms. WATERS).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 4 OFFERED BY MR. NADLER

The CHAIRMAN. The pending business is the demand for a recorded vote on Amendment No. 4 offered by the gentleman from New York (Mr. NADLER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 152, noes 277, not voting 4, as follows:

[Roll No. 439]

AYES—152

Abercrombie	Deutsch	Kennedy
Ackerman	Dicks	Kildee
Allen	Dixon	Kilpatrick
Andrews	Doggett	Klink
Baird	Doyle	Kucinich
Baldacci	Engel	Lantos
Baldwin	Eshoo	Larson
Barrett (WI)	Evans	Lee
Becerra	Farr	Levin
Berkley	Fattah	Lewis (GA)
Berman	Filner	Lipinski
Blagojevich	Ford	Lofgren
Blumenauer	Frank (MA)	Lowey
Bonior	Ganske	Luther
Borski	Gejdenson	Maloney (CT)
Brady (PA)	Gephardt	Maloney (NY)
Brown (FL)	Gonzalez	Markey
Brown (OH)	Green (TX)	Martinez
Capps	Gutierrez	Matsui
Capuano	Hall (OH)	McCarthy (MO)
Cardin	Hall (TX)	McCarthy (NY)
Carson	Hastings (FL)	McDermott
Clay	Hinchey	McGovern
Clayton	Hinojosa	McKinney
Clement	Hoeffel	McNulty
Clyburn	Holt	Meehan
Conyers	Hoyer	Meek (FL)
Coyne	Inslee	Meeks (NY)
Crowley	Jackson (IL)	Menendez
Cummings	Jackson-Lee (TX)	Millender-McDonald
Davis (IL)	Johnson, E. B.	Miller, George
DeFazio	Jones (OH)	Minge
DeGette	Kanjorski	Mink
Delahunt	Kaptur	Moakley
DeLauro	Kennedy	Moran (VA)
Deutsch	Kildee	Nadler
Dicks	Kilpatrick	Napolitano
Dixon	Klink	Neal
Doggett	Kucinich	Oberstar
Doyle	Lantos	Olver
Engel	Larson	Owens
Eshoo	Lee	Pallone
Evans	Levin	Pascrell
Farr	Lewis (GA)	Pastor
Fattah	Lipinski	Paul
Filner	Lofgren	Payne
Ford	Lowey	Pelosi
Frank (MA)	Luther	Porter
Ganske	Maloney (CT)	Price (NC)
Gejdenson	Maloney (NY)	Rangel
Gephardt	Markey	Reyes
Gonzalez	Martinez	Rivers
Green (TX)	Matsui	Rodriguez
Gutierrez	McCarthy (MO)	Rothman
Hall (OH)	McCarthy (NY)	Roybal-Allard
Hall (TX)	McDermott	Rush
Hastings (FL)	McGovern	Sanchez
Hinchey	McKinney	Sanders
Hinojosa	McNulty	Sawyer
Hoeffel	Meehan	Schakowsky
Holt	Meek (FL)	Serrano
Hoyer	Meeks (NY)	Sherman
Inslee	Menendez	Slaughter
Jackson (IL)	Millender-McDonald	Smith (WA)
Jackson-Lee (TX)	Miller, George	Stabenow
Johnson, E. B.	Minge	Stark
Jones (OH)	Mink	Stupak
Kanjorski	Moakley	Tauscher
Kaptur	Moran (VA)	Thompson (MS)
Kennedy	Nadler	Tierney
Kildee	Napolitano	Towns
Kilpatrick	Neal	Udall (CO)
Klink	Oberstar	Udall (NM)
Kucinich	Olver	Velazquez
Lantos	Owens	Vento
Larson	Pallone	Waters
Lee	Pascrell	Waxman
Levin	Pastor	Weiner
Lewis (GA)	Paul	Wexler
Lipinski	Payne	Weygand
Lofgren	Pelosi	Woolsey
Lowey	Porter	Wu
Luther	Price (NC)	Wynn
Maloney (CT)	Rangel	
Maloney (NY)	Reyes	
Markey	Rivers	
Martinez	Rodriguez	
Matsui	Rothman	
McCarthy (MO)	Roybal-Allard	
McCarthy (NY)	Rush	
McDermott	Sanchez	
McGovern	Sanders	
McKinney	Sawyer	
McNulty	Schakowsky	
Meehan	Serrano	
Meek (FL)	Sherman	
Meeks (NY)	Slaughter	
Menendez	Smith (WA)	
Millender-McDonald	Stabenow	
Miller, George	Stark	
Minge	Stupak	
Mink	Tauscher	
Moakley	Thompson (MS)	
Moran (VA)	Tierney	
Nadler	Towns	
Napolitano	Udall (CO)	
Neal	Udall (NM)	
Oberstar	Velazquez	
Olver	Vento	
Owens	Waters	
Pallone	Waxman	
Pascrell	Weiner	
Pastor	Wexler	
Paul	Weygand	
Payne	Woolsey	
Pelosi	Wu	
Porter	Wynn	
Price (NC)		
Rangel		
Reyes		

NOES—277

Aderholt	Forbes	McKeon
Archer	Fossella	Metcalf
Armey	Fowler	Mica
Bachus	Franks (NJ)	Miller (FL)
Baker	Frelinghuysen	Miller, Gary
Ballenger	Frost	Mollohan
Barcia	Gallegly	Moore
Barr	Gekas	Moran (KS)
Barrett (NE)	Gibbons	Morella
Bartlett	Gilchrest	Murtha
Barton	Gillmor	Myrick
Bass	Gilman	Nethercutt
Bateman	Goode	Ney
Bentsen	Goodlatte	Northup
Bereuter	Goodling	Norwood
Berry	Gordon	Nussle
Biggert	Goss	Obey
Bilbray	Graham	Ortiz
Bilirakis	Granger	Ose
Bishop	Green (WI)	Oxley
Bliley	Greenwood	Packard
Blunt	Gutknecht	Pease
Boehlert	Hansen	Peterson (MN)
Boehner	Hastings (WA)	Peterson (PA)
Bonilla	Hayes	Petri
Bono	Hayworth	Phelps
Boswell	Hefley	Pickering
Boucher	Herger	Pickett
Boyd	Hill (IN)	Pitts
Brady (TX)	Hill (MT)	Pombo
Bryant	Hilleary	Pomeroy
Burr	Hilliard	Portman
Burton	Hobson	Pryce (OH)
Buyer	Hoekstra	Quinn
Callahan	Hooley	Radanovich
Calvert	Horn	Rahall
Camp	Hostettler	Ramstad
Campbell	Houghton	Regula
Canady	Hulshof	Reynolds
Cannon	Hunter	Riley
Castle	Hutchinson	Roemer
Chabot	Hyde	Rogan
Chambliss	Isakson	Rogers
Chenoweth	Istook	Rohrabacher
Coburn	Jenkins	Ros-Lehtinen
Collins	John	Roukema
Combest	Johnson (CT)	Royce
Condit	Johnson, Sam	Ryan (WI)
Cook	Jones (NC)	Ryun (KS)
Cooksey	Kasich	Sabo
Costello	Kelly	Salmon
Cox	Kind (WI)	Sandlin
Cramer	King (NY)	Sanford
Crane	Kingston	Saxton
Cubin	Kleczka	Schaffer
Cunningham	Knollenberg	Scott
Danner	Kolbe	Sensenbrenner
Davis (FL)	Kuykendall	Sessions
Davis (VA)	LaFalce	Shadegg
Deal	LaHood	Shaw
DeLay	Lampson	Shays
DeMint	Largent	Sherwood
Diaz-Balart	Latham	Shimkus
Dickey	LaTourette	Shows
Dingell	Lazio	Shuster
Dooley	Leach	Simpson
Doolittle	Lewis (CA)	Sisisky
Dreier	Lewis (KY)	Skeen
Duncan	Linder	Skelton
Dunn	LoBiondo	Smith (MI)
Edwards	Lucas (KY)	Smith (NJ)
Ehlers	Lucas (OK)	Smith (TX)
Ehrlich	Manzullo	Snyder
Emerson	Mascara	Souder
English	McCollum	Spence
Etheridge	McCrery	Spratt
Everett	McHugh	Stearns
Ewing	McInnis	Stenholm
Fletcher	McIntosh	Strickland
Foley	McIntyre	Stump
Forbes	McKeon	Sununu
Fossella	Metcalf	Sweeney
Fowler	Mica	Talent
Franks (NJ)	Miller (FL)	Tancredo
Frelinghuysen	Miller, Gary	Tanner
Frost	Mollohan	Tauzin
Gallegly	Moore	Taylor (MS)
Gekas	Moran (KS)	Taylor (NC)
Gibbons	Morella	Terry
Gilchrest	Murtha	Thomas
Gillmor	Myrick	Thompson (CA)
Gilman	Nethercutt	Thornberry
Goode	Ney	Thune
Goodlatte	Northup	Thurman
Goodling	Norwood	Tiahrt
Gordon	Nussle	Toomey
Goss	Obey	Traficant
Graham	Ortiz	Turner
Granger	Ose	Upton
Green (WI)	Oxley	Visclosky
Greenwood	Packard	Vitter
Gutknecht	Pease	Walden
Hansen	Peterson (MN)	Walsh
Hastings (WA)	Peterson (PA)	Wamp
Hayes	Petri	Watkins
Hayworth	Phelps	Watt (NC)
Hefley	Pickering	Watts (OK)
Herger	Pickett	Weldon (FL)
Hill (IN)	Pitts	Weldon (PA)
Hill (MT)	Pombo	Weller
Hilleary	Pomeroy	Whitfield
Hilliard	Portman	Wicker
Hobson	Pryce (OH)	Wilson
Hoekstra	Quinn	Wise
Hooley	Radanovich	Wolf
Horn	Rahall	Young (AK)
Hostettler	Ramstad	Young (FL)
Houghton	Regula	
Hulshof	Reynolds	
Hunter	Riley	
Hutchinson	Roemer	
Hyde	Rogan	
Isakson	Rogers	
Istook	Rohrabacher	
Jenkins	Ros-Lehtinen	
John	Roukema	
Johnson (CT)	Royce	
Johnson, Sam	Ryan (WI)	
Jones (NC)	Ryun (KS)	
Kasich	Sabo	
Kelly	Salmon	
Kind (WI)	Sandlin	
King (NY)	Sanford	
Kingston	Saxton	
Kleczka	Schaffer	
Knollenberg	Scott	
Kolbe	Sensenbrenner	
Kuykendall	Sessions	
LaFalce	Shadegg	
LaHood	Shaw	
Lampson	Shays	
Largent	Sherwood	
Latham	Shimkus	
LaTourette	Shows	
Lazio	Shuster	
Leach	Simpson	
Lewis (CA)	Sisisky	
Lewis (KY)	Skeen	
Linder	Skelton	
LoBiondo	Smith (MI)	
Lucas (KY)	Smith (NJ)	
Lucas (OK)	Smith (TX)	
Manzullo	Snyder	
Mascara	Souder	
McCollum	Spence	
McCrery	Spratt	
McHugh	Stearns	
McInnis	Stenholm	
McIntosh	Strickland	
McIntyre	Stump	

NOT VOTING—4

Coble	Jefferson
Holden	Scarborough

☐ 1523

Messrs. UPTON, KNOLLENBERG and GILMAN changed their vote from ''aye'' to ''no.''

Mr. ENGEL, Mrs. JONES of Ohio and Mr. CLYBURN changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 295, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 3 OFFERED BY MS. JACKSON-LEE OF TEXAS

The CHAIRMAN. The pending business is the demand for a recorded vote on Amendment No. 3 offered by the gentlewoman from Texas (Ms. JACKSON-LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 162, noes 266, not voting 5, as follows:

[Roll No. 440]

AYES—162

Abercrombie	Carson	Ford
Ackerman	Clay	Frank (MA)
Allen	Clement	Franks (NJ)
Andrews	Conyers	Frost
Baird	Coyne	Ganske
Baldacci	Crowley	Gejdenson
Baldwin	Cummings	Gephardt
Barcia	Davis (IL)	Gonzalez
Barrett (WI)	DeFazio	Green (TX)
Becerra	DeGette	Gutierrez
Berkley	Delahunt	Hall (OH)
Berman	DeLauro	Hall (TX)
Bilbray	Deutsch	Hansen
Blagojevich	Dicks	Hastings (FL)
Blumenauer	Dingell	Hinchey
Bonior	Dixon	Hinojosa
Borski	Doggett	Hoeffel
Boswell	Doyle	Holt
Brady (PA)	Engel	Hoyer
Brown (FL)	Eshoo	Inslee
Brown (OH)	Evans	Jackson (IL)
Capps	Farr	Jackson-Lee (TX)
Capuano	Fattah	Johnson, E. B.
Cardin	Filner	

Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Klink
Kucinich
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moran (VA)
Nadler
Napolitano
Neal
Oberstar
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pomeroy
Porter
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sanchez
Sanders
Sawyer
Schakowsky
Serrano
Sherman
Shows
Slaughter
Smith (WA)
Stabenow
Stark
Stupak
Tauscher
Taylor (MS)
Tierney
Towns
Traficant
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Waxman
Weiner
Wexler
Weygand
Woolsey
Wu
Wynn

NOES—266

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berry
Biggert
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boucher
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Clayton
Clyburn
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Frelinghuysen
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hobson
Hoekstra
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moore
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Ose
Oxley
Packard
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sandlin
Sanford
Saxton
Schaffer
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)

NOT VOTING—5

Coble
Holden
Jefferson
Roukema
Scarborough

☐ 1531

Mr. LOBIONDO changed his vote from ''aye'' to ''no.''

Mr. ROEMER changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. FRANK OF MASSACHUSETTS

The CHAIRMAN. The pending business is the demand for a recorded vote on Amendment No. 2 offered by the gentleman from Massachusetts (Mr. FRANK) on which further proceedings were postponed and on which the noes prevailed by a voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 202, noes 225, not voting 6, as follows:

[Roll No. 441]

AYES—202

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Edwards
Ehrlich
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Ganske
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Hoyer
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Minge
Mink
Moakley
Mollohan
Moore
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Phelps
Porter
Price (NC)
Pryce (OH)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Strickland
Stupak
Taylor (MS)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOES—225

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boucher
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Dickey
Doolittle
Dreier
Dunn
Ehlers
Emerson
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Moran (VA)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Portman
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton

Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Tiahrt
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—6

Coble
Holden
Jefferson
Miller, George
Murtha
Scarborough

☐ 1538

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 6 OFFERED BY MS. WATERS

The CHAIRMAN. The pending business is the demand for a recorded vote on Amendment No. 6 offered by the gentlewoman from California (Ms. WATERS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 185, noes 241, not voting 7, as follows:

[Roll No. 442]

AYES—185

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Carson
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Green (TX)
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pomeroy
Price (NC)
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Strickland
Stupak
Tauscher
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOES—241

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boucher
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Castle
Chabot
Chambliss
Chenoweth
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dooley
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Rahall
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Tiahrt
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—7

Coble
Emerson
Gutierrez
Holden
Jefferson
Radanovich
Scarborough

☐ 1546

So the amendment was rejected.

The result of the vote was announced as above recorded.

☐ 1545

The CHAIRMAN. Are there other 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. Accordingly, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. HANSEN, 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. 1875) to amend title 28, United States Code, to allow the application of the principles of Federal diversity jurisdiction to interstate class actions, pursuant to House Resolution 295, 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 the 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 SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. CONYERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 222, noes 207, not voting 4, as follows:

[Roll No. 443]

AYES—222

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boucher

Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Dickey
Dooley
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Everett
Ewing
Fletcher
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Moran (VA)
Myrick
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—207

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Capps
Capuano
Cardin
Carson
Chenoweth
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Doolittle
Doyle
Edwards
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Forbes
Ford
Frank (MA)
Frost
Ganske
Gejdenson
Gephardt
Gilman
Gonzalez
Graham
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Strickland
Stupak
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—4

Coble
Holden
Jefferson
Scarborough

□ 1604

Mr. TAYLOR of North Carolina changed his vote from ''no'' to ''aye.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 1501, JUVENILE JUSTICE REFORM ACT OF 1999

Mr. DOOLITTLE. Mr. Speaker, pursuant to clause 7(c) of rule XXII, I hereby announce my intention to offer a motion to instruct conferees on H.R. 1501 tomorrow.

The form of the motion is as follows:

Mr. DOOLITTLE moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendments to the bill H.R. 1501 to be instructed to insist that the conference report not include Senate provisions that—

(1) do not recognize that the second amendment to the Constitution protect the individual right of American citizens to keep and bear arms; and

(2) impose unconstitutional restrictions on the second amendment rights of individuals.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Sherman Williams, one of his secretaries.

MOTION TO INSTRUCT CONFEREES ON H.R. 1501, JUVENILE JUSTICE REFORM ACT OF 1999

Mrs. MCCARTHY of New York. Mr. Speaker, I rise to offer a privileged motion to instruct conferees on the bill (H.R. 1501) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide grants to ensure increased accountability for juvenile offenders; to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide quality prevention programs and accountability programs relating to juvenile delinquency; and for other purposes.

The SPEAKER pro tempore (Mr. LAHOOD). The Clerk will report the motion.

The Clerk read as follows:

Mrs. MCCARTHY of New York moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill, H.R. 1501, be instructed to insist that—

(1) the committee of conference should this week have its first substantive meeting to offer amendments and motions, including gun safety amendments and motions; and

(2) the committee of conference should meet every weekday in public session until the committee of conference agrees to recommend a substitute.

The SPEAKER pro tempore. Pursuant to clause 7, rule XXII, the gentlewoman from New York (Mrs. MCCARTHY) and the gentleman from Illinois (Mr. HYDE) each will control 30 minutes.

The Chair recognizes the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I offer a motion to instruct the conferees on H.R. 1501 to meet publicly, beginning this week, and every weekday until we reach a conference agreement.

Stated more simply, my colleagues and I are asking that we move forward with the conference on the juvenile justice bill. The motion is not offered as a criticism. I understand that the chairman and the ranking member of the Committee on the Judiciary have met in an attempt several times to reach a compromise on the gun provisions in the juvenile justice bill.

The chairman and the ranking member have worked very hard on this important legislation, and we do appreciate all the efforts that they have made.

However, we cannot afford to wait for the completion of behind-closed-door negotiations while the threat of gun violence hangs over the heads of our schoolchildren throughout America. Every day Congress fails to advance juvenile justice legislation is another day that we lose 13 children to gun violence.

Despite the assurances of the chairman and the ranking member, a number of my colleagues and I remain concerned about the outcome of the juvenile justice bill. Since the April 20

shooting at Columbine High School mobilized the American people to pressure Congress into addressing the issues of children's access to guns, we have faced a number of roadblocks and delays. I fear the delays we have faced have been caused by the congressional leadership's reluctance to enact meaningful gun safety legislation.

Our motion today is offered as an incentive to move forward and complete our legislation. Let us listen to the American people and protect our children.

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

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

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

Mr. HYDE. Mr. Speaker, I do not disagree with the gentlewoman from New York. I am a little puzzled by the formulation in the motion to instruct, because we have nothing to do with the calling of the meetings of the conferees. The chairman is the Senator from Utah, and he has the gavel. He can call the formal meetings.

But we have been having informal meetings every day, every morning and every afternoon. We have had two today. We are working with all dispatch to try and resolve our difficulties.

There were many difficulties, many differences, when we started out. We have them down to about one or two now. If people want to continue to breathe down our neck and push us, that is fine, we are all adults and we can take it. But we are working as expeditiously, as effectively, as we can. These are complicated, difficult, emotional issues. Many considerations have to be borne in mind.

Mr. Speaker, I would like us to meet I suppose every day in public, but I can assure the gentlewoman, if she wants a bill, let us continue to move as we are. I wish it could have been done yesterday, but I can assure the gentlewoman that nobody is at fault, other than the complexity, the difficulties of the issues we are dealing with.

I am convinced to a moral certitude that everybody wants a bill. Nobody wants this to fail. So we are working the best we can. I wish the gentlewoman would give some credence to our good faith, as I certainly do to the gentlewoman's.

I just do not know what to do on this. I want to vote for it because I like the gentlewoman, and I do not like to be negative. On the other hand, it just seems pointless for us to be requiring the conference to meet this week so that motions, including gun safety amendments, could be offered. We are working those out informally, but they are being worked out.

Then, we should meet every weekday in public session? I would hope that we will have an agreement, a text, very soon. I do not know when. But the process is working. It is fermenting. We will get a text, and then we can all study it and decide whether it is something we can support or not, and move forward.

But we are doing our best. There may be others who could do better. Unfortunately, they are not in positions of authority. I am very satisfied that the gentleman from New York (Mr. CONYERS) is serious and working and trying to be helpful, and is helpful, and I believe he feels the same about our side.

I will vote no on this, simply because I think it sets out to do something that is not within our competence; that is, to tell the Senator to call meetings every day. I am sure he will call them when we are ready to offer something that can be voted on, and I just assure the gentlewoman, we are inching closer and closer and closer. I do not think it is going to be a matter of days, even, until we are ready with a product that we can all vote up-or-down on.

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

Mrs. MCCARTHY of New York. Mr. Speaker, I yield myself 30 seconds to respond to the previous speaker.

Mr. Speaker, I would say to the gentleman from Illinois (Mr. HYDE), my respect for the gentleman is tremendous, and this is nothing personal towards the gentleman whatsoever. It is actually towards, unfortunately, I feel, some people on the other side.

There have been a lot of quotes in the newspaper, one on June 19 after we had our defeat. ''The defeat of the gun safety bill in the House is a great personal victory for me,'' from the gentleman from Texas (Mr. DELAY).

My job is to try and bring this bill forward. If we can put any pressure, certainly even on the Senate side, then that is what I have to try and do. As far as the gentleman goes, the gentleman is a gentleman and I am always privileged to work with him.

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

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

Mr. Speaker, in response to the very generous comments of the gentlewoman from New York, I appreciate them. My admiration for her is multiplied by her admiration for me.

But I would say that the gentleman from Texas (Mr. DELAY), who happens to be the Whip, is a person of strong feelings on this issue. He is entitled to them as an elected Member. But he speaks for himself, not for the entire Republican side on this issue.

This is an issue that is locally difficult for some and easy for others. But I can assure the gentlewoman, with all due respect to our distinguished Whip, that I can muster, he does not make the sole determination, and we are proceeding, I think, effectively and efficiently.

I want to assuage her worries that the gentleman from Texas (Mr. DELAY) speaks for all of us. He does not on this issue. He speaks for me on a lot of issues, but not this one.

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

Mrs. MCCARTHY of New York. Mr. Speaker, I yield 3½ minutes to the gentlewoman from California (Ms. LOFGREN).

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

Ms. LOFGREN. Mr. Speaker, the conference committee on this item has met just once, formally. That was on August 3. I am a member of that conference committee, as is my colleague, the maker of the motion here today.

At that meeting, and this is only the second time I have been on a conference committee, but we made statements at this meeting. I did, too; we all did. At the conclusion of the statements made by all the Members of the Senate and all the Members of the House who were present, I tried to offer a motion that we would continue to work and to try and get something substantive done.

□ 1615

It was ruled that that motion was out of order. We could not even vote on whether we should actually begin work. What was told to me at that time was that it was necessary for the staff to meet and that they would meet throughout the recess; and, therefore, we could get this to a resolution.

There was a lot of hope expressed that, by the time, roughly, that school started, we would have something ready to go. It is now September 23, and we are still not ready.

I have listened to the discussion here today. I am aware and do readily believe that there have been discussions between the ranking member and the chairman, and I commend those discussions. But there is an aura of mystery around this.

The other conferees, or at least I will speak for myself, I am not aware of the substance of what is being discussed. I hear various things from the press that concern me greatly. I have no way of knowing whether those press reports are accurate or inaccurate.

But I am aware that there are some things that really do need to be in the final product, which is why I think this motion to instruct is a good one.

The first part of the motion directs that we should have a substantive meeting. It has been nearly 2 months since we had our first meeting, and so I think to have our first substantive meeting is not too much to ask so that we could make motions. There is one motion that I would like to make, and it is a necessary one, and it has to do with high capacity clips for assault weapons.

As we know, the Senate had a provision in their bill, and we of course became grid locked and did not have anything on that subject. Subsequent to all of that, on really a technicality type of thing, the Senate's provision was deemed inappropriate since it raised revenue. So there needs to be

some kind of motion for that to be reinstated.

I mention this in particular because I think it is one thing that really does need that attention. I am aware, as a matter of fact, I am proud that the amendment here on the House side was the Hyde-Lofgren amendment. I know the gentleman from Illinois (Chairman HYDE) certainly does not oppose the substance of this. I think that we need to do this.

Certainly the loophole that was created when Senator FEINSTEIN and others pursued this a number of years ago turned out to be nothing that was anticipated. Millions of these high capacity clips are coming in from foreign providers.

I would just say that the TEC–DC9 that was used in Columbine could not have been effective if the ammo was not available. So let us get on it. Let us do it in public. I believe in sunshine laws, being from California. I think, if we have a little sunshine on this process, it will be hard for those opposed to hold their heads up high.

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

Mr. Speaker, I just want to say in response to the remarks of the gentlewoman from California (Ms. LOFGREN) that I certainly share her zeal for banning the large clips, cartridge clips. It was her motion and mine that passed on the floor; but, unfortunately, the bill to which it was attached was not passed. But it is a part of what we are talking about, and I do not think that is in serious dispute.

I just would like to remind the folks on the other side, the gentlewoman from New York (Mrs. MCCARTHY) and the gentlewoman from California (Ms. LOFGREN) that this overriding part of this is juvenile justice, the H.R. 1501, juvenile justice reform. We have been working on that 4½ years. It is that difficult. It has that much emotion involved, that much philosophy, that much concern. So to expect us to stampede to a resolution now is just ill-advised. In good faith, we are doing our best. We are going to succeed, in my opinion.

I have talked to the gentleman from Michigan (Mr. CONYERS) at some length twice today. I met with him once. We are closer than ever. Please do not push us off the cliff with partisanship. I know how easy it is. I know how strongly my colleagues feel, how passionately they feel. I share that passion.

But compromises are difficult. One does not get everything one wants. One has to make concessions. But those concessions have to be prudent. We understand that. That is true of both sides.

I can only say my colleagues can continue to berate us, and I know they put a soft face on it, but they are. There is a predicate to what they are doing, and that is somehow we are foot dragging. Keep it up. It is all right. We will be here to respond. One of our Members has one tomorrow. It is kind of becoming a habit. But we are doing our best, and we are going to succeed.

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

Mrs. MCCARTHY of New York. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, yesterday I joined with my Democratic women colleagues to call the role of children who have died from gunfire since the tragedy at Columbine on April 20. We cannot even get through the lists. Too many children have lost their lives to senseless gun violence.

Five months since Columbine, and, still, the Republican leadership has failed to take common-sense steps to keep guns out of the hands of children and criminals. Yes, that is the bipartisan compromise that was agreed to in the Senate. What are we in the House waiting for?

We have all watched children fleeing scenes at Columbine High School, a Los Angeles day care center, and now a church in Fort Worth. Just this week we saw a report of a teenage girl in Florida who plotted to murder her entire family but was stopped by a child safety lock.

But the tragedies on the news are only the most prominent. Single killings or accidental shootings where a child kills his brother or sister with a gun thought to be hidden safely in the closet happen with sickening regularity. It all adds up to 13 American children each day dying due to gunfire.

Yesterday morning, one of my Republican colleagues suggested that efforts to keep kids and crooks from getting guns were an insult to the wisdom of our Founding Fathers. Well, this Children's Defense Fund poster captures my response to that notion. It reads, ''This can't be what our Founding Fathers had in mind. Children in the United States aged 15 and under are 12 times more likely to die from gunfire than children in 25 other industrialized countries combined. This is a statistic that no one can live with. It is time to protect children instead of guns. With freedom comes a price. That price should not be our children.''

Vote for this motion to instruct. Let us pass the common-sense compromise that was passed in the Senate.

Mrs. MCCARTHY of New York. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, I thank the gentlewoman from New York for her courageous work on this issue.

I rise in strong support of this motion, and I am outraged that, once again, the stalling tactics of the majority have forced us to the floor to address gun safety.

My colleagues and I have come together countless times over the past several months with the same simple message: Congress must pass meaningful gun safety legislation. Today, we repeat that message with added urgency.

When the conferees met this week, and when they continue to meet, they must return with loophole-free substantive measures to combat the gun violence that is killing our children and turning our schools into war zones.

The American people are demanding action. Throughout my district, mothers approach me, children in tow, and ask me why on earth this Congress has not done more to stop the scourge of gun violence attacking our communities. They are afraid to go out on to the streets of their own neighborhoods. They are afraid to send their kids to school. They are afraid to go to church or synagogue. They are searching for courageous leadership from this Congress.

Instead of providing that leadership, Congress has stalled and stonewalled as, week after week, the death toll from gun violence rises. Who can forget Littleton, Paducah, Jonesboro, Springfield, Conyers, Los Angeles, and Fort Worth? How many cities and towns across this country need to be hit with tragedy before something is done?

The Senate passed a gun safety bill which would have prevented felons from buying guns at gun shows, ban the importation of high capacity ammunition clips, and kept guns away from children. But the House took a different route. We had a choice between the public interest and special interest, and the public lost.

Our bill is hollow legislation which ignores the cries of victims of gun violence and their families. We have an opportunity starting today to change our ways. We have a real opportunity to save lives. The conferees must work hard to include strong gun safety measures.

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

Mr. Speaker, I want to respond to the gentlewoman (Mrs. LOWEY) for whom my admiration is boundless. I know she does not want to be unfair; I am convinced of that. When she talked about our stalling tactics, I am somewhat bewildered. I wish the gentlewoman would talk to the gentleman from Michigan (Mr. CONYERS) and talk to her staff, her committee staff. There is no stalling going on.

These are complicated, tough issues. It may be clear to a committed liberal the way to go. I am sure it is clear to committed conservatives the way to go. But they are in different directions. We are trying to bring those together. We are trying to work something out. We are doing it with all diligence, all possible diligence.

May I suggest, if the gentlewoman is interested, and I know she is, in helping the gun situation throughout our country, spend some time on urging her administration to enforce existing gun laws. In the last 3 years, there has been one prosecution of a Brady Act violation. We have had a lot of sound and fury for only one prosecution. So there are things that we can do.

But meanwhile, we are not stalling. The word is foreign to us. We are moving ahead. I would have liked to have solved this 2 weeks ago. I can assure the gentlewoman from New York (Mrs. LOWEY) nobody is stalling.

Mrs. LOWEY. Mr. Speaker, will the gentleman would yield?

Mr. HYDE. With pleasure I yield to the gentlewoman from New York.

Mrs. LOWEY. Mr. Speaker, I have worked with the gentleman from Illinois, and I know he is a gentlemen, and I have great respect for his commitment to moving this bill. But I would just like to remind my friend and the gentleman that we have been asking for the commonsense gun safety legislation that passed the Senate to come before this House before Memorial Day. It has been quite a while. Look at the lives that have been lost.

I understand that the legislation is complex. I would be delighted to work with the gentleman to call on the Justice Department to enforce the laws. But the commonsense gun legislation that passed the Senate could have been brought to the floor, could have been called from the desk at any time as a separate package.

For me, as for the gentleman from Illinois, we understand how complex this is. But we also understand that there is a madness in this country, and that parents are afraid to send their kids to school.

We have to do what we can to prevent felons from getting through that loophole at gun shows, for example, and getting their hands on guns.

So I wish the gentleman Godspeed. I wish him good luck. I would hope that the juvenile justice bill could pass.

But I would just like to say in conclusion to the gentleman from Illinois, my good friend, that way before Memorial Day, we have been asking for the common-sense legislation to be brought to the floor and to pass. We know it is not the whole answer. Unfortunately, that has not happened, and more lives have been taken. The gentleman's constituents and mine are just afraid.

This is the United States of America, 1999. We know the guns are not the whole answer. But let us begin by making it tougher to get one's hands on a gun.

Mr. HYDE. Mr. Speaker, I do not disagree with much that the gentlewoman from New York (Mrs. Lowey) has said. But there is an expectation that passing another law is going to make a great difference.

Now, I do not deny that there is merit in additional gun laws. I think we can do some more things. I think we are on the verge of doing that. I think the bill that passed the Senate was an excellent one but for one aspect of it, and that is the gun show aspect.

□ 1630

I believe, and we believe, there was some unreasonable aspects to that, and that is a sticking point that we have been working on and working on and working on.

But I want to remind the gentlewoman, I do not know how many young people were killed in automobile accidents in the period of time that she had reference to with guns, but I daresay more people were killed in automobile accidents. That does not mean we should stop people driving, but it is just a fact of life.

Sixteen Federal laws were violated at Littleton. Sixteen. Nine State laws were violated. So what is our response? Let us heap another law on the fire. But, look, I am for it, notwithstanding the futility, perhaps, of another law. I am working to get one, but I am just suggesting to the gentlewoman these are not easy.

And the Senate operates differently than we do. I think it took the Vice President's vote to get that bill out. Happily, he cannot vote in this body. But we are doing our best.

Mr. Speaker, if the gentleman would continue to yield, I would just like to comment on the gun show loophole, because I know my good colleague, the gentlewoman from New York (Mrs. MCCARTHY), has been a leader on that, and I just do not understand why that issue is so difficult when we know that 90 percent of the people are cleared.

Mr. HYDE. Ninety-five percent.

Mrs. LOWEY. Ninety-five percent. So what we are saying, and what the legislation in the Senate is saying, 3 business days, that is just for the 5 percent of the people who do not get through. So what is wrong with that, when 95 percent get cleared in the first 24 hours or less? So let us do that.

Mr. HYDE. I would just say to the gentlewoman that I have no problem with her formulation; unfortunately, the Lautenberg amendment does much more than that. Much more than that. And therein lies the problem.

I am happy to yield further if the gentlewoman is going to say something generous. I yield whatever time she wants.

Mrs. LOWEY. I have no doubt that the chairman's intentions are very noble and that he is a wise gentleman, as always.

Mr. HYDE. There is a well-known road paved with good intentions, I am aware of it.

Mrs. LOWEY. However, the gentleman has talked about car registration. I would like to see gun registration as well.

Mr. HYDE. Not in this Congress, though, I would advise the gentlewoman.

Mrs. LOWEY. Unfortunately, that may be the case, my dear friend. I would also like to say that although lives may be lost unfortunately as a result of gun accidents, the gentleman and I are terribly pained for every mother, every father, every family that loses a child, and every day we delay another 13 lives are lost. Every day.

So I would just encourage my good friend, and I am delighted I am on my good friend's time, I would encourage my good friend to work as expeditiously as he can because, and I really mean this, whether I am in the supermarket or I am in the street, people are afraid. This is the United States of America, and people are afraid to go to school, afraid to go to church, afraid to go to synagogue, afraid to walk the streets. We have the power to do something. Let us make sure the Justice Department enforces the laws, but if we have the power to close some loopholes and pass common sense gun legislation, let us do it.

Mr. HYDE. I am all for that. We are working on common sense gun legislation, and I am confident we will pass something that will better the present situation. It will not be everything the gentlewoman wants. It probably will not be everything I would like. But it will be useful. It will contain a clip ban for those large clips; it will contain safety devices, trigger locks. It will contain a juvenile Brady. It will contain a prohibition for minors for possessing assault weapons. It will have mandatory background checks that are reasonable, including at gun shows. So, if the gentlewoman would let us do our work, we will do it.

I would say, by the way, that I think the gentlewoman would have made a great Senator.

Mrs. LOWEY. Mr. Speaker, I would be delighted to yield back to the gentleman his time so that other people on his side can continue this discussion, and I thank the gentleman.

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

Mrs. MCCARTHY of New York. Mr. Speaker, I yield 2½ minutes to the gentleman from Illinois (Mr. BLAGOJEVICH).

Mr. BLAGOJEVICH. Mr. Speaker, let me just associate myself with all the wonderful things that were said by my colleagues on this side of the aisle about the chairman.

Having said that, let me say I do not believe that criminals should get guns and we should do everything we possibly can to prevent criminals from having access to guns. We should close loopholes where they exist that allow criminals to get guns.

And with regard to the issue of gun shows, last year in America there were 54,000 guns that were confiscated in crimes. Criminals purchased them originally at gun shows. And the reason that that happened is because there is a gaping loophole in gun shows.

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

Mr. BLAGOJEVICH. I yield to the gentleman from Illinois.

Mr. HYDE. The current law forbids criminals from acquiring guns. If we could enforce the current law, we might make some progress. I thank the gentleman.

Mr. BLAGOJEVICH. Reclaiming my time, Mr. Speaker, let me reiterate again my great respect for the chairman, the gentleman from Illinois (Mr.

HYDE); and let me say I agree with him, we should certainly do everything we possibly can to enforce existing laws. Let me also say this Congress has not been generous with regards to providing funds to the Bureau of Alcohol, Tobacco and Firearms in its effort to fight gun violence.

But having said that, there are loopholes in the existing law that allows for criminals to go to gun shows and buy guns, as many as they want, with no questions asked. That is why 54,000 of those crime guns were confiscated last year that were originally purchased at gun shows.

The effort in the Senate that passed last May simply applies the Brady law to gun shows. So if I want to go buy a gun at a retail gun show, the same background requirements that I would submit to if I went to a retail store would be applied to me at gun shows. It is very basic and very simple, and I believe all of us who believe the Brady law has been successful, over 400,000 proscribed people were denied the right to buy guns because of that, ought to be for the Lautenberg version that passed the Senate.

And while there is a sense that delay abounds in this chamber and that we have not been able to do what the Senate did in a timely fashion, I think if we are going to heed the lessons of history, we need to keep the pressure on the well-intentioned Members who want to try to achieve what the Senate tried to do in the conference committee.

So let me just close by saying that in view of the history in this chamber and our inability to pass the Senate version here in the House, I think it is reasonable to suggest that we want to talk about this on a daily basis to keep the pressure on and let the American people keep focused on this issue. Because absent that, we probably will not get it done.

Since this Congress began, we have had shootings in Columbine, we have had shootings in Indiana and Illinois, we have had shootings most recently in Fort Worth, Texas. I think it is incumbent upon us to heed what the American people want us to do, and that is to act. The Senate did so, we have not done so.

Mrs. MCCARTHY of New York. Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio (Mrs. JONES).

(Mrs. JONES of Ohio asked and was given permission to revise and extend her remarks.)

Mrs. JONES of Ohio. Mr. Speaker, I am back. Yesterday, on a motion to instruct conferees to craft juvenile justice legislation that would be loophole free so that guns would not reach the hands of those excluded by law from having guns; today, to instruct the conferees, as I said yesterday, to get it on.

Yesterday, I spoke of delay and was chastised. But if as a Member of Congress I am talking about delay, I take part of that responsibility. Today, I speak of all deliberate speed. I speak to the desire of this Nation to see this issue through and to encourage the conferees to work openly.

I do not want to breathe down the necks of the conferees. I want to be the wind beneath their wings. I want to be the engine that could. Make no mistake. I do not question the good faith of the conferees. I do not question anyone's intentions. It is the intentions of those who choose to defeat gun safety legislation, the spokespersons who continue to carry the NRA banner, those are the ones I am worried about.

We believe that the conferees should meet in public session, that they be allowed to offer motions and amendments and meet substantively and recommend a substitute. We agree that it is the overriding purpose of this bill to do juvenile justice reform to protect our children.

Mr. Speaker, my colleagues and I simply wish to pick up the conferees, to push them along, to encourage them, to urge them, to get them to understand that the time is now. Our children's lives rest in their hands.

And by the way, Mr. Chairman, automobiles were not made to kill, guns were.

Mrs. MCCARTHY of New York. Mr. Speaker, may I inquire about the time remaining?

The SPEAKER pro tempore (Mr. HANSEN). The gentlewoman from New York (Mrs. MCCARTHY) has 16½ minutes remaining, and the gentleman from Illinois (Mr. HYDE) has 14 minutes remaining.

Mrs. MCCARTHY of New York. Mr. Speaker, I yield 2¼ minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I want to publicly state, as I have before, my great admiration for her commitment to gun control legislation. It comes from personal experience, and I think we all attest to her courage.

I am rising in support of the amendment that she offered to instruct the conferees to meet publicly every weekday until they reach agreement. This is really setting priorities.

I know the chairman of this committee, and I was listening to the discussion. I know he works very diligently. He is a man of great credibility. I have great respect for the chairman of the committee. But I do think it is important, and America is looking at us in terms of are we moving with deliberate speed, do we have open meetings, and do we have them all the time.

One of the reasons I want this, of course, is I hope to achieve the goal that we would close that gun show loophole, the Brady bill, and I would just point out a couple of reasons why I feel strongly.

A joint study by the Departments of Justice and Treasury that was released earlier this year, in January, found that, ''Gun shows provide a large market where criminals can shop for firearms anonymously. Unlicensed sellers have no way of knowing whether they are selling to a violent felon or someone who intends to illegally traffic guns.''

A gun show dealer, quoted in the Lexington, Kentucky, Herald-Leader observed: ''A criminal could come here and go booth to booth until he or she finds an individual to sell him or her a gun. No questions asked.'' It just makes no sense that any person today can walk into a gun show and make a purchase without any precautions whatsoever. Moreover, illegal purchasers know they can go to a gun show without worrying about being denied a purchase.

An Illinois State police study demonstrated that 25 percent of illegally trafficked firearms used in crimes originate at gun shows. In Florida, an inmate escaping from detention, stopped at a gun show to make a purchase while fleeing law enforcement authorities.

Maybe these are some exceptions, but these exceptions indicate that we do need to tighten up the law and to close that loophole. No background check was required, no waiting period. Simply absurd. So this loophole needs to be closed, and I urge the conferees to do just that.

Mrs. MCCARTHY of New York. Mr. Speaker, I yield 2 minutes to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Speaker, I would like to thank my colleague from New York for her dedication to this issue, and I would also like to thank the chairman, particularly for his dedication to the issue of making sure that the multiple-round ammunition magazines are banned, which is an issue that is in my bill in the House and that he worked with me and the gentlewoman from California (Ms. LOFGREN) and so many other people to pass. But we do have to pass this. It has not passed.

I have to be honest, I have been very skeptical about the probability of the juvenile justice conferees reporting a bill with any child gun safety legislation. So far it looks like this skepticism is not misplaced, because the conferees have not had a substantive meeting since we returned from the August recess. And they did not work substantively over the recess. So I am here to say, let us not have this foot-dragging; let us pass this legislation.

It is true we have existing laws, and it is true we should enforce those existing laws. But the truth is there is no gun show law in effect that we could have enforced to stop the killers at Columbine, which is four blocks from my district, from buying those guns at a gun show. There is no existing law to stop the multiple-round ammunition magazines which allow people to shoot scores of people before they can be stopped. And there is no existing law to require gun safety locks to be put on guns.

□ 1645

We need common-sense child gun safety locks. The majority of Americans understand this. And my colleague from New York (Mrs. LOWEY) is exactly right. People from Jefferson County, Colorado, not a Democratic district, Republicans, Independents, and Democrats, come to me on the streets of Denver and they beseech me to do something, to pass common-sense child gun safety legislation. It is not a partisan issue. And the gentleman from Illinois (Mr. HYDE) has amply demonstrated this. But I fear that there are others in the leadership of this House who are not letting this happen.

Please pass this motion to instruct.

Mrs. MCCARTHY of New York. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman from New York for yielding me the time, and I thank her for her leadership, and I am delighted to join her on the conference committee.

I want to speak to the chairman. I appreciate his presence and his acknowledgment that we can work together. But I think these are two very viable points in this motion to instruct.

First of all, Mr. Speaker, I believe we should meet this week. Secondarily, I believe that it is important that we have public meetings, and I will tell my colleagues why.

First of all, the chairman of the Committee on the Judiciary, along with so many of us, as the previous speaker from Colorado has mentioned, that many of us are supporting the high-capacity ammo clips, the prohibition on those, which were the cause of the sin, if you will, on several recent shootings, including the tragic shooting in California with the Jewish Community Center and, of course, the shootings just this past week in Fort Worth, Texas, my own State, the shootings in Illinois, all generated because of these automatic clips. Yet there are some on the conference and some Republicans who are trying to classify it as a tax bill which would delay and stymie its being part of our gun safety reform.

I think the other aspect of what I would like to speak to, Mr. Speaker, is why I am standing here today. For, as I go into my communities, many of them will acknowledge that for years many inner-city poor neighborhoods were besieged by gun violence. Many mothers in inner cities for years had ''Saturday Night'' and ''Friday Night Specials.'' And what were they? The tragedy of the burial of their young children, gun violence and gang violence.

So many of my constituents in inner-city Texas districts asked why all of a sudden are we raising our eyes and our ire about gun violence? Public hearings will let them know that we distinguish between no one. The death of a child is still the death of a child. And we acknowledge the years and years that this Congress stood and watched as there was inner-city violence with ''Saturday Night Specials'' and probably did nothing. So the fact that we open these to public hearings is valuable.

Then secondarily, I think it is important to note what we are talking about with gun shows. It is absolutely hypocritical and outrageous for the National Rifle Association to say that we are trying to put gun shows out of business.

Frankly, I do not find them entertaining. We have had one every week in the State of Texas. But what we are saying is there is a loophole as big as a truck that they can go to a gun show and go to one licensed dealer over here and have an official Brady check and go to an unlicensed dealer over there and get no check, and we are simply saying that the unlicensed dealer should use the same process of going through an official process and a 3-day wait period so that we do not have the tragedies of what we have had with the shooting in the Jewish Community Center.

I am really trying to, hopefully, have dialogue with the National Rifle Association, which pitches all of us as wanting to come and take guns out of people's homes and close down gun shows. Well, we may not like gun shows, but we have no intent of closing them down.

What we do want to do, as the Lautenberg effort wants to do in amendment, is to ensure that there is a consistency in every single person that comes in there to buy a gun so an anonymous criminal cannot come out and shoot someone.

The additional thing that I hope my colleagues will respond to is that, unlike movie theaters where a child must be accompanied by an adult who goes into an X-rated or an R-rated movie, children can go into gun shows with no supervision, we need to make sure that an adult accompanies a child to a gun show if they go.

Let us pass this motion to instruct and pass real gun safety reform for all of our children in America.

Mrs. MCCARTHY of New York. Mr. Speaker, may I inquire how much time I have remaining?

The SPEAKER pro tempore (Mr. HANSEN). The gentlewoman from New York has 9¼ minutes remaining. The gentleman from Illinois (Mr. HYDE) has 14 minutes remaining.

Mrs. MCCARTHY of New York. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

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

Ms. SCHAKOWSKY. Mr. Speaker, I thank my colleague the gentlewoman from New York (Mrs. MCCARTHY), who is really an inspiration to all of us on this issue, for yielding me the time.

Mr. Speaker, say to the chairman, I need to tell him that the most commonly asked question in the Ninth Congressional District, which borders on the district of the chairman, is why can the House not do something about guns?

My constituents asked me that after Columbine and they asked me after there was the shooting in my district of the worshippers going home from the synagogue who were shot on the street and the murder of Ricky Birdsong in Skokie, which is in my district, and they asked me if the shootings at the Jewish Community Center in California were going to be enough finally for us to ask. And when the mad gunman was in Atlanta, they thought, well, this has got to be it, that is going to tip the scales. And then Fort Worth, where even the church was a dangerous place.

And when I go home, they look at me and they scratch their head and they look in my face and they want to know an answer. They want to know what is it going to take, how many children are we going to bury, how many school shootings are there going to be. And I really do not have an answer.

So why do we not open up the process? Why do we not let the people of America in on the mystery of how Congress addresses issues like gun violence?

The chairman spoke about inching closer, inching closer. But inching closer is not a consolation when I go to the funerals in my district, and I have been to three in the last recent months, of children who were killed by gun violence. Inching closer does not satisfy. They want to know when.

Let us do it now. Let us open the process. Let us restore confidence in people that this Congress can act, that we can do something, that there is an orderly process, that there is real debate, that there is real movement.

If we pass the motion of the gentlewoman, we can at least include the American people who want action in on this process and, hopefully, we can resolve this issue before another incident, which I guarantee, my colleagues, will occur if we do not act and do not act now.

So I rise in support of the motion.

Mrs. MCCARTHY of New York. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. LOFGREN).

(Ms. LOFGREN asked and was given permission to speak out of order.)

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 1501, JUVENILE JUSTICE REFORM ACT OF 1999

Ms. LOFGREN. Mr. Speaker, pursuant to clause 7 of rule XX, I hereby announce my intention to offer a motion to instruct conferees on H.R. 1501. The form of the motion is as follows:

Ms. LOFGREN moves that the managers on the part of the House on the conference on the disagreeing votes of the two houses on the Senate amendment to the bill, H.R. 1501, be instructed that the committee on the conference recommend a conference substitute that includes provisions within the scope of conference which are consistent with the

Second Amendment to the United States Constitution (e.g., (1) requiring unlicensed dealers at gun shows to conduct background checks; (2) banning the juvenile possession of assault weapons; (3) requiring that child safety locks be sold with every handgun; and (4) a Juvenile Brady bill.)

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

Mr. Speaker, this has been interesting. Yesterday's motion was interesting, and today's motion, and tomorrow's, and then next week's, every day, I am sure.

We have a nice discussion, a serious discussion about these problems; and that is all to the good. But something is missing.

Guns are important. Guns are the instruments by which these killings occur. But at the same time, there is so much more to this problem that is not being discussed by anybody and that is the violence that our children are being fed in the entertainment industry, in the movies, in the music, in the Internet games that are played.

Violence is a staple. It has desensitized, it has calloused people's sensitivities. And nobody seems to get exercised about that. I got exercised about it. I thought that, since obscenity is not protected by the First Amendment, violence, the purveying of violence ought to not be protected because it is a form of obscenity.

I got overwhelmed because the lobbyists came out and said, gee, you are going to hurt the retailers that are retailing this stuff. And so, nobody really cares about that, it is guns that are the problem.

I say we are filling our children with a culture of death and we are worrying about the guns, the instruments of some of this death. I worry about it, too, and I do not disregard that. But I would like to see some sensitivity on the liberal side for the climate that we are raising our kids in, that is at the day-care centers, where the socialization of our children develops according to the law of the jungle, where parents cannot find the time to spend with their children.

There are profound problems with our culture that are not getting better. ''Deviancy'' is being defined down in the famous phrase of the famous Senator from New York. But we are talking about guns. That is okay. Guns are a serious problem. They are dangerous instrumentalities.

There is a Second Amendment, however, that I respect. Most of the constitutional scholars that exist that talk about protecting the Constitution kind of gloss over the Second Amendment. But it is there. It is in the Constitution, and it serves a very useful purpose. Because I would not like to see Americans disarmed because the government sometimes in some cultures and histories becomes the adversary, and I think a protection of freedom is that people can maintain arms.

But I also believe, as in freedom of speech, that reasonable regulation is appropriate. Freedom of speech is not unregulated. We condition yell ''fire'' in the proverbial crowded theater. There are laws against obscenity, slander, libel, copyrights, all sorts of restrictions on free speech. That does not diminish the significance of it, but it just says it is constitutionally possible to have restrictions.

The same thing is true of the Second Amendment. I think everyone should have the right if they are otherwise normal and qualified to own a gun if they want to. There are hunters. There are sportsmen. There is a right to protect our homes. But, at the same time, I believe reasonable restrictions are possible.

I do not think criminals should have guns. I do not think young children should have guns. There are all sorts of reasonable restrictions. Assault weapons, by definition, do not belong in the civilian community. I am willing to support those. But I think we have to be honest, and I think that the intellectual community ought to understand that entertainment and advertising and music and culture today is at the bottom of a lot of this problem.

Something fills the heart and souls of our kids other than hope and love. There is hate. There is fear. There is a culture of death animating the kids who pull those guns, put them up against the little girl's head and says, Do you believe in God? And she said yes, and then he pulled the trigger.

The gun did not go off by itself. That kid pulled that trigger because there was something inside him that was terribly wrong. I think we ought to start addressing this broad picture, not just focusing on the instrumentality of assassination. A knife in the hands of a surgeon is one thing. A knife in the hands of an assassin is another thing.

□ 1700

The knife is neutral. It is what animates the user that is really the root problem here, which nobody wants to address because we bump into the entertainment industry, and God forbid we get between a buck and the industry.

Ms. JACKSON-LEE of Texas. Mr. Speaker, will the gentleman yield?

Mr. HYDE. I yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, as usual the gentleman from Illinois has made an extremely passionate and eloquent and very persuasive argument.

I do not pretend to stand and represent the liberal element of this Congress. I do not know if anyone has designated me as such. But I might remind the gentleman that when we were doing the telecommunications bill, there were many of us, Democrats and Republicans alike, who joined on an obscenity-prevention amendment or provision with respect to the Internet, and we ultimately, Mr. Chairman, were ruled unconstitutional or at least ruled out of order, if my colleague will, by the Supreme Court.

I would say to the gentleman that his point about cultural violence is a strong point, but I would also raise the fact that, if we look statistically, the young people will tell us that 95 percent of our youth are good and the 5 percent may be the ones that are caught up in some of these heinous acts. At the same time they are caught so we are concerned about what they get in school and in music. We have adults that have already gone past our training.

We have got the very deranged individual who went into the Jewish Community Center and did it out of hate, but what happened is he did not use a knife. The hateful gentleman in Illinois did not use a knife. They used guns, and I have said over and over to my friends in Texas:

I am in a very difficult position, coming from the State of Texas because they hold on to their weapons very strongly, and I have been consistently a person who believes in gun regulation, and I am not alone with the gentleman from Illinois (Mr. HYDE) asking to pierce the sanctity of someone's home to take their guns out that they legally own or to close down gun shows in which I do not like, frankly; but what I am saying, that the Second Amendment can live consistently and constitutionally with gun regulation.

Mr. HYDE. Mr. Speaker, I agree with the gentlewoman.

Ms. JACKSON-LEE of Texas. So, Mr. Speaker, I think we are not in disagreement. I believe there have been many of us who have risen to the floor of the House to speak against the heinous violent music or violent words or Internet violence, but we must admit that guns do kill and they are in the hands of individuals who use them to kill.

Mr. HYDE. Guns are the instrumentality, but the spirit of killing is the person who pulls the trigger, and we ought to take a look at that.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I join the gentleman from Illinois in that. I hope we can do both together.

Mr. HYDE. I do, too.

Let me just say in closing, this interesting philosophical seminar the gentleman from Chicago (Mr. BLAGOJEVICH) commented that we did not fund the Bureau of Alcohol, Tobacco and Firearms adequately for their job. During the last 5 years the Justice Department's funding has doubled; it is about 14.7 billion now, and gun prosecutions by the Justice Department have dropped almost in half. So we can look there, too, as long as we are exercising the searching gaze of the House of Representatives.

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

Mrs. MCCARTHY of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the reason that we are doing this motion is because, and I am glad we have this conversation today

and the debate going back and forth because it reminds me of the debate that we had on June 19 when we were talking about only the amendments that we are trying to get passed. I think people have to stop, think, and hopefully actually read what the amendment says. There is nothing in the amendment on trying to close the gun show loophole that will affect someone's Second Amendment rights. We have to make that extremely clear.

Right now, if someone wants to buy a gun, when they go to a gun store, they have a federally licensed dealer. When they go to a gun show, 45 percent of those selling guns there are federally licensed dealers. All we are saying is that those that come into gun shows and are not federally licensed should not be able to sell a gun to someone because the criminals know where to go get the guns; that is the problem. The criminals do know where to go get the guns.

So all we are saying is if someone is going to sell a gun at a gun show, that person should have to go under the same rules and regulations as those legal dealers at the gun show. That is all we are saying.

As was mentioned, 95 percent of the people that go to gun shows get their guns instantly through the check. We are dealing with a very, very small percentage, very, very small percentage of people that might have to wait a couple of hours. Then we even go further to a smaller percentage that actually might have to wait 24 hours.

This is what I am saying: How can I stand here and not fight to do whatever I can to make sure that guns do not get in the wrong hands? How can I stand here and make sure that what we do here in the House will be the right thing? Because if we pass a bill and that bill is not strong enough to stop the criminal from getting the gun, and then God forbid someone buys a gun at a gun show, goes to one of our schools, goes to one of our churches, goes to one of our synagogues and does their killing, how can we live with each other? How can we even face the victims of those crimes? That is what we have to do.

I am someone that actually supports the Second Amendment. I happen to believe in the Second Amendment, and I have to tell my colleagues I know of an awful lot of gun owners that are coming up to me more and more and more, even saying, and actually they are very proud when they come up to me and say, Mrs. MCCARTHY, I am an NRA member, and I do believe that I have a right to own a gun. But I also believe that we have to take a little more responsibility for our guns.

All we are asking for our citizens and for everybody that wants to buy a gun: Are you willing to take 3 business days, 3 business days, to make sure that a criminal or a child does not get their hand on a gun? The majority of Americans are saying yes to that. Unfortunately, that sound has not gotten in here, inside of Washington.

We have to have good standards. That is why we are all here. We set the laws of the land, and we are certainly going to have disagreements, and I understand that. The majority of us know that we always have to compromise, and we accept that also. But there comes a point when that compromise could cause a lot of loss of lives, and we have to be very clear on that, very, very clear on that.

Mr. Speaker, I hope between now and when the bill comes up for a vote again that the clear information will be out there. As my colleagues know, there is a part in the amendment where they talk about tracing. They do not like the idea of tracing. Mr. Speaker, I have to tell my colleagues every successful police department throughout this country that really works with the ATF on tracing, they are the ones that have the lowest crime rates because they are able to find those illegal gun dealers. Traces are an extremely important part of the bill. We cannot let that go.

Mr. Speaker, we do need more funding for that so that the Boston project that has worked so wonderfully, has cut down murders in Boston, especially among the young people; it is a project that works, and we are seeing it work throughout the country. We are supposed to support those things. That is tracing.

Here it was brought up earlier that gun shows do not really have guns go to criminals. Well, we have a report, and I offer this which includes the letters from police organizations that support the original bills, as they were, and I want to submit this, the ATF report, so this can go into the RECORD so people can look at this when they want more information.

The materials referred to are as follows:

POLICE FOUNDATION,
WASHINGTON, DC,
September 16, 1999.

Hon. ORRIN G. HATCH,
U.S. Senate, Washington, DC.

DEAR CHAIRMAN HATCH: The Police Foundation is a private, independent, nonpartisan, and nonprofit organization dedicated to supporting innovation and improvement in policing. Established in 1970, the foundation has conducted seminal research in police behavior, policy, and procedure, and works to transfer to local agencies the best new information about practices for dealing effectively with a wide range of important police operational and administrative concerns. On behalf of the Police Foundation, I am writing today in strong support of the gun-related provisions adopted by the Senate as part of S. 254. These measures are crucial in reducing access to guns by children and criminals.

As you and other conferees meet, the Police Foundation urges you to focus on an issue of importance to law enforcement—the need for at least three business days to conduct background checks at gun shows. This is the same period of time currently required when a firearm is purchased from a licensed gun dealer.

We believe it is critical to have at least three business days to do a thorough background check, especially to access records that may not be available on the Federal National Instant Check Background System (NICS), such as a person's history of mental illness, domestic violence, or recent arrests. For law enforcement officials, it is not how fast a background check can be done but rather how thorough the check is conducted. Without a minimum of three business days, the risk increases that guns will be sold to criminals or others prohibited from purchasing guns.

The Police Foundation is concerned that neither the 24-hour or 72-hour requirements allow for an adequate background check. The FBI has analyzed NICS background check data for the last six months and estimates that if the law had required all background checks to be completed in 72 hours, 9,000 people found to be disqualified would have been able to obtain a weapon. If there had been a 24-hour background check time limit, 17,000 prohibited purchasers would have obtained weapons in the last six months. The FBI also found that a gun buyer who could not be cleared by NICS in under two hours was twenty times more likely to be a prohibited purchaser.

We strongly believe that all gun sales—be they in gun stores or at gun shows—should be subject to a three-business-day background check requirement; without such standards, gun shows will continue to be a major source of weapons for violent felons, straw purchasers, the dangerously unstable, and others who threaten our communities. Despite being convicted of multiple felonies, Hank Earl Carr was able to purchase multiple guns at gun shows—guns he used to murder his stepson and three police officers in Florida in 1998.

The Police Foundation supports other Senate-passed provisions, including requiring child safety locks with every handgun sold; banning all violent juveniles from buying guns when they turn eighteen; banning juvenile possession of assault weapons; enhancing penalties for transferring a firearm to a juvenile; and banning the importation of high capacity ammunition magazines.

In order to protect the safety of our families and our communities, it is important to adopt the Senate-passed, gun-related provisions. The Police Foundation is committed to working with you and your colleagues in the Congress in supporting and enacting sensible measures to protect all Americans and most especially our children.

Sincerely yours,

HUBERT WILLIAMS.

INTERNATIONAL ASSOCIATION OF
CHIEFS OF POLICE,
Alexandria, VA, September 14, 1999.

Hon. ORRIN G. HATCH,
U.S. Senate, Washington, DC.

DEAR CHAIRMAN HATCH: On behalf of the more than 18,000 members of the International Association of Chiefs of Police (IACP), I am writing to express our strong support for several vitally important firearms provisions that were included in S. 254, the Violent and Repeat Juvenile Offender Accountability Act of 1999.

As conference work on juvenile justice legislation begins, I would urge you to consider the views of our nation's chiefs of police on these important issues. Specifically, the IACP strongly supports provisions that would require the performance of background checks prior to the sale or transfer of weapons at gun shows, as well as extending the requirements of the Brady Act to cover juvenile acts of crime.

The IACP has always viewed the Brady Act as a vital component of any comprehensive crime control effort. Since its enactment, the Brady Act has prevented more than 400,000 felons, fugitives and others prohibited from owning firearms from purchasing firearms. However, the efficacy of the Brady Act

is undermined by oversights in the law which allow those individuals prohibited from owning firearms from obtaining weapons, at events such as gun shows, without undergoing a background check. The IACP believes that it is vitally important that Congress act swiftly to chose these loopholes and preserve the effectiveness of the Brady Act.

However, simply requiring that a background check be performed is meaningless unless law enforcement authorities are provided with a period of time sufficient to complete a thorough background check, law enforcement executives understand that thorough and complete background checks take time. The IACP believes that to suggest, as some proposals do, that the weapon be transferred to the purchaser if the background checks are not completed within 24 hours of sale sacrifices the safety of our communities for the sake of convenience.

Requiring that individuals wait three business days is hardly an onerous burden, especially since allowing for more comprehensive background checks ensures that those individuals who are forbidden from purchasing firearms are prevented from doing so.

Finally, the IACP believes that juveniles must be held accountable for their acts of violence. Therefore, the IACP also supports modifying the current Brady Act to permanently prohibit gun ownership by an individual, while a juvenile, commits a crime that would have triggered a gun disability if their crime had been committed as an adult.

Thank you for your attention to this matter. If you have any questions, please do not hesitate to contact me at 703/836–6767.

Sincerely,

RONALD S. NEUBAUER,
President.

INTERNATIONAL BROTHERHOOD OF
POLICE OFFICERS,
Alexandria, VA, September 15, 1999.

Hon. ORRIN G. HATCH,
Senate Committee on the Judiciary, Washington, DC.

DEAR CHAIRMAN HATCH: The International Brotherhood of Police Officers (IBPO) is an affiliate of the Service Employees International Union, AFL–CIO. The IBPO is the largest police union in the AFL–CIO.

On behalf of the entire membership of the IBPO I wish to express our strong support of the gun-related provisions adopted by the Senate as part of S. 254. The IBPO knows that passage of these measures will keep guns away from children and criminals.

The IBPO requests that the conferees continue to focus on the need for adequate time to conduct background checks at ''gun shows.'' As I am sure that you are aware, the Federal Bureau of Investigation has estimated that over 17,000 disqualified individuals would have been able to purchase a gun if a twenty-four hour time limit was required for a background check. Accordingly, if such time requirement is legislated 17,000 more felons will be able to purchase guns.

The IBPO is also in support of extending the requirements of the Brady Act to cover juvenile acts of crime. Our union has supported legislation which seeks to comprehensively control crime. The Brady Act is a major part of such efforts.

Thank you for your consideration of these issues that are significant to all law enforcement officers and the citizens of the United States of America.

Sincerely,

KENNETH T. LYONS,
National President.

ARAPAHOE COUNTY
SHERIFF'S OFFICE,
Littleton, CO, September 15, 1999.

Chairman ORRIN HATCH,
Senate Judiciary Committee,
Washington, DC.

DEAR CHAIRMAN HATCH: As you and other conferees meet to craft juvenile justice legislation, I urge you to adopt the gun-related provisions adopted by the Senate as part of S. 254, The Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999. We at the National Sheriffs' Association (NSA) appreciate your efforts to curb violent juvenile crime.

We feel that S. 254 combines the best provisions of each legislative attempt to reform and modernize juvenile crime control. As you know, sheriffs are increasingly burdened with juvenile offenders, and they present significant challengers for sheriffs. The so-called core mandates requiring sight and sound separation, jail removal and status offender mandates are so restrictive, that even reasonable attempts to comply with the mandates fall short. We welcome modest changes to the core mandates to make them flexible without jeopardizing the safety of the juvenile inmate. We agree that kids do not belong in adult jail and therefore we appreciate the commitment to find appropriate alternatives for juvenile offenders.

Additionally, NSA supports the Juvenile Accountability Block Grant program. S. 254 sets aside $4 billion to implement the provisions of the bill and this grant funding will enable sheriffs to receive assistance to meet the core mandates. NSA is also hopeful that the prevention programs in the bill will keep juveniles out of the justice system. Kids that are engaged in constructive activities are less likely to commit crimes that those whose only other alternative is a gang. We applaud the focus on prevention, and we stand ready to do our part to engage America's youth.

In addition, you may be asked to consider the following amendments that I support.

Four ways to close loopholes giving kids access to firearms:

1. The Child Access Loophole: Adults are prohibited from transferring firearms to juveniles, but are not required to store guns so that kids cannot get access to them. This Child Access Prevention (CAP) proposal would require parents to keep loaded firearms out of the reach of children and would hold gun owners criminally responsible if a child gains access to an unsecured firearm and uses it to injure themselves or someone else.

2. The Gun Show Loophole: So-called ''private collectors'' can sell guns without background checks at gun shows and flea markets thereby skirting the Brady Law which requires that federally licensed gun dealers initiate and complete a background check before they sell a firearm. No gun should be sold at a gun show without a background check and appropriate documentation.

3. The Internet Loophole Similar to the Gun Show Loophole: Many sales on the internet are performed without a background check, allowing criminals and other prohibited purchasers to acquire firearms. No one should be able to sell guns over the internet without complying with the Brady background check requirements.

4. The Violent Juveniles Purchase Loophole: Under current law, anyone convicted of a felony in an adult court is barred from owning a weapon. However, juveniles convicted of violent crimes in a juvenile court can purchase a gun on their 21st birthday. Juveniles who commit violent felony offenses when they are young should be prohibited from buying guns as adults.

The National Sheriffs Association and I welcome passage of this legislation. We look forward to working with you to ensure swift enactment of S. 254.

Respectfully,

PATRICK J. SULLIVAN, Jr., *Sheriff.*

NATIONAL ASSOCIATION OF
SCHOOL RESOURCE OFFICERS,
September 16, 1999.

Chairman HATCH,
Senate Judiciary Committee, Washington, DC.

DEAR CHAIRMAN HATCH: The National Association of School Resource Officers (NASRO) is a national organization that represents over 5000 school based police officers from municipal police agencies, county sheriff departments and school district police forces. On behalf of our entire membership nationwide, I am writing today in strong support of the gun-related provisions adopted by the Senate as part of S. 254. These measures are crucial in reducing child and criminal access to guns.

As you and other conferees meet to craft juvenile justice legislation, NASRO urges you to focus on an important issue to law enforcement—the need for at least three business days to conduct background checks at gun shows. This is the same period of time currently allowed when a firearm is purchased from a licensed gun dealer.

As law enforcement officials we know from experience that it is critical to have at least three business days to do a thorough background check. Law enforcement officials need time to access records that may not be available on the federal National Instant Check Background System (NICS) such as a person's history of mental illness, domestic violence or recent arrests. What is important to law enforcement is not how fast a background check can be done but how thorough it is conducted. Without a minimum of three business days this will increase the risk that criminals will be able to purchase guns.

NASRO is concerned that 72 or 24 hours is not an adequate amount of time for law enforcement to do an effective background check. The FBI analyzed all NICS background check data in the last six months and estimated that—if the law had required all background checks to be completed in 72 hours—9,000 people found to be disqualified would have been able to obtain a weapon. If the time limit for checks had been set at just 24 hours, 17,000 prohibited purchasers would have gotten guns in just the last half year. the FBI also found that a gun buyer who could not be cleared by the NICS system in under 2 hours was 20 times more likely to be a prohibited purchaser than other gun buyers.

It is impossible to tell precisely how many lives will be saved by applying the same background check system that now applies to gun store sales to gun shows. We know, however, that without such equivalent treatment gun shows will continue to be the purchase points of choice for murderers, armed robbers and other violent criminals like Hank Earl Carr, who was a frequent gun show buyer despite being a multiple convicted felon. Carr's crimes didn't stop until 1998, when he shot his stepson and three police officers before turning a gun on himself.

On June 23, 1999 a Colorado man shot and killed his three daughters, ages 7, 8 and 10 just hours after purchasing a gun from a licensed dealer. The dealer completed a NICS check, but the check failed to reveal that the man had a domestic abuse restraining order against him. If law enforcement had consulted local and state records using both computerized and non-computerized data bases than the man probably would have never been able to purchase the gun.

The other Senate passed provisions NASRO supports include requiring that child safety locks be provided with every handgun sold; banning all violent juveniles from buying

guns when they turn 18; banning juvenile possession of assault rifles; enhancing penalties for transferring a firearm to a juvenile; and banning the importation of high capacity ammunition magazines.

It is important to adopt the Senate-passed gun-related provisions in order to protect the safety of our families and our communities. The police officer on the street understands that this legislation is needed to help keep guns out of the hands of children and violent criminals.

Sincerely,

CURTIS LAVARELLO,
Executive Director.

NATIONAL ORGANIZATION OF BLACK LAW ENFORCEMENT EXECUTIVES,
September 15, 1999.

Hon. ORRIN HATCH,
Chair, Senate Judiciary Committee, U.S. Senate, Washington, DC.

DEAR SENATOR HATCH: The National Organization of Black Law Enforcement Executives (NOBLE) representing over 3500 black law enforcement managers, executives, and practitioners strongly urge you to support the gun related provisions adopted by the Senate as a part of S. 254. These measures are crucial in reducing child and criminal access to guns.

As you and other conferees meet to craft juvenile legislation, NOBLE urges you to focus on an important issue to law enforcement—the need for at least three business days to conduct background checks at gun shows. This is the same period of time currently allowed when a firearm is purchased from a licensed dealer.

NOBLE is concerned that 24 hours is not an adequate amount of time for law enforcement to do an effective background check. The FBI analyzed all National Instant Check Background System (NICS) data in the last 6 months and estimated that—if the law had required all background checks to be completed in 72 hours, 9000 people found to be disqualified would have been able to obtain a weapon. If the time limit for checks had been set for 24 hours, 17,000 prohibited purchasers would have gotten guns in just the last half year. The FBI also found that a gun buyer who could not be cleared by the NICS system in under 2 hours was 20 times more likely to be a prohibited purchaser than other gun buyers.

It is impossible to tell precisely how many lives will be saved by applying the same background check system that now applies to gun store sales to gun shows. We know, however, that without such equivalent treatment gun shows will continue to be the purchased points of choice for murders, armed robbers and other violent criminals like Hank Earl Carr, who was a frequent gun show buyer despite being a multiple convicted felon. Carr's crimes did not stop until 1998, when he shot his stepson and three police officers before turning the gun on himself.

The other Senate passed provisions NOBLE supports include requiring that child safety locks be provided with every handgun sold; banning all violent juveniles from buying guns when they turn 18; banning juvenile possession of assault rifles; enhancing penalties for transferring a firearm to a juvenile; and banning the importation of high capacity ammunition magazines.

It is important to adopt the Senate passed gun related provisions in order to protect the safety of our families and our communities. The police officer on the street understands that this legislation is needed to help keep guns out of the hands of children and violent criminals.

Sincerely,

ROBERT L. STEWART,
Executive Director.

HISPANIC AMERICAN POLICE COMMAND OFFICERS ASSOCIATION, THE RONALD REAGAN BUILDING & INTERNATIONAL TRADE CENTER,
Washington, DC, September 15, 1999.

Chairman HATCH,
Senate Judiciary Committee, Washington, DC.

DEAR CHAIRMAN HATCH: The Hispanic American Police Command Officers Association (HAPCOA) represents 1,500 command law enforcement officers and affiliates from municipal police departments, county sheriffs, and state and federal agencies including the DEA, U.S. Marshals Service. FBI, U.S. Secret Service, and the U.S. Park Police. On behalf of our entire membership nationwide, I am writing today in strong support of the gun-related provisions adopted by the Senate as part of S. 254. These measures are crucial in reducing child and criminal access to guns.

As you and other conferees meet to craft juvenile justice legislation, HAPCOA urges you to focus on an important issue to law enforcement—the need for at least three business days to conduct background checks at gun shows. This is the same period of time currently allowed when a firearm is purchased from a licensed gun dealer.

As law enforcement officials we know from experience that it is critical to have at least three business days to do a thorough background check. Law enforcement officials need time to access records that may not be available on the federal National Instant Check Background System (NICS) such as a person's history of mental illness, domestic violence or recent arrests. What is important to law enforcement is not how fast a background check can be done but how thorough it is conducted. Without a minimum of three business days this will increase the risk that criminals will be able to purchase guns.

HAPCOA is concerned that 72 or 24 hours is not an adequate amount of time for law enforcement to do an effective background check. The FBI analyzed all NICS background check data in the last six months and estimated that—if the law had required all background checks to be completed in 72 hours—9,000 people found to be disqualified would have been able to obtain a weapon. If the time limit for checks had been set at just 24 hours, 17,000 prohibited purchasers would have gotten guns in just the last half year. The FBI also found that a gun buyer who could not be cleared by the NICS system in under two hours was 20 times more likely to be a prohibited purchaser than other gun buyers.

It is impossible to tell precisely how many lives will be saved by applying the same background check system that now applies to gun store sales to gun shows. We know, however, that without such equivalent treatment gun shows will continue to be the purchase points of choice for murderers, armed robbers and other violent criminals like Hank Earl Carr, who was a frequent gun show buyer despite being a multiple convicted felon. Carr's crimes didn't stop until 1998, when he shot his stepson and three police officers before turning a gun on himself.

On June 23, 1999 a Colorado man shot and killed his three daughters, ages 7, 8 and 10 just hours after purchasing a gun from a licensed dealer. The dealer completed a NICS check, but the check failed to reveal that the man had a domestic abuse restraining order against him. If law enforcement had consulted local and state records using both computerized and non-computerized data bases than the man probably would have never been able to purchase the gun.

The other Senate passed provisions HAPCOA supports include requiring that child safety locks be provided with every handgun sold; banning all violent juveniles from buying guns when they turn 18; banning juvenile possession of assault rifles; enhancing penalties for transferring a firearm to a juvenile; and banning the importation of high capacity ammunition magazines.

It is important to adopt the Senate-passed gun-related provisions in order to protect the safety of families and our communities. The police officer on the street understands that this legislation is needed to help keep guns out of the hands of children and violent criminals.

Sincerely,

JESS QUINTERO,
National Executive Director.

POLICE EXECUTIVE RESEARCH FORUM,
Washington, DC, September 14, 1999.

Hon. ORRIN G. HATCH,
Chairman, Senate Committee on the Judiciary, Washington, DC.

DEAR CHAIRMAN HATCH: The Police Executive Research Forum (PERF) is a national organization of police professionals dedicated to improving policing practices through research, debate and leadership. On behalf of our members, I am writing today in strong support of the gun-related provisions adopted by the Senate as part of S. 254. These measures are crucial in reducing children's and criminals' access to guns.

As you and other conferees meet to craft juvenile justice legislation, PERF urges you to focus on an important issue to law enforcement—the need for at least three business days to conduct background checks at gun shows. This is the same period of time currently allowed when a firearm is purchased from a licensed gun dealer.

As law enforcement officials, we know from experience that it is critical to have at least three business days to do a thorough background check. While most checks take only a few hours, those that take longer often signal a potential problem regarding the purchaser. Without a minimum of three business days, the risk that criminals will be able to purchase guns increases. The FBI analyzed all NICS background check data in the last six months and estimated that, if the law had required all background checks to be completed in 72 hours, 9,000 people found to be disqualified would have been able to obtain a weapon. If the time limit for checks had been set at just 24 hours, 17,000 prohibited purchasers would have obtained guns in just the last half year. The FBI also found that a gun buyer who could not be cleared by the NICS system in under two hours was 20 times more likely to be a prohibited purchaser than other gun buyers.

PERF also strongly supports measures that impose new safety standards on the manufacture and importation of handguns requiring a child-resistant safety lock. PERF helped write the handgun safety guidelines—issued to most police agencies more than a decade ago—on the need to secure handguns kept in the home. Our commitment has not wavered. I also urge you to clarify that the storage containers and safety mechanisms meet minimum standards to ensure that the requirements have teeth.

PERF also encourages the enactment of proposals that prohibit the sale of an assault weapon to anyone under age 18 and to increase the criminal penalties for selling a gun to a juvenile. PERF also supports banning all violent juveniles from buying any type of gun when they turn 18, and supports banning the importation of high-capacity ammunition magazines. PERF knows we must do more to keep guns out of the hands of our nation's troubled youth.

PERF supports strong, enforceable ''Child Access Prevention'' laws. Once again, we have witnessed the carnage that results when children have access to firearms. PERF has supported child access prevention bills in

the past because we have seen first hand the horror that can occur when angry and disturbed kids have access to guns.

We must do more to keep America's children safe—not just because of recent events, but because of the shootings, accidents and suicide attempts we see with frightening regularity. It is important to adopt the Senate-passed gun-related provisions in order to protect our families and our communities. The police officer on the street understands that this legislation is needed to help keep guns out of the hands of children and violent criminals. Thank you for considering the views of law enforcement. We applaud your efforts to help make our communities safer places to live.

Sincerely,

CHUCK WEXLER,
Executive Director.

GUN SHOWS: BRADY CHECKS AND CRIME GUN TRACES—JANUARY 1999, EXECUTIVE SUMMARY

More than 4,000 shows dedicated primarily to the sale or exchange of firearms are held annually in the United States. There are also countless other public markets at which firearms are freely sold or traded, such as flea markets. Under current law, large numbers of firearms at these public markets are sold anonymously; the seller has no idea and is under no obligation to find out whether he or she is selling a firearm to a felon or other prohibited person. If any of these firearms are later recovered at a crime scene, there is virtually no way to trace them back to the purchaser.

The Brady Handgun Violence Prevention Act (Brady Act) provides crucial information about firearms buyers to Federal firearms licensees (FFLs), but does not help nonlicensees to identify prohibited purchasers. Under the Brady Act, FFLs contact the Federal Bureau of Investigation's National Instant Criminal Background Check System (NICS) to ensure that a purchaser is not a felon or otherwise prohibited from possessing firearms. Until the Brady Act was passed, the only way an FFL could determine whether a purchaser was a felon or other person prohibited from possessing firearms was on the basis of the customer's self-certification. The Brady Act supplemented this ''honor system'' with one that allows licensees to transfer a firearm only after a records check that prevents the acquisition of firearms by persons not legally entitled to possess them. Since 1994, the Brady Act has prevented well over 250,000 prohibited persons from acquiring firearms from FFLs.

The Brady Act, however, does not apply to the sale of firearms by nonlicensees, who make up one-quarter or more of the sellers of firearms at gun shows. While FFLs are required to maintain careful records of their sales and, under the Brady Act, to check the purchaser's background with NICS before transferring any firearm, nonlicensees have no such requirements under current law. Thus, felons and other prohibited persons who want to avoid Brady Act checks and records of their purchase buy firearms at these shows. Indeed, a review of criminal investigations by the Bureau of Alcohol, Tobacco and Firearms (ATF) reveals a wide variety of violations occurring at gun shows and substantial numbers of firearms associated with gun shows being used in drug crimes and crimes of violence, as well as being passed illegally to juveniles.

On November 6, 1998, President Clinton determined that all gun show vendors should have access to the same information about firearms purchasers.[1] He directed the Secretary of the Treasury and the Attorney General to close the gun show loophole. President Clinton was particularly concerned that felons and illegal firearms traffickers could use gun shows to buy large quantities of weapons without ever disclosing their identities, having their backgrounds checked, or having any other records maintained on their purchases. He asked the Secretary of the Treasury and the Attorney General to provide him with recommendations to address this problem.

In developing recommendations for responding to the President's directive, the Department of the Treasury and the Department of Justice sought input from United States Attorneys, FFLs, law enforcement organizations, trade associations, and a wide range of other groups interested in firearms issues. The suggestions of these disparate groups ranged from doing nothing to establishing an outright ban on all sales of firearms at gun shows or by anyone other than an FFL. The United States Attorneys expressed particular concern with the complexity of the statutory definition of ''engaged in the business'' of dealing in firearms and noted that this made unlicensed firearms traffickers unusually difficult to prosecute.

The recommendations in this report build upon existing systems and expertise to achieve the President's goals of preventing sales to prohibited persons and better enabling law enforcement to trade crime guns.

First, ''gun show'' would be defined to include not only traditional gun shows but also flea markets and others similar venues where firearms are sold.

Second, ATF would register all persons who promote gun shows. Promoters would be required to notify ATF of the time and location of each gun show, provide ATF with a list of vendors at the show, indicate whether the vendors are FFLs, ensure that all vendors are provided with information about their legal obligations, and require that vendors acknowledge receipt of this information. If a registered promoter fails to fulfill these obligations, ATF would consider revoking or suspending the promoter's registration or imposing a civil monetary penalty. Criminal penalties would also be available in certain circumstances.

Third, if any part of a firearms transaction, including display of the weapon, occurs at a gun show, the firearm could be transferred only by, or with the assistance of, an FFL. Therefore, if a nonlicensee sought to transfer a firearm, an FFL would be responsible for positively identifying the purchaser, conducting a Brady Act check on the purchaser, and maintaining a record of the transaction. This is the same system that has been used successfully for many years when someone wishes to transfer a firearm to a nonlicensee in another State.

Fourth, FFLs would be responsible for submitting strictly limited information concerning all firearms transferred at gun shows (e.g., manufacturing/importer, model, and serial number) to ATF's National Tracing, Center (NTC). No information about either the seller or the purchaser would be given to the Government (with the exception of instances in which multiple sales are required.[2] Instead, the licensees would maintain this information in their files, as is done with all firearms sold by FFL today. The NTC would request this information from an FFL only in the event that the firearm subsequently became the subject of a law enforcement trace request.

Fifth, the Department of the Treasury and the Department of Justice will review the definition of ''engaged in business'' and make recommendations for legislative or regulatory changes to better identify and prosecute, in all appropriate circumstances, illegal traffickers in firearms and suppliers of guns to criminals.

Sixth, the Federal Government should commit additional resources to combat the illegal trade of firearms at gun shows. Without a commitment to financially support this initiative, the effectiveness of this proposal would be limited.

Seventh, in conjunction with the firearms industry, a campaign should be undertaken to encourage all firearms owners to take steps when selling or otherwise disposing of their weapons to ensure that they do not fall into the hands of criminals, unauthorized juveniles, or other prohibited persons.

Taken together, these recommendations will address the President's goals of preventing firearms sales to prohibited persons at gun shows and better enabling law enforcement to trace crime guns. Whenever any part of a firearms transaction takes place at a gun show, the requirements of the Brady Act will apply, and records will be kept to allow the firearm to be traced if it is later used in crime. If unlicensed individuals wish to sell their personal collections of firearms at gun shows, they will now have the obligation—and the means—to ensure that they are not selling their guns to felons or other prohibited persons. The recommended steps impose reasonable obligations in connection with firearms transactions at gun shows while significantly enhancing law enforcement's ability to prevent criminals from getting guns and to apprehend those who use firearms in the commission of crimes.

1. DESCRIPTION OF GUN SHOWS

Sponsorship and Operation of Gun Shows

Shows that specialize primarily in the sale and exchange of all types of firearms are frequent and popular events.[3] According to the periodical ''Gun Show Calendar'' (Krause Publications), 4,442 such shows were advertised for calendar year 1998. The following are the 10 States where shows were conducted most frequently in 1998:

State	*Number of shows*
Texas	472
Pennsylvania	250
Florida	224
Illinois	203
California	188
Indiana	180
North Carolina	170
Oregon	160
Ohio	148
Nevada	129

Most of the shows were promoted by approximately 175 organizations and individuals. Most promoters are State and local firearms collector organizations with large memberships, including one group that has 28,000 members. The remainder of the gun shows were promoted by individual collectors and businesspeople. Ordinarily, gun shows are held in public arenas, civic centers, fairgrounds, and armories, and the vendor rents a table from the promoter for a fee ranging from $5 to $50. The number of tables at shows varies from as few as 50 to as many as 2,000.

Most of the shows are open to the public, and individuals generally pay an admission price of $5 or more to the promoter. In rare instances, public access is limited by invitation only. Most gun shows occur over a 2-day period, generally on weekends, and draw an average of 2,500–5,000 people per show.[4]

Both FFLs and nonlicensees sell firearms at these shows. FFLs make up 50 to 75 percent of the vendors at most gun shows. The majority of vendors who attend shows sell firearms and associated accessories and other paraphernalia. Examples of accessories and paraphernalia include holsters, tactical gear, knives, ammunitions, clothing, food, military artifacts, books, and other literature. Some of the vendors offer accessories and paraphernalia only and do not sell firearms.

[1] Footnotes follow this text.

Public markets for the sale of firearms are not limited to the specialized firearms shows. Large quantities of firearms are also sold by nonlicensees at flea markets and other organized events. As some flea markets, FFLs have established permanent premises from which they conduct their business.

Both the specialized firearms shows and the broader commercial venues such as flea markets are collectively referred to as ''gun shows'' in the remainder of this report.

Types of Firearms Sold

The types and variety of firearms offered for sale at gun shows include new and used handguns, semiautomatic assault weapons,[5] shotguns, rifles, and curio or relic firearms.[6] In addition, vendors offer large capacity magazines[7] and machinegun parts[8] for sale.

The ''high-end'' collector and antique shows and the sporting recreational shows are generally produced by the sporting organizations or avid collectors and enthusiasts. The overall knowledge of the Federal firearms laws and regulations by these promoters is good, and the weapons offered for sale are mostly curios or relics or higher quality modern weapons. At other shows, vendors may be less knowledgeable about the Federal firearms laws, and many of the guns sold are of lower quality and less expensive.

Atmosphere

The casual atmosphere in which firearms are sold at gun shows provides an opportunity for individual buyers and sellers to exchange firearms without the expense of renting a table, and it is not uncommon to see people walking around a show attempting to sell a firearm. They may sell the firearms to a vendor who has rented a table or simply to someone they meet at the show. Many nonlicensees entice potential customers to their tables with comments such as, ''No background checks required; we need only to know where you live and how old you are.'' Many of these unlicensed vendors actively acquire firearms from other vendors to satisfy a buyer's request for a specific firearm that the vendor does not currently possess. Some unlicensed vendors replenish and subsequently dispose of their inventories within a matter of days, often at the same show. Although the majority of people who visit gun shows are law-abiding citizens, too often the shows provide a ready supply of firearms to prohibited persons, gangs, violent criminals, and illegal firearms traffickers.

Many Federal firearms licensees have complained to ATF about the conduct of nonlicensees at gun shows.[9] These licensees are understandably concerned that the casual atmosphere of gun shows, combined with the absence of any requirement that an unlicensed vendor check the background of a firearms purchaser, provides an opportunity for felons and other prohibited persons to acquire firearms. Because Federal law neither requires the creation of any record of these unlicensed sales nor places any obligations upon gun show promoters, information is rarely available about the firearms sold should they be recovered in a crime.

Gun Shows and Crime

It is hardly surprising, therefore, that a review of ATF's recent investigations indicates that gun shows provide a forum for illegal firearms sales and trafficking. In preparing this report, the Department of the Treasury, the Department of Justice, ATF, and outside researchers[10] reviewed 314 recent investigations that involved guns shows in some capacity.[11] The investigative reports came from each of ATF's 23 field divisions throughout the country[12] and involved a wide range of criminal activity by FFLs, unlicensed vendors, and felons conspiring with FFLs.[13] The investigations also involved a wide variety of firearms, including handguns, semiautomatic assault rifles, and machineguns.

Together, the ATF investigations paint a disturbing picture of gun shows as a venue for criminal activity and a source of firearms used in crimes. Felons, although prohibited from acquiring firearms, have been able to purchase firearms at gun shows. In fact, felons buying or selling firearms were involved in more than 46 percent of the investigations involving gun shows.[14] In more than a third of the investigations, the firearms involved were known to have been used in subsequent crimes.[15] These crimes included drug offenses, felons in possession of a firearm, assault, robbery, burglary, and homicide.[16]

Firearms involved in the 314 reviewed investigations numbered more than 54,000.[17] A large number of these firearms were sold or purchased at gun shows. More than one-third of the investigations involved more than 50 firearms, and nearly one-tenth of the investigations involved more than 250 firearms. The two largest investigations were reported to have involved up to 7,000 and 10,000 firearms, respectively. These numbers include both new and used firearms.[18]

The investigations reveal a diversity of Federal firearms violations associated with gun shows.[19] Examples of these violations include straw purchases,[20] out-of-State sales by FFLs, transactions by FFLs without Brady Act checks, and the sale of kits that modify semiautomatic firearms into automatic firearms. Engaging in the business without a license was involved in more than half of all the investigations. Nearly 20 percent involved FFLs who were selling firearms ''off-the-book.''[21] The central violation in approximately 15 percent of the investigations was the transfer of firearms to prohibited persons such as felons or juveniles not authorized to possess firearms. Nearly 20 percent of the investigations involved violations of the National Firearms Act (NFA), which regulates the possession of certain firearms such as machineguns.[22]

An examination of individual cases illustrates how gun shows are connected to criminal activity.

In 1993, ATF uncovered a Tennessee FFL who purchased more than 7,000 firearms, altered the serial numbers, and resold them to two unlicensed dealers who subsequently transported and sold the firearms at gun shows and flea markets in North Carolina. The scheme involved primarily new and used handguns. All three pled guilty to Federal firearms violations. The FFL was sentenced to 15 months' imprisonment; the unlicensed dealers were sentenced to 21 and 25 months' imprisonment, respectively.

In 1994, ATF recovered two 9mm firearms and the NTC traced them to an FFL in Whittier, California. The FFL had sold over 1,700 firearms to unlicensed purchasers over a 4-year period without maintaining any records. Many of the sales occurred at swap meets in California. The firearms were then sold to gang members in Santa Ana and Long Beach, California. Many of the firearms were recovered in crimes of violence, including homicide. Of the five defendants charged, two were convicted—the FFL and one of his unlicensed purchasers. Each was sentenced to 24 months' imprisonment.

In 1995, an ATF inspector in Pontiac, Michigan, discovered a convicted felon who used a false police identification to buy handguns at gun shows and resold them for profit. Among the firearms purchased were sixteen new and inexpensive 9mm and .380 caliber handguns. Detroit police recovered several of the firearms while investigating a domestic disturbance. The defendant pled guilty to numerous Federal firearms violations and was sentenced to 27 months' imprisonment.

In addition to analyzing the ATF investigations, ATF supplemented the information with data from the NTC. Approximately 254 individuals identified in the ATF gun show-related investigations were checked against data in the Firearms Tracing System and related data bases. Of these, 44 appeared in the multiple purchase records with an average of 59 firearms per person. Of the 44 individuals, 15 were associated with 50 or more multiple sale firearms; these individuals had a total of 188 crime guns traced to them, an average of approximately 13 firearms each. The largest number of multiple sales firearms associated with one individual was 472; this individual had 53 crime guns traced to him. These patterns are not in and of themselves proof of trafficking. Rather, they are indicators investigators use to assist in trafficking investigations.

It is difficult to determine the precise extent of criminal activities at gun shows, partly because of the lack of obligations upon unlicensed vendors to keep any records. Nevertheless, the information obtained from the ATF investigations demonstrates that criminals are able to obtain firearms with no background check and that crime guns are transferred at gun shows with no records kept of the transaction.

2. CURRENT LAW AND REGULATION OF GUN SHOWS

The gun show loophole results both from the existing legal framework governing firearms transactions and the limits on the application of existing laws to gun shows. Gun shows themselves are not subject to Federal regulation. Instead, only transfers by FFLs at gun shows are regulated. Few limitations apply to sales by nonlicensees at gun shows or elsewhere. The Federal legal framework governing gun shows and firearms vendors, as well as the State legal framework governing gun shows, is summarized below.

The Federal Framework

Federal Regulations of Firearms Vendors

Licensed firearms dealers

The GCA requires that those seeking to ''engage in the business'' of importing, manufacturing, or dealing in firearms must obtain a Federal firearms license from the Secretary of the Treasury.[23] The Federal firearms license entitles the holder to ship, transport, and receive firearms in interstate or foreign commerce.[24] The bearer of that license, the FFL, must comply with the obligations that accompany the license. In particular, FFLs must maintain records of all acquisitions and dispositions of firearms and comply with all State and local laws in transferring any firearms.[25] They must positively identify the purchaser by inspecting a Government-issued photographic identification, such as a driver's license. FFLs must also complete a multiple sales report if they sell two or more handguns to the same purchaser within 5 business days. FFLs may not transfer firearms to felons, persons who have been committed to mental institutions, illegal aliens, or other prohibited persons.[26] FFLs also may not knowingly transfer firearms to underage persons or handguns to persons who do not reside in the State where they are licensed.[27]

FFLs must also comply with the provisions of the Brady Act prior to transferring any firearm to a nonlicensee. The Brady Act requires licensees to contact NICS prior to transferring a firearm to any nonlicensed person in order to determine whether receipt of a firearm by the prospective purchaser would be in violation of Federal or State

law.[28] FFLs must maintain a record but need not contact NICS when they sell from their personal collection of firearms. Federal law requires licensees to respond to requests for firearms tracing information within 24 hours.[29] Moreover, ATF has a statutory right to conduct warrantless inspections of the records and inventory of Federal firearms licensees.[30] An FFL who willfully violates any of the licensing requirements may have his or her license revoked and is subject to imprisonment for not more than 5 years, a fine of not more than $250,000, or both.[31]

The obligations imposed upon FFLs serve to implement the crime-reduction goals of the GCA. For example, the recordkeeping requirements, interstate controls, and other requirements imposed on licensees are designed to allow the tracing of crime guns through the records of FFLs and to give States the opportunity to enforce their firearms laws.[32]

Licensed firearms collectors

The GCA also requires persons to obtain a license as a collector of firearms[33] if they wish to ship, transport, and receive firearms classified as ''curios or relics'' in interstate or foreign commerce.[34] For transactions involving firearms other than curios or relics, the licensed collector has the same status as a nonlicensee. ''Curio or relic'' firearms generally are firearms that are of special interest to collectors and are at least 50 years old or derive their value from association with a historical figure, period, or event.[35] A licensed collector may buy and sell curio or relic firearms for the purpose of enhancing his or her personal collection, but may not lawfully engage in a firearms business in curio or relic firearms without obtaining a dealer's license.[36] Recordkeeping requirements are imposed on licensed collectors, and ATF has a statutory right to conduct warrantless inspections of the records and inventory of such licensees.[37] Licensed collectors, like other licensees, are required to respond to requests for firearms trace information within 24 hours.[38] However, licensed collectors are not subject to the requirements of the Brady Act.[39]

Nonlicensed firearms sellers

In contrast to licensed dealers, nonlicensees can sell firearms without inquiring into the identity of the person to whom they are selling, making any record of the transaction, or conducting NICS checks.[40] Because nonlicensed gun show vendors are not subject to the Brady Act and indeed cannot now conduct a NICS check under Federal law, they often have no way of knowing whether they are selling a firearm to a felon or other prohibited person. The GCA does, however, prohibit nonlicensed persons from acquiring firearms from out-of-State dealers and prohibits nonlicensees from shipping or transporting firearms in interstate or foreign commerce.[41] Nonlicensees are also prohibited from transferring a firearm to a nonlicensed person who the transferor knows or has reasonable cause to believe does not reside in the State in which the transferor resides.[42] A nonlicensee also may not transfer a firearm to any person knowing or having reasonable cause to believe that the transferee is a felon or other prohibited person.[43] Finally, nonlicensed persons may not transfer handguns to persons under the age of 18.[44] Of course, because nonlicensees are not required to inspect the buyer's driver's license or other identification, they may never know that the buyer is underage.

''Engaged in the Business''

Whether an individual seeking to sell a firearm will be regulated as an FFL or nonlicensee depends on whether that individual is ''engaged in the business'' of importing, manufacturing, or dealing in firearms. When Congress enacted the GCA in 1968, it did not provide a definition of the term ''engaged in the business.'' Courts interpreting the term supplied various definitions,[45] and upheld convictions for engaging in the business without a license under a variety of factual circumstances.[46]

In 1986, the law was amended to provide the following definition:

(21) The term ''engaged in the business'' means—

* * * * *

(C) as applied to a dealer in firearms, . . . a person who devotes time, attention, and labor to dealing in firearms as a regular course of trade or business with the principal objective of livelihood and profit through the repetitive purchase and resale of firearms, but such term shall not include a person who makes occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or who sells all or part of his personal collection of firearms. . . .[47]

The 1986 amendments to the GCA also defined the term ''with the principal objective of livelihood and profit'' to read as follows:

(22) The term ''with the principal objective of livelihood and profit'' means that the intent underlying the sale or disposition of firearms is predominantly one of obtaining livelihood and pecuniary gain, as opposed to other intents, such as improving or liquidating a personal firearms collection; *Provided,* That proof of profit shall not be required as to a person who engages in the regular and repetitive purchase and disposition of firearms for criminal purposes or terrorism. . . .[48]

Unfortunately, the effect of the 1986 amendments has often been to frustrate the prosecution of unlicensed dealers masquerading as collectors or hobbyists but who are really trafficking firearms to felons or other prohibited persons.

Federal Regulation of Gun Shows

Current Federal law does not regulate gun shows. The GCA does regulate the conduct of FFLs who offer firearms for sale at gun shows. Although the GCA generally limits licensees to conduct business only from their licensed premises,[49] in 1984, ATF issued a regulation allowing licensees to conduct business temporarily at certain gun shows located in the same State as their licensed premises.[50] The regulatory provision was codified into the law as part of the 1986 amendments to the GCA. To qualify for the exception, the gun show or event must be sponsored by a national, State, or local organization devoted to the collection, competitive use, or other sporting use of firearms; and the gun show or event must be held in the State where the licensee's premises is located.

As a result, an FFL may buy and sell firearms at a gun show provided he or she otherwise complies with all the GCA requirements governing licensee transfers. Nonlicensees, however, may freely transfer firearms at a gun show without observing the recordkeeping and background check requirements imposed upon licensees.

State Statutory and Regulatory Framework

More than half of the States impose no prohibition on the private transfer of firearms among nonlicensed persons and do not regulate the operation of gun shows. In some States, the only restrictions imposed on the private sales or transfers of firearms are similar to certain prohibitions set forth by the GCA. For example, Arkansas, Oklahoma, Texas, Louisiana, and Mississippi prohibit the transfer of certain firearms to felons; minors (or minors without parental consent); or persons who are intoxicated, mentally disturbed, or under the influence of drugs. Some States require permits to obtain a firearm and impose a waiting period before the permit is issued (e.g., 14 days in Hawaii). Other States impose additional requirements (such as completion of a firearms safety course in California) to obtain a license or permit. Some impose a waiting period for all firearms (e.g., Massachusetts), others only for handguns (e.g., Connecticut). Maryland directly regulates the sale of firearms by nonlicensees at gun shows, requiring nonlicensees selling handguns or assault weapons at a gun show to undergo a backgound check to obtain a temporary transfer permit, and limits individuals to five such permits per year.

Exhibit 2 provides an overview of the laws of those States that regulate the transfer of some or all firearms by persons not licensed as a dealer, and of those States that directly regulate gun shows. None of the solutions proposed in this report will affect any State law or regulation that is more restrictive than the Federal law.

3. EARLIER LEGISLATIVE PROPOSALS AND COMMENTS FROM INTERESTED PARTIES

In developing the recommendations of this report, prior legislative proposals addressing gun shows were considered along with results of surveys of United States Attorneys, interest groups, and individuals concerned with firearms issues. Comments from FFLs and law enforcement officials were also considered.

Legislative Proposals

In the 105th Congress, Representative Rod Blagojevich introduced legislation addressing gun shows, H.R. 3833. Senator Frank Lautenberg introduced a similar bill, S. 2527. The proposed bills generally required any person wishing to operate a ''gun show'' to obtain a license from the Secretary of the Treasury and to provide 30 days' advance notice of the date and location of each gun show held. The gun show licensee would be required to comply with the provisions applicable to dealers under the Brady Act, the general recordkeeping provisions of the GCA, and the multiple sales reporting requirements. These requirements would apply only to transfers of firearms at the gun show by unlicensed persons. Unlicensed vendors would be required to provide the gun show licensee with written notice prior to transferring a firearm at the gun show. The gun show licensee would also be required to deliver to the Secretary of the Treasury all records of firearms transfers collected during the show within 30 days after the show.

Responses to Surveys

United States Attorneys

The Department of Justice requested information from United States Attorneys regarding their experience prosecuting cases involving illegal activities at gun shows or in the ''secondary market.''[51] Those United States Attorneys who reported cases were asked to describe any particular problems of proof that arose in the cases and whether the existing levels of prosecutional and investigative resources are adequate to address the violations that are identified. Finally, they were asked for their proposals on how to curtail illegal activity at gun shows.

Some United States Attorneys' offices have had significant experience investigating and prosecuting cases involving illegal activities at gun shows, while others reported no experience with these cases at all. Several common themes emerge from the responses.

There was widespread agreement among United States Attorneys that it can be difficult to prove that a nonlicensed person is

''engaging in the business'' of firearms dealing without a license under current law. The definitions create substantial investigative and proof problems.[52] Significant undercover work and follow-up by ATF required to prepare a case against someone for ''engaging in the business.''

The United States Attorneys were virtually unanimous in their call for additional resources. The number of ATF agents available to investigate cases in many judicial districts falls far below the number required to mount effective enforcement activities at gun shows. United States Attorneys also noted that it will be difficult to devote scarce prosecutorial resources to gun show cases, so long as a number of the offenses remain misdemeanors.

United States Attorneys offered a wide range of proposals to address the gun show loophole. These include the following: (1) allowing only FFLs to sell guns at gun shows so that a background check and a firearms transaction record accompany every transaction; (2) strengthening the definition of ''engaged in the business'' by defining the terms with more precision, narrowing the exception for ''hobbyists,'' and lowering the intent requirement; (3) limiting the number of private sales permitted by an individual to a specified number per year; (4) requiring persons who sell guns in the secondary market to comply with the recordkeeping requirements that are applicable to FFLs; (5) requiring all transfers in the secondary market to go through an FFL; (6) establishing procedures for the orderly liquidation of inventory belonging to FFLs who surrender their license; (7) requiring registration of nonlicensed persons who sell guns; (8) increasing the punishment for transferring a firearm without a background check as required by the Brady Act; (9) requiring the gun show promoters to be licensed and maintain an inventory of all the firearms that are sold by FFLs and non-FFLs at a gun show; (10) requiring that one or more ATF agents be present at every gun show; and (11) insulating unlicensed vendors from criminal liability if they agree to have purchasers complete a firearms transaction form.

A small number of United States Attorneys suggesting that existing laws are adequate even though the resources available to enforce these laws are not. While gun shows do not appear to be a problem in every jurisdiction, the majority of United States Attorneys agreed that gun shows are part of a larger, pervasive problem of firearms transfers in the secondary market.

Law Enforcement Officials

Of the 18 State law enforcement officials who responded to the survey, only 1 opposed new restrictions on gun shows. Seventeen officials share the President's concern with the sale of firearms at gun shows without a background check or other recordkeeping requirements and support changes to make these requirements for all gun show transfers. The majority of respondents urged that any changes apply not only to gun shows but to flea markets, swap meets, and other venues where firearms are bought and sold. Several respondents suggested limits on the number of gun shows or caps on the quantities of guns sold by nonlicensees. Others urged increased cooperation with the United States Attorneys to assist in the prosecution of those individuals who violate Federal firearms laws. Finally, the National Sheriffs Association suggested that gun show operators be required to obtain a permit and notify ATF of any gun show.

FFLs

FFLs submitted 219 responses, of which approximately 30 percent requested additional regulations to prevent unlawful activities at gun shows. Many of these FFLs supported a ban on firearms sales by unlicensed persons or, if permitted, urged that Brady checks be required to prevent prohibited persons from acquiring firearms. Other FFLs expressed frustration that unlicensed persons were able to sell to buyers without any paperwork (and advertise this fact), leaving the FFL at a competitive disadvantage. Others suggested that all vendors, licensed or not, should follow the same requirements whether at gun shows, flea markets, or other places where guns are sold. Many of the FFLs recommending additional regulations provided suggestions, some quite detailed, for closing the gun show loophole. These suggestions included registering all firearms owners, licensing promoters, restricting attendance at gun shows, conducting surprise raids at gun shows, requiring that all transfers go through an FFL, and requiring a booth for law enforcement to conduct background checks for all firearms purchases.

A number of the FFLs who responded believed that the problems at gun shows could be solved if current laws were more strictly enforced. Several of these respondents noted that ATF is already ''spread too thin'' to enforce additional laws. Others suggested that courts need to do a better job of enforcing the existing laws. Many others preferred stiffer sentences for violators of existing law. More than half, however, stated that new laws or restrictions are not the answer. Of this group, many stated that they do not see any illegal activity at gun shows and concluded that no new laws are necessary. Others expressed their belief that sales of private property should not be federally regulated, or they expressed distrust of the Government in general. Also included in this group were FFLs who reported that they do not sell at gun shows for a variety of reasons but oppose new regulations nonetheless.

Interest Groups, Trade Groups, and Other Responses

Eight responses were received from firearms interest or trade groups. The National Rifle Association (NRA) opposes any changes to existing laws, contending that only 2 percent of firearms used by criminals come from gun shows. The NRA suggested that regulating the private sale of firearms would create a vast bureaucratic infrastructure and that ATF should instead continue to prosecute those who illegally trade in firearms. The NRA also suggested that many of the current unlicensed dealers would be under ATF scrutiny had they not been discouraged from holding a firearms license. The NRA expressed willingness to publicize the licensing requirements for those who deal in firearms. Similarly, Gun Owners of America recommended no changes to existing law, but suggested a ''stop to this insidious ongoing Federal government assault on American citizenry and to return to the rule of law.''

By contrast, the National Alliance of Stocking Gun Dealers (NASGD), a trade association consisting of firearms dealers, suggested that every firearm sale at a gun show be regulated and that the purchaser undergo a NICS check. In addition, NASGD suggested: (1) licensing all gun show promoters, auctioneers, and exhibitors; (2) limiting the number of times an FFL may sell at gun shows in a given year; (3) having nonlicensees comply with the same standards as FFLs; (4) requiring promoters to provide ATF and other authorities with the list of vendors at a gun show; and (5) having promoters maintain firearms transaction records and NICS transaction records for all firearms sold at a gun show.

Handgun Control, Inc. (HCI), suggested that gun show promoters be licensed and that they be authorized to conduct a NICS check on every firearms transfer by an unlicensed dealer. HCI also suggested that a 30-day temporary license be issued (limited to one per year) to any individual wishing to sell at a gun show. The proposed license would permit the sale of no more than 20 handguns, the serial numbers of which would be included in the license application. HCI suggested that ''engaged in the business'' be defined to limit the number of handguns sold from a ''personal collection'' to no more than 3 in a 30-day period. This restriction would not apply to sales to licensees or within one's immediate family. The Coalition to Stop Handgun Violence suggested licensing promoters, requiring a background check on all gun purchases, additional recordkeeping, a limit on the number of firearms purchased by any one person at a gun show, and increased enforcement resources and penalties.

The Trauma Foundation of San Francisco recommended requiring a background check for all firearms sales, licensing promoters, permitting only FFLs to sell at gun shows, and limiting the number of firearms purchased at a gun show. The United States Conference of Mayors supported one-gun-a-month legislation, background checks on all purchases, and increased funding for law enforcement.

Finally, in reply to open letters posted on the Internet, ATF received 274 responses. The vast majority of these responses either opposed any new restrictions on gun shows or favored enforcement of existing law. Approximately 5 percent favored new laws, usually suggesting a background check for firearms purchasers.

4. RECOMMENDATIONS

Summary of the Recommendations

These recommendations close the gun show loophole by adding reasonable restrictions and conditions of firearms transfers at gun shows.[53] The recommendations also ensure that there are adequate resource to enforce the law and that all would-be sellers of firearms at gun shows understand the law and the consequences of illegally disposing of guns. Each recommendation will be discussed in detail, but they may be summarized as follows:

1. Define ''gun show'' to include specialized gun events, as well as flea markets and other markets outside of licensed firearms shops at which 50 or more firearms, in total, are offered for sale by 2 or more persons.

2. Require gun show promoters to register and to notify ATF of all gun shows, maintain and report a list of vendors at the show, and ensure that all vendors acknowledge receipt of information about their legal obligations.

3. Require that all firearms transactions at a gun show be completed through an FFL. The FFL would be responsible for conducting a NICS check on the purchaser and maintaining records of the transactions. The failure to conduct a NICS check would be a felony for licensees and nonlicensees.

4. Require FFLs to submit information necessary to trace all firearms transferred at gun shows to ATF's National Tracing Center. This information would include the manufacturer/importer, model, and serial number of the firearms. No information about either an unlicensed seller or the purchaser would be given to the Government. Instead, as today with all firearms sold by licensees, the FFLs would maintain this information in their files.

5. Review the definition of ''engaged in the business'' and make recommendations within 90 days for legislative or regulatory changes to better identify and prosecute, in all appropriate circumstances, illegal traffickers in firearms and suppliers of guns to criminals.

6. Provide additional resources to combat the illegal trade of firearms at gun shows.

7. In conjunction with the firearms industry, educate gun owners that, should they sell or otherwise dispose of their firearms, they need to do so responsibly to ensure that they do not fall into the hands of felons, unauthorized juveniles, or other prohibited persons.

Explanation of the Recommendations

Definition of Gun Show

There would be a new statutory definition of ''gun show.''[54] The definition would read as follows: ''Gun Show. Any event (1) at which 50 or more firearms, 1 or more of which has been shipped or transported in interstate or foreign commerce, are offered or exhibited for sale, transfer or exchange; and (2) at which 2 or more persons are offering or exhibiting firearms for sale, transfer, or exchange.''

This definition encompasses not only events at which the primary commodities displayed and sold are firearms but qualifying flea markets, swap meets, and other secondary markets where guns are sold as well. Requiring there to be two or more persons offering firearms exempts from the definition FFLs selling guns at their business location, as well as the individual selling a personal gun collection at a garage or yard sale. In addition, the legislation requires a minimum of 50 firearms to be offered for sale in order for an event to become a gun show that is subject to the other new requirements. This minimum quantity ensures that private sales of a small number of firearms can continue to take place without being subject to the new requirements.

Gun Show Promoters

Any person who organizes, plans, promotes or operates a gun show, as newly defined, would be required to register with ATF. Gun show promoters would complete a simple form which entitles the promoter to operate a gun show. The registration requirement would go into effect 6 months after the enactment of the legislation to allow time for gun show promoters to comply.

Thirty days before any gun show, a promoter would be required to inform ATF of the dates, duration, and estimated number of vendors who are expected to participate. This information serves four purposes: First, it advises ATF that a gun show will be taking place. If ATF is in the process of investigating individuals who are violating the law at gun shows in a particular field division, the advance notice will assist ATF in determining whether the target of the investigation might appear at the gun show. Second, the information gives ATF a good idea about the scope and scale of the gun show to enable the agency to make the determination whether ATF should allocate resources to the show for the purpose of investigating possible crimes there. Third, it allows ATF to notify State and local law enforcement about the show, as suggested by the National Sheriffs Association. Finally, the notice involves the promoter at an early stage in identifying who is participating at the gun show.

Next, by no later than 72 hours before the gun show, the promoter would provide a second notice to ATF identifying all the vendors who plan to participate at the show. The promoter's notice would include the names and licensing status, if any, of all those who have signed up to exhibit firearms. The primary benefits of this notification are twofold. First, the notice gives ATF specific information about vendors who plan to participate at the gun show, along with their status as an FFL or nonlicensee. For any open investigations, this information would prove extremely useful in ATF's enforcement activities. Second, promoters will learn the identities of the vendors so that they can plan for the show. For example, the promoter can determine which of the FFLs will conduct background checks for nonlicensees and, if a significant number of nonlicensees plan to participate in the show, the promoter can plan to have enough ''transfer'' FFLs[55] present to meet the demand for NICS checks.

Although vendors who do not sign up for the gun show by the time that the promoter submits the 72-hour notice may still sign up to participate at the show, they will be required to sign the promoter's ledger acknowledging their legal obligations before they may transact business. The promoter will be required to submit the ledger to ATF within 5 business days of the end of the show. All vendors will also be required to present to the promoter a valid driver's license or other Government-issued photographic identification.

A gun show promoter who fails to register or comply with any of these requirements would be subject to having his or her registration denied, suspended, or revoked, as well as being subject to other civil or administrative penalties. Certain violations would be subject to criminal penalties. Vendors who sell at gun shows without signing the promoter's ledger would be similarly subject to civil and criminal penalties. In addition, if the vendor provides false information to the promoter in the ledger, the vendor would be liable for making a false statement.

Imposing these requirements on gun show promoters will make them more accountable for controlling their shows and ensuring that only vendors who comply with the law participate at gun shows. Although promoters will not be directly responsible for the performance of NICS background checks at gun shows, it will be in the promoter's interest to make sure that background checks are being performed in connection with each and every firearms transfer that takes place in whole or in part at the gun show. Gun show promoters profit greatly from the gun sales that take place at gun shows. However, until now, the Federal Government has not imposed any obligations on the promoter to encourage compliance with the law by all of the participants at the gun show. Placing an affirmative obligation on gun show promoters to notify vendors of their legal obligations will go a long way toward ensuring that only lawful transactions take place at gun shows.

Requiring vendors to sign the ledger and acknowledge that they have received information about and understand their legal obligations will prevent vendors from claiming that they did not know that they were required to complete all firearms transactions at a gun show through an FFL.

NICS Checks

No gun would be sold, transferred, or exchanged at a gun show before a NICS background check is performed on the transferee. the Brady Act permit exception would apply to firearms sales at gun shows. FFLs who participate in the gun show would be required to request NICS checks for all buyers, whether the FFL sells firearms out of the FFL's inventory or the FFL's personal collection. Nonlicensed sellers at the gun show must arrange for all purchasers to go to a transfer FFL to request a NICS check. Any FFL attending a gun show may act as a transfer FFL to facilitate nonlicensee sales of firearms. However, FFLs will not be required to perform this service; they will do so only voluntarily. FFLs may choose to charge a fee for providing this service. By having the FFL request the background check, the proposal takes full advantage of the existing licensing scheme for FFLs, the FFLs' knowledge of firearms, and the FFLs' access to NICS.

The unlicensed seller may not transfer the firearm to the purchaser until the seller receives verification that the transfer FFL has performed a NICS background check on the purchaser and learned that there is no disqualifying information. The FFL's role is limited to facilitating the transfer by performing the NICS check and keeping the required records. Any FFL or non-FFL who transfers a firearm in whole or in part at a gun show without completing a NICS check on the purchaser to determine that the transferee is not prohibited could be charged with a felony.[56]

Prohibiting any firearms from being sold, transferred, or exchanged in whole or in part at a gun show until the transferee has been cleared by a background check establishes parameters that encompass all vendors, regardless of whether they are licensed. No FFL may claim that a background check is not required because the firearm is being sold out of the FFL's personal collection, nor will the distinction between FFLs and nonlicensed dealers make any difference for NICS checks. When any part of the transaction takes place at a gun show,[57] each and every vendor at a gun show will require a transferee to undergo a background check before the firearm can be transferred.[58]

Records for Tracing Crime Guns

Before clearing a transfer of any firearm by a nonlicensee, the transfer FFL would complete a form similar to the firearms transaction record currently used by FFLs. This firearms transaction record would be maintained in the FFL's records, along with the other records of firearms transferred directly by the FFL.

In addition, FFLs would be responsible for submitting to the NTC strictly limited information concerning firearms transferred at gun shows, whether the FFL is the seller or merely the transfer FFL. The information would consist of the manufacturer/importer, model, and serial number of the firearm. No personal information about either the seller or the purchaser would be given to the Government. Instead, as today with all firearms sold by FFLs, the licensees would maintain this information in their files. The NTC would request this information from an FFL only in the event that the firearm subsequently becomes the subject of a law enforcement trace request. In addition, FFLs would complete a multiple sale form if they record the sale by a nonlicensee of two or more handguns to the same purchaser within 5 business days, as is currently required for transactions by FFLs.

This requirement provides a simple and easy-to-administer means of reestablishing the chain of ownership for guns that are transferred at gun shows. If the firearm appears at a crime scene and there is a legitimate law enforcement need to trace the firearm, ATF will be able to match the serial number of the crime gun to the record and identify the FFL who is maintaining the firearms transaction form. ATF can then go to the FFL who submitted the information on the firearm and review the record that is on file with the FFL. This form will contain information about the transferor and transferee, and ATF can trace the firearm using that information. It is important to emphasize that ATF traces guns according to specific protocols and requirements, ensuring that the firearms information will not be used to identify purchasers of a particular firearm except as required for a legitimate law enforcement purposes.

Definition of ''Engaged in the Business''

Not surprisingly, significant illegal dealing in firearms by unlicensed persons occurs at

gun shows. More than 50 percent of recent ATF investigations of illegal activity at gun shows focused on persons allegedly engaged in the business of dealing without a license. Unfortunately, the current definition of ''engaged in the business'' often frustrates the prosecution of people who supply guns to felons and other prohibited persons. Although illegal activities by unlicensed traffickers often become evident to investigators quickly, months of undercover work and surveillance are frequently necessary to prove each of the elements in the current definition and to disprove the applicability of any of the several statutory exceptions.

To draw a more distinct line between those who are engaged in the business of firearms dealing and those who are not, and to facilitate the prosecution of those who are illegally trafficking in guns to felons and other prohibited persons—at gun shows and elsewhere—the GCA should be amended. Accordingly, the Department of the Treasury and the Department of Justice will review the definition of ''engaged in the business'' and make recommendations within 90 days for legislative or regulatory changes to better identify and prosecute, in all appropriate circumstances, illegal traffickers in firearms and suppliers of guns to criminals.

Need for Additional Resources

To adequately enforce existing law as well as the foregoing proposals, more resources are needed. There are more than 4,000 specialized gun shows per year, and enforcement and regulatory activity must also occur at the other public venues where firearms are sold.

All of the previous recommendations will help close the existing gun show loophole, but they will not completely eradicate criminal activity at gun shows and in the rest of the secondary market. As the review of ATF investigations and United States Attorney prosecutions revealed, a substantial number of the crimes associated with gun shows are committed by FFLs who deal off the book and ignore their legal obligations. While a requirement that all gun show transactions be recorded and NICS checks completed will make it somewhat easier to identify off-the-book dealers, a markedly increased enforcement effort will be required to shut down these illegal markets. Further, ATF will need to focus on preventive educational initiatives, as described below. To accomplish all of these goals, significant resources will be required for more criminal and regulatory enforcement personnel, as well as prosecutors.

Without a commitment to financially support his initiative, its effectiveness will be limited. The Departments of Justice and the Treasury will submit budget proposals to fund this initiative at an appropriate level.

Educational Campaign

Finally, a campaign should be undertaken in conjunction with the firearms industry to educate firearms owners that, should they sell or otherwise dispose of their firearms, they need to do so responsibly to ensure that the weapons do not fall into the hands of felons, unauthorized juveniles or other prohibited persons. The vast majority of firearms owners are law-abiding and certainly do not want their firearms to be used for crime but, under the current system, they can unwittingly sell firearms to prohibited persons.

The educational campaign could involve setting up booths at gun shows to explain the law, encouraging unlicensed sellers to ''know their buyer'' by asking for identification and keeping a record of those to whom they sell their firearms; developing videos and news articles for promoters, dealers, trade groups, and groups of firearms owners describing legal obligations and liability and the need to exercise personal responsibility; and distributing posters and handouts with tips for identifying and reporting suspicious activity.

5. CONCLUSION

Although Brady Act background checks have been successful in preventing felons and other prohibited persons from buying firearms from FFLs, gun shows leave a major loophole in the regulation of firearms sales. Gun shows provide a large market where criminals can shop for firearms anonymously. Unlicensed sellers have no way of knowing whether they are selling to a violent felon or someone who intends to illegally traffic guns on the streets to juveniles or gangs. Further, unscrupulous gun dealers can use these free-flowing markets to hide their off-the-book sales. While most gun show sellers are honest and law-abiding, it only takes a few to transfer large numbers of firearms into dangerous hands.

The proposals in this report strike a balance between the interests of law-abiding citizens and the needs of law enforcement. Specifically, the proposals will allow gun shows to continue to provide a legal forum for the sale and exchange of firearms and will not prevent the sale or acquisition of firearms by sportsmen and firearms enthusiasts. At the same time, this initiative will ensure background checks of all firearms purchasers at gun shows and assist law enforcement in preventing firearms sales to felons and other prohibited persons, as well as inhibiting illegal firearms trafficking. The proposals also ensure that gun show promoters run their shows responsibly, that all firearms purchases at gun shows are subject to NICS checks, and that all firearms sold at the shows can be traced if they are used in crime. Further, these recommendations will guarantee that everyone selling at gun shows understands the legal obligations and the risks of disposing of firearms irresponsibly and that law enforcement has the resources necessary to investigate and prosecute those who violate the law. In short, as requested by President Clinton, the proposals will close the gun show loophole.

FOOTNOTES

[1] See exhibit 1.

[2] As required by the Gun Control Act, FFLs must complete multiple sales records whenever two or more handguns are sold to the same purchaser within 5 business days.

[3] ATF interviewed promoters, made field observations, and reviewed data obtained over a 5-year period to provide information for this report.

[4] This information was provided by officials from the National Association of Arms Shows, which represents many of the gun show promoters.

[5] Semiautomatic assault weapons may be legally transferred in unrestricted commercial sales if they were manufactured on or before September 13, 1994. Weapons manufactured after that date may be transferred to or possessed by law enforcement agencies, law enforcement officers employed by such agencies for official use, security guards employed by nuclear power plants, and retired law enforcement officers who are presented the weapons by their agencies upon retirement. (See 18 U.S.C. 922(v).)

[6] Curios or relics are firearms of special interest to collectors by reason of some quality other than those associated with firearms intended for sporting use or as offensive or defensive weapons. Curios or relics include firearms that are at least 50 years old, are certified by the curator of a Government museum to be of museum interest, or are other firearms that derive a substantial part of their value from the fact that they are novel, rare, or bizarre or because of their association with some historical figure, period, or event. (See 27 CFR 178.11.)

[7] Magazines with a capacity of more than 10 rounds may be transferred or possessed without restriction if they were manufactured on or before September 13, 1994. Large capacity magazines manufactured after that date may be transferred to or possessed by law enforcement agencies, law enforcement officers employed by such agencies for official use, security guards employed by nuclear power plants, and retired law enforcement officers who are presented the magazines by their agencies upon retirement. (See 18 U.S.C. 922(w).)

[8] The National Firearms Act (NFA), 26 U.S.C. Chapter 53, regulates machineguns, which are defined as any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term also includes the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person. (See 26 U.S.C. 5845.) Machineguns must be registered with the Secretary of the Treasury, and those manufactured on or after May 19, 1986, are generally unlawful to possess. (See 18 U.S.C. 922(o).) Parts for machineguns that do not fall within the statutory definition of machinegun (e.g., they are not conversion kits or frames or receivers) may be legally sold without restriction.

[9] When appropriate, ATF investigated these complaints and took action ranging from warning letters explaining the need for a license to engage in the business of dealing in firearms, to referring a case to the United States Attorney for prosecution.

[10] David M. Kennedy and Anthony Braga, both of the John F. Kennedy School of Government, Harvard University.

[11] See Appendix, table 1. The large majority of the investigations reviewed for this report were from 1997 and 1998. The remainder of the investigations was from the years 1994 through 1996, with one investigation each from 1991 and 1992. Forty-one investigations involved what may be described as flea markets, and three investigations involved firearms sales at auctions. The methodology of the review and a more detailed analysis of the results are set forth in the appendix.

[12] See Appendix, table 2.

[13] See Appendix, table 3. Current and former FFLs were the subject of a significant number of investigations.

[14] See Appendix, table 3.

[15] See Appendix, table 4.

[16] See Appendix, table 4.

[17] See Appendix, table 5.

[18] See Appendix, table 6. Because tracing a firearm generally requires an unbroken chain of dispositions from manufacturer to first retail purchaser, used guns—including those sold at gun shows—have rarely been traceable.

[19] See Appendix, table 7.

[20] A ''straw purchase'' occurs when the actual buyer of a firearm uses another person, the ''straw purchaser,'' to execute the paperwork necessary to purchase a firearm from an FFL. Specifically, the actual buyer uses the straw purchaser to execute the firearms transaction record, purporting to show that the straw purchaser is the actual purchaser of the firearm. Often, a straw purchaser is used because the actual purchaser is prohibited from acquiring the firearm because of a felony conviction or another disability.

[21] ''Off-the-book'' sales are those made by FFLs without conducting Brady Act background checks and without recording the sale as required by the law and regulations.

[22] Under the NFA, certain firearms and other weapons must be registered. (See 26 U.S.C. chapter 53.) Table 8 shows the types of weapons involved in the investigations involving NFA violations. For example, more than half of the NFA investigations involved machineguns, while 11 percent involved grenade launchers.

[23] 18 U.S.C. §§922(a)(1) and 923(a).

[24] See id.

[25] See 18 U.S.C. §§922(a)(1), (a)(3), (a)(5), (b)(2), and 923(g).

[26] See 18 U.S.C. §922(d). The 1986 amendments to the GCA also made it unlawful for any person to transfer any firearm to any person knowing or having reasonable cause to believe that such person is a prohibited person.

[27] See 18 U.S.C. §§922(b)(1), 922(b)(3), and 922(x).

[28] See 18 U.S.C. §922(t). A NICS check is not required if the buyer represents to the FFL, a valid permit to possess or acquire a firearm that was issued not more than 5 years earlier by the State in which the transfer is to take place, and the law of the State provides that the permit is to be issued only after a Government official verifies that the information available to the official, including a NICS check, does not indicate that the possession of the firearm by the person would violate the law.

[29] See 18 U.S.C. §923(g)(7).

[30] See 18 U.S.C. §923(g)(1)(B). Warrantless inspections are limited to those conducted (1) in the

course of a criminal investigation of a person other than the licensee, (2) during an annual compliance inspection, and (3) for purposes of firearms tracing. Id. Inspections may also be conducted pursuant to a warrant issued by a Federal magistrate upon demonstration that there is reasonable cause to believe that a violation of the GCA has occurred and that evidence of such violation may be found on the licensee's premises. See 18 U.S.C. §923(g)(1)(A).

[31] See 18 U.S.C. §923(e) and 924(a)(1)(D). Under current law, an FFL's failure to perform a NICS check is a misdemeanor.

[32] S. Rep No. 1501, 22, 25 (1968).

[33] See 18 U.S.C. §923(b).

[34] See 18 U.S.C. §§922(a)(2), (a)(3).

[35] See 7 C.F.R. §178.11.

[36] See 18 U.S.C. §§922(a)(1), and 923(a).

[37] See 18 U.S.C. §§923(g)(2), (g)(1)(C).

[38] See 18 U.S.C. §923(g)(7).

[39] See 18 U.S.C. §922(t)(1).

[40] See 18 U.S.C. §§922(t), and 923(g)(1)(A).

[41] See 18 U.S.C. §922(a)(3). An exception to this rule is provided for sales of rifles or shotguns by licensed dealers to nonlicensed persons if the purchaser appears in person at the dealer's licensed premises and the sale, delivery, and receipt comply with the legal conditions of sale in both the seller's State and the buyer's State. See 18 U.S.C. §922(b)(3).

[42] See 18 U.S.C. §922(a)(5). Exceptions to this prohibition are provided for transfers of firearms made to carry out a bequest or intestate succession of a firearm and for the loan or rental of a firearm for temporary use for lawful sporting purposes. Id.

[43] See 18 U.S.C. §922(d).

[44] See 18 U.S.C. §922(x). A number of exceptions apply to this prohibition, including temporary transfers in the course of employment, for ranching or farming, for target practice, for hunting, or for firearms safety instruction. These exceptions all require that the juvenile to whom the handgun is transferred obtain prior written consent from a parent or guardian and that the written consent be in the juvenile's possession at the time the juvenile possesses the handgun. Id.

[45] *Compare United States* v. *Gross*, 451 F.2d 1355, 1357 (7th Cir. 1971) (one engages in a firearms business where one devotes time, attention and labor for the purpose of livelihood or profit) with *United States* v. *Shirling*, 572 F.2d 532, 534 (5th Cir. 1978) (profit motive not determinative where one has firearms on hand or ready to procure them for purpose of sale).

[46] See *United States* v. *Hernandez*, 662 F.2d (5th Cir. 1981) (30 firearms bought and sold over a 4-month period); *United States* v. *Perkins*, 633 F.2d 856 (8th Cir. 1981) (three transactions involving eight firearms over 3 months); *United States* v. *Huffman*, 518 F.2d 80 (4th Cir. 1975) (more than 12 firearms transactions over ''a few months''); *United States* v. *Ruisi*, 460 F.2d 153 (2d Cir. 1972) (codefendants sold 11 firearms at a single gun show); *United States* v. *Gross*, 451 F.2d 1355 (7th Cir. 1971) (11 firearms sold over 6 weeks); *United States* v. *Zeidman*, 444 F.2d 1051 (7th Cir. 1971) (six firearms sold over 2 weeks).

[47] 18 U.S.C. §921(a)(21)(C).

[48] 18 U.S.C. §921(a)(22).

[49] 18 U.S.C. §923(a).

[50] T.D. ATF–191, 49 Fed. Reg. 46,889 (November 29, 1984).

[51] The ''secondary market'' refers to the sale and purchase of firearms after FFLs sell them at retail.

[52] A recent case of an unlicensed individual who bought and sold numerous firearms illustrates the difficulty involved with prosecuting defendants charges with engaging in the business of dealing in firearms without a license. ATF agents discovered that an unlicensed person had purchased 124 handguns and 27 long guns from an FFL, as well as additional firearms from flea markets and garage sales. When questioned, the defendant admitted that he intended to resell them. At trial, the defendant contended that buying and selling guns was his hobby. The court, relying on the statutory definition, instructed the jury that a person engages in the business of dealing in firearms when it occupies time, attention, and labor for the purpose of livelihood and profit, as opposed to as a pastime, hobby, or being a collector. When the jury asked for a definition of ''livelihood,'' the court explained that the term was not defined in the law and that the jury needed to rely on its common understanding of the term. The jury acquitted the defendant for engaging in the firearms dealing business. However, the jury convicted the defendant for falsely stating on the firearms transaction record executed at the time of purchase that he was the actual buyer, when in fact, he had intended to resell them.

[53] All of the recommendations except number 7 and part of number 5 would require legislation.

[54] Although the GCA does not define ''gun show,'' the GCA does refer to ''gun shows'' in 18 U.S.C. §923(j), the exception that permits FFLs to sell firearms away from their business premises under certain circumstances, including ''gun shows.''

[55] The transfer FFL does not act as the seller, but rather acts voluntarily in connection with a transfer by a nonlicensee or licensed collector.

[56] The legislative proposal would elevate the gravity of the offense of not conducting a NICS check for FFLs from a misdemeanor—which is presently contained in the Brady Act—to a felony regardless of the venue of the transaction.

[57] Requiring a NICS check when ''any part of the transaction takes place at a gun show''ensures that buyers and sellers do not attempt to avoid the requirement by completing only a part of the sale, exchange, or transfer at the gun show. For example, if a nonlicensed vendor displays a gun at a gun show but the actual transfer occurs outside the gun show in the parking lot, the vendor is prohibited from transferring the gun without a NICS check on the purchaser.

[58] The recommendations made in this report would be in addition to any requirements imposed under State or local law.

[Exhibit 1]

THE WHITE HOUSE,
OFFICE OF THE PRESS SECRETARY,
Highfill, AR, November 6, 1998.

Memorandum for the Secretary of the Treasury

The Attorney General

Subject: Preventing Firearms Sales to Prohibited Purchasers.

Since 1993, my Administration has worked hand-in-hand with State and local law enforcement agencies and the communities they serve to rid our neighborhoods of gangs, guns, and drugs—and by doing so to reduce crime and the fear of crime throughout the country. Our strategy is working. Through the historic Violent Crime Control and Law Enforcement Act of 1994, we have given communities the tools and resources they need to help drive down the crime rate to its lowest point in a generation. Keeping guns out of the hand of criminals through the Brady Handgun Violence Prevention Act's background checks has also been a key part of this strategy. Over the past 5 years, Brady background checks have helped prevent a quarter of a million handgun sales to felons, fugitives, domestic violence abusers, and other prohibited purchasers—saving countless lives and preventing needless injuries.

On November 30, 1998, the permanent provisions of the Brady Law will take effect, and the Department of Justice will implement the National Instant Criminal Background Check System (NICS). The NICS will allow law enforcement officials access to a more inclusive set of records than is now available and will—for the first time—extend the Brady Law's background Law's background check requirement to long guns and firearm transfers at pawnshops. Under the NICS, the overall number of background checks conducted before the purchase of a firearm will increase from an estimated 4 million annually to as many as 12 million.

We can, however, take additional steps to strengthen the Brady Law and help keep our streets safe from gun-carrying criminals. Under current law, firearms can be—and an untold number are—bought and sold entirely without background checks, at the estimated 5,000 private gun shows that take place across the country. This loophole makes gun shows prime targets for criminals and gun traffickers, and we have good reason to believe that firearms sold in this way have been used in serious crimes. In addition, the failure to maintain records at gun shows often thwarts needed law enforcement efforts to trace firearms. Just days ago, Florida voters overwhelmingly passed a ballot initiative designed to facilitate background checks at gun shows. It is now time for the Federal Government to take appropriate action, on a national level, to close this loophole in the law.

Therefore, I request that, within 60 days, you recommend to me what actions our Administration can take—including proposed legislation—to ensure that firearms sales at gun shows are not exempt from Brady background checks or other provisions of our Federal gun laws.

WILLIAM J. CLINTON.

EXHIBIT 2.—DIGEST OF SELECTED STATES WITH LAWS REGULATING TRANSFERS OF FIREARMS BETWEEN UNLICENSED PERSONS OR GUN SHOWS (12/21/98)

State	Regulation of gun shows?	Regulation of all firearms transfers?
Pennsylvania: 18 Pa. Stat. Ann. §6111; §6113.	NO.	YES. Nonlicense wishing to transfer firearm to nonlicense must do so through licensee or at county sheriff's office. The licensee must conduct background check as if he or she were the seller. Exclusions apply for certain firearms, family member transfers, law enforcement, or where local authority certifies that transferee's life is threatened.
California: Cal. Penal Code §12071.1; §12082.	YES. Must receive state certificate of eligibility to operate gun show..	YES. All transfers for firearms must be through a licensed dealer who must conduct a background check.
Illinois: 430 Ill. Comp. Stat. Ann. §§65/2(a)(1), 65/3.	NO.	YES. No one may lawfully possess any firearm without possessing a Firearms Owner's Identification Card (FOIC) issued by the State police. Each transferee of any firearm must possess a valid FOIC. Transferor must keep record of transaction for 10 years.
Virginia: Va. Code Ann. §§52–8.4:1, 54.1–4200, 54.1–4201.1..	YES. Promoter of firearm show must provide 30 days' notice, and provide pre- and post-show list of each vendor's name and business address..	NO.
District of Columbia: D.C. Code Ann. §6–2311.	NO.	YES. It is unlawful to possess any firearm that is not registered.
Virgin Islands: V.I. Code tit. 23, §461.	NO.	YES. No transfer of a firearm is lawful without prior approval by Commissioner of Licensing and Consumer Affairs.
Florida:	NO.	Under Art. VIII, Sec. 5 of Florida Constitution, counties are now free to impose waiting periods and background checks for all firearm sales in places where public has the right of access; ''sale'' requires consideration.
Puerto Rico: P.R. Laws Ann., tit. 25, §§429, 438, 439.	NO.	YES. All firearms must be registered and transfers must be through a licensed dealer.
North Carolina: N.C. Gen. Stat. §14–402.	NO.	NO. However, no transfer of a pistol is lawful without the transferee first obtaining a license from the county sheriff.
Hawaii: Haw. Rev. Stat. §§134–2, 134–3, 134–4.	NO.	YES. No person may acquire ownership of a firearm until the person first obtains a permit from the local police chief. A separate permit is required for each handgun or pistol; a shotgun or rifle allows multiple acquisitions up to one year.
Iowa: Iowa Code Ann. §724.16.	NO.	NO. However, it is unlawful to transfer a pistol or revolver without an annual permit to acquire pistols and revolvers.
Minnesota: Minn. Stat. Ann. §§624.7131, 624.7132.	NO.	NO. However, it is unlawful to transfer a pistol or semiautomatic assault weapon without executing a transfer report, signed by transferor and transferee and presented to the local police chief of the transferee, who shall conduct a background check.

EXHIBIT 2.—DIGEST OF SELECTED STATES WITH LAWS REGULATING TRANSFERS OF FIREARMS BETWEEN UNLICENSED PERSONS OR GUN SHOWS (12/21/98)—Continued

State	Regulation of gun shows?	Regulation of all firearms transfers?
Maryland: 27 Md. Code Ann. §§ 442, 443A(a).	YES. Nonlicensed persons selling a handgun or assault weapon at a gun show must obtain a transfer permit; a background check is conducted on the applicant. An individual is limited to five permits per year..	NO.
Missouri: Mo. Rev. Stat. Ann. § 571.080.	NO.	YES. It is unlawful to buy, sell, exchange, loan, or borrow a firearm without first receiving a valid permit authorizing the acquisition of the firearm.
South Dakota: S.D. Codified Laws §§ 23–7–9, 7–10.	NO.	NO. However, it is unlawful to transfer a pistol to a person who has purchased a pistol until after 48 hours of the sale. Exceptions apply for holders of concealed pistol permit.
New York: NY Penal Law § 400.00(16) and §§ 265.11–13. ..	NO.	YES. As a general matter, no person may possess, receive, or sell a firearm without first obtaining a permit or license from the State. Thus, all lawful firearms transfers in New York, including those at gun shows, would be between licensees or permittees.
New Jersey: N.J. Stat. Ann. § 2C: 39–3; 58–3.	NO.	YES. It is unlawful to sell a firearm unless licensed or registered to do so. No unlicensed person may acquire a firearm without a purchase permit or firearms purchaser identification card.
New Hampshire: N.H. Rev. Stat. Ann. § 159.	NO.	NO. However, it is unlawful for a nonlicensee not engaged in the business to transfer a pistol to a person who is not personally known to the transferor.
Connecticut: Connecticut General Statute §§ 29–28 through 29–37..	NO.	YES. Anyone who sells 10 or more handguns in a calendar year must have a FFL or a State permit. Nonlicensees wishing to transfer a firearm must receive from the prospective purchaser an application which is then submitted to local and State authorities. Exceptions are for licensed hunters purchasing long guns and members of the Armed Forces.
Massachusetts: Mass. Gen. Laws Ann. Ch. 140 § 129C; § 128A; § 128B..	NO.	NO. However, State law provides that any person may transfer up to four firearms to any nonlicensed person per calendar year without obtaining a State license, provided seller forwards name of seller, purchaser, and information about the firearm to State authorities.
Rhode Island: R.I. Gen. Laws §§ 11–47–35, 36, 40.	NO.	YES. No person may sell a firearm without purchaser completing application which is submitted to State police for background check. Seller obligated to maintain register recording information about the transaction, such as date, name, age and residence of purchaser.
Michigan: Mich. Comp. Laws §§ 750.223; 750.422.	NO.	NO. However, no transfer of a pistol is lawful without the transferee first obtaining a handgun purchase permit from the local CLEO.
Nevada: Nev. Rev. Stat. Ann. § 202.254.	NO.	NO. However, a private person wishing to transfer a firearm may request a State background check on the prospective transferee.

APPENDIX

METHODOLOGY

The following analyses are based on a survey of ATF special agents reporting information about recent investigations associated with gun shows. The investigations reflect what ATF has encountered and investigated; they do not necessarily reflect typical criminal diversions of firearms at gun shows or the typical acquisition of firearms by criminals through gun shows. Furthermore, they do not provide information about the significance of diversion associated with gun shows with respect to other sources of diversion. Nevertheless, they suggest that the criminal diversion of firearms at and through gun shows is an important crime and public safety problem.

The analyses use data from investigations referred for prosecution and adjudicated, and investigations that have not yet been referred for prosecution. Thus, not all violations described will necessarily be charged as crimes or result in convictions. As a consequence, the exact number of offenders in the investigation, the numbers and types of firearms involved, and the types of crimes associated with recovered firearms may not have been fully known to the case agents at the time of the request, and some information may be underreported. For example, it is likely that the number of firearms involved in the investigations could increase, as could the number and types of violations, as more information is uncovered by the agents working the investigations.

Information generated as part of a criminal investigation also does not necessarily capture data on the dimensions ideally suited to a more basic inquiry about trafficking and trafficking patterns. For example, investigative information necessary to build a strong case worth of prosecution may provide very detailed descriptions of firearms used as evidence in the case but may not even estimate, much less describe in detail, all the firearms involved in the trafficking enterprise.

Information was not provided with enough consistency and specificity to determine the number of handguns, rifles, and shotguns trafficked in a particular investigation. Likewise, special agents may not have information on trafficked firearms subsequently used in crime. Such information is not always available. Comprehensive tracing of crime guns does not exist nationwide and, until the very recent Youth Crime Gun Interdiction Initiative, most major cities did not trace all recovered crime guns. The figures on new, used, and stolen firearms reflect the number of investigations in which the traffickers were known to deal in these kinds of weapons. The figures on stolen firearms are subject to the usual problems associated with determining whether a firearm has been stolen. Many stolen firearms are not reported to the police. Such limitations apply to much of the data collected in this research.

Finally, except where noted, the unit of analysis in the review of investigations is the investigation itself. The data show, for example, the proportion of investigations that were known by agents to involve new, used, and stolen firearms, but these figures do not represent a proportion or count of the number of new, used, or stolen firearms being trafficked at gun shows. The data show what proportion of investigations were known to involve a firearm subsequently used in a homicide, but not how many homicides were committed by firearms trafficked through gun shows. It was not possible to gather more specific information within the short timeframe of the study.

It was, for the most part, not possible to review and verify all of the information provided in the survey responses. However, ATF Headquarters personnel took a random sample of 15 cases each from the 31 investigations reported to have involved 101–250 firearms and from the 30 investigations reported to have involved 251 or more firearms, and reviewed with ATF field personnel the information leading to those reports. A breakdown of the results of this review showing the basis for reporting the firearms volume is provided below. Based on this review, ATF concludes that the numbers of firearms reported in connection with the investigations have a reasonable basis.

Procedure	N = 32[1]	
	Number	Percent
Firearms seized/purchased/recovered and reconstruction of dealer records	10	31.2
Reconstruction of dealer records	9	28.1
Firearms seized/purchased/recovered	6	18.8
Reconstruction of dealer records and confidential information	3	9.4
Firearms seized and admission by defendant(s)	2	6.2
ATF NTC compilation and confidential information	1	3.1
Unknown	1	3.1

[1] This breakdown includes, in addition to the basis for the numbers of firearms reported in the randomly selected cases, the basis for the numbers of firearms reported in the two investigations involving the largest volumes of firearms, 10,000 and 7,000 firearms respectively. The case involving 7,000 firearms used a combination of an audit of firearms seized and the reconstruction of dealer records, while the case involving 10,000 firearms used a combination of NTC records and information from confidential informants.

TABLE 1.—INITIATION OF INVESTIGATION

Reason	N=314	
	Number	Percent
Confidential informant	74	23.6
Referred from another Federal, State, or local investigation	60	19.1
ATF investigation at gun show (e.g., gun show task force)	44	14.0
Trace analysis after firearms recovery	37	11.8
Review of multiple sales forms	34	10.8
Licensed dealers at gun shows reported suspicious activity	26	8.3
Tip or anonymous information	18	5.7
Field interrogation after firearm recovery	4	1.3
Gun show promoter reported suspicious activity	2	0.6
Analysis of out-of-business records	1	0.3
Unknown	14	4.4

TABLE 2.—INVESTIGATIONS SUBMITTED BY FIELD DIVISIONS

Field division	N=314	
	Number of investigations	Percent
Dallas	43	13.7
Houston	42	13.1
Detroit	41	13.1
Philadelphia	34	10.8
Miami/Tampa	20	6.3
Kansas City	19	6.1
Nashville	16	5.1
Columbus	1.5	4.8
Seattle	11	3.5
St. Paul	10	3.2
Louisville	9	2.9
New Orleans	9	2.9
Phoenix	8	2.5
Washington, DC	8	2.5
Charlotte	8	2.5
Los Angeles	6	1.9
Atlanta	6	1.9
Chicago	5	1.6
San Francisco	1	0.3
Baltimore	1	0.3
Boston	1	0.3
New York	1	0.3

TABLE 3.—MAIN SUBJECT OF INVESTIGATION

Subject	N=314	
	Number of investigations	Percent
Unlicensed dealer	170	54.1
Unlicensed dealer (never FFL)	118	37.6
Former FFL	37	11.8
Current FFL and former FFL	8	2.5
Unlicensed dealer and former FFL	2	0.6
Current FFL and Unlicensed dealer	4	1.3
Current FFL/Former FFL /unlicensed	1	0.3
Current FFL	73	23.2
Felon purchasing firearms at gun show	33	10.5
Straw purchasers at gun show	20	6.4

TABLE 3.—MAIN SUBJECT OF INVESTIGATION—Continued

Subject	N=314	
	Number of investigations	Percent
Unknown gun show source	18	5.7

Note.—Overall, 46.2 percent of the investigations involved a felon associated with selling or purchasing firearms. This percentage was derived from aggregate investigations in which trafficked firearms were recovered from felons; unlicensed dealers' criminal histories included felony convictions; felons had purchased firearms at guns shows, and a licensed dealer had a convicted felon as an associate. When only a licensed dealer was the main subject of the investigation, a convicted felon was involved in 6.8 percent (5 of 73) of the investigations as an associate in the trafficking of firearms. When the investigation involved an unlicensed dealer or a former FFL, 25.3 percent (43 of 170) of the investigations revealed that he/she had at least one prior felony conviction.

TABLE 4.—FIREARMS ASSOCIATED WITH GUN SHOW INVESTIGATIONS KNOWN TO HAVE BEEN INVOLVED IN SUBSEQUENT CRIMES

[34.4 percent of the investigations (108 of 314) had at least one firearm recovered in crime]

Crime	N=108	
	Number [1]	Percent
Drug offense	48	44.4
Felon in possession	33	30.6
Crime of violence	47	43.5
Homicide	26	24.1
Assault	30	27.8
Robbery	20	18.5
Property crime (burglary, B&E)	16	14.8
Criminal possession (not felon in poss.)	15	13.9
Juvenile possession	13	12.0

[1] Number of investigations with at least one category.

Note.—Since firearms recovered in an investigation may be used in many different types of crime, an investigation can be included in more than one category.

TABLE 5.—NUMBER OF FIREARMS RECORDED IN GUN SHOW INVESTIGATIONS

Number of firearms	N=314	
	Number of investigations	Percent
Less than 5	70	22.3
5 to 10	37	11.8
11 to 20	22	7.0
21 to 50	47	15.0
51 to 100	47	15.0
101 to 250	31	9.9
251 or greater	30	9.6
Unknown	30	9.6

Note.—For further details about this information, see the Methodology section of this report.

TABLE 6.—NEW, USED AND STOLEN GUNS KNOWN TO BE INVOLVED IN GUN SHOW INVESTIGATIONS

Type of firearm	Number of investigations	Percent
Used firearms	167	53.2
New firearms	156	49.7
Stolen firearms	35	11.1
unknown	75	23.9
MUTUALLY EXCLUSIVE CATEGORIES		
New firearms and used firearms	80	25.5
Used firearms only	62	19.7
New firearms only	61	19.4
Used firearms and stolen firearms	13	4.1
New firearms, used firearms, and stolen firearms	12	3.8
Stolen firearms only	7	2.2
New firearms and stolen firearms	3	0.9
unknown	75	23.9

Note.—Since more than one type of firearm can be recovered in an investigation, an investigation can be included in more than one category.

TABLE 7.—VIOLATIONS IN THE MAIN INVESTIGATIONS

Violation	Number of investigations	Percent
Engaging in the business of dealing without license	169	53.8
Possession and receipt of firearm by convicted felon	76	24.2
Illegal sales and/or possession of NFA weapons	62	19.7
Licensee failure to keep required records	60	19.1
Providing false information to receive firearms	54	17.2
Transfer of firearm to prohibited person	46	14.6

TABLE 7.—VIOLATIONS IN THE MAIN INVESTIGATIONS—Continued

Violation	Number of investigations	Percent
Straw purchasing	36	11.5
False entries/fraudulent statements in licensee records	27	8.6
Illegal transfer of firearms to resident of another State by nonlicensee	27	8.6
Illegal transfer of firearms to resident of another State by licensee	21	6.7
Receipt and sale of stolen firearms	15	5.8
Obliterating firearms serial numbers	14	4.5
Drug trafficking	11	3.5
Trafficking of firearms by licensee (unspecified violation)	9	2.9
Transfer of firearm in violation of 5-day waiting period	7	2.2
Illegal out of state sales by nonlicensee	7	2.2
Licensee doing business away from business premises	5	1.6
Illegal manufacture and transfer of assault weapon	3	1.0
Sales by a prohibited person	2	0.6
Forgery or check fraud to obtain firearms	2	0.6

Note.—Since an investigation may involve multiple violations, an investigation can be included in more than one category.

TABLE 8.—WEAPONS ASSOCIATED WITH NFA VIOLATIONS IN GUN SHOW INVESTIGATIONS

NFA violation	N=62	
	Number [1]	Percent
Macine guns	33	53.2
Converted guns	19	30.6
Silencers	9	14.5
Explosives (e.g., grenades)	8	12.9
Grenade launchers	7	11.3
Conversion kits/parts	7	11.3
Other (short barrel)	5	8.1

[1] Number of NFA investigations with at least one category.

Note.—Since investigations may involve different types of NFA violations, an investigation can be included in more than one category. However, ''converted guns'' have not been included in the ''machinegun'' count.

The SPEAKER pro tempore (Mr. HANSEN). The time of the gentlewoman from New York (Mrs. MCCARTHY) has expired.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentlewoman from New York (Mrs. MCCARTHY).

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

TAXPAYER REFUND AND RELIEF ACT OF 1999—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following veto message from the President of the United States; which was read and, without objection, referred to the Committee on Ways and Means:

To the House of Representatives:

I am returning herewith without my approval H.R. 2488, the ''Taxpayer Refund and Relief Act of 1999,'' because it ignores the principles that have led us to the sound economy we enjoy today and emphasizes tax reduction for those who need it the least.

We have a strong economy because my Administration and the Congress have followed the proper economic course over the past 6 years. We have focused on reducing deficits, paying down debt held by the public, bringing down interest rates, investing in our people, and opening markets. There is $1.7 trillion less debt held by the public today than was forecast in 1993. This has contributed to lower interest rates, record business investment, greater productivity growth, low inflation, low unemployment, and broad-based growth in real wages—and the first back-to-back budget surpluses in almost half a century.

This legislation would reverse the fiscal discipline that has helped make the American economy the strongest it has been in generations. By using projected surpluses to provide a risky tax cut, H.R. 2488 could lead to higher interest rates, thereby undercutting any benefits for most Americans by increasing home mortgage payments, car loan payments, and credit card rates. We must put first things first, pay down publicly held debt, and address the long-term solvency of Medicare and Social Security. My Mid-Session Review of the Budget presented a framework in which we could accomplish all of these things and also provide an affordable tax cut.

The magnitude of the tax cuts in H.R. 2488 and the associated debt service costs would be virtually as great as all of the on-budget surpluses the Congressional Budget Office projects for the next 10 years. This would leave virtually none of the projected on-budget surplus available for addressing the long-term solvency of Medicare, which is currently projected by its Trustees to be insolvent by 2015, or of Social Security, which then will be in a negative cash-flow position, or for critical funding for priorities like national security, education, health care, law enforcement, science and technology, the environment, and veterans' programs.

The bill would cause the Nation to forgo the unique opportunity to eliminate completely the burden of the debt held by the public by 2015 as proposed by my Administration's Mid-Session Review. The elimination of this debt would have a beneficial effect on interest rates, investment, and the growth of the economy. Moreover, paying down debt is tantamount to cutting taxes. Each one-percentage point decline in interest rates would mean a cut of $200 billion to $250 billion in mortgage costs borne by American consumers over the next 10 years. Also, if we do not erase the debt held by the public, our children and grandchildren will have to pay higher taxes to offset the higher Federal interest costs on this debt.

Budget projections are inherently uncertain. For example, the Congressional Budget Office found that, over the last 11 years, estimates of annual deficits or surpluses 5 years into the future erred by an average of 13 percent

of annual outlays—a rate that in 2004 would translate into an error of about $250 billion. Projections of budget surpluses 10 years into the future are surely even more uncertain. The prudent course in the face of these uncertainties is to avoid making financial commitments—such as massive tax cuts—that will be very difficult to reverse.

The bill relies on an implausible legislative assumption that many of its major provisions expire after 9 years and all of the provisions are repealed after 10 years. This scenario would create uncertainty and confusion for taxpayers, and it is highly unlikely that it would ever be implemented. Moreover, this artifice causes estimated 10-year costs to be understated by about $100 billion, at the same time that it sweeps under the rug the exploding costs beyond the budget window. If the tax cut were continued, its budgetary impact would grow even more severe, reaching about $2.7 trillion between 2010 and 2019, just at the time when the baby boomers begin to retire, Medicare becomes insolvent, and Social Security comes under strain. If the bill were to become law, it would leave America permanently in debt. The bill as a whole would disproportionately benefit the wealthiest Americans by, for example, lowering capital gains rates, repealing the estate and gift tax, increasing maximum IRA and retirement plan contribution limits, and weakening pension anti-discrimination protections for moderate- and lower-income workers.

The bill would not meet the Budget Act's existing pay-as-you-go requirements which have helped provide the discipline necessary to bring us from an era of large and growing budget deficits to the potential for substantial surpluses. It would also automatically trigger across-the-board cuts (or sequesters) in a number of Federal programs. These cuts would result in a reduction of more than $40 billion in the Medicare program over the next 5 years. Starting in 2002, they would also lead to the elimination of numerous programs with broad support, including: crop insurance, without which most farmers and ranchers could not secure the financing from banks needed to operate their farms and ranches; veterans readjustment benefits, denying education and training to more than 450,000 veterans, reservists, and dependents; Federal support for programs such as child care for low-income families and Meals on Wheels for senior citizens; and many others.

As I have repeatedly stressed, I want to find common ground with the Congress on a fiscal plan that will best serve the American people. I have profound differences, however, with the extreme approach that the Republican majority has adopted. It would provide a tax cut for the wealthiest Americans and would hurt average Americans by denying them the benefits of debt reduction and depriving them of the certainty that my proposals for Medicare and Social Security solvency would provide as they plan for their retirement.

I hope to work with Members of Congress to find a common path to honor our commitment to senior citizens, help working families with targeted tax relief for moderate- and lower-income workers, provide a better life for our children, and improve the standard of living of all Americans.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 23, 1999.*

□ 1715

The SPEAKER pro tempore (Mr. HANSEN). The objections of the President will be spread at large upon the Journal, and the message and bill will be printed as a House document.

MOTION OFFERED BY MR. ARCHER

Mr. ARCHER. Mr. Speaker, I move that the message, together with the accompanying bill, be referred to the Committee on Ways and Means.

The SPEAKER pro tempore. The gentleman from Texas (Mr. ARCHER) is recognized for 1 hour.

Mr. ARCHER. Mr. Speaker, I yield the customary 30 minutes to the gentleman from New York (Mr. RANGEL), the ranking minority member, pending which I yield myself such time as I may consume.

Mr. Speaker, I just listened to the veto message that has been read to the House; and I am stunned by the hyperbolic rhetoric and failure to relate to the facts of the situation. And I use the word stunned advisedly.

Simply translated, the President's message means I know better how to spend the money than you do. He said that in Buffalo, New York, the day after his State of the Union address this year when he commented to an assemblage of roughly 20,000 people: Now we have this interesting new situation of a surplus. What should we do with it? Well, one alternative would be to give the money back to you. But who would know if you would spend it right? That is quote/unquote from the President of the United States.

All of the verbiage that we heard in the veto message is simply cover to keep the money in Washington because he believes that Washington knows best how to spend the people's money.

He vetoed this tax relief plan today, a plan which would downsize the power of Washington and upsize the power of people. He vetoed a plan that protects Social Security and Medicare; pays down the debt by $2 trillion; improves education and gives taxpayers only a small portion of their money back.

Make no mistake, it is their money; not ours. We did not earn it here in Washington. In doing so, the President said no to new school construction. He said no to helping parents save for their children's education. He said no to marriage penalty relief for 42 million married Americans. He hurt baby-boomers who are saving for their retirement by blocking IRA expansions. By his veto, he has prolonged the confiscatory, unfair death tax.

He has made it especially tough on those caring for elderly relatives in their own homes who would get tax relief, by blocking health and long-term care tax relief for all American citizens. Since the President has vetoed this tax relief plan and said no to the American people, I challenge him to say no also to the special interests in Washington who cannot wait to get their hands on the people's money.

I have always said that if we do not get this tax overcharge out of Washington, Washington will most surely spend it; and now we are going to find out if I am right.

In fact, today I ask the American people to watch very closely what happens to their money over the next 60 days. What will happen to the projected $14.5 billion surplus in the general treasury next year? And that is the non-Social Security surplus. Unfortunately, my guess is that Washington will spend the people's tax dollars like some Hollywood movie star on a Rodeo Drive spending spree, but unlike the movie stars who use their own money Washington will be using your credit card, your checkbook and your wallet, and, worse still, your Social Security money.

After this spending spree, Americans should ask themselves if they are happy with the way it was spent. Do they think the money was spent wisely or would they rather have had that extra $1,000 a year in their own family budget? Because in the end, that is what this debate is all about. Do the people trust Washington to know better how to spend their money as the President says, or do they feel that they know best how to spend the money in their own budgets?

Do they want their excess money going for $200 hammers or do they want it to go to their children's education and their own IRAs? We all know the answer to those questions, so I again ask the President to join with us and find a way to return this tax overcharge to the workers of the country.

President Clinton has once again put the needs of Washington above the needs of the American people, and I think that is sad. I think this is a sad moment for this country.

Republicans believe strongly that refunding excess tax dollars to American families and workers is a matter of principle. Taxes are too high. Government does not need all of the money that is coming in to pay government's bills, and the taxpayers should get a refund. Since President Clinton killed this reasonable tax relief plan, he has given himself a license to spend; and spend he will. Americans should know that the big blank check in Washington is drawn on their own checkbook, is coming out of their family's budget, is coming out of their opportunity to see investment to create better jobs; and they will get stuck with the bill.

I will fight the brewing explosion of government spending and instead use

every chance available to cut taxes and create more opportunity for all Americans, because I continue to put my faith and trust in the hard work and values of the American people, and I believe that they know best how to spend their own hard-earned dollars.

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

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

Mr. Speaker, the President of the United States has the right and obligation to veto any bill that an abusive Congress sends to his desk if he or she believes that the bill, the legislation, is not in the interest of the American people.

The President of the United States has reviewed this piece of Republican legislation and has vetoed the bill.

Now, the Congress on the other hand, has the opportunity to override the veto. All they have to do is to indicate that they think the President is wrong and then ask for a vote and override the veto.

Now, the Republican majority obviously do not want a vote to override the veto. They would like to make a comment or two but they want to avoid having a debate on the floor and exercising their constitutional right to say that the President is wrong.

Now, why would they use this political or legislative tactic? One, it could be that they believe the President is right and they do not want a vote on this because they have changed their mind. They recognize the legislation was abusive. They went home. They tried to sell it to the American people, and the American people said they do not want it.

Or maybe it is two. Maybe they just counted the votes, and they found out that all of the Republicans really do not believe in this political rhetoric, so they do not have the votes to override the President. Maybe that is one of the reasons why they are not exercising their constitutional right.

Mr. Speaker, I really think that the reason that they do not want the override is because they never intended to have a legislative package. Why would they have worked so hard in the vineyards for a whole day among just Republicans in putting together this enormous $792 billion tax cut and not send it to the President? Why did they carry this bill throughout the hills and valleys of their congressional districts to try to sell this political document?

What they were saying is, we cannot vote for anything in the Congress. We do not have the ability to get a bill out for Social Security. We cannot get a bill out for Medicare, not for prescription drugs, not for patients' rights, not for school construction, not for gun safety. Listen, we just do not know how to shoot straight. But there is one thing we can say that we want to do and that is reduce your taxes. So, Mr. President, please veto the bill so that we can go home and say that you were the one that knocked down the Christmas tree that we put together in the House Republican leadership and the Senate Republican leadership.

□ 1730

All I am saying is this: Either you believe in the President by not wanting to override the veto, either you do not have the votes to override the veto, or either you do not believe in this document that you put together anyway.

Meanwhile, we will await to see what you want to do. We are here, and we are not in the majority; and we laud your efforts to attempt to convince the American people that you are right. But believe me, the American people want legislation, they want it on the floor, and they want votes. If you do not like what the President did, for God's sake, show it, and let us get a vote and let us try to override. If you do like what he has done, but you do not have the guts to say that he has it right, sit there, let the hour pass, and then we will move on to something else. I hope it is Social Security. I hope it is Medicare. I hope it is prescription drugs, but then again, I hope for too much from the majority party.

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

Mr. ARCHER. Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank the chairman of the committee, and I thank the ranking member for offering a very interesting illustration: When one cannot talk facts and policy, let us return to process, and I welcome that attempt at rhetorical subterfuge.

I would say to the gentleman from New York, and to my colleagues on the left, we stand ready. Indeed, Mr. Speaker, I would remind this House that we have reserved H.R. 1 for a plan from the President of the United States to help save and strengthen Social Security, but a funny thing, and really a tragic thing, has happened down Pennsylvania Avenue.

Indeed, Mr. Speaker, I think it is important to remind this House that aside from certain budgetary measures required under the Budget Act, this administration has failed to send up any of its proposals in legislative language since the attempt to socialize medicine. Perhaps that is the reason why they have never sent anything back to us in detail.

So let me say to my colleague, in the best spirit of bipartisanship, we welcome you putting your plans on the table. We encourage you, as did our Democratic colleague, the gentleman from California (Mr. MATSUI) to then Under Secretary of the Treasury Larry Summers, to have the President bring forth his plan to save Social Security; not rhetoric from the rostrum in a State of the Union message, but a true legislative plan.

So let me first respond to that.

Now, Mr. Speaker, let me explain why I must object in the strongest terms possible to the veto of our tax relief and tax fairness legislation by the President of the United States. First, Mr. Speaker, every Member of this House and every American should know that in wielding his veto pen, President Clinton today extinguished the hopes and dreams of small business owners for quality health insurance for themselves and their employees in terms of 100 percent tax deductibility. Had this President signed the legislation into law, that would have taken effect. The President said no. And in essence, I say to my colleagues, what transpired, not content with the largest tax increase in American history foisted upon the American people in the 103d Congress when those who would claim to be such intrepid policymakers on this floor, gave us the largest tax increase in American history. Not content with that, today the President of the United States has, in essence, raised our taxes in excess of $790 billion over the next 10 years.

Mr. Speaker, he said ''yes'' to a tax increase, ''no'' to health care deductibility for small business. He said ''yes'' to a tax increase, ''no'' to reducing the marriage penalty. He said ''yes'' to a tax increase and more spending, and ''no'' to an end to the death tax. He said ''yes'' to a tax increase and ''no'' to families who sought tax relief to care for an elderly member of the family in their home. He said ''yes'' to higher taxes, and he said ''no'' to the American people.

No, you should be punished for succeeding, for investing. How dare we reduce the rate of capital gains taxation, even though a noted Democratic President earlier in this century said that a rising tide lifts all boats in terms of tax relief. This President said no to the American people. He said no to the people of rural America and the inner city.

Mr. Speaker, he said ''no'' to the people of the inner city, with our American renewal package, incidentally, a bipartisan piece of legislation in standalone form that curiously was opposed once it became part of this overall plan.

The bottom line is, the President of the United States has again said ''no'' to the American people, ''no'' to their hopes and dreams and aspirations, and a resounding ''yes'' to what is, sadly, flawed logic.

There are many honest disagreements we have in this chamber, and I delight and revel in the fact that as free people, we have a chance to continue to thoughtfully debate the different philosophical dispensations we may have.

But one thing that cannot seem to be accepted as fact by the liberal minority on the Hill or by the President of the United States is the notion that the money belongs to the people who earn it, not to the Government itself, not to the Washington bureaucrats. The money belongs to the people. That is the message we reaffirm today, and as we went through a litany where the

President of the United States had a choice to empower the people who work and earn and pay taxes, and to use the terminology, Mr. Speaker, of the President of the United States, who often says he wants to help people who work hard and play by the rules, there was no better opportunity to do so than in signing this legislation into law. But now, the President says he wants to veto the legislation.

So, again it sets up this choice, and as he has enacted this veto he, in essence, has again raised our taxes. It is worth noting that we have two divergent paths here; and indeed, we can harken back to the State of the Union address by the President when we welcomed him into this chamber, again to hear his legislative priorities, although as we noted earlier, Mr. Speaker, curiously, words that come forth in a speech are never followed through with legislative language, for whatever reason.

We again await some sort of tangible product from the administration. Every school child learns in civics class: the President proposes, the Congress disposes. And we still look for some meaningful relationship, some meaningful leadership from the other end of Pennsylvania Avenue.

So it is in that spirit today, on behalf of the American people who work hard, who play by the rules, who understand inherently that the money they earn belongs to them and not to the Washington bureaucrats, that we say in this chamber, Mr. Speaker, the President of the United States was wrong to veto this legislation. We object to that veto in the strongest possible terms, and even as we object to this veto, we eagerly await tangible legislation offered in a truly bipartisan sense from the President of the United States to this body with the active help of those members of his party; and together, we will move to work out a credible, tangible, productive legislative program that will benefit the American people.

But we fail to benefit the American people, Mr. Speaker, when we hear the rhetoric that we heard from this President one day after he spoke here in his State of the Union message. He went the Buffalo, New York, and there was a statement there that was actually quite candid.

The President of the United States quoted in the press, saying, and I quote now, ''We could give it,'' referring to the surplus that exists, ''We could give it back to you and hope that you spend it right. But,'' close quote.

Well, the ''but,'' Mr. Speaker, is the fact that there is an inherent distrust, sadly, that this President has for the American people and their ability to spend their own money. Indeed, Mr. Speaker, as I have heard my friend, the ranking member on many national broadcasts in recent days even attempt to defend a recent action by this President, I find it curious that in the fullness of time, it has been exposed that this President not only, not only cannot trust the American people with their own money, but yet, he would trust the promises of convicted terrorists from Puerto Rico to whom he granted clemency.

It is interesting, Mr. Speaker, as we hear on the other side derisive laughter. How sad and how shameful that our Commander in Chief would trust the word of convicted terrorists over the ability of the American people to save, spend, and invest their money themselves. This may be honest disagreement, and we come to this chamber expressing that honest disagreement, and again, it is in that spirit when I state in the strongest possible terms that I must object to the veto of this tax fairness legislation by the President of the United States.

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

The SPEAKER pro tempore. The gentleman used 5½ minutes of the time allocated to the gentleman from Texas (Mr. ARCHER).

Mr. RANGEL. Mr. Speaker, I would like to inquire as to the time remaining.

The SPEAKER pro tempore. The gentleman from New York (Mr. RANGEL) has 25 minutes remaining; the gentleman from Texas (Mr. ARCHER) has 14 minutes remaining.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. CARDIN), a member of the Committee on Ways and Means.

Mr. CARDIN. Mr. Speaker, let me thank my friend from New York for yielding me this time.

Mr. Speaker, let me thank the President for vetoing this reckless tax bill. It was not easy for us to get the deficit down and to get our economy growing at a very strong rate. The issue is not whether we are going to be spending more money here in Washington. The issue is what is our priority, whether our priority is to cut taxes, or whether our priority is to reduce the deficit in order to preserve Social Security and Medicare so we can meet our obligations in the future.

When we passed this tax bill over a month ago, many of us said that we would be spending the projected surplus before we even produced the surplus, and that is still true. We said that the bill would explode in costs in the outyears, that we did not pay for it, adding to the potential deficits of our Nation. That is still true. We said we had a choice, but when those deficits explode, we would not have the money to pay for the baby boomer generation, and we would not be able to preserve Social Security and Medicare. That is still true. The choice is whether we want the tax cut, whether we want to pay down the deficit and protect Social Security and Medicare.

The President made the right choice for the American people. I agree with the President.

Now, the projected surplus was based upon us adhering to the spending caps in our appropriation bills, and we were told when we passed this tax bill that we were going to adhere to those caps. Well, now, the majority has conceded that we are not going to adhere to those spending caps. We do not even have the projected surplus that was projected when this bill was passed. This irresponsible tax bill was based upon adhering to those spending caps.

So what is going to happen? It is a formula for large deficits. The public understands that. That is why there has been no support for this tax bill that the Republicans hoped to generate during the August recess. Instead, they are looking for gimmicks to meet the spending bills of this session. They are calling ''emergency spending'' things like the census. They are advancing funding over and over again, knowing full well you are just taking from next year to pay for this year and having a bigger problem next year.

And now, the suggestion on using the welfare money. We are going to take the money away from the governors this year, but we will give it back to you next year when the caps are even more difficult, while what we should be doing is reaching a bipartisan agreement with the President to put deficit reduction first, preserving Social Security and Medicare, and then we can deal with the tax issues and have an adequate amount of money to meet the spending needs of this Nation.

□ 1745

We can do it all if we want to be reasonable about it. But we first must be honest with the American people. This irresponsible tax bill was not honest with the American people. I applaud the President in vetoing it. I ask my colleagues to sustain the veto so that we can get to a bipartisan agreement.

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

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. LEVIN), the senior member of the committee.

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

Mr. Speaker, the Republican majority here delayed sending this bill for over a month so they could go back and sell it. They went home. They did not sell this package. The American people spoke by their reaction, and they said to the Republicans, keep to the path of fiscal responsibility that Democrats started this institution on many years before. Do not spend, the Americans said, a surplus not likely to occur in a way not helpful to most Americans.

But the Republicans, as evidenced by what they have said here, they do not hear. They are not listening. So, where are we? The Republicans cannot even put together a budget and appropriation bills for 1 year, the year 2000. How can the American people trust the majority here to put together a fiscally responsible bill over 10 years?

The chairman of the Committee on Ways and Means earlier today said

this: ''Since President Clinton killed this responsible,'' that is his word, ''tax relief plan, he has given himself a license to spend, and spend he will.''

But we all know the President cannot spend a dime without the approval of this Congress. Who is in control of this Congress? I think it is the Republican majority. Their message has been, help save me from myself. I will go recklessly.

Well, they are in the majority. They should now react by putting together, with the President and with the Democratic minority, a new package. But they are not doing that. What are they going to do? Instead, tomorrow, as we understand it, we get this somewhat by rumor, in the Committee on Ways and Means the Republican majority is going to put up a bill. It is going to cost, we are told, over $50 billion over 5 years. It will be paid for at best for 1 year. That is another example of fiscal irresponsibility.

Mr. Speaker, I am proud to have voted for previous fiscally responsible bills, deficit responsible bills; to have stood with all the Democrats in 1993 for fiscal responsibility.

This Democratic Party once again says to the Republican majority, begin to listen to the American people. They want us to sustain the path of fiscal responsibility that has brought low inflation and low interest rates. The President vetoed the bill because it would have moved us away from fiscal responsibility to irresponsibility.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. NEAL).

(Mr. NEAL of Massachusetts asked and was given permission to revise and extend his remarks.)

Mr. NEAL of Massachusetts. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, at the beginning of August, the strategy of the Republican Conference was to return home to their respective districts and make an attempt to convince the American people of the merits of this tax cut proposal. When they returned from the August break, they collectively, I think, would agree that the American people said, we prefer fixing social security and Medicare first, then paying down the national debt.

What this journey proves, I think, to the Republican party at this time is that they simply cannot sell a bad idea. The American people responded overwhelmingly to the message, in this instance, of President Clinton and the Democratic Caucus suggesting that, as we flip the last pages on this century, we have the rarest of opportunities, the opportunity to repair and fix social security, and listen to this number, for the next 75 years, and to repair and to fix Medicare for the next 35 years.

We would be hard-pressed to find or discover a responsible economist across this country who has suggested once that the Nation desired or needed or the current economic growth that we have had would benefit from a $1 trillion tax cut.

The wealthiest businesspeople that I know back in Massachusetts have not been clamoring for a tax cut. They argue, instead, and I think accurately so, that they prefer and that we prefer low interest rates, so that those who are getting into the homebuyer market for the first time can purchase a 30-year fixed mortgage at 7½ to 8 percent, or a 15-year fixed mortgage at 7 percent. They want stability and predictability as they forecast economic growth.

Let me state another, I think, compelling statistic here. When we used that suggestion of a $3 trillion surplus over the next 15 to 20 years, let us emphasize on this occasion that it is a projected surplus, heavy emphasis on the word ''projected.'' Then let me deflate the argument that we have $3 trillion to toy with by suggesting that of the $3 trillion, $2 trillion comes from social security.

How can we argue honestly to the American people that we really desire this rarest of opportunity, to fix social security for generations to come, and in the next breath say that we are going to gamble with a projection of a surplus which might not even materialize 15 years out?

The President did the right thing on this. I hope that we will sustain the President's veto.

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

Mr. Speaker, I would remind the gentleman from Massachusetts who is just now leaving the floor that H.R. 7 was reserved by the Speaker for the President to submit a social security bill to this House. H.R. 1, H.R. 1 is still vacant.

I would also remind the gentleman, and I think that he is well-versed in the Archer-Shaw plan, it does save social security for 75 years and beyond. I would hope to tell the gentleman that we will be sure they are marking this bill up, and it is certainly within the limitations.

If we do nothing on social security over the next 75 years, we are looking at a $20 trillion deficit. We desperately need the lead from the White House that we have not received. We need to get the bipartisan support from the minority side, which we have not received. We need to get a bill started. I can assure the gentleman that that is exactly what is going to happen.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). The Chair would inform the Members that the motion to instruct conferees will be voted on tomorrow. There will be no further votes.

Mr. SHAW. Mr. Speaker, I yield 3 minutes to the gentleman from Colorado (Mr. MCINNIS)

Mr. MCINNIS. Mr. Speaker, how dare this president go out to the common working Joe and common working Jane in this country and veto this tax bill, and then go out and spend $42 million, $42 million for his little trip to Africa?

Mr. Speaker, the liberal Democrats are back to the same old tax and spend policies. For 40 years they had control of this House. For 40 years they ran up the national debt. Now all of a sudden here come the Democrats, the liberal Democrats. They like to act as if they are the guardian angels of debt reduction.

Guess what, Mr. Speaker? We had a marriage, a marriage penalty out there. It is their Tax Code. They put it in when they had control of this House. We, the Republicans, say it is unfair to penalize people because they are married. We think we should encourage marriage in this country.

So what does the President do? What does the President and the liberal Democrats do? They veto, so now the people who are married can expect another marriage penalty for 1 more year of marriage.

What about the death tax? It is important to the liberal Democrats that the day we visit the undertaker, we also visit the tax collector. If Members do not think it happens, take a look. Do they call these tax and spend policies something they can stand up here and be proud about? My gosh, look what they are doing to the American working person. Sure, they put out a lot of spin. Oh, we do not need a tax cut. But President Clinton should travel to Africa for $42 million, or to China for $40 million. But they do not need a tax cut, folks. The working slobs should just get back out and work and just keep sending money to Washington, D.C., because the liberal tax and spend Democrats want and think they ought to be working for them. It is finders, keepers.

Take a look at what Members are doing out here. If we could put spending and make it a person, I guarantee that spending would be affiliated with the Democratic Party. It would be a Democrat. We on this side of the aisle, and frankly some conservative Democrats, happen to think that the working man is entitled to more than what they have given him today by vetoing the marriage penalty, by vetoing the death tax, and by justifying the trips of the President to spend $42 million to go to Africa, $40-some million to go to China.

I do not know what he is going to spend in the next few months while he has his last year. He is going to spend that money every time and not even think of the taxpayer.

Mr. Speaker, it is time for us to take a look at marriage in this country, to encourage it, and to quit penalizing it. I am urging the Members, and I have heard some very politely say, let us work in a very bipartisan fashion. What more bipartisanship do they want than let us get together and get rid of the marriage penalty?

What about the death tax? Let us say to our president, Mr. President, in a time that we are trying to give married

people a break, we do not need to make $42 million trips to Africa. Mr. President, pitch in with something other than a veto.

Then why do Members not stand up and admit who is really the party of principles as far as that debt reduction? It does not belong on that side of the aisle, it belongs on this side of the aisle.

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

Mr. Speaker, I can understand how so many Members want to deal with the President's right to grant clemency or his trips to Africa, but I wish they would put their outrage and emotion to override the veto. Other than that, then I think what they are saying is either they have not got the votes, or they agree with the President.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. DOGGETT), a member of the Committee on Ways and Means.

Mr. DOGGETT. Mr. Speaker, this kind of tired old sloganeering that we have just heard is a lot of what is wrong with Washington, the unwillingness to come together in a truly bipartisan fashion and try to address the issue of appropriate tax relief, but to do it in a way that does not harm our economy.

Tax and spend Democrats? That old tax and spend Democrat Alan Greenspan, appointed by Ronald Reagan as chairman of the Federal Reserve Board, told these Republicans time and time again that he thought their tax cut was a mistake, that it would threaten our economic prosperity, and the longest running span of economic prosperity we have had in this country in a long time.

They turned a tin ear to him. Fortunately, the American people did not turn a tin ear, they listened to that. They recognized that when the Sun is shining, as we have it in this great economic prosperity today, that is the time to repair the roof, not to borrow more on the credit card.

So it is today that the President has taken his pen out and vetoed, yes, this irresponsible tax bill, but it was really the American people that vetoed this bill when they had it presented to them because they recognized how truly irresponsible it was, that we cannot have it all. We cannot have a big tax break benefiting special interests, benefiting those at the top of the economy, and save Social Security and Medicare and meet the basic needs of the country.

So we Democrats have proposed that we pay down the national debt, that we reduce the debt that has been incurred, and act in a fiscally responsible way to provide some targeted tax relief that is paid for, but that we meet our social security and Medicare needs.

Mr. Speaker, I think as Americans look at this Congress, they probably recognize that Hurricane Floyd was not the only natural disaster to afflict the East Coast in recent days. This House Republican leadership has truly been spinning out of control talking about this irresponsible tax break.

□ 1800

Meanwhile, the fiscal year, the Federal fiscal year, we have got 6 working days yet to conclude it. We have one of the 13 appropriation bills necessary to the operations of the government. After next weekend, one of those 13 has been signed into law.

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

Mr. DOGGETT. I yield to the gentleman from New York.

Mr. RANGEL. Mr. Speaker, if the Republicans really thought that the President's veto was outrageous and they really thought that their $792 billion tax cut made a lot of sense, why would they not demonstrate this by moving to override the President's veto?

Mr. DOGGETT. Mr. Speaker, that would be the only appropriate action if they had the courage behind the rhetoric. But I think, as a practical matter, they recognize they would do nothing but embarrass many of their own Members, many who have only voted for this measure because they were told it would never become law. They recognized and said in their own comments that it was irresponsible, but they would hold their nose as Republicans and follow their leadership because they knew it would never become law. The American people and this President would properly reject it.

Mr. SHAW. Mr. Speaker, may I ask the Chair how much time is remaining on each side.

The SPEAKER pro tempore (Mr. TANCREDO). The gentleman from Florida (Mr. SHAW) has 10 minutes remaining. The gentleman from New York (Mr. RANGEL) has 12½ minutes remaining.

Mr. SHAW. Mr. Speaker, perhaps the gentleman from New York would like to yield time, and I reserve the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind all Members to address their remarks to the Chair and not to the President.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Mr. Speaker, I thank the gentleman from New York (Mr. RANGEL) for yielding me this time.

Mr. Speaker, the President was right to veto the Republican tax bill today. The President was right to put Social Security, Medicare, and pay down the national debt ahead of a tax break for the rich. The President was right. The Republican tax bill was wrong, dead wrong. It was a step in the wrong direction.

We must use this historic opportunity to save Social Security and Medicare and to pay down our national debt. We should not be wasting it on huge tax breaks for America's wealthiest people.

The Republican tax bill did nothing to save Social Security, nothing to strengthen Medicare, nothing to reduce our national debt. It was a huge windfall for the rich, pocket change for working Americans. It was a mistake. It was irresponsible. It was not the right thing to do. I thank the President for vetoing the Republican tax bill.

Mr. SHAW. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. COLLINS), a respected member of the Committee on Ways and Means.

Mr. COLLINS. Mr. Speaker, there he goes again. President Clinton has imposed more total taxes on the American taxpayer than any President in history.

In 1993, with the help of the Democratic majority in the House, he gave the American taxpayer the largest tax increase, in total dollars, in this country's history.

Today, he has been able to impose yet another huge tax hike, $792 billion, over the next 10 years.

But my colleagues ask how can this be. Well, as of this morning, the Congress had cut taxes on working people. But by the afternoon, with the stroke of a pen, President Clinton raised them again.

I regret that the President has today raised taxes on American workers by increasing marginal income tax rates, taxing those who choose to purchase health care insurance for themselves and families, and by taxing those who choose to buy long-term care insurance. He has also reinstated the confusing alternative minimum tax on individuals.

I further regret that the President has decided to increase taxes on American families by reimposing the marriage penalty on married couples, taxing educational savings accounts, which we wanted to set up for children and grandchildren, and by punishing, through taxes, those families who wanted to provide in-home care for senior relatives.

I also regret that the President has decided to endanger jobs through hiking taxes on American employers, by increasing the capital gains tax, by complicating retirement programs rules, and, finally, by reinstating the death tax which forces the sale of many family farms and businesses.

But, Mr. Speaker, the President believes he knows best what to do with the people's money. So he has decided to raise those taxes again.

He may talk about Social Security, but what he means is bureaucrats' job security. We Republicans have done the hard work in protecting Social Security and Medicare. Our tax bill not only set aside all Social Security and Medicare tax income, but our budget put aside $870 billion in additional revenues for Medicare.

The truth is the President wants to spend the positive cash flow. His own budget would have busted the caps by $30 billion and turned this year's positive cash flow into more debt. That is

why we wanted to return the money to the safety of the taxpayers' pocket. As it stands, it is a $792 billion temptation to spenders, spenders on both sides of the aisle.

I regret that we shall see in the next few weeks and months to come spending schemes come out one by one at orchestrated ''program of the day'' press conferences. That is no way to treat the hard-earned money of America's families.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. MATSUI) to deal specifically with the question of Social Security.

Mr. MATSUI. Mr. Speaker, I would like to thank the gentleman from New York (Mr. RANGEL), the Ranking Democrat on the Committee on Ways and Means, for yielding me this time.

Mr. Speaker, I think what we are seeing now is an example of the Republicans trying to get themselves out of a hole that they created back in February and March and April in this year when they came up with their budget. The budget was inconsistent. That is why, with the fiscal year ending on Wednesday or Thursday of next week, we only have one appropriations bill signed by the President.

They are struggling. They want us to work this weekend, but then they change their mind because some of their folks had fund raisers. So as a result of that, now we are going to find ourselves in a crunch in the middle of next week. That is exactly what is going on.

So they are really relieved that the President vetoed this bill, because now the gentleman from Texas (Mr. ARCHER) and the gentleman from Florida (Mr. SHAW) want to bring up a Social Security bill sometime before we recess this year. That bill, as we all know, or we will find out very soon when they start to move that bill, is about $1.1 trillion over the next 10 years. It would wipe out the entire tax cut.

What is also interesting, the gentleman from Florida (Mr. SHAW) said earlier that their Social Security bill will balance out in 75 years. I hope all of us are alive in 75 years.

But in the next 35 years, by the year 2035, and I hope that the Republican Members know this when they vote for this bill, they will have a general fund transfer of money to the Social Security fund of $11.7 trillion which, in 35 years, will be in constant dollars only about $3 trillion, about twice the Federal budget today.

So what we can really do is, my colleagues can lament about the fact that the President vetoed this, but they are privately very happy because then, in the next month or so, they are going to bring up Social Security. They will bring that to the floor.

That will go down in flames because they do not have 218 votes. After all, they are in charge of this institution. They should be able to pass legislation. But it will fail. Then they will say, well, we tried to do all of these things.

But the only accomplishment, unfortunately, will be to pass these appropriations bills. I do not even know if they are going to be able to do that. But I hope they are going to be able to do that because we cannot afford to have social security checks in the next 2 months be delayed because of the incompetence of the leadership.

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

Mr. Speaker, I would ask the gentleman from California (Mr. MATSUI), does he have a plan to save Social Security, and does it save Social Security for 75 years? Is he prepared to vote for a plan that would save Social Security?

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

Mr. SHAW. For a short answer, I yield to the gentleman from California.

Mr. MATSUI. Mr. Speaker, the President of the United States has a plan in which will reduce the debt, will actually not cut benefits.

Mr. SHAW. Mr. Speaker, that is not my question.

Mr. MATSUI. Will the gentleman from Florida let me finish? He asked the question.

Mr. SHAW. Mr. Speaker, reclaiming my time, the gentleman from California knows the rules of the House.

Mr. MATSUI. Mr. Speaker, will the gentleman not allow me to answer the question?

The SPEAKER pro tempore. All time is yielded. The gentleman from Florida (Mr. SHAW) has requested his time back.

Mr. MATSUI. Was the gentleman from Florida asking a rhetorical question or asking me an honest question?

Mr. SHAW. Mr. Speaker, I would hope that the gentleman's trespassing on my time would not count against the time that I have.

I would say to the gentleman, who is the ranking member on the committee that I chair, that he does not have a plan that would save Social Security for all time. The President's plan does not save Social Security for all time. We have reached out across the aisle in order to try to formulate such a plan; but so far, we have not received that cooperation.

The Archer-Shaw plan does save Social Security for all time, and it has been scored by the Social Security Administration for doing that. It does it by preserving existing benefits without cutting one single benefit and preserving all of the COLA's. It does not raise the payroll taxes. As a matter of fact, it saves the $20 trillion deficit that we would be leaving our kids over the next 75 years.

Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. WELLER).

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

Mr. WELLER. Mr. Speaker, first I want to thank the gentleman from Florida (Mr. SHAW) for yielding me some time. But I want to express my disappointment that the President who gave our country the biggest tax increase in history has now vetoed meaningful tax relief for all Americans. Why? Because Bill Clinton and AL GORE want to go on a spending spree. That is what this is all about.

Mr. Speaker, the Republican balanced budget sets aside 100 percent of the Social Security Trust Fund, payroll taxes, and interest on the Trust Fund for Social Security and Medicare. The President only wants to set aside 62 percent because he wants to spend 38 percent of Social Security on other things. It is about spending.

The Republican balanced budget sets aside $2.2 trillion over the next several years to pay down the national debt, $200 billion more than the President calls for. Why? Because the President wants to spend more.

Mr. Speaker, our balanced budget takes one-quarter out of every dollar for tax relief. In fact, over the next 5 years, we pay down $861 billion of the national debt while providing $156 billion in tax relief.

One of the biggest concerns I often hear in the district that I represent in Chicago in the south suburbs is the issue of fairness, particularly tax fairness. People are frustrated that taxes are so high, but they are also frustrated how complicated they are and how unfair they are.

I have often asked this question, is it right, is it fair that, under our Tax Code, married working couples pay more in taxes just because they are married? Is it right, is it fair that 21 million married working couples on average pay $1,400 more in higher taxes?

I happen to have with me today a photo of a couple from Joliet, Illinois, two public school teachers, Michelle and Shad Hallihan who, by the way, just had a baby boy named Benjamin just the other day. They are celebrating the birth of that child. They are a typical couple that pays the marriage tax penalty.

My friends on the other side, they call Michelle and Shad a special interest because we are trying to help them. But these are folks who suffer the average marriage tax penalty. And $1,400 is a lot of money in Joliet, Illinois. It is 1 year's tuition at a local community college, several months worth of day care. It is real money for people like Michelle and Shad Hallihan.

Now, President Clinton says he would much rather spend their money here in Washington because he could do it better than they can. That is really what this issue is all about. Do we spend Michelle and Shad's money, or do we eliminate that marriage tax penalty?

Of course the President vetoed that effort to eliminate their marriage tax penalty today. If my colleagues think about it, their little boy Benjamin just born just in the last few weeks, if they were able to take advantage of the education savings account tax relief that was included in this, which would allow them to set up to $2,000 a year in a special account for Benjamin's education,

Michelle and Shad, if we were to eliminate their marriage tax penalty, could put that marriage tax penalty into that account and, in 18 years, be able to pay for much of Benjamin's college education.

That is a choice we are making here today. Do we follow President Clinton's lead and spend it here in Washington, or do we let Michelle and Shad Callahan keep it by eliminating the marriage tax penalty? That is what we should be doing.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. STENHOLM).

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

Mr. STENHOLM. Mr. Speaker, how many times have I stood in this well and have been reminded by others, as I remind tonight, Presidents do not spend money. Congress spends money. All of the rhetoric that I have heard about spending will only occur if a majority of this House votes to spend the money.

I have reached out in the hand of friendship to the gentleman on the other side, as he knows, regarding Social Security. I can honestly say we do have a plan.

□ 1815

My disappointment, and why I very strongly support the President's veto of this bill today, is that Congress has chosen not to lead on Social Security. It was our responsibility. It was the responsibility of the Committee on Ways and Means, in my opinion, obviously not shared by the majority, to come up and fix Social Security and Medicare and Medicaid first and then deal with the question of marriage tax relief, of capital gains tax relief.

And I have said it many, many times. I am for tax cuts. I am for tax cuts. There are many good proposals in the bill which is vetoed which I support philosophically. But I do not support tax cuts when they are the equivalent of taking candy from a baby, and that is what we are talking about today.

It is true that these dollars that we hear talked about are the American taxpayers' dollars, American people, all of us, but it is also true that the $5.6 trillion debt is our debt. And I believe very strongly the President is correct in saying we should pay down that debt first before we spend additional dollars for any purpose. That debt will need to be paid back to the Social Security program. We should not be carelessly spending Social Security dollars.

And as we have discussed many times on the floor of this House, and why I have said in my opinion this bill that is vetoed today is the most fiscally irresponsible bill, because what it proposed to do in the second 10 years, precisely at the time Social Security was going to need some additional help, this bill proposed to take money from our children and grandchildren. If responsible tax cuts are brought for a vote, tax cuts which are paid for by today's dollars, I will gladly consider their merits. But I will not steal from children and senior citizens.

The President is right to veto this irresponsible bill, and I support his action today. And I am glad to hear that finally, after September 22, we will have serious discussion of Social Security and Medicare and Medicaid, and I will certainly reach out and accept the hand from the other side. But in the meantime, let us stop this debate and this ceaseless rhetoric regarding this tax cut and openly acknowledge that if we are truly concerned about the future of Social Security and Medicare and Medicaid, do it first and then do these other things, that amount to what most of us would call the dessert.

That is why I support this veto, and I think now let us get on with doing what we should have been doing at the first of this year, and that is fixing Social Security, Medicare and Medicaid.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. SANCHEZ).

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

Ms. SANCHEZ. Mr. Speaker, first of all, I want to thank the gentleman from New York (Mr. RANGEL) for yielding me this time.

My colleagues, President Clinton vetoed the Republican tax plan for one simple reason. It uses the surplus on special interest tax cuts instead of investing it in the future of America. I call on the Republicans to go back to the drawing board and to produce a bipartisan tax and budget plan, one that addresses the needs of all Americans.

Mr. Speaker, as we debate how to divide up this budget surplus that is being projected, our primary goal should be to maintain the strong and growing economy that has benefited millions of Americans. Reducing the national debt is clearly the best long-term strategy for our U.S. economy, and, in fact, not only Mr. Greenspan but many economists from all political spectrums have said let us reduce the national debt.

There is a plan to do that. It is called the Blue Dog Budget. Imagine this: We are projected to spend about 15 cents of every dollar next year on interest for the national debt. Fifteen cents. That is 15 percent. If a family had a credit card and they were paying 15 percent or 18 percent or 19 percent interest rates, and all of a sudden they had more money than they thought they had at the end of the month, what should they do with it? If they are smart, they would pay down that credit card debt. Why? Because when they do not, the debt gets more and more and more.

This is the time to pay the debt down. The Blue Dog Budget saves the entire Social Security surplus for Social Security, and it locks up half of the on-budget surplus for debt reduction. This approach will help ensure that our economy remains strong today and for our future.

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

Before we hear from our next Speaker on this subject, I would like to reiterate that if the Republicans are so outraged about this veto, I hope when the arguments are closed that they will explain to the American people, and some of the young students of the Constitution, why they are forfeiting their right to override the veto. When we do not like what a President has done in terms of legislation, either we accept it or we override it.

I am afraid what we are going to find, however, with this Social Security plan, is that perhaps the money that is going to be used in their plan for Social Security would be the very same money that they would have used for the tax cut. But who knows.

I think they are going to spend the rest of the time wondering when the President is going to come forward with a plan. And I think the gentleman from Texas pointed out, it is the Congress that legislates and it is the President that executes. If there is going to be any legislative plan, do not be running around howling at the moon asking for the President's bill.

They are part of the majority. They should assume the majority and legislate. Not that they have had a great history for it so far this session. But maybe they should try it. They might like it. It may work. Something may happen. But I cannot think of anything that has been done to give any evidence that they have appeared to lead. They did not lead in the tax bill, they did not lead in Social Security, they do not lead in Medicare, they do not lead in a patient's bill of rights, they do not lead in gun safety, and they do not lead in education.

So I do not know how much time they have to close, but I will be glad to yield some time to them.

Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. TANNER).

Mr. TANNER. Mr. Speaker, I thank the gentleman for yielding me this time. I have been over in my office listening to some of this rhetoric, and I was not going to come over here, but let me just say this.

I could agree with almost everything that the Republicans have said were it not for the fact that there is not a $3 trillion projected surplus. There is only a $1 trillion projected surplus. Because all of us have agreed that $2 trillion of that $3 trillion is Social Security money and ought to stay in the Social Security System or retire the national debt.

I could agree with almost everything that has been said were it not for the fact that we have a $5.6 trillion debt, a $3.8 trillion hard debt. Now, to ask us to take 80 percent of the on-budget projected surplus over the next 10 years and obligate it now is something that I do not think any prudent business person in this country would do.

And, furthermore, I was thinking about this. This bill, if we want to call it that, is asking basically for me to say to my children, I am going to go buy a new car, but, Mr. Banker, when I borrow the money from you for that car, I am only going to pay the interest on it. And when my children become 21, send them the bill for the car. Or I am going to buy a house, but, Mr. Banker, I am only going to pay the interest on it. Send the price of the house, the money that I borrowed to buy the house, send the bill for it to my children when they get to be 21.

We are not against tax cuts. We had in our budget a $250 billion piece. That is a pretty sizable sum. But let me tell my colleagues how irresponsible I think this is and how far the American people are ahead of us on this. When they have got an $800 billion tax package that has got something for almost every citizen in this country in it, and they cannot sell it and they cannot override it, they know it is irresponsible. The American people know that it is irresponsible, and that is why I am glad the President did what he did.

The SPEAKER pro tempore (Mr. TANCREDO). Time of the gentleman from New York (Mr. RANGEL) has expired.

Mr. SHAW. Mr. Speaker, I yield 1 minute to the gentleman from Kentucky (Mr. LEWIS), a member of the committee.

Mr. LEWIS of Kentucky. Mr. Speaker, it is really humorous tonight to listen to this debate. For 40 years the liberal spending Democrats had majority in this House. When I got here, in 1994, we had a $5 trillion debt. Now, they had control of spending for 40 years. How did we get a $5 trillion debt?

For 40 years they did not mind spending out of the Social Security Trust Fund for every kind of program they could think of. They did not worry about balancing the budget then. They did not worry about paying down the debt. Now, all of a sudden, they are worried about it. That is very, very funny. Very strange.

Well, our plan, the Republican plan, sets aside $1.9 trillion, 100 percent of the Social Security Trust Fund surplus money, to protect Social Security. One hundred percent. What are they setting aside? Twenty-seven trillion dollars is going to come into the Federal Government over the next 10 years. What is wrong with allowing the American people to have $792 billion back of their money?

Mr. SHAW. Mr. Speaker, as I understand, all time has expired on the minority side?

The SPEAKER pro tempore. The gentleman is correct.

Mr. SHAW. Mr. Speaker, I yield myself the balance of my time, and I say to my friend from New York (Mr. RANGEL), who has asked several times why we do not move to override the veto, that he knows as well as I do the very simple fact is that we do not have enough Democrats to go in with the Republicans to raise the two-thirds majority necessary to give the American people the relief from the marriage tax penalty, relief from the death tax, and relief from so many of the other taxes that we have.

I think, too, that the Members on the other side are well aware of the fact that we have got locked away, as the gentleman from Kentucky just said, locked away sufficient dollars from the Social Security surplus in order to more than repair Social Security, more than take care of the problems that we are facing in Medicare. Indeed, it would be irresponsible to be spending that money, and that is why we passed the lockbox legislation, and that is why we have this in our budget, that was passed by the House, in order to prevent this type of spending.

But putting all this aside, and Members can say anything on this floor and it goes out like it is the truth, but the facts and the figures are there and they are there for all of us to see. But what I want to see is what is going to happen now next week as the spending bills, the appropriation bills, come to the floor. Are my friends on the other side of the aisle going to vote against them because we do not spend enough? I suggest that they will. Will the President veto them because we do not spend enough? I suggest that he will. And I wonder, when he does that, and as they vote and explain their votes on the other side of the aisle, how they will explain how they are saving this money for Social Security and saving Medicare.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. ARCHER).

The motion was agreed to.

A motion to reconsider was laid on the table.

COMMUNICATION FROM THE HONORABLE PHIL ENGLISH, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable Phil English, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 21, 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 United States District Court for the Western District of Pennsylvania.

After consultation with the Office of General Counsel, I have determined to comply with the subpoena.

Sincerely,

PHIL ENGLISH,
Member of Congress.

PERIODIC REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106–131)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa–9(c), I transmit herewith a 6-month periodic report on the national emergency with respect to the Iran that was declared in Executive Order 12957 of March 15, 1995.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 23, 1999.*

□ 1830

NATIONAL MONEY LAUNDERING STRATEGY FOR 1999—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. TANCREDO) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on the Judiciary and the Committee on Banking and Financial Services:

To the Congress of the United States:

As required by the provisions of section 2(a) of Public Law 105–310 (18 U.S.C. 5341(a)(2)), I transmit herewith the National Money Laundering Strategy for 1999.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 23, 1999.*

PRESIDENT CLINTON VETOES TAX RELIEF PACKAGE

(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, today President Clinton vetoed the much-needed tax relief package passed by this Congress. President Clinton has permanently cemented his legacy as a tax raiser and sworn enemy of tax cuts.

By vetoing this legislation, the President is denying the average middle-class family relief from the marriage tax penalty. The President is robbing millions of workers the opportunity to obtain health insurance benefits who cannot afford to do so now. He is making it more difficult for parents to save for their children's education. He is making it more difficult for people to pass on the family farm or the family

business after a lifetime of toil, sacrifice, and devotion to building a great enterprise. The President is making it more difficult for people to save for their future and provide for their own retirement.

This vetoed tax relief legislation would have been a step toward more fairness in the Tax Code and it would have reduced the burden on people who are carrying the load, paying the taxes, and trying to live the American dream.

This veto is irresponsible and dangerous. Once again, Government wins and the taxpayer loses.

REPORT ON RESOLUTION WAIVING A REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO THE SAME-DAY CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED BY THE COMMITTEE ON RULES

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 106–330) on the resolution (H. Res. 300) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported by the Committee on Rules, which was referred to the House Calendar and ordered printed.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. TANCREDO). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

AFFORDABLE PRESCRIPTION DRUGS ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, last week the Office of Personnel Management announced that premiums for the Federal Employees Health Plan would increase by 9 percent next year, the third straight year of large increases.

On January 1, Medicare managed care plans in this country planned to drop 395,000 senior citizens from their plans. Last year 400,000 were dropped. Most of the remaining plans are curtailing or terminating prescription drug benefits.

Those are the numbers. Here are the stories.

Last month I received a letter from a 71-year-old widow in Sheffield Lake, Ohio, who had taken a part-time job to help pay for her prescription drugs.

Until United Health Care pulled out of her county and left her without a health plan, she had some drug coverage. But just one of her medications, lipitor, absorbed most of her entire benefit.

I recently spoke with a woman in Elyria, Ohio, who spends $350 out of her $808 a month Social Security check on prescription drugs.

What is the common thread here? The high cost of prescription drugs.

Prescription drug spending in the U.S. increased 84 percent in the last 5 years. We have spent $51 billion in 1993. Last year we spent $93 billion.

According to the Office of Personnel Management, two factors caused the steep FEHB premium increases. One of those factors is technology. The other is the mushrooming cost of prescription drugs.

According to GAO, HCFA, and market analysts, one of the key reasons Medicare HMOs fail to turn a profit and drop so many seniors is they underestimated how much it would cost to cover the cost of prescription drugs.

I receive letters every day from seniors who cannot stretch their Social Security check far enough to cover prescribed medications. Some of the increased spending derives from expanding use of prescription medicines. But according to most analyses, two-thirds of the increases are attributable to price inflation.

The American public is right to wonder why is Congress not doing something about that. The simple reason is our threats from the drug companies. The drug companies say, if you do not leave drug prices alone, we will not produce any new drugs anymore.

I believe it is time that we use market forces, by that I mean good old-fashioned American competition, to challenge that threat. We can introduce more competition in the prescription drug market and still foster medical innovation. We need information from the drug companies to go explore industries' claim that U.S. prices are where they need to be.

The bill I introduced today, the Affordable Prescription Drug Act, lays out the groundwork we need to do both. Drawing from intellectual property laws already in place in the United States for other products in which access is an issue, pollution control devices under the Clean Air Act are one example, this legislation would establish product licensing for essential prescription drugs.

If a drug price is so outrageously high that it bears no resemblance to pricing norms for other industries, the Federal Government could require drug companies to license their patent to generic drug companies. The generic companies could then sell competing products before the brand name patent expires, paying the patent holder significant royalties for that right. The patent holder would still be amply rewarded for being the first in the market, but Americans would benefit from competitively driven prices when there would be two or three or four sellers in the marketplace.

Alternatively, a prescription drug company could in fact lower their prices, which would preclude the Federal Government from finding cause for product licensing. Either way, high drug prices come down.

The bill requires drug companies to provide audited detailed information on drug company expenses.

This is not some brand new, untried proposal. Product licensing is done in France. It has been done in Canada. It is done in Germany. It is done in Israel. It is done in England.

Let me leave my colleagues with this: Through the National Institutes of Health, American taxpayers finance 42 percent of the research and development that generates new drugs, 42 percent. The private foundation and State and local governments and other non-industry sources kick in another 11 percent. That means prescription drug companies account for half the money in research and development of new drugs.

The Congress has given drug companies generous tax breaks on the R&D dollars that they do shell out. And yet, we pay the highest prices in the world in this country, sometimes two or three or four times the price for prescription drugs that people pay in any other country in the world.

Drug companies, and luck for them, drug companies score a triple-double. Congress gives the drug companies huge tax breaks. Taxpayers pay most of the cost for research and development. And yet, the drug companies charge Americans the highest price in drug world. Go figure. Drug company profits outpace those of every other industry by at least five percentage points.

Mr. Speaker, I ask the Congress to pass the Prescription Drug Affordability Act.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. DIAZ-BALART) is recognized for 5 minutes.

(Mr. DIAZ-BALART addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

BALTIMORE REGIONAL CITIZENS AGAINST LAWSUIT ABUSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. EHRLICH) is recognized for 5 minutes.

Mr. EHRLICH. Mr. Speaker, I rise to acknowledge a group of citizens in my district who are working hard to address an issue affecting every citizen in our State, lawsuit abuse.

Throughout my district and all over the greater Baltimore area, local citizens are volunteering their time and

energy to inform the public about the cost associated with the excessive numbers and types of lawsuits filed in today's litigious society.

The men and women of the Baltimore Regional Citizens Against Lawsuit Abuse have a simple goal, to create a greater public awareness about abuses of our civil justice system.

This type of citizen activism has had a positive impact on perceptions and attitudes towards abuses of our legal system, a problem most folks do not consider as they go about their daily routine.

While the overall mission of Baltimore Regional Citizens Against Lawsuit Abuse is to curb lawsuit abuse and abuse of our legal system, the organization's main focus is on education. Every time these dedicated Marylanders speak out about lawsuit abuse, ordinary citizens are educated on the statewide and indeed nationwide impact our civil legal system has on our daily lives.

The cost of lawsuit abuse includes higher costs for consumer products, higher medical expenses, higher taxes, higher insurance rates, and lost business expansion and product development, a serious problem in the United States of America.

I worked hard to reform our legal system at the State level during my days as a member of the Maryland General Assembly. During my tenure in Congress, I have supported efforts with respect to product liability reform, securities litigation reform, and reform of our Federal Superfund program.

More specifically, Mr. Speaker, as a member of the House Committee on Banking and Financial Services during the 105th Congress, I sponsored bipartisan legislation that has helped reduce frivolous class-action lawsuits brought against small-business people employed as mortgage brokers.

Mr. Speaker, legal reform is a complex issue, as we have seen actually today on the floor of this House and in the past 5 years from the 104th Congress and the 105th Congress, as well. The legal system must function to provide justice to every American.

When our open access to the courts is abused or used to the detriment of innocent parties who happen to have money or happen to have insurance coverage, this system must be reviewed and reformed, sometimes in State legislatures, sometimes on this floor.

Let me acknowledge the board of the Baltimore Regional Citizens Against Lawsuit Abuse for giving of their valuable time and energy: The Honorable Phillip D. Bissett, Vicki L. Almond, Joseph Brown, Dr. William Howard, Sheryl Davis-Kohl, Gary O. Prince, and the Honorable Joseph Sachs.

Mr. Speaker, the Baltimore Regional Citizens Against Lawsuit Abuse has declared September 19–25 as Lawsuit Abuse Awareness Week in Maryland.

I want to commend these citizens and all involved in this worthwhile effort, for their dedication and commitment, and to acknowledge this week as a time of public awareness regarding the serious issues associated with abuse of our civic legal system.

EUROPEAN UNION SHOULD WITHDRAW UNFAIR, DISCRIMINATORY REGULATION RESTRICTING HUSH-KITTED AND REENGINED AIRCRAFT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. LIPINSKI) is recognized for 5 minutes.

Mr. LIPINSKI. Mr. Speaker, I rise tonight to join my colleagues, the gentleman from Pennsylvania (Chairman SHUSTER) the gentleman from Tennessee (Chairman DUNCAN) and the gentleman from Minnesota (Mr. OBERSTAR), the ranking member, in supporting a resolution expressing the sense of Congress that the administration should act swift and decisively if the European Union does not withdraw its unfair, discriminatory regulation restricting hush-kitted and reengined aircraft.

In particular, the resolution strongly urges the administration to file an Article 84 complaint with the International Civil Aviation Authority, ICAO, so that it can be objectively determined whether the EU regulation violates international standards.

□ 1845

On April 29, 1999, the European Council of Ministers adopted a resolution that will in effect ban the operation of former State 2 aircraft that has been modified either with hushkits or new engines to meet the Stage 3 international noise standards. The Europeans claim that the hushkit regulation is needed to provide noise relief to residents living around airports in crowded European cities. However, the European Union has not provided any technical evidence that would demonstrate and improve noise or emissions climate around airports as a result of this rule.

This is not an environmental regulation, as the Europeans suggest. Rather, this re-regulation is an unfair unilateral action that discriminates against U.S. products and severely undermines international noise standards set by ICAO. By unilaterally establishing a new regional standard for noise, the EU is taking local control over an international issue. In addition, the EU has done this in such a way that the regulation most adversely impacts U.S. carriers, U.S. products and U.S. manufacturers.

The House of Representatives has already expressed its strong opposition to this misguided regulation by passing H.R. 661, the bill introduced by my good friend and colleague, the gentleman from Minnesota (Mr. OBERSTAR), which would ban the operation of the Concorde in the U.S.A. Passage of H.R. 661, I believe, showed the Europeans that the United States is serious about protecting U.S. aviation interests against unfair unilateral trade actions. As a result, the effective date of the EU regulation was postponed until May 2000 in an attempt to accommodate the concerns of the United States.

Yet although the implementation date was delayed for a year, the regulation was adopted and is now law. As a result, the regulation is already having a negative economic impact on U.S. aviation. The regulation has raised serious doubts about the future market for hushkitted and re-engined aircraft, which in turn has already lessened the value of these aircraft and has put a halt to new hushkit orders. This is why the EU regulation must be completely withdrawn.

My understanding is that the European Parliament will not consider withdrawing the regulation until significant progress is made on Stage 4, the next generation noise standard. The U.S. is already working with the EU through ICAO on defining and implementing a Stage 4 noise standard. Let me state for the RECORD that the United States is fully committed to the development of a Stage 4 noise standard, however it is difficult to move forward towards a new noise standard while the EU hushkit regulation is still on the books. With its hushkit regulation the EU ignores its priority agreements with ICAO and has developed its own regional restrictions. Given this, it will be nearly impossible to convince the 185 countries of ICAO to agree to a new noise requirement on aircraft. Why would any carrier in any country want to invest in Stage 4 aircraft if any country in the world can also impose its own restrictions on aircraft? It simply does not make sense.

Nevertheless the U.S. is working patiently with the Europeans on developing a Stage 4 noise standard. However, the ongoing discussions and negotiations could continue for weeks, if not months. Yet each day that the EU hushkit regulation remain on the books costs the U.S. aviation industry more money.

For this reason the U.S. must challenge the EU regulation in an international forum. The United States must send a clear signal that it will now allow Europe to set international standards on its own. In particular, the U.S. Government should use the Article 84 process provided by the Chicago convention to resolve disputes between two or more States. The U.S. should file an Article 84 complaint at ICAO asking the international organization to determine whether the EU hushkit regulation violates its standards. This would demonstrate how serious the U.S. considers the issue. It would also show the EU that the United States has the support of the rest of the world on this very important aviation issue.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Mexico (Mr. UDALL) is recognized for 5 minutes.

(Mr. UDALL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

IN SUPPORT OF A MINIMUM WAGE INCREASE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Nevada (Ms. BERKLEY) is recognized for 5 minutes.

Ms. BERKLEY. Mr. Speaker, I rise today to voice my strong support for an increase in America's minimum wage. The current minimum wage pays $10,712 a year for full-time work. That is not even enough to lift a family of three above the poverty line.

America needs families earning a decent living, wages good enough to afford a home and a car and a quality education for our children. That is how we grow the American economy.

This year my colleagues are proposing to increase the minimum wage by $1 over a period of 2 years. In my home State of Nevada more than 60,000 workers would benefit from this increase.

Opponents say that a minimum wage increase would be bad for the economy. I do not believe that. The last time we raised the minimum wage, the job market boomed, and unemployment fell to a historically low 4.2 percent. That is what we enjoy now, and our economy has never been stronger.

Keeping minimum wage workers below the poverty lines means that taxpayers everywhere are in effect picking up the tab for the costs of that poverty, Mr. Speaker, whether it be through food stamps, hospital emergency room visits or the social consequences of children neglected by their parents who work excessively long hours just to get by.

An increase in minimum wage benefits businesses, families, women, children, minorities, every aspect of our communities. It benefits all of us.

Congress just gave itself a $4600 pay increase, more than two times the pay raise that the minimum wage bill proposes. Yet here we are still debating the merits of a pay raise for the people who serve our food, care for our children, clean our office buildings and perform countless other jobs that our economy depends on and are vital to the daily functions of our society.

Americans deserve a decent day's pay for a hard day's work. Let us do the right thing in this Congress. Let us pass the minimum wage increase. America's working families need it, they deserve it, and they should have it.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

TECHNOLOGY IN OUR SOCIETY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Washington (Mr. SMITH) is recognized for 60 minutes as the designee of the minority leader.

Mr. SMITH of Washington. Mr. Speaker, I rise tonight to discuss the issue of technology in our society and how it effects us. We have all heard a lot about it. There are a lot of stories about technology companies booming and how it is changing our lives in everything from the information we get to the entertainment that we choose. But one has to wonder sometimes, as my colleagues know, just exactly how much does high tech effect all of us. We certainly read about the people who are making millions on it in Silicon Valley or elsewhere throughout our country, but how does it effect the rest of us? And that is a question I want to answer tonight because the other part of it is there is a lot of policies that we are advancing here in Congress aimed at helping the high tech industry, and in advancing those policies a lot of people wonder, as my colleagues know, why should we push something that is simply targeted out of narrow industry. Should we not look at the broader good of the country?

The argument I want to make tonight is that we are looking at the broader good of the country when we talk about advancing policies to help the high tech industry, and in fact technology and its growth and the economic opportunity that it creates is one of the most important things for all of us in this country as we face the future.

As a Democrat and, more specifically, as a member of the new democratic coalition, creating opportunity for me is supposed to be what this place, Congress and government, is all about. I grew up in a blue collar family on the south end of Seattle down by the airport and was very pleased to grow up in a society that gave me the opportunity to do a little hard work to achieve whatever I wanted in life. No one in my family had ever gone to college before. I went to college, went on to law school and basically created the life for myself that I wanted. I did not do it alone; I did it because of the society that we have created here, to make sure that that sort of opportunity is available to as many people as possible.

As we look towards the 21st century, one of the key issues in making sure that that opportunity continues to be available to everybody is technology. As my colleagues know, there is no such thing anymore as a low tech area of this country. Technology effects all of us regardless of what our business or what our interests are, and it can have a positive effect. The unemployment rate, the economic growth that we enjoy right now at 30-year low for the unemployment rate, 30-year high for the economic growth is driven in large part by technology, and again that benefits all of us.

It also benefits us as consumers. We are finally creeping towards a situation where consumers will have that level of information that is really required for a free market to work. No longer, for instance, do you have to go down to the local car dealership and hope that you are better at arguing than the car dealer who you are going to deal with to get the best price on a car. You can look it up on the Internet, get the price, get an offer, go down and get your car. You can find the lowest price without having to go through that negotiating session, Mr. Speaker, and the same is true for products across the board. That empowers consumers and enables every single family out there to stretch their budget farther.

More importantly, I think, is the information that is available, the education that is available to all of us through the use of technology over the Internet. As my colleagues know, you do not necessarily have to go off and get a four-year degree somewhere anymore to learn a skill that is going to enable you to be employable or maybe improve your current job situation. That information, Mr. Speaker, is out there for all of us.

So the big point I want to try to make tonight is that when we talk about technology policy, when we talk about, as my colleagues know, making the telecommunications infrastructure available to everybody, increasing exportation of computers and encryption softwear, investing in research and development, we are not just talking about, gosh, as my colleagues know, there happens to be a company in my district that would benefit from this so let us go ahead and help them out so we can employ a few people maybe in central Texas or in northern Massachusetts. What we are talking about is policies that are going to benefit our economy across the board.

That is why we in this body should be supportive of this agenda, this agenda that is moving towards trying to make sure that America continues to be the leader in these high tech areas that are going to be so critical to our economic future, Mr. Speaker. Are those policies that we have been advancing include certainly education at the top end of that, investments in making sure that we educate our work force and educate our children and implement the lifelong learning plans that we know are going to be necessary, are critical to reaping the benefits?

It is also critical that we build the telecommunications infrastructure necessary to make sure that this high tech economy can flow. In the 19th century building railroads was critical to economic development. In the 20th century building highways was. In the 21st century building a telecommunications infrastructure is going to be critical to our economic health. We need to advance the policies that make that happen.

Now there is a lot of debate back here about winners and losers, various telecommunications companies maneuvering for advantages or to disadvantage opponents, but for all of us in this body the Number 1 goal ought to be to build the infrastructure, set up the policies that make it happen, and I guess the biggest thing about high tech for me is that, as I mentioned, being a Democrat, a new Democrat, is about creating opportunity. But that opportunity does not always come through a government program. In fact, the best place that opportunity is created is in a strong economy where the government does not have to get involved, and that is what technology does for us. By enabling businesses to grow in the fast-growing sector of technology we create jobs, we create economic growth that benefits all of us across the board.

And I would like to, I guess, conclude by making it specific to my district. As my colleagues know, a lot of people know that I am from the Seattle area, and there is assumption that the only reason I care about technology is because, well, Microsoft just happens to be from that area. They happen to actually be from an area quite different from my district. I represent the district south of Seattle, a blue-collar suburb, mostly Boeing workers, some at Weyerhauser, a blue-collar area that is about as far away from Microsoft, at least psychologically, as Boston is from it geographically. It is a different area. It is folks who do not necessarily work directly in that tax sector. But I know that those people, the people that I grew up with and now represent, are the ones who are going to most benefit from policies that help America maintain its leadership role in technology. Because the folks at Microsoft, the folks in silicon valley, they have got it, okay? They have got it, and then some. We do not really need to worry about taking care of them. We need to make sure that our economy continues to expand in a way to include people like the people I represent, and these policies that will help technology grow will do just that. They will create more and better jobs and a stronger economy so that opportunity gets spread, and it is not locked into just a few folks.

I really hope that in this country we can understand that this talk about the digital divide really misses the point. There has always been divisions between people who have knowledge and people who do not. What technology gives us the opportunity for is to shrink that divide, not increase it. All you have to have these days to get access to the same information that everybody else in the world has is a relatively cheap PC, which is down to like almost $500, and a telephone, dial-up service access to the Internet. Technology can be the great equalizer if we build that telecommunications infrastructure that I was talking about. It can create opportunity, not just for the richest of the rich, but most importantly for the poorest of the poor.

That is why we need to be smart about these policies and advance them. We also need to be smart and realize that in advancing any industry, but certainly in the technology industry, we need access to overseas markets.

□ 1900

Ninety-six percent of the people in the world live some place other than the U.S. That means if we are going to sell stuff we are going to need access to those other markets. We currently consume 20 percent of what the world produces and that is great, but that means the rest of the world is where our markets are available. We need to get access to those things.

I really believe that we have the opportunity to succeed and provide opportunity for the people we represent in this country as we never have before. We are already doing that. I think we can do even better, but we have got to be smart about embracing the policies and recognize that technology is not just about what is going on between Microsoft and AOL or NetScape or anybody. What it is about is creating opportunity for everybody in this country and showing that we can use technology to be that great equalizer, to help lift folks up out of poverty or wherever they want to go to realize these opportunities.

So when people hear us down here talking about these policies about research and development, telecommunications, patent reform, encryption, exports, whatever, understand that it is not just about talking about some specific company. It is talking about the new economy and the direction that our economy is headed; in fact, in many ways is already at. We need to be there, keep up and make sure that we advance the policies that will make sure that that opportunity spreads to all of us, not just to a select few.

I am committed to doing that. The new Democratic coalition that I am proud to be a part of is doing that, and we understand the importance that technology companies and technology policy will play in that. I urge every American to recognize that as well and work hard to advance these policies so we can continue to create the type of opportunity that we have been creating in recent years.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HOLDEN (at the request of Mr. GEPHARDT) for today and the balance of the week on account of medical reasons.

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. BROWN of Ohio) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. LIPINSKI, for 5 minutes, today.

Mr. UDALL of New Mexico, for 5 minutes, today.

Ms. BERKLEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. EHRLICH) to revise and extend their remarks and include extraneous material:)

Mr. EHRLICH, for 5 minutes, today.

Mr. FOLEY, for 5 minutes, September 24.

Mr. BEREUTER, for 5 minutes, September 24.

ADJOURNMENT

Mr. SMITH of Washington. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 2 minutes p.m.), the House adjourned until tomorrow, Friday, September 24, 1999, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4389. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Sweet Cherries Grown in Designated Counties in Washington; Change in Pack Requirements [Docket No. FV99–923–1 FIR] received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4390. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Irish Potatoes Grown in Modoc and Siskiyou Counties, California, and in All Counties in Oregon, Except Malheur County; Temporary Suspension of Handling Regulations and Establishment of Reporting Requirements [Docket No. FV99–947–1 FIR] received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4391. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—2,6-Diisopropylnapthalene; Temporary Exemption from the Requirement of a Tolerance [OPP–300918; FRL–6381–7] (RIN: 2070–AB78) received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4392. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Spinosad; Pesticide Tolerance [OPP–300920; FRL–6381–9] (RIN: 2070–AB78) received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4393. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Sulfentrazone; Pesticide Tolerances for Emergency Exemptions [OPP–300903; FRL–6097–8] (RIN: 2070–

AB78) received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4394. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Tebuconazole; Extension of Tolerances for Emergency Exemptions [OPP–300919; FRL–6381–6] (RIN: 2070–AB78) received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4395. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Tebufenozide; Benzoic Acid, 3,5-dimethyl-1- (1,1-dimethylethyl)-2-(4-ethylbenzolyl) hydrazide; Pesticide Tolerance [OPP–300914; FRL–6380–1] (RIN: 2070–AB) received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4396. A letter from the Secretary of Defense, transmitting a response to Section 1072 of the National Defense Authorization Act for Fiscal Year 1998, titled: ''Study of Investigative Practices of Military Criminal Investigative Organizations Relating to Sex Crimes,'' pursuant to Pub. L. 85 section 1072(c)(2) (111 Stat. 1899); to the Committee on Armed Services.

4397. A letter from the Secretary of Defense, transmitting an update on Department of Defense efforts to comply with Section 1237 of the National Defense Appropriations and Authorization Act of 1999; to the Committee on Armed Services.

4398. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Final Determination to Extend Deadline for Promulgation of Action on Section 126 Petition [FRL–6437–2] received September 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4399. 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 Air Quality Plans for Designated Facilities and Pollutants; Delaware; Control of Emissions from Existing Municipal Solid Waste Landfills [DE037–1015a; FRL–6439–2] received September 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4400. 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; Virginia; New Source Review in Nonattainment Areas [VA 022–5040; FRL–6436–8] received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4401. 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; Arizona State Implementation Plan Revision, Maricopa County [AZ 086–0017a; FRL–6438–1] received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4402. 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; Santa Barbara County Air Pollution Control District; Kern County Air Pollution Control District; Ventura County Air Pollution Control District [CA201–169a; FRL–6436–2] received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4403. 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; Oregon [Docket No. OR55–7270; FRL–6438–5] received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4404. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Interim Final Determination that State has Corrected the Deficiency State of Arizona; Maricopa County [AZ 086–0017c; FRL–6438–3] received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4405. A letter from the Acting Chief, Network Services Division, Common Carrier Bureau, Federal Communications Commission, transmitting the Commission's final rule—Implementation of the Telecommunications Act of 1996: Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996; Provision of Directory Listing Information under the Telecommunications Act of 1934, As Amended [FCC No. 99–227; CC Docket No. 96–115, CC Docket No. 96–98, CC Docket No. 99–273] received September 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4406. A letter from the Deputy Assistant Administrator for Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule—Fisheries of the Northeastern United States; Northeast Multispecies and Atlantic Sea Scallop Fisheries; Northeast Multispecies and Atlantic Sea Scallop Fishery Management Plans [Docket No. 990830239–9239–01; I.D. 082499A] (RIN: 0648–AM99) received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4407. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; LET Aeronautical Workers Model L–13 ''Blanik'' Sailplanes [Docket No. 99–CE–16–AD; Amendment 39–11320; AD 99–19–33] (RIN: 2120–AA64) received September 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4408. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pilatus Aircraft Ltd. Models PC–12 and PC–12/45 Airplanes [Docket No. 98–CE–119–AD; Amendment 39–11319; AD 99–19–32] (RIN: 2120–AA64) received September 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4409. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Sikorsky Aircraft Corp. Model S76A, B, and C Helicopters [Docket No. 99–SW–44–AD; Amendment 39–11317; AD 99–19–30] (RIN: 2120–AA64) received September 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4410. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A340 Series Airplanes [Docket No. 99–NM–175–AD; Amendment 39–11318; AD 99–19–31] (RIN: 2120–AA64) received September 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4411. 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; Lawrence, KS [Airspace Docket No. 99–ACE–35] received September 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4412. 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; North Platte, NE [Airspace Docket No. 99–ACE–33] received September 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4413. 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; Sheridan, IN Correction [Airspace Docket No. 99–AGL–31] received September 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4414. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; Neuse River Bridge Dedication Fireworks Display; Neuse River, New Bern, North Carolina [CGD 05–99–079] (RIN: 2115–AE46) received September 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4415. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Hackensack River, NJ [CGD01–99–162] (RIN: 2115–AE47) received September 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4416. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–100, -200, -300, -400, and -500 Series Airplanes [Docket No. 98–NM–251–AD; Amendment 39–11314; AD 99–19–27] (RIN: 2120–AA64) received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4417. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300 and A300–600 Series Airplanes [Docket No. 98–NM–249–AD; Amendment 39–11313; AD 99–19–26] (RIN: 2120–AA64) received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4418. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A340 Series Airplanes [Docket No. 99–NM–159–AD; Amendment 39–11312; AD 99–19–25] (RIN: 2120–AA64) received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4419. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767 Series Airplanes [Docket No. 98–NM–278–AD; Amendment 39–

11316; AD 99–19–29] (RIN: 2120–AA64) received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4420. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting a the Department's final rule—Airworthiness Directives; Dassault Model Mystere-Falcon 900, Falcon 900EX, and Falcon 2000 Series Airplanes [Docket No. 99–NM–11–AD; Amendment 39–11311; AD 99–19–24] (RIN: 2120–AA64) received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4421. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–120RT and -120ER Series Airplanes [Docket No. 98–NM–261–AD; Amendment 39–11315; AD 99–19–28] (RIN: 2120–AA64) received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4422. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Saab Model SAAB SF340A and SAAB 340B Series Airplanes [Docket No. 98–NM–220–AD; Amendment 39–11310; AD 99–19–21] (RIN: 2120–AA64) received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4423. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airport Name Change and Revision of Legal Description of Class D, Class E2 and Class E4 Airspace Areas; Barbers point NAS, HI [Airspace Docket No. 99–AWP–11] received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4424. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Removal of Class E Airspace; Arlington, TN [Airspace Docket No. 99–ASO–16] received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4425. A letter from the Attorney, Office of Chief Counsel, Research and Special Programs Administration, Department of Transportation, transmitting the Department's final rule—Hazardous Materials: Limited Extension of Requirements for Labeling Materials Poisonous by Inhalation (PIH) [Docket No. HM–206D] (RIN: 2137–AD37) received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4426. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations; Biscayne Bay, Miami, Florida [CGD07–99–063] (RIN: 2115–AE46) received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4427. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; Chincoteague Power Boat Regatta, Assateague Channel, Chincoteague, Virginia [CGD 05–99–076] received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4428. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation; Upper Mississippi River, Iowa & Illinois [CGD08–99–056] (RIN: 2115–AE47) received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4429. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: Movie Production, Gloucester, MA [CGD01–99–161] (RIN: 2115–AA97) received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4430. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airspace Designations; Incorporation by Reference [Docket No. 29334; Amendment No. 71–31] received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4431. 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. 29734; Amendment No. 1949] received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4432. 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; BRYAN, OH [Airspace Docket No. 99–AGL–38] received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4433. 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; Escanaba, MI. Correction [Airspace Docket No. 99–AGL–34] received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4434. 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; Winfield/Arkansas City, KS [Airspace Docket No. 99–ACE–44] received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4435. A letter from the Deputy Assistant Administrator, Office of Oceanic and Atmospheric Research, NOAA, Department of Commerce, transmitting the Department's final rule—NOAA Climate and Global Change, Program Announcement [Docket No. 990513129–9129–01] (RIN: 0648–ZA65) received September 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

4436. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Interest on Underpayment, Nonpayment or Extensions of Time for Payment of Tax [Rev. Ru. 99–40] received September 17, 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. TALENT: Committee on Small Business. H.R. 2392. A bill to amend the Small Business Act to extend the authorization for the Small Business Innovation Research Program, and for other purposes (Rept. 106–329 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. DIAZ-BALART: Committee on Rules. House Resolution 300. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 106–330). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X, the Committee on Science discharged H.R. 2392; referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 2392. Referral to the Committee on Science extended for a period ending not later than September 23, 1999.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. GEKAS (for himself and Mr. SMITH of Michigan):

H.R. 2922. A bill to extend for 6 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted; to the Committee on the Judiciary.

By Mr. ARCHER:

H.R. 2923. A bill to amend the Internal Revenue Code of 1986 to extend expiring provisions, to fully allow the nonrefundable personal credits against regular tax liability, and for other purposes; to the Committee on Ways and Means.

By Mr. BAKER (for himself, Mr. KANJORSKI, Mr. LEACH, Mr. MCCOLLUM, Mr. CASTLE, Mr. RILEY, Mr. JONES of North Carolina, Mr. HINCHEY, and Mr. CAPUANO):

H.R. 2924. A bill to require unregulated hedge funds to submit regular reports to the Board of Governors of the Federal Reserve System, to make such reports available to the public to the extent required by regulations prescribed by the Board, and for other purposes; to the Committee on Banking and Financial Services, and in addition to the Committees on Commerce, and Agriculture, 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. BILIRAKIS (for himself, Mr. PETERSON of Minnesota, and Mr. FLETCHER):

H.R. 2925. A bill to amend the Public Health Service Act to finance the provision of outpatient prescription drug coverage for low-income Medicare beneficiaries and to provide stop-loss protection for outpatient prescription drug expenses under qualified Medicare prescription drug coverage; 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. BOEHNER (for himself, Mr. ARMEY, Mr. GOODLING, Mrs. NORTHUP, Mr. MCCRERY, Mr. GREEN of Wisconsin, Mr. TALENT, Mr. OXLEY, Mr. PORTMAN, Mr. HOBSON, Mr. BALLENGER, and Mr. SALMON):

H.R. 2926. A bill to provide new patient protections under group health plans and through health insurance issuers in the group market; to the Committee on Commerce, and in addition to the Committees on Education and the Workforce, Ways and Means, and the Judiciary, 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. BROWN of Ohio (for himself, Mr. BERRY, Mr. STARK, Mr. ALLEN, Ms. SCHAKOWSKY, Mr. SANDERS, Mr. KUCINICH, Mr. STRICKLAND, Mr. BARRETT of Wisconsin, and Mr. WYNN):

H.R. 2927. A bill to amend title 35, United States Code, to provide for compulsory licensing of certain patented inventions relating to health; to the Committee on the Judiciary, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DEMINT (for himself and Mr. STENHOLM):

H.R. 2928. A bill to amend the Fair Labor Standards Act of 1938 to provide an exemption to States which adopt certain minimum wage laws; to the Committee on Education and the Workforce.

By Mr. FARR of California (for himself, Ms. PELOSI, Mr. LIPINSKI, Mr. STARK, Mr. LANTOS, Mr. BLUMENAUER, Mr. LEWIS of California, Mr. YOUNG of Florida, Mr. TRAFICANT, Mr. WEINER, Mr. BOUCHER, Mr. MORAN of Virginia, Ms. WOOLSEY, Mr. WHITFIELD, Mr. GALLEGLY, Mr. HALL of Ohio, and Mr. TANCREDO):

H.R. 2929. A bill to amend title 18, United States Code, to prohibit certain conduct relating to elephants; to the Committee on the Judiciary.

By Ms. DUNN:

H.R. 2930. A bill to amend title XVIII of the Social Security Act to increase Medicare payment for pap smear laboratory tests; 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. GREEN of Wisconsin:

H.R. 2931. A bill to direct the Secretary of Housing and Urban Development to carry out a 3 year pilot program to assist law enforcement officers purchasing homes in locally-designated high-crime areas; to the Committee on Banking and Financial Services.

By Mr. HANSEN:

H.R. 2932. A bill to authorize the Golden Spike/Crossroads of the West National Heritage Area; to the Committee on Resources.

By Mr. LARSON (for himself, Mr. UDALL of Colorado, Mr. BONIOR, Mr. BOUCHER, Mr. SHOWS, Mr. FROST, Mrs. THURMAN, Mr. ETHERIDGE, Mr. CAPUANO, Ms. WOOLSEY, Ms. DELAURO, Mr. BROWN of Ohio, Mr. WU, Mr. ROMERO-BARCELÓ, Mr. COSTELLO, Mr. OWENS, Ms. BERKLEY, and Mr. HOLT):

H.R. 2933. A bill directing the Secretary of Education to propose a comprehensive approach to providing technologically competent teachers to our Nation's schools, and for other purposes; to the Committee on Education and the Workforce.

By Mr. LARSON (for himself, Mr. UDALL of Colorado, Mr. BONIOR, Mr. FROST, Mr. DOOLEY of California, Mr. ETHERIDGE, Mr. CAPUANO, Ms. WOOLSEY, Ms. DELAURO, Mr. BROWN of Ohio, Mr. WU, Mr. ROMERO-BARCELÓ, Mr. COSTELLO, Mr. OWENS, and Mr. HOLT):

H.R. 2934. A bill to amend the Domestic Volunteer Service Act of 1973 to provide for the establishment of a National Youth Technology Corps program, using VISTA volunteers who are highly proficient in computer technologies to recruit and organize youth to implement and maintain computer systems for public schools, community centers, public senior centers, and libraries and to teach students, teachers, senior citizens, and other persons how to use these technologies and systems; to the Committee on Education and the Workforce.

By Mr. MCHUGH:

H.R. 2935. A bill to amend title 49, United States Code, to permit the Secretary of Transportation to waive noise restrictions on certain aircraft operations; to the Committee on Transportation and Infrastructure.

By Mr. NEAL of Massachusetts (for himself, Mr. HOUGHTON, Mr. RANGEL, Mr. COYNE, Mrs. JOHNSON of Connecticut, and Mr. MATSUI):

H.R. 2936. A bill to extend the temporary waiver of the minimum tax rules that deny many families the full benefit of nonrefundable personal credits, pending enactment of permanent legislation to address this inequity; to the Committee on Ways and Means.

By Ms. RIVERS:

H.R. 2937. A bill to repeal the War Powers Resolution; to the Committee on International Relations, and in addition to the Committee on Rules, 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. ROEMER (for himself, Mr. BURTON of Indiana, Mr. VISCLOSKY, Mr. HILL of Indiana, Ms. CARSON, Mr. SOUDER, Mr. MCINTOSH, Mr. PEASE, Mr. HOSTETTLER, and Mr. BUYER):

H.R. 2938. A bill to designate the facility of the United States Postal Service located at 424 South Michigan Street in South Bend, Indiana, as the ''John Brademas Post Office''; to the Committee on Government Reform.

By Mr. SAXTON (for himself and Mr. KUCINICH):

H.R. 2939. A bill to provide the highly indebted poor countries with relief from debts owed to the International Monetary Fund, to end United States participation in and support for the Enhanced Structural Adjustment Facility of the International Monetary Fund, and to require certain conditions to be met before the International Monetary Fund may sell gold, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. STUPAK:

H.R. 2940. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to provide liability relief for small parties, innocent landowners, and prospective purchasers; to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, 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. BONIOR:

H. Res. 301. A resolution provide for the consideration of H.R. 325; to the Committee on Rules.

By Mr. HERGER (for himself, Mr. CONDIT, Mr. RYAN of Wisconsin, Mr. PETERSON of Minnesota, Mr. CAMPBELL, Mr. FOSSELLA, Mr. SHIMKUS, Mr. GARY MILLER of California, and Mr. SHAYS):

H. Res. 302. A resolution expressing the desire of the House of Representatives to not spend any of the budget surplus created by Social Security receipts and to continue to retire the debt held by the public; to the Committee on the Budget, 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. PITTS:

H. Res. 303. A resolution expressing the sense of the House of Representatives urging that 95 percent of Federal education dollars be spent in the classroom; to the Committee on Education and the Workforce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 72: Mr. MCCOLLUM.

H.R. 354: Mr. ROTHMAN.

H.R. 534: Mr. RAMSTAD, Mr. RODRIGUEZ, Mr. KLECZKA, Mr. HINOJOSA, and Mr. STENHOLM.

H.R. 601: Mr. CUNNINGHAM, Mr. GOODLATTE, and Mr. GOODLING.

H.R. 670: Mr. DUNCAN.

H.R. 684: Mr. WEINER.

H.R. 750: Mr. METCALF and Mr. DIXON.

H.R. 776: Mr. DIXON.

H.R. 832: Mrs. KELLY.

H.R. 860: Mr. BONIOR.

H.R. 870: Mr. BRADY of Texas.

H.R. 960: Mr. MARTINEZ.

H.R. 963: Mrs. FOWLER and Mrs. THURMAN.

H.R. 976: Mr. RUSH, Mr. OBERSTAR, Mr. FLETCHER, Mr. CAPUANO, and Mr. SMITH of New Jersey.

H.R. 980: Mr. GANSKE.

H.R. 1006: Mr. CAPUANO.

H.R. 1046: Mr. WU.

H.R. 1068: Mr. ISAKSON.

H.R. 1115: Mr. WELDON of Florida, Mr. WICKER, Mr. THORNBERRY, Mr. BISHOP, Mr. STUMP, Mr. LAHOOD, Mr. RILEY, Mr. BACHUS, Mr. DOOLITTLE, Mr. STUPAK, and Mr. METCALF.

H.R. 1145: Ms. PELOSI and Mr. DOYLE.

H.R. 1193: Mr. TALENT.

H.R. 1221: Mr. MCCOLLUM.

H.R. 1228: Mr. GARY MILLER of California and Ms. CARSON.

H.R. 1248: Mrs. TAUSCHER.

H.R. 1275: Mr. UDALL of Colorado, Mr. LEWIS of Georgia, Mr. CASTLE, Mr. MATSUI, Mr. SMITH of New Jersey, Mr. GREENWOOD, Mr. LUTHER, Mr. WEINER, Ms. RIVERS, Mr. COBURN, Mr. HEFLEY, Mr. LANTOS, and Mr. LEACH.

H.R. 1303: Mr. SALMON.

H.R. 1304: Mr. WATKINS and Mr. VISCLOSKY.

H.R. 1333: Mr. NEY.

H.R. 1344: Mr. GORDON, Mr. HINOJOSA, and Ms. STABENOW.

H.R. 1446: Mr. ISAKSON.

H.R. 1522: Mr. STEARNS.

H.R. 1523: Mr. KNOLLENBERG and Mr. HASTINGS of Washington.

H.R. 1535: Ms. WOOLSEY, Mr. RADANOVICH, and Mr. SANDLIN.

H.R. 1592: Mr. TAYLOR of North Carolina, Mr. SHERWOOD, Mr. WATKINS, and Mr. BOEHNER.

H.R. 1598: Mr. MATSUI, Mr. WATT of North Carolina, Mr. BARTLETT of Maryland, and Mr. DEMINT.

H.R. 1606: Mr. MALONEY of Connecticut.

H.R. 1621: Mrs. KELLY, Mr. NEY, Mr. PRICE of North Carolina, and Mr. GOODLING.

H.R. 1622: Mr. LEWIS of Georgia.

H.R. 1624: Mr. STARK.

H.R. 1629: Mr. BALDACCI.

H.R. 1650: Mr. REGULA.

H.R. 1689: Mr. CARDIN.

H.R. 1732: Mr. ABERCROMBIE, Mr. HILL of Indiana, Mr. HILLIARD, and Mrs. JONES of Ohio.

H.R. 1857: Mr. HUTCHINSON and Mrs. MALONEY of New York.

H.R. 1887: Mr. BENTSEN, Mr. JENKINS, Mr. KILDEE, Mr. DIXON, and Mr. NEAL of Massachusetts.

H.R. 1890: Mr. WU.

H.R. 1917: Mr. HINOJOSA.

H.R. 1926: Mr. METCALF and Mr. ISAKSON.

H.R. 1932: Mr. CALLAHAN, Ms. PRYCE of Ohio, Mrs. EMERSON, Mr. MANZULLO, Mrs. WILSON, Mr. BASS, Mr. FRANKS of New Jersey, and Mr. RADANOVICH.

H.R. 2000: Mr. CUNNINGHAM, Mrs. EMERSON, Mr. WALDEN of Oregon, Mr. LAMPSON, Mr. TALENT, and Mr. GOODLING.

H.R. 2066: Mr. REYNOLDS, Mr. DINGELL, Mr. BERRY, and Mr. MARTINEZ.

H.R. 2087: Mr. DIAZ-BALART.

H.R. 2200: Mr. MCHUGH and Mrs. MINK of Hawaii.

H.R. 2205: Mr. SALMON and Mr. KOLBE.

H.R. 2244: Mr. BILIRAKIS and Mr. RADANOVICH.

H.R. 2247: Mr. NETHERCUTT.

H.R. 2252: Mr. INSLEE.

H.R. 2260: Mr. SHADEGG.

H.R. 2267: Mr. SHAW, Mr. TRAFICANT, Mr. KLECZKA, and Mr. GILCHREST.

H.R. 2289: Mr. NETHERCUTT and Mr. POMBO.

H.R. 2314: Mr. TANNER.

H.R. 2365: Mr. MCDERMOTT, Mr. BROWN of Ohio, and Mr. BISHOP.

H.R. 2376: Mr. WALDEN of Oregon.

H.R. 2392: Mr. UDALL of New Mexico.

H.R. 2418: Mr. GANSKE, Mr. SPENCE, Mr. CLYBURN, Mr. FLETCHER, Ms. BALDWIN, and Mr. WATKINS.

H.R. 2420: Mr. MARTINEZ, Mr. THORNBERRY, Mr. LAMPSON, and Mr. SANDLIN.

H.R. 2423: Mr. GILCHREST.

H.R. 2463: Mr. LEWIS of Kentucky.

H.R. 2464: Mr. RAHALL.

H.R. 2491: Mr. ROHRABACHER.

H.R. 2498: Mr. BLUNT.

H.R. 2505: Mr. WAXMAN, Mr. CONYERS, and Mr. CAPUANO.

H.R. 2534: Mr. REYES and Mrs. MINK of Hawaii.

H.R. 2539: Mr. MARTINEZ.

H.R. 2592: Mr. BARTON of Texas and Mr. COBURN.

H.R. 2602: Mr. SAWYER.

H.R. 2608: Mr. GILLMOR.

H.R. 2631: Mr. FARR of California, Mr. PICKETT, Ms. PELOSI, Mr. SUNUNU, and Mr. BECERRA.

H.R. 2638: Mr. HUTCHINSON, Mr. HOSTETTLER, and Mr. SUNUNU.

H.R. 2640: Mr. SMITH of Michigan.

H.R. 2655: Mr. DUNCAN and Mr. DOOLITTLE.

H.R. 2659: Ms. MCCARTHY of Missouri and Mr. OWENS.

H.R. 2680: Mr. WYNN, Mr. MEEKS of New York, and Mr. MCDERMOTT.

H.R. 2687: Mr. WU.

H.R. 2698: Mr. LARGENT.

H.R. 2709: Mr. GREEN of Wisconsin, Ms. DANNER, Mr. EHRLICH, Mr. BLILEY, Mr. WYNN, Mr. MCINNIS, Mr. BILBRAY, and Mr. LEWIS of California.

H.R. 2719: Mr. OWENS.

H.R. 2734: Mr. BARRETT of Wisconsin.

H.R. 2735: Mr. BLUNT.

H.R. 2750: Mr. COBURN and Mr. HILL of Montana.

H.R. 2764: Mr. PASTOR and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2783: Mr. LARGENT and Mrs. CUBIN.

H.R. 2784: Mr. LAFALCE.

H.R. 2790: Mrs. KELLY.

H.R. 2809: Mr. BLUMENAUER, Ms. LEE, Mr. GUTIERREZ, Mr. TALENT, Mr. ABERCROMBIE, Mr. WU, and Mr. DEFAZIO.

H.R. 2810: Mr. ROTHMAN.

H.R. 2825: Mr. LARGENT.

H.R. 2890: Ms. VELÁZQUEZ, Mr. GEORGE MILLER of California, Mr. MENENDEZ, Mr. GUTIERREZ, and Mr. RAHALL.

H.R. 2895: Mr. NADLER, Mr. ROHRABACHER, Mr. KUCINICH, Mr. ABERCROMBIE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WALSH, and Ms. SCHAKOWSKY.

H.R. 2896: Mr. FORBES and Mr. MOORE.

H.J. Res. 65: Mr. SPENCE, MR. BARRETT of Wisconsin, Mr. BEREUTER, and Mr. WOLF.

H. Con. Res. 30: Mr. LAHOOD.

H. Con. Res. 134: Mr. FOLEY.

H. Con. Res. 186: Mr. HAYWORTH, Mr. BILIRAKIS, Mr. GOODLING, Mr. MILLER of Florida, Mr. DOOLITTLE, and Mr. CRANE.

H. Res. 41: Mr. MALONEY of Connecticut, Mr. MORAN of Virginia, and Mr. PORTER.

H. Res. 109: Mr. GEJDENSON, MR. MORAN of Kansas, and Mr. LOBIONDO.

H. Res. 269: Mr. LARGENT, Mr. STEARNS, Mr. KNOLLENBERG, and Mr. BROWN of Ohio.

H. Res. 287: Mr. SMITH of Texas, Mr. LIPINSKI, Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. PELOSI.

H. Res. 292: Mr. GILLMOR.

H. Res. 297: Mr. FALEOMAVAEGA, Mr. HILLIARD, Mr. WEXLER, Mr. BLILEY, Mr. GOODE, Mr. EHRLICH, Mr. CUMMINGS, Mr. BATEMAN, Mr. BURTON of Indiana, Mr. CASTLE, Mr. WYNN, and Mr. SALMON.

H. Res. 298: Mr. BECERRA, Mr. GOODLING, Mrs. MYRICK, Ms. LOFGREN, Mr. FRANKS of New Jersey, and Mr. STARK.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2506

OFFERED BY: MR. ANDREWS

AMENDMENT NO. 12: Page 16, after line 15, insert the following subsection:

(c) CERTAIN LINKAGES REGARDING HEALTH INFORMATION.—Initiatives under subsection (a) shall include the establishment, through a site maintained by the Director on the telecommunications medium known as the World Wide Web, of linkages that enable users of the site to obtain information from consumer satisfaction agencies or other entities that perform evaluations regarding the quality of health care, including more than one link to entities that evaluate health maintenance organizations, and including a link to the National Committee for Quality Assurance.

H.R. 2506

OFFERED BY: MR. MCGOVERN

AMENDMENT NO. 13: Page 12, after line 14, insert the following subparagraph:

(C) The conduct of research to develop recommendations for a national strategy to alleviate the shortage of licensed pharmacists.

Page 12, line 15, strike ‘‘(C)’’ and insert ‘‘(D)’’.

H.R. 2506

OFFERED BY: MR. STEARNS

AMENDMENT NO. 14: Page 21, after line 8, insert the following subsection:

(d) CERTAIN TECHNOLOGIES AND PRACTICES REGARDING SURVIVAL RATES FOR CARDIAC ARREST.—The innovations in health care technologies and clinical practice that are promoted under subsection (a) shall include promoting the placement in public buildings of automatic external defibrillators as a means of improving the survival rates of individuals who experience cardiac arrest in such buildings. Activities under the preceding sentence shall include the development of recommendations regarding the placement of such devices in Federal buildings, including recommendations on training, maintenance, and medical oversight, and on coordinating with the system for emergency medical services.

H.R. 2506

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 15: Page 46, after line 2, insert the following section:

SEC. 4. BUY AMERICAN PROVISIONS.

(a) 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’’).

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

(1) 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.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary of Transportation shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

United States
of America

Congressional Record

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

Vol. 145 WASHINGTON, THURSDAY, SEPTEMBER 23, 1999 *No. 125*

Senate

The Senate met at 9:30 a.m., on the expiration of the recess, 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. Wendell Estep, from Columbia, SC.

We are pleased to have you with us.

PRAYER

The guest Chaplain, Dr. Wendell R. Estep, First Baptist Church, Columbia, SC, offered the following prayer:

Gracious Father and God, we bow before You with grateful hearts. As King David prayed, ''Who am I, O Lord God, and what is my house, that Thou hast brought me this far?'' The positions of influence and service that we enjoy have come as a trust from Your hand and we acknowledge our ultimate responsibility to You.

Father, as I bring this body of men and women before You, I make two requests: that You give them wisdom and that You give them courage to act on that divine wisdom.

Gracious Savior, we desire Your blessings on America, but Your word declares our responsibility: ''If My people who are called by My name humble themselves and pray, and seek My face and turn from their wicked ways, then I will hear from heaven, will forgive their sin, and will heal their land.''

Bless these Senators as they provide godly leadership. I pray in the name of Jesus, my Lord. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SLADE GORTON, a Senator from the State of Washington, 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 MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. LOTT. I thank the Chair.

I yield for some comments with regard to our visiting Chaplain to Senator NICKLES.

Mr. NICKLES addressed the Chair.

The PRESIDENT pro tempore. Senator NICKLES is recognized.

GUEST CHAPLAIN ESTEP

Mr. NICKLES. Mr. President, I wish to join with you in welcoming our guest Chaplain of the day, Wendell Estep.

The President pro tempore introduced Pastor Estep as being from South Carolina. However, we still consider him a native of Oklahoma. Pastor Estep was one of the leading pastors in my State. He led one of the largest churches in the State, Council Roads Baptist Church. Before that, he was at the First Baptist Church in Pawhuska, OK, which is pretty close to my home town of Ponca City. He is really one of the most respected leaders we have had in our state, and we still consider him an Oklahoman. We are delighted to have him as guest Chaplain and very much appreciate his opening our day with a beautiful prayer this morning.

I thank Pastor Estep for joining us.

Mr. LOTT. Mr. President, I, too, thank our guest Chaplain for being with us today. I know most Senators have been informed that our Chaplain, Lloyd John Ogilvie, is doing quite well in his recovery period, and we look forward to having him back in the Senate to hear his melodious voice and beautiful prayers. In the meantime, we are glad to have our guest Chaplain this morning.

SCHEDULE

Mr. LOTT. Mr. President, this morning it is hoped that the Senate will be able to resume consideration of the Interior appropriations bill. The oil royalties amendment is the only remaining issue to dispose of prior to completing action on the bill. However, in order to resume consideration of the oil royalties issue, it may be necessary to have several procedural votes this morning; therefore, Senators should anticipate votes beginning shortly. The Senate will also resume consideration of the VA–HUD appropriations bill with the hope of finishing that legislation today. Also, either later on today or tomorrow, it is hoped we can take up one, two, or more appropriations conference reports as they are completed.

THE JOURNAL

Mr. LOTT. Mr. President, I ask unanimous consent that the Journal of proceedings be approved to date.

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

Mr. LOTT. I ask unanimous consent that the Senate now resume consideration of H.R. 2466, the Interior appropriations bill.

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

The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2466) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

Pending:

Hutchison Amendment No. 1603, to prohibit the use of funds for the purpose of issuing a notice of rulemaking with respect to the valuation of crude oil for royalty purposes until September 30, 2000.

Mr. LOTT. Mr. President, I now move to proceed to the motion to reconsider

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the vote by which cloture failed with respect to the Hutchison amendment No. 1603, and I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LOTT. Before the vote begins, let me announce to my colleagues, if the motion is agreed to, we will have an immediate vote on the actual reconsideration of the cloture vote. If that second vote is agreed to, it is my understanding that we may have 10 minutes of debate prior to the cloture vote.

Therefore, Senators can anticipate two immediate votes this morning and a third vote occurring shortly thereafter.

I thank my colleagues.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. MOYNIHAN) would vote ''no.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 60, nays 39, as follows:

[Rollcall Vote No. 287 Leg.]

YEAS—60

Abraham	Fitzgerald	Mack
Allard	Frist	McCain
Ashcroft	Gorton	McConnell
Bennett	Gramm	Murkowski
Bingaman	Grams	Nickles
Bond	Grassley	Roberts
Breaux	Gregg	Roth
Brownback	Hagel	Santorum
Bunning	Hatch	Sessions
Burns	Helms	Shelby
Campbell	Hutchinson	Smith (NH)
Chafee	Hutchison	Smith (OR)
Cochran	Inhofe	Snowe
Collins	Inouye	Specter
Coverdell	Jeffords	Stevens
Craig	Kyl	Thomas
Crapo	Landrieu	Thompson
DeWine	Lincoln	Thurmond
Domenici	Lott	Voinovich
Enzi	Lugar	Warner

NAYS—39

Akaka	Edwards	Levin
Baucus	Feingold	Lieberman
Bayh	Feinstein	Mikulski
Biden	Graham	Murray
Boxer	Harkin	Reed
Bryan	Hollings	Reid
Byrd	Johnson	Robb
Cleland	Kennedy	Rockefeller
Conrad	Kerrey	Sarbanes
Daschle	Kerry	Schumer
Dodd	Kohl	Torricelli
Dorgan	Lautenberg	Wellstone
Durbin	Leahy	Wyden

NOT VOTING—1

Moynihan

The motion was agreed to.

VOTE ON MOTION TO RECONSIDER

The PRESIDING OFFICER (Mr. ROBERTS). The question is on agreeing to the motion to reconsider the vote on amendment No. 1603.

Mr. GORTON. Have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. GORTON. Mr. President, 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.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. MOYNIHAN) would vote ''no.''

The result was announced—yeas 60, nays 39, as follows:

[Rollcall Vote No. 288 Leg.]

YEAS—60

Abraham	Fitzgerald	Mack
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Bingaman	Grams	Nickles
Bond	Grassley	Roberts
Breaux	Gregg	Roth
Brownback	Hagel	Santorum
Bunning	Hatch	Sessions
Burns	Helms	Shelby
Campbell	Hutchinson	Smith (NH)
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Cochran	Inhofe	Snowe
Collins	Inouye	Specter
Coverdell	Jeffords	Stevens
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Crapo	Landrieu	Thompson
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Cleland	Kennedy	Rockefeller
Conrad	Kerrey	Sarbanes
Daschle	Kerry	Schumer
Dodd	Kohl	Torricelli
Dorgan	Lautenberg	Wellstone
Durbin	Leahy	Wyden

NOT VOTING—1

Moynihan

The motion to reconsider was agreed to.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on amendment No. 1603 to Calendar No. 210, H.R. 2466, the Interior appropriations bill:

Trent Lott, Kay Bailey Hutchison, Gordon Smith of Oregon, Thad Cochran, Larry E. Craig, Bill Frist, Mike Crapo, Don Nickles, Craig Thomas, Chuck Hagel, Christopher S. Bond, Jon Kyl, Peter Fitzgerald, Pete Domenici, Phil Gramm, Slade Gorton.

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the Hutchison amendment No. 1603 to H.R. 2466, the Interior appropriations bill, shall be brought to a close?

The yeas and nays are required under the rule.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Washington is recognized.

Mr. GORTON. I now ask unanimous consent that there be 10 minutes of debate, equally divided, between Senators HUTCHISON and BOXER prior to the cloture vote on the Hutchison amendment No. 1603.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, may we have order in the Senate so we may be able to hear the Senator.

The PRESIDING OFFICER. The distinguished Senator from West Virginia is correct. We will not proceed until the Senate is in order.

If the distinguished Senator from Washington would repeat his request, please.

Mr. GORTON. I ask unanimous consent that there be 10 minutes of debate equally divided between Senators HUTCHISON and BOXER prior to the cloture vote on Hutchison amendment No. 1603.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, before it counts on my time, I ask the Senator from Texas if she wants to begin the debate or finish the debate.

Mrs. HUTCHISON. Mr. President, I will let the Senator from California proceed first.

The PRESIDING OFFICER. The distinguished Senator from California is recognized.

Mrs. BOXER. I thank the Chair.

Once more, I tell the Senate, the reason I have taken the Senate's time on this is twofold. First, it seems to me an amendment such as this does not belong in the Interior bill. In essence, it is a very major policy change. Oil companies sign an agreement with the Federal Government that, when they have the privilege of drilling on Federal lands, be it onshore or offshore, they pay a percentage of the fair market value of the production to the Federal Government. This is very important because in the Federal Government we use that for the Land and Water Conservation Fund, which is so important for our environment, historic preservation, national parks, et cetera. The States use their share to put the funds right into the classroom.

If this amendment is approved, if cloture is invoked and the amendment is approved, the Land and Water Conservation Fund will lose $66 million. Because of this rider, which the Senator from Texas has put on these bills on three prior occasions, the Treasury has already lost $88 million. Mr. President, we badly need those funds for

those important purposes of the environment and education.

What the Senator's amendment does is stop the Interior Department from collecting the appropriate amount of royalties. How do we know we are not getting the appropriate amount of royalties? We have whistleblowers who have come forward and have told of a scheme to defraud the United States of America of the due amount of royalties.

Just last month, a few weeks ago, Chevron agreed to settle a case on royalties, $95 million. This is a headline from the Wall Street Journal: Chevron to Pay $95 Million to End Claim It Shortchanged U.S. on Royalties.

The companies are settling these claims at an unbelievable rate—$5 billion has already been settled by seven States. Twenty-five percent of these companies are cheating us, and they don't have a leg to stand on. They don't want to go to court. Therefore, they are settling.

What we know, for example, is that in one of the recent suits that was filed, the United States of America has joined two whistleblowers—and this is the first time this has ever been made public—outlining seven schemes by the oil companies to cheat Uncle Sam, cheat the taxpayers out of the money. We have heard of the seven wonders of the world, and we have heard of the 7 years war and the seven seas and seventh heaven and the 7-year itch and 007 and many 7s, but we have never heard of the seven schemes of the oil companies until now. In essence, all seven schemes have one goal; that is, to show that the value of the oil is less than what it really is.

I think it is time to put an end to this. The USA Today headline says it all: It is Time to Clean Up Big Oil's Slick Deal with Congress.

Reading directly from the article:

> Imagine being able to compute your own rent payments and grocery bills, giving yourself a 3 percent to 10 percent discount off the market price. Over time, that would add up to really big bucks. And imagine having the political clout to make sure nothing threatened to change that cozy arrangement.

This amendment offered by my friend from Texas allows the oil companies to continue this cozy arrangement whereby they decide, these 25 percent of the oil companies, what they are going to pay the Federal Government. In every case, it is below the fair market value.

This $66 million, as I said before, could do a lot of things. We could hire 1,000 teachers with it, or put 44,000 new computers into the classroom, or buy textbooks for 1.2 million students, or provide 53 million hot lunches for schoolchildren.

So let us not think, when we have this vote, it is a free vote. This cloture vote is very important. The Senator from Texas just about mustered enough votes. She doesn't have one vote to spare. If just one of my colleagues would hear my plea, stand up and say no to this cloture, we could stop this thievery in its tracks. That is what it is—out-and-out thievery. We need the funds for the functions of government. We need the funds for the people of the United States of America.

I urge a ''no'' vote on cloture.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I yield 1 minute of my 5 to the junior Senator from Louisiana, Ms. LANDRIEU.

The PRESIDING OFFICER. The distinguished Senator from Louisiana is recognized for 1 minute.

Ms. LANDRIEU. I thank the Chair.

There have been so many misstatements and mischaracterizations and exaggerations and a confusion of facts, as stated by my distinguished colleague from California, I literally don't know where to begin. This is not about the Land and Water Conservation Fund because there is no such real fund where this money goes, and she most certainly knows that. It flows directly to the State treasury. I would know, since the State of Louisiana contributes 90 percent of the money to the so-called fund that doesn't exist.

This is not an environmental issue. This is about a very complicated accounting law governing what huge companies owe the Federal Government. They want to pay their fair share. They are actually begging to pay their fair share. They want a law that makes clear what their fair share is, and they are willing to pay it. That is what this argument is about because the current rule makes it more complicated and more costly.

The PRESIDING OFFICER. The time of the distinguished Senator has expired.

Ms. LANDRIEU. May I have 30 more seconds? Fifteen more seconds to finish?

Mrs. HUTCHISON. Just finish the statement.

Ms. LANDRIEU. I urge my colleagues to rethink their votes on our side. I am actually disappointed there are not more than five of us who truly understand this issue, with all due respect. I hope some of them will think about changing their vote so we can get on with the business of the Senate.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I yield 1 minute to the senior Senator from Louisiana, Mr. BREAUX.

Mr. BREAUX. Mr. President, this question is really about whether we are going to pause for 12 months and negotiate or whether we are going to litigate for 5 years. I think the Hutchison amendment is very helpful in that it says: Let's pause and, instead of fighting it out in the courtroom, let's get people to talk about it in their offices, between Interior and industry, over what is a fair market value.

It is well worth a 12-month pause to try to negotiate instead of litigating from here on after—that is all the Hutchison amendment does—in order to find out what a fair market value truly is. We should support it.

Mrs. HUTCHISON. Mr. President, today over one-third of the price of a gallon of gasoline is taxable. This chart shows the average price of gasoline, around $1.20; crude oil is 64 cents, the light part of this chart; taxes are 56 cents.

Now, what the Senator from California would do is raise the price of gasoline for every working American by raising the taxes to go up and up. In fact, that is what has been happening over the last 10 years. From 1990 to 1997, the average per gallon motor fuel tax has gone from 27 cents per gallon to 40 cents per gallon. The retail price net of taxes has stayed approximately the same, going down from 95 cents to 88 cents. It has actually gone down, but taxes have gone up. Therefore, the price of gasoline in 1990 went from $1.21 to $1.29 per gallon in 1997.

What the Senator from California would do is add taxes on expenses. We have always taxed at the wellhead. Today, we would tax the expenses, the transportation expenses, that you have to make to get the oil to its destination, the marketing expenses. Can you imagine the concept of taxing advertising being done by an agency without congressional approval and raising the price of gasoline for every working American? That is what blocking this amendment will do. We have 60 votes to go forward; 60 people out of 100 in the Senate are saying we should go forward and have an up-or-down vote on this amendment.

I urge my colleagues to do what is right and let us have an up-or-down vote so that we don't raise the price of gasoline at the pump for every working American.

Mr. President, I yield the remainder of my time to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico has approximately 30 seconds.

Mr. DOMENICI. Mr. President, historically, the royalty has been calculated at the wellhead. The essence of the problem is that MMS decided they want to change that—in many instances, tax it as a royalty many miles downstream. They contend there is a duty to market. A court has already ruled there is no duty to market. They want to come in by the back door and establish regulations and rules that will, indeed, tax beyond the real value of the oil, based upon rules and regulations. It is a new tax, a backdoor way of taking away our prerogative. That is why we have been fighting this for the last 3 years.

Mrs. HUTCHISON. Mr. President, it will raise the price of gasoline at the pump for every working American. I urge a vote for cloture.

The PRESIDING OFFICER. The time allotted to the distinguished Senator has expired.

Mrs. HUTCHISON. I thank the Chair.

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the Hutchison amendment No. 1603 to H.R. 2466, the Interior appropriations bill, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. MOYNIHAN) would vote ''no.''

The result was announced—yeas 60, nays 39, as follows:

[Rollcall Vote No. 289 Leg.]

YEAS—60

Abraham	Fitzgerald	Mack
Allard	Frist	McCain
Ashcroft	Gorton	McConnell
Bennett	Gramm	Murkowski
Bingaman	Grams	Nickles
Bond	Grassley	Roberts
Breaux	Gregg	Roth
Brownback	Hagel	Santorum
Bunning	Hatch	Sessions
Burns	Helms	Shelby
Campbell	Hutchinson	Smith (NH)
Chafee	Hutchison	Smith (OR)
Cochran	Inhofe	Snowe
Collins	Inouye	Specter
Coverdell	Jeffords	Stevens
Craig	Kyl	Thomas
Crapo	Landrieu	Thompson
DeWine	Lincoln	Thurmond
Domenici	Lott	Voinovich
Enzi	Lugar	Warner

NAYS—39

Akaka	Edwards	Levin
Baucus	Feingold	Lieberman
Bayh	Feinstein	Mikulski
Biden	Graham	Murray
Boxer	Harkin	Reed
Bryan	Hollings	Reid
Byrd	Johnson	Robb
Cleland	Kennedy	Rockefeller
Conrad	Kerrey	Sarbanes
Daschle	Kerry	Schumer
Dodd	Kohl	Torricelli
Dorgan	Lautenberg	Wellstone
Durbin	Leahy	Wyden

NOT VOTING—1

Moynihan

The PRESIDING OFFICER. On this vote, the yeas are 60, the nays are 39. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. GORTON. Mr. President, I ask for the yeas and nays on the Hutchison amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. GORTON. As manager of the bill, I yield an additional hour to Senator Hutchison of Texas under the provisions of rule XXII, and I am authorized to yield an additional hour of the time of the Senator from Wyoming, Mr. ENZI.

Mrs. BOXER. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senators yielding time must do so personally.

Mr. ENZI. Mr. President, I yield my hour under rule XXII to Senator GORTON.

Mr. BROWNBACK. Mr. President, I yield my hour under rule XXII to Senator GORTON.

Mr. GORTON. Mr. President, I yield those 2 hours to Senator Hutchison.

Mr. DASCHLE. I yield my hour to the distinguished Senator, Mr. BYRD.

Mr. CLELAND. Mr. President, pursuant to rule XXII, I yield my 1 hour to the minority manager, Senator BYRD.

Mr. AKAKA. Mr. President, I yield my 1 hour of debate to Senator BYRD.

Mr. BYRD. Mr. President, as the ranking manager of the bill, I now have 3 hours, as I understand it.

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. I yield my 3 hours to the distinguished Senator from California, Mrs. BOXER.

Mrs. BOXER. I thank the Senator.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, for my own clarification, how much time do I have to speak on this amendment?

The PRESIDING OFFICER (Mr. ALLARD). The Senator has 1 hour.

Mr. DURBIN. Mr. President, many people who have followed this debate over the last weeks and months, I am sure, are curious why the Senate has been spending the amount of time it has on this particular issue. It is an issue which is of great importance to many of us.

First, let me salute my colleague, the Senator from California, Mrs. BOXER. She has led this fight, and it has been a difficult fight. It has involved many hours of debate. It has involved a lot of work on her part and that of her staff. I have been happy to join her and to add my voice to her cause.

We have had what might be called a symbolic vote earlier which suggests that ultimately the oil companies may prevail on this amendment. But I really believe in my heart, if my colleagues, particularly on the other side of the aisle, would just for a moment follow this debate and come to understand what is at stake, they might have a change of mind and a change of heart. Let me explain in the most basic terms, as I understand them, why we are here and why we are facing this debate.

Consider for a moment that we in the United States have many treasures. Visitors to the Nation's Capitol can see ample evidence of the legacy we have been given by previous generations. This magnificent building and all the monuments and statues and museums in Washington, DC, are not owned by any person. They are owned by America. They are owned by the American people. But when it comes to our national treasures, they also include public lands, many of them in remote places all across the United States, lands, frankly, that we as taxpayers own and lands that have value.

This bill which we are considering, the Department of the Interior bill, is one which takes into account these lands and how they are managed. The Senate and the House, each in its role, has a chance each year to make policy decisions about how we will manage these lands. This year, on the Department of the Interior appropriations bill, several of my colleagues on the Republican side of the aisle have offered what have been called environmental riders.

To put that in common words, it is an amendment offered by a Senator trying to limit, for example, the Department of the Interior in doing certain things in relation to these public lands. So we have had a parade of amendments involving these public lands and how they will be used.

There have been amendments, for example, to initiate the mining of lead in the Mark Twain National Forest in Missouri. It is a suggestion opposed by the two major newspapers in Missouri, by the Governor, by the attorney general, and by every environmental group. But a rider was proposed by a Senator from Missouri that would allow lead mining in this Mark Twain National Forest, an area that is used for recreation. That amendment prevailed. One Democratic Senator joined Republican Senators in what was an otherwise very partisan rollcall.

Another amendment was offered which related to the mining of minerals on public lands, so-called hard rock mining. This amendment, which was offered, I believe, by the Senator from Washington, said that when it came to the mining of those minerals, when companies, private companies, would come onto the land owned by America's taxpayers, we would change the rules and say when they dumped their waste after their mining, they could have more acreage to dump on when they wanted to leave the land behind.

Of course, the mining companies love to mine on public lands because we charge royalties which are a joke. They date back to a law over 100 years old. It is not uncommon for a private mining company, some even foreign companies, to be able to mine for minerals on public lands owned by the taxpayers and to pay as little as $5 an acre—$5 an acre to mine for gold, for example. These companies can literally bring millions of dollars of profit out of the public lands owned by this country and pay to the Federal Government $5, $10, $15, $100, $1,000.

So the amendment proposed by the Republican Senator suggested that when they mine this land at these bargain basement royalty prices, they will be able to leave more and more acreage of waste dumped behind at the expense of future generations.

We had another amendment relative to grazing. Particularly in the West, grazing is an important use of western public lands. I support it. But the question was whether or not the ranchers who grazed on Federal lands would be able to renew their long-term leases, how much they would pay, and what restrictions they would have on how

much grazing would be allowed. A Republican Senator from New Mexico offered an amendment which said these leases for the grazing permits would be renewed almost indefinitely. Frankly, many of us thought that was something we should question—whether or not we should, from time to time, make environmental reviews of the use of grazing permits to make certain the public land ended up being used for the best purpose for America.

So time and time again, we have seen a clear difference in philosophy from the other side of the aisle, the Republican side of the aisle, and the Democratic side of the aisle when it comes to public lands. I will only speak for myself, but I will tell you what my philosophy is. I believe these public lands are a public trust. I have been honored to represent the State of Illinois in the Senate. I believe, in my actions and in my votes, I should never compromise the integrity of this legacy of public lands that have been left for my supervision, entrusted to me. I have tried my best to vote so I can say, whenever I leave this body, I took this treasure of public lands and returned it to the next generation in as good shape as, or better than, I received it. I think that is consistent with the idea of conservation. It is consistent with the idea of protection.

I concede, people can use public lands for profitmaking. That is done, of course, by ranchers for grazing and by the mining industry for minerals. It is done, as we have discussed earlier, by those who want to come in and, for example, drill for oil. I believe companies that do that, whether they are cutting wood or drilling for oil, should pay to the American taxpayers fair compensation for using the land so I could say, if ever held accountable: Yes, it is true, we did allow people to cut down trees on public lands; they paid for it; it was not something that was in derogation of the value of the land to be left for future generations.

That is my philosophy: Protect the public lands. If people use them, they should pay fair compensation to America and its taxpayers for the use of the public lands.

The philosophy on the other side—I will try to characterize as best I can—is that the public lands are in some way an intrusion of the Federal Government into many of these States. I think there is a general resentment that the Federal Government owns so much acreage in Western States. Yet the fact is, if the Federal Government had not owned this acreage, it is really questionable whether some of these States would have finally become populated or become part of the Union. The Federal Government took control of the lands in the initiation of our great country, and over the years many of these lands have stayed in our control. I can understand that if I lived in a Western State, I might have a different view. But, frankly, I do not believe they should be viewed as antagonistic. These lands are part of our national treasure.

Second, the view on the other side of the aisle is, if a private company wants to come in and make money off these public lands, we should bend over backwards to make it easy for them and subsidize them. That is why we have not changed that mining act for 100 years. That is why these companies are paying $5 an acre and taking thousands of dollars of profits, millions of dollars of profits, off that acreage and not paying more to the taxpayers. That is why they want to be grazing these lands without the oversight of departments which decide whether or not they are doing something that could harm the lands permanently.

So there is a real difference in philosophy between the Democratic side of the aisle and the Republican side of the aisle. And rider after rider, whether they talk about mining or logging or grazing or drilling for oil, comes down to this basic same debate.

The amendment of the Senator from Texas, Mrs. HUTCHISON, really calls in question the idea of how much oil companies should pay if they are going to drill for oil on public lands and which they turn around and sell at a profit.

Frankly, I have no objection if the drilling for that oil does not create an environmental hazard or environmental problem. These companies should be allowed to bid and to responsibly drill for oil. It is good for America's energy needs. It creates jobs in the area. It is something with which I do not have a problem.

The Senator from California, Mrs. BOXER, and I come to this Chamber to oppose an amendment being offered by the Senator from Texas. The amendment says this: The Department of the Interior, which is to establish the amount of money, the royalty, paid by the oil companies to drill on public lands, will be prohibited, by the Hutchison amendment, from revising that royalty to reflect the cost and value of the oil that is drilled.

I believe this is the fourth time we have gone through this where they have stopped the Department of the Interior from revising upwards the amount of money taxpayers receive in royalties for drilling oil on public lands, despite the fact the law clearly says: Yes, owner of the oil company, you can use public land, but you owe the taxpayers something; pay the taxpayers for profit you are taking out of their land.

Yet the Hutchison amendment says: No, we do not want to revise the royalty schedule; we do not want to make certain that the taxpayers receive fair compensation and the oil companies pay what they are required to pay under the law.

Mrs. BOXER. Will the Senator yield?

Mr. DURBIN. I will be happy to yield to the Senator from California.

Mrs. BOXER. I am so pleased the Senator is taking us back to the basics of this amendment which, as he pointed out, has essentially been offered to the Interior appropriations bill on three previous occasions in the committee on which he serves, the Appropriations Committee. We have tried to fight it in that committee only to be outvoted basically on a party-line vote.

This is the first time, I know my friend is aware, we have had a vote on this in the Senate. I underscore and ask a question of my friend.

My friend points out there is a problem with some of the oil companies, that they are not paying their fair share of royalties, and the Secretary of the Interior, Bruce Babbitt, wants to make sure everyone pays their fair share.

Is my colleague aware that 95 percent of the oil companies are doing the right thing? I want to make sure he understands the problem lies with 5 percent of the oil companies that are ripping off the people. I hope he responds to that, and I have an additional question.

Mr. DURBIN. I say to the Senator from California, this chart demonstrates what she has already stated. The percentage of companies affected by this rule is only 5 percent, 68 percent of the Federal production; 95 percent of the oil companies, particularly the small and independent companies, are not affected by this debate. We are talking about the big boys. We are talking about the big oil companies and whether they are going to use our Federal public lands to make a profit and pay the taxpayers a fair share of their profit back to our Treasury.

When I heard the debate on the floor that I heard earlier suggesting that if these big oil companies have to pay their fair share of royalties, the price of a gallon of gasoline is going to go up at the pump, it is almost laughable. We are talking about such a small amount of money in terms of these multimillion-dollar oil companies but a significant amount of money which would come back to Federal taxpayers and to the States that are affected for very important purposes.

The Senator from California is correct.

Mrs. BOXER. I thank my friend. I know he gets this completely. I also want to make sure he knows and that he puts into his remarks the fact that as a result of these three prior riders the Senator from Texas, Mrs. HUTCHISON, has put on these bills, we have already lost to the Federal Treasury $88 million. Is my friend aware of it? And is my friend aware what this particular amendment will do to add to that $88 million? I see he has a terrific chart which explains it all. I yield to him for an answer.

Mr. DURBIN. Just by coincidence, I happen to have a chart which illustrates this because this is a point we made during the course of the debate. The cost of this amendment, offered by Senator HUTCHISON, to the taxpayers of America is $66 million. The amount of money the taxpayers have lost to date is $88 million.

With both amendments, if this amendment prevails today, America's taxpayers will lose $154 million which these oil companies were required to pay for the purpose of drilling oil on public land, oil which, of course, has generated great profits for them and their companies.

This observation, that these companies have not paid their fair share for the royalties, has been backed up by lawsuits. States which receive the benefits of some of these royalty dollars have turned around and sued these oil companies and said they are not paying what they are required to pay under the law. In State after State, we have seen the oil companies basically concede, yes, we are underpaying the royalties we owe taxpayers.

Take a look at these recent oil undervaluation settlements. State by State: Alaska, $3.7 billion; Louisiana, $400 million; California, $345 million; Texas, $30 million. In all, we have collected $5 billion these oil companies have underpaid, their statutory obligation to pay royalties on this land.

For the proponents of this amendment to argue that it is fundamentally unfair to require private oil companies to pay these royalties and that these formulas for payment are unfair is to ignore the reality that time and time again, when the oil companies have been challenged, they have been found guilty of having cheated the taxpayers out of the fair share of money they were supposed to pay.

The Hutchison amendment says we will not change this formula; we will not update it; we will not hold these oil companies accountable. We will say to the Department of the Interior: Walk away from it; let the oil companies make the profit they want; do not let the taxpayers receive the fair compensation to which they are entitled.

A lot of this money, incidentally, that goes to States is used for purposes which are absolutely essential. One of them is education. What is $66 million worth in terms of education? That is how much this amendment will cost the Federal Treasury and how much it will leave in the hands of the oil companies. What can one do with $66 million?

By Federal standards, people say: Don't you people deal in billions? What does $66 million mean?

With $66 million, you can hire 1,000 teachers. You can put 44,000 new computers in classrooms. You can buy textbooks for 1.2 million students. You can provide 53 million hot lunches for schoolchildren.

Mr. President, $66 million may be small change by some Senators' standards, but when it comes to running schools and providing good education, it turns out to be a very important part of the component of meeting our obligation.

Also, this has been an issue which has received a lot of attention. In fact, one of the articles which I think is extraordinary came from a publication which I rarely would run into, but it is Platt's Oilgram News. I cannot say as I have ever read it or subscribed to it.

On Thursday, July 22, 1999, a retired employee from ARCO, one of the major oil companies involved in this debate, said that his company deliberately underpaid the oil royalties to the Federal Government. This was not a miscalculation. This was not an accidental occurrence. A calculated decision was made by the oil company to shortchange America's taxpayers by refusing to pay the royalties required by law because they felt that some day they may be sued as a result of that decision and they would just as soon hold on to the money, declare it as profit, make interest on it, and run a risk they would have a lawsuit and a day of reckoning sometime in the future.

This gentleman, Mr. Anderson, is quoted at length in the article:

> I was an ARCO employee, he said. Some of the issues being discussed were still being litigated. My plan was to get to retirement. We had seen numerous occasions, the nail that stood up getting beat down.
>
> . . .The senior executives of ARCO had the judgment that they would take the money, accrue for the day of judgment, and that's what we did. I would not have been there in any capacity had I continued to exercise the right they had given me to dissent to this process during the discussion stage. But once we made our decisions, ranks closed . . . I did not get to be a manager and remain a manager being oblivious and blind to signals.

A calculated corporate decision to underpay the Federal Government: Leave the money in the bank and earn interest on it and wait to be sued.

So the Hutchison amendment basically says: The Department of the Interior should ignore this, ignore the fact that oil companies are basically cheating the taxpayers out of the money to which they are entitled.

Recently there was a lawsuit filed, which the Senator from California brought to my attention, that raised the question of this effort by the oil companies. They came up, in that lawsuit, with what they call the seven schemes by which these oil companies were basically cheating America's taxpayers:

No. 1, misrepresenting the actual value received for oil;

No. 2, buying and selling crude oil at values less than what would have been received in an arm's length transaction;

No. 3, selling oil to their affiliates to mask the true value;

No. 4, claiming an artificially low value for oil refined by the company itself;

No. 5, falsely classifying high-valued sweet oil as lower-priced sour crude oil;

No. 6, paying royalties on the basis of lower-valued oil, then commingling it with higher-valued and selling it as high-quality oil;

No. 7, claiming payment of certain fees on commingled oil when such fees were never paid.

Those are schemes that have been used by these oil companies to avoid paying the royalty they are required to pay under law.

They want to drill on public lands. They want to make a profit. They do not want to pay back to America the cost we have incurred in allowing them to take this oil from the land. They have been caught time and time again with their hands in the cookie jar.

The Hutchison amendment says: We are not going to pursue these oil companies any further. We are going to say to the Department of the Interior: You cannot enforce the law. You cannot enforce the requirement that these oil companies pay their fair share in royalties.

There are many special interests at work on Capitol Hill. I would be the first to admit it, having served here for 17 years. This is one of the more blatant examples I have seen, where companies have basically come in and said: We want to be exempt from the law.

The Senator from California, Mrs. BOXER, has fought a valiant fight to bring this issue to public attention. Time after time, publications across America, which have taken a look at this issue, have reached the conclusion that the Senator from California is right and this amendment is wrong.

In the USA Today—and this is from last year; same issue, same type of amendment—the editorial is entitled ''Time to clean up Big Oil's slick deal with Congress.'' Let me read just a few words here from the USA Today editorial of August 26, 1998:

> Imagine being able to compute your own rent payments and grocery bills, giving yourself a 3% to 10% discount off the market price. Over time, that would add up to really big bucks. And imagine having the political clout to make sure nothing [ever] threatened to change that cozy arrangement.
>
> According to government and private studies, that's the sweet deal the oil industry is fighting to protect: the right to extract crude oil from public land and pay the government not the open market price but a lower ''posted price''—based on private deals—

The schemes I mentioned earlier—

> the oil companies can manipulate for their own benefit.

They go on to talk about the fact that it is no secret that these oil companies are big players in Washington. They make contributions to Members of Congress. And, of course, when the time comes, they expect at least a day in court, if not some help, when their issues come to the floor. This is a classic illustration.

It just strikes me as odd that companies that otherwise enjoy positive reputations are willing to fight so viciously to protect what has been unmasked as a scheme to defraud America's taxpayers.

In the scheme of things, if this 5 percent of the major oil companies paid $66 million more a year to the Federal Treasury, can you believe that would affect their bottom line? I do not think the money is what is at stake here. I think what is at stake is the attitude, the attitude of these companies that

we have no right as Members of the Senate to defy their scheme and to say that the American taxpayers deserve a fair shake, that the American taxpayers deserve better.

They believe, as some do in this body, that these public lands are there as a disposable product to be used up, if necessary, and discarded, that future generations be damned. That is the philosophy they follow.

That troubles me greatly because I know that Republicans and Democrats alike understand that the law should be followed, understand that private citizens and families and businesses are required to follow the law as much as anyone, and, frankly, that even though we have a good economy, getting away from the days of deep deficits, we still have the need for money in our Treasury for valuable purposes such as, for example, education.

One of the things we will debate in the closing weeks of this session is whether or not this Senate, by the time we adjourn, will be able to point to anything we have accomplished in the field of education.

When the session started, the leaders on the Republican side, who are in control of the House and the Senate, made important speeches about how critical education was in the priorities of this Congress. Yet I will tell you, quite honestly, if we held a gun to the head of any Member of Congress and said, I am going to pull the trigger unless you can tell me something this Congress has done to help American families improve education, I would have to tell them, fire away, because we have done nothing.

This is an illustration, that we would walk away from $66 million, a portion of which goes back to the States for education, at a time when we realize there are critical priorities in education all across America. Our schools are becoming antiquated. They do not have the modern technology they need. We know more and more kids are on the horizon. They are going to be showing up and enrolling in schools. So the demands are there for education to be improved in every State, and certainly in Federal programs.

Why the Hutchison amendment would want to take away what the Federal Treasury is entitled to receive for the oil companies drilling on public lands, taking that money away, shortchanging education, is beyond me. It is beyond me.

Certainly we can have a spirited debate about whether we want to increase taxes for given purposes. We have had that debate. I know it is one that is contentious. But this isn't about a new tax; this is about existing law that requires these oil companies to pay their tax, their royalty, for drilling oil. For some reason, certainly a large number of the Members of the Senate believe these oil companies should be able to walk away scot-free and not accept this obligation.

The Los Angeles Times editorial of July 20, 1999, characterized this effort, this amendment, the Hutchison amendment, and this scheme as ''The Great American Oil Rip-Off.'' I quote the first paragraph:

> America's big oil companies have been ripping off federal and state governments for decades by underpaying royalties for oil drilled on public lands. The Interior Department tried to stop the practice with new rules, but Congress has succeeded in blocking their implementation—

With this amendment that is before the Senate today—

> and will again if a Senate bill calling for a moratorium on the new rules, proposed by Senators HUTCHISON and PETE DOMENICI of New Mexico and scheduled for a floor vote . . . is enacted.

Let me read this paragraph:

> Not since the Teapot Dome scandal of the 1920s has the stench of oil money reeked as strongly in Washington as it is in this case.

This amendment, frankly, brought to the floor may enjoy the support of a majority of Members and I am sure will enjoy the plaudits and praise of the oil companies benefited by it.

Mrs. BOXER. Will my friend yield on that point?

Mr. DURBIN. I am happy to.

Mrs. BOXER. My friend hits again on an issue that I think we should explore because under the rules of the Senate we have up to 30 hours for debate on this Hutchison amendment. I do not know if it will take 30 hours, but it will take some time because it is important that the light of day shine on this.

My friend from Illinois has hit on a really important point that, in essence, the scandal is the nature of this. I wonder if my friend could comment on the perception people in this country have that if you are big, if you are powerful, if you give millions of dollars in contributions, you can get your way in something as obvious as this.

Why do I say obvious? The New York Times did a story on this just 2 days ago.

I thought the opening lines were very important. I wonder if my friend read them. I think he did. It said:

> Oil companies drilling on Federal land have been accused of habitually underpaying royalties they owe the government. Challenged in court, they have settled lawsuits, agreeing to pay $5 billion. The Interior Department wants to rectify the situation by making the companies pay royalties based on the market price of oil, instead of a lower price set by the oil companies.

The author asks:

> A simple issue? Not in the United States Senate.

We have a simple, straightforward issue. If the Senator or I or any of the people watching this debate around the country didn't pay their fair share of taxes, believe me, they would have a knock on their door from the IRS. Here they have a knock on the door from the Senate. They say: It's OK; we will defend it.

I ask my friend whether he feels the power of this special interest is playing a role in this? Not just to pick on them—I know my friend has taken on the tobacco companies time and time again—but I want my friend to comment on the perception of people in this country that this Senate and this Congress does the bidding of the special interests over the bidding of the people we are supposed to fight for and represent. He can tie it into any issue he wants, but I think it is an important part of this debate.

Mr. DURBIN. I think the point of the Senator from California is well taken: We do demand of families and businesses that they pay their fair share of taxes. If they don't, they are held accountable. What we want to create with the Hutchison amendment is an exception for oil companies; to say to some of the most profitable companies in America that they don't have to pay their fair share as required by law. That is what the Hutchison amendment does.

It says the Department of the Interior cannot review the amount of money being paid in royalties by these oil companies and stop them from even considering implementing and enforcing the law. We know, as the Senator from California has indicated, that in the past, time and again, these companies have underpaid their required royalties to the Federal Government and to the States.

We have a letter, which was addressed to the Senator from California, from the Secretary of the Interior, Bruce Babbitt. He writes, on September 8, 1999:

> I am writing to call on you and your colleagues to reject from the Fiscal Year 2000 Interior and Related Agencies Appropriations Bill a Senate amendment extending the moratorium prohibiting the Department of the Interior from issuing a final rulemaking on the royalty valuation of crude oil until October 1st, 2000. A similar letter has been sent to the Senate Appropriations Committee.
>
> Prior to a series of congressionally-imposed moratoria, the Department was prepared to publish a final rule on oil valuation on June 1, 1998. On March 4, 1999, I announced that the Department would reopen the comment period for the federal oil valuation rule. On March 12, 1999, we formally reopened the comment period and held a series of public workshops to discuss the rule. We believe that the process set in motion will assure full and open consideration of all new ideas for resolving the concerns that have been raised and will lead to a solution that best meets the interests of the American public.
>
> Currently, we are reviewing the information gathered at the workshops and are confident that we will be able to address the outstanding issues raised by our stakeholders. The moratorium [as suggested by the Hutchison amendment] would simply delay our ability to implement a final rule until October 1, 2000, although we may have resolved these key issues well before then. This unnecessary delay will result in losses to the Federal Treasury, States, and Indians of an amount of up to $5.65 million per month.
>
> We urge you to defeat any proposal to extend the moratorium prohibiting the Department from issuing a final rule during Fiscal Year 2000.
>
> Sincerely, Bruce Babbitt [Secretary of the Interior]

Five point six million a month, owed to the Federal Treasury, owed to the

taxpayers for the use of public lands for private profit, that will not be paid if the Hutchison amendment passes.

As I look across the aisle, I see a chart the Senator from Texas has used repeatedly to explain how complicated this is to come up with this valuation. I haven't seen it in detail. I don't question the veracity of the Senator's statements about this process.

Let me suggest to my colleagues, when we are dealing with conglomerate oil companies, multinational, with large legal departments, large engineering departments, arguing over the value of oil, trust me, it is not something that is done over lunch, where they write a figure on a napkin and agree to it. You have to bring in all of the information, verify it, subject it to public comment, and then establish the right royalty to be paid by the oil companies.

I think it might be interesting to see a chart of how much the oil companies are paying to bring this amendment to the floor and pass it, all of their corporate and legal departments and government departments that are at work to try to save them over $5 million a month at the expense of the Federal taxpayers.

The other day, I was on an airplane flying to Washington, which is a big part of my life over the last 17 years. I sat on a plane next to a gentleman from Colorado who worked for MCI WorldCom. He quickly wanted to talk about politics, which is always a dangerous topic when one is captured on an airplane. He allowed as to how he was a libertarian and believed there was entirely too much government around and, frankly, that is the way he voted.

I said: Let me tell you about an issue. Let me describe to you because you live in Colorado—a beautiful State that has a lot of public lands—this issue about whether or not oil companies should be able to come on public land, drill on that land, take the oil out, sell it for a profit, and pay a royalty for that purpose.

He said: I don't have any problem with that; that's only fair. If they are going to use the public lands that they don't own, they ought to pay something for them.

I said: Well, that is what the debate is all about.

The Hutchison amendment stops the Federal Government from collecting the royalty these companies owe under the law. Whether you are a conservative, a libertarian, independent, liberal, this is just simple justice. It is fairness, as to whether or not these companies are going to get such a break from the Senate, that we are basically wrapping up in a beautiful little package with a nice big bow on top, 5.6 million bucks a month to these oil companies.

They hold tag days in the city of Chicago, which I am privileged to represent, for a lot of people who are homeless, people who need food and clothing, folks who need a break in life. These tag days give you little things to put in your lapel to show that you helped.

They are never going to have a tag day for a major oil company. These companies are doing OK. Frankly, for us to give them an additional subsidy of $5.6 million a month is scandalous; that at this time in our history, when we know this money could be so well spent for education, for health care, for things every American expects us to respond to, we would literally turn our backs on $5.6 million a month, money that these oil companies have conceded in lawsuits they underpaid the Federal Government.

That is what this amendment is all about. It is a real test. The oil companies, at the end of this debate, will get the vote. Senators will be counted on: On one side, those who believe the oil companies need to be treated a little more gingerly, a little more lightly, they should not be required to make the payments they are required to make under law; on the other side, those of us who believe the public lands should be protected and those who use them should make fair compensation for the use of those lands.

Mr. President, I reserve the remainder of my time.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I thank my colleague very much, the Senator from Illinois, for his comments. He has proven, once again, a very important point around here; that is, that he speaks for the people, all the people.

I think the primary issue in this amendment is, for whom do we stand up and fight? The oil companies, the tobacco companies, the special interests, they are strong. I know Senator FEINGOLD, who has spoken before, has been very eloquent on the point of the power of the special interests in this country. They have the ability to really make things come out the way they want. On the other hand, this is supposed to be a government of, by, and for the people, which sometimes gets shut out. There isn't an occasion I can recall in all the years I have served with my dear friend from Illinois, Senator DURBIN, not an occasion when he didn't stand on the side of what was right. That is a pretty strong statement. But I know when he gets up and speaks against the Hutchison amendment, it is because he is as outraged as I am that the people are being forgotten by the Senator from Texas, and the very powerful are being represented.

Why did I take so much of the Senate's time on this? Because I feel so deeply that when you see people being hurt, you have to stand up on their side. Now, a newspaper in California said, well, it is only $600,000 a year to California. First of all, that is incorrect. It is $600,000 a year as their share of the royalties; but when more money gets put into the Land and Water Conservation Fund, the State of California gets back 10 percent of that. So it is really millions of dollars.

Mr. President, I would like to ask my friend, Senator FEINGOLD, at approximately what time he would like to be heard on this.

Mr. FEINGOLD. Right now.

Mrs. BOXER. Since my friend from Wisconsin is here, I will retain the remainder of my time and yield for him.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I thank the Senator for her tremendous determination and leadership on this issue. I have watched this effort from the beginning, and her enthusiasm and determination is really making a difference. I am extremely impressed with it.

My purpose is to rise again in opposition to the Hutchison amendment. Earlier in the debate on this amendment, I engaged in a colloquy with the Senator from California about the relationship between campaign contributions and the continued reappearance of this amendment. I believe this is the fourth time similar provisions have been offered or contained in the Interior appropriations bill, just since May of 1998.

I will return in a minute to the issue of campaign contributions. First, I want to share a few observations that highlight the overall importance of the issue we are discussing. I ask unanimous consent that an article which appeared in the Wall Street Journal on September 10, 1999, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Sept. 10, 1999]

CHEVRON TO PAY ABOUT $95 MILLION TO END CLAIM IT SHORTCHANGED U.S. ON ROYALTIES

(By A Llexei Barrionuevo)

Chevron Corp. has agreed in principle to pay about $95 million to resolve civil allegations that it shortchanged the U.S. on royalty payments, according to people close to the negotiations.

The agreement would resolve allegations made in a 1996 lawsuit filed in federal court in Lufkin, Texas, by two whistleblowers under the federal False Claims Act. The suit, originally filed against 18 large oil companies, alleges that the companies knowingly undervalued oil extracted from federal and Native American lands from 1988 on to reduce the royalties they owed.

The case is scheduled to go to trial in March, but several companies are moving to resolve the issues well before then. Until recently, only Mobile Corp., based in Fairfax, Va., had addressed the charges; it agreed to pay $45 million in a settlement in August 1998.

Then, last week, Occidental Petroleum Corp. in Los Angeles agreed to pay $7.3 million to settle the charges.

According to people close to the talks, BP Amoco PLC and Conoco Inc. also have reached agreements in principal to settle for about $30 million apiece. A document expected to be filed today in federal court in Lufkin will ask the court to cease discovery against Chevron, Conoco and BP Amoco on

the basis that the government has reached preliminary agreements with the companies.

The people close to the talks said Chevron and the Justice Department must agree on the language of a final agreement, which is expected in the next few weeks. Chevron is based in San Francisco.

Chevron, Conoco and BP Amoco all confirmed they are negotiating with the government, but they wouldn't elaborate. Chevron spokeswoman Dawn Soper said the company hasn't yet signed an agreement, and ''until we have a settlement agreement signed, we are not going to comment on what we may have offered or are offering.'' BP Amoco said it has an ''understanding in principal'' to settle.

A spokesman for the U.S. Minerals Management Service said discussions are continuing with all three companies, but it wouldn't confirm that any settlements had been reached. The companies' willingness to reach settlements were earlier reported by an industry publication, Petroleum Argus.

Since 1996, the Interior Department, in separate actions, has billed the oil companies for more than $400 million in alleged underpayment of federal royalties stretching back two decades.

In the Lufkin lawsuit, the whistleblowers allege that the companies paid royalties based on a ''posted'' wellhead price rather than the fair-market value. The Justice Department intervened in the case in March 1998 against four companies: Amoco Corp., Burlington Resources Inc., Conoco and Shell Oil Co., a unit of Royal Dutch/Shell Group. The government later intervened against Occidental Petroleum, Texaco Inc. and Unocal Corp. In the suit, the government is seeking about $5 billion from all the companies combined, which includes actual damages trebled, plus civil penalties.

Attorneys involved in the suit say more companies are close to settling. Still, Exxon Corp., which prevailed in a 14-year-old royalties case in California recently, hasn't joined the negotiations. Federal regulators argue that the Lufkin case differs from the California case, because the federal royalty agreements were more explicit.

Bob Davis, spokesman for Exxon USA, declined to comment on the oil giant's litigation strategy or to say whether the company would negotiate in the case. However, he added, ''in these posted-price issues, it is the company's position that we post our prices fairly and properly, and in complete accordance with the terms of the contract. That applies whether it be the city, state or federal land.''

The case was originally filed by two former Atlantic Richfield Co. marketing executives, J. Benjamin Johnson Jr. and John M. Martineck. They stand to receive 15% to 25% of settlements paid in cases where the Justice Department intervenes, or 25% to 30% where the government doesn't intervene.

Efforts by the Interior Department to institute a rule change that would allow the government to collect royalties based on fair-market prices rather than a posted price remain mired in politics. The department estimates the rule change would require oil companies to pay $66.1 million a year in additional royalty payments.

On Wednesday, Sen. Kay Bailey Hutchison (R., Texas), proposed an amendment to the appropriations bill that would keep the rule change off the books for another year. In defense of the move, she said that while larger oil companies may be able to absorb the higher royalties, the rule changes will hit small producers ''at a time when they are still reeling from the historically low oil prices we have seen lately.'' It was the fourth time since May 1988 that Sen. Hutchison has sought to delay the rule change.

Mr. FEINGOLD. Mr. President, since we have been engaged in debate on the Interior bill, four major oil companies have reached tentative agreements with U.S. prosecutors who accused them of cooperating in schemes to shortchange the Government through their royalty payments by millions of dollars. A tentative settlement, which was filed in Federal court in Lufkin, TX, involved about $185 million in payments and would end a case that alleged that companies underpaid royalties by undervaluating oil extracted from Federal and American Indian lands.

Though the settlement has not yet been finalized, it is a very serious matter. Chevron USA, Inc.; BP American Inc.; Amoco Oil Co.; and Conoco, Inc.; agreed in principle to settle for $95 million, $32 million, $32 million, and $26 million, respectively. The Wall Street Journal reported that a 1996 lawsuit by two former Atlantic Richfield employees alleges that 18 companies, their affiliates and subsidiaries, knowingly defrauded the Government on royalties derived from the production of crude oil from land spanning more than 27 million acres in 21 States.

The Justice Department entered the case against Conoco; Amoco; Burlington Resources; the Shell Oil Company; Occidental Petroleum; Texaco, Inc.; and the Unocal Corporation, which resulted in the recent settlements. The Government is seeking triple damages of about $5 billion from all the companies. The Interior Department has billed the oil companies more than $400 million for the alleged underpayment of Federal royalties, stretching back two decades.

The Wall Street Journal article I referred to, reports that these recent settlements aren't even the first of their kind. Several companies have been negotiating settlements. The Mobil Corporation agreed last year to pay $45 million, and Occidental Petroleum Corporation agreed in early September to pay $7.3 million.

I think this is a very troubling trend as these lawsuits are settled. I am very concerned that Congress is abdicating its responsibility. Unintentionally or not, Congress is making it possible for this issue to continue to go unaddressed because the royalty underpayment situation is the issue that this rulemaking we are debating seeks to correct.

The proponents of this amendment have stated their concerns that regulators are straying onto Congress' turf by amending the regulations. Proponents of this amendment say they want Congress to act on this matter; otherwise, the increase in royalties would amount to a type of ''taxation without representation.''

I have to respectfully disagree with that argument. It ignores the fact that our Government agencies regularly update their regulations and they are authorized to do so by Congress. We don't require Congress to act every single time a regulation needs to be changed. We would never be able to get to it.

For example, Congress enacted the 1953 Outer Continental Shelf Lands Act. That law is intended to provide for orderly leasing of these lands, while affording protection for the environment and ensuring that the Federal Government receive fair market value for both lands leased and the production that might result. The Outer Continental Shelf Program is carried out by the Minerals Management Service of the Department of the Interior. Thus, Congress delegated the power to set royalties to MMS.

In addition to ignoring the fact that Congress passed laws which give the MMS the ability to set royalties, this argument that has been made rings hollow when you consider that Congress is not acting to prevent the underpayment of royalties with this amendment. What it is doing is preventing the Interior Department from doing anything about it at all.

So this raises the question: Why is Congress doing nothing about this problem? I think, certainly, the public will want to know why. The alleged underpayments involve more than 6,000 onshore and offshore leases in Texas, Louisiana, Mississippi, California, Alabama, Alaska, Oklahoma, Arkansas, Colorado, Arizona, Florida, Kansas, Michigan, Montana, North Dakota, Nebraska, New Mexico, Nevada, South Dakota, Utah, and Wyoming.

So this is not just a coastal States problem, or even just a Western problem. It affects a broad number of States, and it deserves attention as a national problem, the kind of attention the Senator from California has brought to it.

I have no doubt that one of the factors contributing to Congress' inaction on this issue of great importance to American taxpayers is the role of campaign contributions in the political process. So I want to review the figures I briefly presented when I ''Called the Bankroll'' last time I joined the Senator from California on the floor. I call the bankroll from time to time in this Chamber to remind my colleagues and the public about the undeniable, but sometimes hidden, role that money plays in the decisions we make.

During the 1997–1998 election cycle, the very large oil companies that will benefit from this amendment gave the following political donations to the parties and to Federal candidates:

Exxon gave more than $230,000 in soft money and more than $480,000 in PAC money; Chevron gave more than $425,000 in soft money and more than $330,000 in PAC money; Atlantic Richfield gave more than $525,000 in soft money and $150,000 in PAC money; BP Oil and Amoco, two oil companies that have merged into the newly formed petroleum giant, BP Amoco, gave a combined total of more than $480,000 in soft money and $295,000 in PAC money.

So if you put that together, that is more than $2.9 million just from those

four corporations in the span of only 2 years. They want the Hutchison amendment to be part of the Interior appropriations bill. As powerful political donors, I am afraid they are likely to get their way.

You will notice that all of these companies except for Exxon gave more to the political parties in soft money than their PACs gave to individual candidates. So, remember, and this is a key thing about soft money, which I don't think everybody in the country realizes; it took me a while to get it. Soft money comes right out of the corporate treasury, right out of the treasury. This isn't money where you form a PAC and you get employees to contribute to it; it comes straight out of the corporate treasury.

I am happy to yield without yielding my right to the floor. I ask unanimous consent that I can yield briefly to the Senator from North Dakota so he can make a request.

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

Mr. CONRAD. Mr. President, pursuant to rule XXII, paragraph 2, I yield my 1 hour to the minority leader, Senator DASCHLE.

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

The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, thank you. Let me get back to this point.

Of the four companies I mentioned, only one of the four—that being Exxon—didn't give more soft money than they did PAC money. The point I am trying to make is a very important point about what is going on with these campaign contributions. This money came straight out of corporate treasuries.

I would have thought a few years ago that these kinds of donations were illegal. They are supposed to be essentially illegal under our Federal elections law.

The Tillman Act passed way back in 1907 in the Senate and in the Congress prohibited corporations from making campaign contributions. That statute, which was codified in title 2 of the United States Code, at section 441(b), reads as follows:

> It is unlawful for any national bank, or any corporation organized by authority of any law of Congress, to make a contribution or expenditure in connection with any election to political office . . . or for any candidate, political committee or other person knowingly to accept or receive any contribution received by this section.

That sounds pretty simple and straightforward. Yet unfortunately, in 1978, the Federal Election Commission made a ruling that opened up this soft money loophole and allowed the political parties to begin accepting unlimited contributions of soft money from corporations such as Exxon, Chevron, and Atlantic Richfield to pay for party-building activities and things such as get-out-the-vote campaigns and voter registration. That is what it was supposed to be for.

Let me remind my colleagues that we all believed, based on the Tillman Act, that contributions——

Mr. THOMAS. Mr. President, I make a point of order that the subject matter is not germane.

Mr. FEINGOLD. Mr. President, I certainly dispute that. I believe this is entirely relevant. I am talking about corporations and interests that are very much behind this matter. I would certainly suggest that it is appropriate.

The PRESIDING OFFICER. The Chair would remind the Senator that under the cloture, speeches must be relevant to the issue at hand.

Mr. FEINGOLD. Mr. President, I believe this presentation is entirely relevant to this issue. I am going through the way in which these corporations can technically legally provide this kind of help to this cause of trying to make this change. That is merely the background I am giving at this point.

So let me return to the present. Soft money has grown exponentially since those early days when corporate contributions were just going to give the parties a little breathing room to cover party-building activities, not campaigns. In the last Presidential campaign, in 1996, the parties raised $262 million in soft money, three times as much as in the 1992 election cycle. The experts project we will see perhaps as much as $500 million or even $600 million in this next election, and about 65 percent of the money is coming from corporate treasuries.

So as we look at an issue, such as Senator BOXER's concern with the Hutchison amendment, we have to realize that what is before us is not simply an amendment. It is an amendment supported by interests that have been involved in an immense infusion of corporate cash that, unfortunately, is totally legal, even though I certainly don't think it should be. We wonder why the American people are skeptical of what we are doing. We have heard the horror stories again and again. Parties have special clubs for big givers and offer to the donors exclusive meetings and weekend retreats with office holders. And it is totally legal.

In other cases, in other bills, so we know this isn't an isolated incident, the tobacco companies have funneled nearly $17 million in soft money to the national political parties.

Mr. THOMAS. Mr. President, I raise a point of order again, that campaign finance is not the issue we are talking on, and I raise a point of order on it.

Mr. FEINGOLD. Mr. President, if I may be heard in response.

The PRESIDING OFFICER (Mr. FITZGERALD). The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I believe it is clear that what I am saying is not simply in the context of a debate on campaign finance reform, and that the Members of the Senate and the American people should hear and understand the kind of money that is behind legislation on the floor of the Senate.

I think it is relevant to this debate. I think it is relevant to the debate on the subject matter involved. I have in the past on a number of occasions taken the opportunity to raise this issue. I have spoken about campaign money in connection with 9 or 10 other bills, without objection from anyone, to point out the money that is involved in those bills. As you know, my presentation here has not been exclusively on the topic of campaign money. I have talked about the merits as well. I believe both are relevant, and I certainly would dispute the notion that this is in any way appropriate for a point of order.

Mr. THOMAS. Mr. President, I think it is totally inappropriate. You can talk about the campaign finance issue on any issue. On this issue, we had a vote. This issue was designed to proceed for 30 hours. This issue was not to be done on campaign finance. I continue to raise a point of order, and will continue to raise a point of order.

Mrs. BOXER. Mr. President, may I be heard on this point of order? I ask unanimous consent that I may be heard on this point of order.

The PRESIDING OFFICER. Is there objection?

Mr. THOMAS. I object. I at least would like to have some limit as to the amount of time.

The PRESIDING OFFICER. For how long does the Senator wish to speak?

Mrs. BOXER. I want to make a point in response, and I can do it, and raise a question for the Senator from Wisconsin, because he still controls the time.

Mr. THOMAS. I have no objection.

Mrs. BOXER. Thank you very much.

The PRESIDING OFFICER. The Senator may yield for a question.

Mrs. BOXER. I just got unanimous consent to speak. So I would take that, and I thank my friend.

I want to make a point in support of Senator FEINGOLD's amendment to campaign contributions, but I want to do it in a way that I think is very objective.

If you look at the New York Times article—he should make sure he looks at this New York Times article as well—I say to all of my friends, the title of this article is ''Battle Waged in the Senate Over Oil Royalties by Oil Firms.'' The essence of the article goes to the heart of what my friend is saying. It goes to the heart of the issue of campaign contributions.

So I surely believe the Senator from Wisconsin is in full order to connect this amendment to the number of contributions that oil companies give, and I think his comments are on point and in order.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I would like to object. I would like to take issue, as respectfully as I can, with my colleague from California,

who came earlier to this floor. I don't have the quote, but I remember.

Mrs. BOXER. Mr. President, what is the order?

Ms. LANDRIEU. The order is——

Mrs. BOXER. Mr. President, could I ask what the order is in speaking? I thought the time belonged to the Senator from Wisconsin, and that it was his chance to continue his remarks.

Ms. LANDRIEU. I am objecting to his remarks.

Mrs. BOXER. The Senator from Wisconsin got time to make a speech when he has the floor, and he has an hour's worth of time. I would ask for a ruling as to who asked for time.

The PRESIDING OFFICER. The time of the Senator from California has expired.

Mr. THOMAS. We just completed this question on germaneness. If you would like me to read the ruling, I would be happy to do that.

Mrs. BOXER. That is fine with us.

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

Mr. THOMAS. On germaneness of debate, if the Senate is proceeding under cloture, debate must be germane. ''Germane'' means you have to be on the subject. It doesn't mean you can sway off the subject to some irrelevant subject. This says it must be germane, and I again raise a point of order.

Ms. LANDRIEU. The only way it would be germane is if the Senator from Wisconsin——

Mrs. BOXER. Mr. President, who has the time?

Ms. LANDRIEU. On giving contributions——

Mrs. BOXER. Mr. President, who has the time?

The PRESIDING OFFICER. The Senators will suspend.

There are precedents of the Senate that permit nongermane debate even under cloture, notwithstanding the precedent cited by the Senator from Wyoming.

The Senator from Wisconsin has the floor.

Mr. FEINGOLD. Mr. President, I appreciate having the floor returned. I appreciate the ruling of the Chair.

Let me say that any attempt to gag the discussion on the floor of the Senate about the impact of soft money on this place is something I will fight tooth and nail with my colleagues on, and I was prepared, if necessary, had the Chair ruled against me to appeal. But I am grateful for the ruling and the precedents.

There is a notion that somehow saying the oil companies have contributed money means we are accusing somebody of something illegal, or something that can't be done. But that isn't a necessary conclusion. Contributions can be given innocently, but if the impact is that the process is greatly affected and the judgment is affected by the power of that money, I think it is relevant to this debate.

That is my concern about soft money. It is not so much the contributions given to individual Senators. Individual Members can't take soft money. It is this new phenomenon of the very large soft money contributions being given to political parties that I think has changed this place in a way that is extremely troubling and has allowed some amendments such as the one before the Senate today to get the kind of credibility I don't think they would have had without the power of soft money.

We have heard the horror stories again and again. Parties have special clubs for big givers and offer exclusive meetings and weekend retreats with officeholders to the donors. It is totally legal. In response to the Senator from Louisiana, I can see it is legal. I am not suggesting that these parties or industries are involved in illegal activity; it is legal, but it should be illegal. It is distorting to the process.

The tobacco companies have funneled nearly $17 million in soft money to the national parties in the last decade, $4.4 million in 1997 alone, when the whole issue of congressional action on the tobacco settlement was very much alive, and it is totally legal. In 1996, the gambling industry gave nearly $4 million in soft money to the two major political parties at the same time that Congress was creating a new national commission on gambling but with limited subpoena powers. It is totally legal.

There are some in this body, despite what the Thompson investigation uncovered a few years ago and what news stories show on almost a daily basis, who don't see or won't acknowledge the corrupting influence of these unlimited soft money contributions which again are now totally legal.

I remember a history lesson that one of our colleagues, the junior Senator from Utah, gave during a debate on campaign finance reform a few years ago that was intended to convince Members there was nothing wrong at all with enormous campaign contributions. He recounted the very frequently told story of how Senator Eugene McCarthy's Presidential campaign in 1968 was jump-started by some very large contributions by some very wealthy individuals.

He also noted that Steve Forbes was apparently prepared to make similar contributions to support Jack Kemp for a run for the Presidency in 1996 but was prohibited from doing so by the Federal elections law and decided to run his own campaign, a decision from which we might infer that money is more important than the candidate.

He also recounted the story of Mr. Arthur Hyatt, a wealthy businessman who gave large soft money contributions to the Democratic Party in 1996 but decided after the election not to give soft money to the parties anymore but instead to fund an advocacy group that is promoting public financing of elections.

The point of the examples was to try to argue that wealthy donors are motivated by ideology and to benefit the public as they see it, rather than the desire to gain access and influence with policymakers through their contributions. I suppose that could sometimes be the case.

Of course, there are other examples, including the candid story of the well-known incident of Mr. Roger Tamraz who testified under oath to our Governmental Affairs Committee that he never even votes and the only reason he gave soft money to the DNC was to gain access to officials he thought could help him with his business. It is my strong suspicion that Mr. Tamraz' motives, if not his methods, are more typical of big contributors than are those of Steve Forbes or the millionaires who funded Eugene McCarthy's campaign.

Mr. THOMAS. Regular order. I renew my objection that the debate is not germane.

The PRESIDING OFFICER. While the Chair continues to research the question, the Chair is not prepared to rule at this time. It will continue to research the question on the point of order.

Mrs. HUTCHISON. I don't think the Senator should be allowed to continue if there is a question that this violates Senate rules.

Mrs. BOXER. Mr. President, I don't think the Senator from Texas can rewrite the rules of the Senate. It is my understanding the Senator from Wisconsin has time. He has now been interrupted three or four times in what I consider to be a crucial presentation which gets to the heart of this amendment. I hope he can continue his remarks until the Chair has made a decision.

Mr. THOMAS. The Senator from California does not make precedent.

The PRESIDING OFFICER. The Senate will be in order.

Mrs. HUTCHISON. It is wrong. I think it borders on a personal attack on Senators who I think are doing something they think is in the best interest of this Nation.

Mr. FEINGOLD. Regular order.

The PRESIDING OFFICER. The Senator from Wisconsin has the floor.

Mr. FEINGOLD. I am shocked at the efforts of my colleagues to gag one of their colleagues who is trying to talk about a reality in this country that has occurred with regard to these campaign contributions that affect what we are doing on this amendment. The notion that somehow I should stop speaking while the Chair reviews the precedents is absurd. A Senator should be allowed to speak as long as he is permitted under the rules to do so, and there has been no such ruling otherwise.

Mrs. HUTCHISON. Mr. President, will the Senator———

Mrs. BOXER. Regular order.

Mr. FEINGOLD. I believe I have the floor.

Mrs. HUTCHISON. Will the Senator yield for a question?

Mr. FEINGOLD. I will not yield for a question at this point. I will later.

Mr. President, I am not cynical about this. There is a reason I hold suspicions about the motives of soft money donors. The reason is, a solid majority of soft money contributions to our political parties, as I mentioned before, comes from corporate interests. It simply cannot be argued that those interests are acting out of a public spiritedness or ideological conviction. Corporations do not have an ideology; they have business interests. They have a bottom line to defend. They have learned over the years that making contributions to the major political parties in this country is a very good investment in their bottom line. Unfortunately, too often campaign money buys access and access often pays off at the bottom line.

Corporate interests are special interests. Special interests have self-interested motives. They are concerned with profits, not only what is best for citizens or consumers or the country as a whole. They like to cast their arguments in terms of the public interest, and I am sure sometimes their beliefs are genuine. And they certainly will argue that if Congress follows their advice on legislation, the public will be better off. But in the end, it is their own businesses they most care of and not necessarily the broader public good.

Indeed, the boards of directors and management of corporations actually have a legal duty—this is not a criticism of the corporations at all—to act in the best interests of their shareholders. They are supposed to do that, not to think of the broader public at large.

Let me make it clear to those Senators concerned about my remarks, there is not a suggestion here that the corporations are acting illegally or suggesting that there is something wrong with corporations doing what they should can for their own interests. I have no illusions about it. It is OK with me that the corporate special interests are looking out for No. 1 in the public debate. But I must object, and object loudly and over and over again, when their deep pockets give them deep influence that ordinary Americans simply don't have.

Corporations with business before the Congress, not disinterested, public-spirited millionaires, and certainly not ordinary citizens, lead the way in soft money giving. One interesting set of contributors proves that access, not ideology, is the main reason for soft money donations. In the 1996 election cycle, 40 companies gave over $150,000 to both political parties. Guess what. Three of those double-givers were the oil companies I have already mentioned here today. Double-givers, they give to both parties: Atlantic Richfield, Chevron, and Occidental Petroleum. They cover their bases. This is not always about choosing sides, but covering bases.

I suppose there might be some in the companies or in this body who argue that the double-givers just want to assist the political process, that they are motivated not by the bottom line but by a keen desire to assist both parties in serving the public. If that is the case, why is it, in every Congress since I have been here, the industries most seriously affected by our work give huge contributions to Members and to the political parties?

In 1993–1994, it was the health care debate. Hospital insurance companies, drug companies, and doctors all opened up their wallets in an unprecedented way. In 1995 and 1996, the Telecommunications Act was under consideration, and, lo and behold, the local and long-distance companies and cable companies stepped up giving. In the last Congress—and this one, for that matter—we have been working on bankruptcy reform and financial services modernization. The biggest givers of all in the 1998 cycle, according to Common Cause research, was security and investment companies, insurance companies, banks, and lenders eager to have business interests protected or expanded.

What is going on here? I suggest this is not a spontaneous burst of civic virtue. Since we didn't finish work on the bills last year, the money is flowing again this year. It has even been suggested that sometimes the very Members of Congress who most want a big bill to pass will slow progress to keep the checks flowing in. That such a view of legislators and public servants has gained currency in the public debate, even if it is true, shows the depths of cynicism that this soft money system has inspired in those we represent.

Mr. President, the American people are not gullible or naive. They know that these companies contribute these enormous sums to the parties because their bottom line is affected by what the Congress does and they want to make sure the Congress will listen to them when they want to make their case. And they know that the big contributors get results. We are seeing another example of that here today.

And frankly, it's a two-way street. The parties are hitting up these donors because they know that most companies, unlike Monsanto and General Motors have announced early in 1997 that they would no longer make soft money donations—most companies don't have the courage to say no. Most companies are worried that if they don't ante up, their lobbyists won't get in the door. Our current campaign finance laws encourage old fashioned shakedowns, as long as they are done discreetly.

A growing number of business leaders are objecting to this system, and recognizing that it must be changed. The business group CED, the Committee for Economic Development, has come out for a ban on soft money, and I think we will see more and more business leaders embracing campaign finance reform in the future. An unhealthy democracy is not healthy for business.

It is beyond me how any Senator could support this soft money system. In a few weeks, we will have a chance to vote on a bill that bans soft money. Senator MCCAIN and I are looking forward to that debate, and I want to thank the Senator from California for giving me the opportunity to talk about it this morning, as part of her fight against this ill-advised amendment to the Interior appropriations bill. If we can pass a soft money ban this year, perhaps there will be fewer of these special interest deals to contend with in the future.

Mr. President, I yield the floor.

Mr. THOMAS. Mr. President, I ask for the regular order. I insist on the point of order and insist on a ruling.

Mr. FEINGOLD. I yield the floor.

Ms. LANDRIEU. Mr. President, I wish to be recognized.

The PRESIDING OFFICER. The point of order is not sustained.

Mr. THOMAS. I appeal the ruling of the Chair and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. FEINGOLD. I suggest the absence of a quorum.

Mrs. BOXER. Absence of a quorum. Absence of a quorum.

The PRESIDING OFFICER. At the moment there is not a sufficient second.

Mr. FEINGOLD. I suggest the absence of a quorum.

Mrs. BOXER. Ask for a quorum call.

The PRESIDING OFFICER. The clerk will call the roll to ascertain the presence of a quorum.

The legislative assistant proceeded to call the roll.

Mr. THOMAS. 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. THOMAS. Mr. President, I ask unanimous consent the pending appeal be laid aside to be called up by the majority leader.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Ms. LANDRIEU addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I am glad we can try now to get back on the central subject of this debate, which is so important to many people in our country and particularly to us in Louisiana because many of these oil companies reside in our State and most of the work in the production of oil and gas goes on off of our shore. So I have been actually anxious all morning to try to get some time on the floor to speak about this issue of royalty valuation.

But I just feel compelled to say how disappointed I am in my colleague from Wisconsin and the remarks he made, I think, directed to this issue and to be backed up by the Senator from California. To say that this issue, which is giving soft money contributions, ''is at the heart''—quote—of this

debate, I think is really—it is offensive to the Members of the Senate on both sides of the aisle. It is particularly offensive to those of us who actually weren't supported by the oil and gas industry when we ran to get elected to the Senate but find ourselves having to speak on this issue of royalty valuation because of the principles involved, because of the facts involved, and because this is a very important principle at stake on this vote.

I also want to say, as the Senator from Wisconsin knows, I have been a strong supporter of campaign finance reform. So I am particularly offended by the way he made the remarks in the context of this debate and hope in the course of the next 5 or 6 or 7 hours that have been agreed to on both sides, we can stay focused on the oil royalty valuation and the issues regarding this because they are important.

So in that vein, let me just try to get us back to the subject at hand and remind all my colleagues what this debate is really all about because it is important.

It involves a lot of money. It involves a lot of businesses. It involves a lot of employees. It means a lot of jobs. It is about taxation, and that is always important to everyone involved.

The Minerals Management Service of the Department of the Interior is responsible, as has been made clear, for assessing and collecting royalties from oil and natural gas production from Federal lands, including the Outer Continental Shelf.

Federal laws that date back to 1920—and while those laws have been modified, the fundamental issue has not been changed since 1920—require that for the purposes of paying Federal royalties, the value of oil must be assessed at the lease. That is interpreted and has been interpreted to mean at the wellhead. It is at the lease.

These leases, as we know, are getting larger and farther from the shore. They are not just in the neighbor's backyard any longer. They are not just out on the rancher's property. They are hundreds of miles offshore.

The usual royalty rate for oil is one-eighth the value from land and deep sea and one-sixth the value of oil drawn from offshore leases. In 1988, oil and gas producers paid more—and I want the record to be clear about this—paid more, in 1 year, $4.7 billion in Federal royalties and have paid more than $40 billion in the last 10 years. In fact, I happen to know because of another bill that many of us have been working on, that since 1955, the oil companies have paid in rents, royalties, and bonuses $120 billion.

The thought that the oil companies would balk or would reject paying another $60 million is actually ludicrous because they paid $4.7 billion last year and will probably pay a similar amount next year. While my colleagues continue to talk about the $60 million figure, it is ludicrous that the oil companies that already pay this amount would flinch actually at paying $60 million more.

What is at issue is the principle of the way this is calculated. As we know, before it is sold, the oil is typically transported, processed, and marketed for sale. Each of these costs incurred must be subtracted from the purchase price in order to get back to the wellhead value. It is the determination of this wellhead value that can be complex and costly and lengthy, and many legitimate disputes have arisen about the correct method of valuation.

Some of these were addressed as part of the Oil and Gas Royalty Fairness Act enacted into law in 1996, but several other contentious issues remain. That is why we are debating this today. Both the industry and Government agreed that royalty valuation needed to be updated and simplified. When that law was passed to encourage simplification, the agency responsible for interpreting the law, instead of making a rule that is more simple, made it more complicated; they made it more complex. The new rule is not very transparent, and it is unworkable.

The industry is stating, and I believe they make a legitimate argument when they say: We do not mind paying our fair share, but we want the fair share we owe to be more clear so we can get out of the courtrooms. The issue today is whether we want to spend 5 months trying to work this out, which is what I am proposing we do, along with the Senator from Texas, or we want to spend 5 years in court at great cost to the taxpayers, at great cost to the industry, at the loss of jobs in many States throughout the Nation.

It simply makes no sense, and with all due respect to the Senator from Wisconsin, it has nothing to do, in my case and knowing the integrity of the Members of this Senate, with campaign finance reform or lack thereof. It has to do with the legitimate difference of opinion over an accounting rule. It is not an environmental issue. It is not a campaign finance issue. It is an issue regarding a complicated rule.

All we are asking is to take some more time to try to work it out so we can get out of the courtroom and get on to business because I think that is what the taxpayers of America want. I think the people in Louisiana, California, Wisconsin, and Texas want us to get back to work creating jobs and to get out of the courtrooms. This rule—as has been presented in great detail by the Senator from Oklahoma earlier and as posted on the chart that is up for display for all to see—is more complicated, not less.

It is as if the opponents, led by the Senator from California, seemingly are arguing that if a taxpayer—in this case it happens to be an oil company, but tomorrow it could be the taxpayer next door; tomorrow it could be your neighbor. If their taxes are audited and a discrepancy is found, which often happens, it would be similar to allowing the IRS to simply raise their tax rate. That is not fair. It is un-American.

I do not think there are many people in the United States who support that, but that is exactly what we are getting ready to do if we do not stop this rule from coming into effect. No agency should have the right to raise tax rates because of a legitimate difference over an auditing procedure that is very complicated. If that precedent is set, there is no taxpayer in this Nation safe from having their taxes raised by an agency. If we want to raise the royalty rate, then we should do it. If we want to raise the tax rate, this Congress should do it. We are setting a terrible precedent, allowing an agency to raise a tax rate based on a misinterpretation of a rule that is ill conceived and ill thought out and ill timed.

Also, with respect to my colleagues who have argued the other way, this is not only a bad principle to set and a rule that should not be adopted, but the timing could not be worse. The oil and gas industry, the domestic energy industry has just begun to recover from the last year and a half which saw oil prices fall to one of the lowest constant-dollar prices in history. We have been recovering over the last several months. But as you know, this is very volatile. The prices can go high; they can go low. Businesses open; they shut down. People are laid off. Savings accounts are used up. Industries and businesses go out of business and come back. So we are used to it, but it is still tough. To be acting this way at this time for an industry that is recovering—I do not know how much we want to push because 57 percent of all the oil and gas is now imported. That is up from 36 percent in 1974.

No. 1, we should not be badgering this industry at this time. We should be supporting them, particularly when they have a very legitimate request. They are not requesting to reduce the royalties they pay. They are not requesting their fair share to be delayed in any way. They are asking us, as we develop a rule, to help make the rule simple, transparent, and clear so they know what they owe and we know what they owe. We can then get out of the courtroom and get back to the business of running our Government. You yourself have been very sympathetic and very supportive and encouraging as we have attempted to create a real wildlife and land conservation trust fund for this Nation, which was promised and never delivered because the money goes into the general Treasury; it does not go into a real fund.

So many of us are working on that. That is why this issue is very important. That is why it is important we get this rule right and we get it straight. It is important that these royalties can flow into our Treasury and then, in turn, flow into a real account that some of us want to establish so we can fund tremendous environmental programs throughout this Nation, and so our States and our counties and our cities can count on these revenues to expand parks and recreation, which is important not only to

California and not only to Wisconsin but important to Illinois and to Louisiana and to Texas and to all the States and the people we represent.

So, yes, it is important to get it right. That is why some of us are taking some time on the floor to urge our colleagues to vote to not allow this complicated and ineffective rule to go into place but to give us the time to work it out so the oil companies can pay their fair share.

I also have to say I find it sort of odd, because the oil companies did not support me when I came to the Senate, I am feeling kind of odd about having to speak so strongly, but I think there have been things said on this floor that are offensive.

Just because they are big oil does not mean they are bad oil. Just because they are oil and gas does not mean they are not a legitimate, terrific business that is doing their business in a better, more environmentally sensitive way. They create thousands of jobs directly in my State and around this Nation. Without the work of the oil and gas industry, there would not be the lights lit in this Chamber; there would not be the factories operating; we would not have the clothes on our back.

So I take offense at others who come to the floor and talk about them as ''thieves'' or suggest that they would—they did not use the word ''bribe,'' so I will be clear that is not what was said, but to infer that some companies would go so far.

We all know our system of campaign finance has to be changed and altered and improved. There is hardly anyone in this Chamber who does not agree with that. But as a Senator who represents this industry—and I represent all the people in my State. I represent the big companies and the little companies, the employees, the people who do not work for oil companies. That is my job. But I want to say on their behalf I am offended by some things I heard on the floor.

This is not a rip-off. This is not an intention to rip off the taxpayer. This is not an effort to steal school lunches from schoolchildren. This is a legitimate and complicated business, financial and accounting issue that should be resolved, not by the bureaucrats but by the Members of this body. So by postponing this rule, hopefully, the Members of Congress can come up with a better way, a clearer way to keep us out of court.

So I yield back the remainder of my time, if I can, to the Senator from Texas. I thank the Chair and hope we can stay on the central arguments of this issue because it is important, and I think all Senators should have the right to be heard on the pros and cons of the oil royalty valuation in the limited time we have and try to give the Senators an opportunity to speak on this important issue before the debate is shut off.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank my distinguished colleague from Louisiana. I think she said it very well. The idea that we would in any way impugn the integrity of anyone in the Senate on this issue is wrong. I do not believe that was meant, but I do think that it came across that way.

I am glad she spoke from her heart. I will, too. I had much the same experience. I had not remembered it because I do not count contributions, but I was not supported in the early stages when I first ran because I was running against an incumbent. That did not make any difference; I am representing all the people of Texas and doing what I think is right for America.

What I think is right for America is to keep jobs in America. Oil jobs are good jobs. Oil jobs are supporting families all over this country. What we are seeing is more and more jobs moving overseas. They are being lost by Americans and American families. That means we are not only losing jobs in the oil sector, but we are also, unfortunately, depending on imports for more and more of our basic oil needs in our country. We are getting ready to go into winter, and the last thing we need is higher prices on oil. The last thing we need is higher prices on gasoline at the pump. Yet if we do not pass this amendment, that is exactly what will happen. That is exactly what will happen. Every person in America is going to pay higher gasoline prices if we do not pass my amendment.

So I thank the Senator from Louisiana for her leadership, and her colleague, Senator BREAUX, for his leadership, in showing how important it is.

Senator BREAUX earlier made a point that I think is very important. It is shown by this chart. We all would like to have a simpler and fairer oil royalty tax on the oil industry so there isn't a dispute.

All the lawsuits that are being discussed are about disputes on how much is owed by oil companies. None of us want oil companies to cheat the American schoolchildren or the Indian tribes—none of us. We want the oil companies to pay their fair share. Part of the dispute is because it is so complicated. We would like to see a simpler system.

Unfortunately, what the Mineral Management Service has preliminarily proposed is this kind of trying to set oil royalty rates. Not only are they making you have to go through all these hoops, but they do not put out any kind of ruling letter that would allow an oil company, an independent producer to know what the precedent is. So that independent has to spend thousands, if not hundreds of thousands, of dollars every time there is a dispute to determine what they owe to the people of our country.

Now, Mr. President, I would like to——

Ms. LANDRIEU. Will the Senator yield for a moment?

Mrs. HUTCHISON. I will.

Ms. LANDRIEU. I would like to yield back the remainder of my time, under rule XXII, to Senator GORTON.

The PRESIDING OFFICER. The Senator has that right.

Ms. LANDRIEU. I thank the Senator for yielding.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. I thank the Senator from Louisiana for yielding that time to Senator GORTON, but I hope we will not need it. I hope the Senator from California will not continue to hold up the Senate in passing the very important Interior appropriations bill that is important to her State, to my State, and every State in our country.

We are now into dilatory tactics. We are now into prolonging something that is already accomplished. It is a matter of letting the Senate do its will. Sixty people in the Senate believe we need an up-or-down vote on this amendment. We are going to have an up-or-down vote on the amendment. I do not see a purpose, other than after an hour or so of legitimate debate—which I think the Senator has already received—of prolonging this. Particularly, I hope there will not be an attempt to prolong it with irrelevant and nongermane discussion.

So I am going to go back to the bill because I think it is very important. Our amendment seeks to simplify the rulemaking by the Mineral Management Service. This is what is proposed. Who can figure it out? No wonder there is a dispute between the oil companies and the Federal Government or the State government. If this is what the Federal Government is putting forward, it is not a precedent for anything. I do think we need to simplify.

The question is, Do we want to raise gas taxes? That is what the MMS would propose to do in this circuitous route.

I want to talk about where we are on the price of gasoline at the pump. Every American who fills up their tank knows that the price of gasoline has gone up. It is estimated that today the average price of gasoline in our country is about $1.20 a gallon. Of that $1.20, the light part of this chart shows how much is taxes—I am sorry, the light part shows how much is crude oil. The light part is 64 cents. That is the cost of crude oil in a gallon of gasoline. But the dark part is 56 cents, and that is taxes.

If the Senator from California succeeds in defeating my amendment, gas taxes are going to go up, because the MMS, with the circuitous route they are proposing, in fact, is going to tax the price of gasoline, not at the wellhead, as it has always been and as is the standard in the industry, but instead, after it goes through the marketing process and through the pipelines, after it is transported, all of those costs will be included in what is

taxed. Basically, what the MMS is doing is raising taxes on every gallon of gas that is bought at the pump by every hard-working American. That is the essence of what will happen if my amendment fails.

The policy of taxing expenses in business is also something very new. I don't think a Federal agency should be able to change tax policy so we now start taxing expenses because that is exactly what happens. If we have the requirement that oil be marketed and transported and we raise the price accordingly and we tax that expense, we are talking about a whole new era. Instead of a Federal excise tax on a Beanie Baby being made when the Beanie Baby comes out of the manufacturing shop, it will be taxed on the retail shelf. That means every Beanie Baby that is marketed in this country and transported by truck to a building, where it can be sold at retail, is going to be taxed. You are going to have to pay the added tax in the price of that Beanie Baby.

The price is already going up. We are talking about a whole new concept that the MMS is trying to start with the oil industry, to set a precedent—no vote of any Member of Congress. Then we will see that start happening in other industries as well. It is a very dangerous precedent.

This chart shows what has happened to the price of gasoline at the pump in the last 10 years.

In 1990, the price of gasoline was about $1.21 per gallon. That was the average price in 1990. Of that, 26 cents was gasoline taxes and 94 cents was the cost of the crude oil in that gasoline that was bought at the pump. Move down to 1997; the retail price has moved up to $1.29. Look at what has happened to the costs. The costs have actually gone down. The cost of the oil in that gallon of gasoline has gone from 94 cents per gallon to 88 cents per gallon. So if that is the case, why has the price of gasoline at the pump gone up? It is because taxes have increased from 26 cents per gallon to 40 cents per gallon. That is why oil prices have gone up in the last 10 years.

The Senator from California wants to defeat my amendment, which will have the effect of raising the taxes on oil, which means every American is going to pay a higher tax than 40 cents per gallon. It is going to go up by however much MMS says. But if we start taxing the expenses of marketing and transportation, we could see 50 cents a gallon going into the price of gasoline at the pump and we could start looking at $1.39 being the average price of gasoline per gallon.

I think it is very important that we look at where the price of oil has gone up and what is causing Americans to pay higher prices at the pump. Because we import 57 percent of the oil from foreign countries and because OPEC has now limited what they are going to produce, the price of the imported oil is also going up. So put added taxes, which defeating my amendment will achieve, with the higher price of imported oil—you cause oil companies to stop drilling in America because it is now so expensive to do so, and it is going to be more expensive if my amendment fails—and you have the triple whammy. You have our jobs moving overseas, our dependency on foreign oil rising to 57 percent and continuing to go up, and the hard-working American paying higher prices for gasoline at the pump.

That is not a good solution. We should not be allowing Federal agencies to raise the price of gasoline at the pump by raising the price of oil, by taxing it at a higher rate, without so much as one vote by a Member of Congress who is accountable to the people.

If the Senators who want to defeat my amendment want to pass a tax increase up or down based on the principles they are espousing from the MMS, let them do it. Let them do it on a straight-up vote. Let them come to the Senate floor and defend raising gasoline taxes on every hard-working American. That is what the effect of defeating my amendment will be.

Why not do it straight up? I call on the Senators who are trying to defeat my amendment to say: OK, I want higher gasoline taxes; I want hard-working Americans to pay not $1.20 or $1.29 at the pump; I want them to pay $1.39 or $1.49. If that is their goal, let's address it straight on, because that is the effect of defeating the Hutchison-Domenici amendment.

I hope we can have a debate that is based on the issues affecting this amendment. Let's talk about raising gasoline prices on hard-working Americans who are seeing prices go up already. Let's talk about what will happen if we have a crisis in the Middle East and we have 5-hour gas lines and we have to pay higher prices to get the gasoline for which we wait 5 hours to fill our tanks. Let's talk about the real issue here, which is raising the price of gasoline at the pump on hard-working Americans.

I don't think that is what Congress wants to do. I think that is why 60 Members of Congress said let us have an up-or-down vote. That is the issue today, Mr. President.

I reserve the remainder of my time and suggest the absence of a quorum.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Texas withhold her quorum call?

Mrs. HUTCHISON. Mr. President, I am happy to allow the Senator to be recognized.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I thank the Senator from Texas. I do look forward to this debate. We have, for the first time, a debate about this particular rider to an appropriations bill on the Senate floor, finally.

(Mr. BUNNING assumed the chair.)

Mrs. BOXER. The Hutchison rider has been agreed to many times in the dead of night in the committee. But the Senate has never had time to explore all that it means. It is a tough debate going on here. I think it is good because, again, it shows, in many ways, the difference between the two parties, who stands for whom, where we come out.

I thought comments of the Senator from Wisconsin about the role of campaign contributions to the political parties, as he pointed it out, was germane. We may have a vote about that later. He is simply pointing out a fact that has been noted in the USA Today, the Los Angeles Times, the New York Times, which is that, in fact, campaign contributions taint this debate. Even if everybody is pure of heart and pure of soul in this Senate—and I pray that is the case—there is an appearance here. It doesn't look right when you realize that 5 percent of the oil companies—mostly big oil—are not paying their fair share of royalties.

We show it right here on the chart. The cost of the Hutchison amendment would represent $66 million that would otherwise go to the taxpayers, to the Land and Water Conservation Fund, the national parks, historic monuments, and to the States to go into the classrooms. So it is very important that when these decisions are made, they are being made by the pure of heart because you have a situation where the oil companies are not paying their fair share—5 percent of the oil companies—and the people are therefore not getting their fair share to go into the classrooms and the national parks. Therefore, we want to make sure the decision is based on the facts, not on campaign contributions.

I thought the Senator from Wisconsin was absolutely brilliant in his discussion and laying down the facts that show these campaign contributions. I hope if we do have a vote on whether that is germane, we will, in fact, find that the Senator from Wisconsin can continue his remarks because I think it goes to the heart of the matter. So just to show why I have taken the time of the Senate on this, I want to look again at this chart, which I call ''Big Oil's Big Rip Off.'' Because of this rider, we have lost $66 million from the Treasury—excuse me, we have already lost $88 million from the Treasury. Under this amendment, we lose another $66 million. That would mean if this amendment passes, the total cost of the oil rider will be $154 million to the taxpayers.

I find it really interesting—a couple of things that the Senator from Texas now says—that if we collect the fair share of royalties, we will see an increase in gasoline at the pump. Let me tell you why I find that really interesting. We have debated this issue for many years now, and we have heard every argument being used. It always changes.

The first argument as to why we should not allow Bruce Babbitt and the Interior Department to collect a fair

amount of royalties from the oil companies was that oil companies are being fair. Why, we are not cheating; we are paying the fair share. They argue that. That didn't fly. The newspapers didn't buy it. Nobody really bought it. So the next argument is, well, maybe there needs to be a clarification. Maybe what we are paying isn't exactly right. We don't admit that, but let's have a clarification. But we need more time. So let's not allow the Interior Department to decide this matter now; let's buy some time.

OK. Then they went to the third issue because that didn't fly very well anymore. The third excuse was that we haven't had enough public comment period on the rule. But go ahead and again open up public comment, and we will be glad to pay our fair share. Well, there were 17 meetings held, and then they opened up the public comment period again. We have heard every excuse in the world, bar none, as to why we should not be collecting the $154 million that is due taxpayers. The latest one is: Oh, oh, you better not allow Bruce Babbitt to go after those royalties because your prices will go up at the pump. Well, we know for a fact—if you look at the amount of money this means to the oil companies—it is a tiny percentage.

I ask unanimous consent to have printed in the RECORD at this point a chart that shows what these royalties mean to the big oil companies.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

Company	1996 Total Revenue (Oil and Gas J.)	1996 Roy Paid (oil and cond.)	Percent of Royalty Paid Vs. Revenue	Potential Liability Under the Rule	Percent of Royalty Liability v. Revenue
Shell Total	$29,151,000,000	$213,008,437	0.73	$19,459,159	0.07
Exxon Corp. USA, Total	134,249,000,000	154,531,037	0.12	7,993,222	0.01
Chevron USA, Inc. Total	43,893,000,000	159,611,684	0.36	7,111,509	0.02
Texaco Exploration & Prod, I Total	45,500,000,000	87,370,721	0.19	6,375,000	0.01
Marathon Oil Company Total	16,356,000,000	53,593,234	0.33	5,225,380	0.03
Mobile Explor. & Prod. U.S. Total	81,503,000,000	55,511,623	0.07	3,978,051	0.00
Conoco Inc. Total	20,579,000,000	30,562,431	0.15	2,444,738	0.01
Phillips Petroleum Co. Total	15,807,000,000	10,527,634	0.07	2,334,420	0.01
BP Exploration and Oil Inc. Total	17,165,000,000	46,819,366	0.27	2,138,002	0.01
Amerada Hess Corporation Total	8,929,711,000	12,271,849	0.14	1,446,901	0.02
Amoco Production Company Total	36,112,000,000	31,030,184	0.09	1,427,185	0.00
Pennzoil Products Co. Total	2,486,846,000	23,858,522	0.96	1,416,140	0.06
Unocal Exploration Total	9,599,000,000	36,205,793	0.38	1,358,282	0.01
Murphy Oil Company U.S.A. Total	2,022,176,000	16,445,805	0.81	778,351	0.04
Arco Western Energy Total	19,169,000,000	50,363,676	0.26	718,384	0.00
Coastal Oil & Gas Corporat Total	12,166,900,000	4,364,577	0.04	470,939	0.00
Total Petroleum, Inc.—Oil Total	34,526,000,000	3,059,110	0.01	364,045	0.00
Koch Oil Co. Total	Unavailable	3,214,012	.....	342,222	.....
Fina Oil & Chemical Company Total	4,078,502,000	1,393,795	0.03	156,560	0.00
Hunt Oil Company Total	Unavailable	8,256,498	.....	125,731	0
Howell Petroleum Corporation Total	712,501,000	1,581,010	0.22	122,669	0.02
Frontier Oil & Refining Co. Total	3,379,000	486,634	14.40	47,583	1.42
Giant Refining Company Total	Unavailable	945,403	.....	46,854	1.42
Citgo Petroleum Corp. Total	Unavailable	600,941	.....	45,755	.....
Navajo Crude Oil Mktg Co Total	Unavailable	2,598,096	.....	45,063	.....
BHP Petroleum (Americas), I Total	135,180,000	6,266,511	4.64	34,020	0.03
Barrett Resources Corp. Total	202,572,000	306,239	0.15	32,719	0.02
ANR Production Total	Unavailable	402,039	.....	13,801	.....
Petro Source Total	Unavailable	919,725	.....	12,049	.....
Berry Petroleum Company Total	57,095,000	132,733	0.23	9,711	0.02
Sinclair Oil Corp. Total	Unavailable	181,480	.....	5,949	.....
Ashland Exploration, Inc. Total	13,309,000,000	47,270	0.00	3,825	0.00
Big West Oil & Gas Inc. Total	Unavailable	1,877,664	.....	3,415	.....
Sun Refining & Marketing Co. Total	Unavailable	73,075	.....	2,683	.....
Pride Energy Company Total	Unavailable	113,116	.....	2,389	.....
Cenex, Inc. Total	Unavailable	140,119	.....	2,267	.....
Sunland Refining Corp. Total	Unavailable	4,034	.....	1,919	.....
Diamond Shamrock Ref & Mktg Total	Unavailable	6,805	.....	226	.....
Montana Refining Company Total	Unavailable	2,923	.....	213	.....
Gary-Williams Energy Corp. Total	Unavailable	27,848	.....	8	.....
Grand Total of 40 Companies	.....	.....	.....	66,097,612	.....

Mrs. BOXER. The list that is going into the RECORD shows all of the big oil companies and what this really means for them. It is so small that these royalty payments, in some cases, can't even be measured. They are so minuscule, they can't even be measured. The largest one is .07 percent of their revenues. So to stand up here and say your oil prices are going to go up is ludicrous. It is completely a new argument that absolutely holds no weight. Even if they were to pass this on, it would not even be a penny a gallon. It would not even be a mill.

Let's face it; this isn't anything about higher gas prices because it doesn't even impact these companies. This isn't about any of that. It is about fairness; it is about justice. How do we know that it is about fairness and justice? The whistleblowers who work for big oil have testified. Let me tell you about something I have not even mentioned before in this debate. Recently, there was a lawsuit filed on behalf of two whistleblowers from big oil, and the lawsuit is quite compelling. It is so compelling that the Justice Department actually joined in as a party to the lawsuit.

I know we have heard many seven schemes. We have heard of the Seven Wonders of the World; the Seven Years' War; Seven Brides for Seven Brothers; the Seven Seas; Seventh Heaven; Seven Days of the Week; Seventh Inning Stretch—which is what we could probably use right now—Snow White and the Seven Dwarfs; Lucky Number Seven; Dance of the Seven Veils; the Seven Year Itch. How about even this biblical one: Forgive your enemies 70 times 7; Seven Hills of Rome; the Magnificent Seven; Seven Days in May; the Seven Percent Solution. There is even a book called ''The Seven Habits of Highly Effective People''; Seven-Up. We have heard of 7–Eleven stores; Seven Samurai; Double-O Seven; there is even Seven Sleepers of Ephesus.

So we have heard a lot about sevens in history, and today on this floor of the Senate I am going to talk about another seven. This isn't a pretty one. This isn't a movie. This isn't a song. This isn't a saying. This is a lawsuit, a lawsuit that outlined the seven schemes of the oil companies—the seven schemes of the oil companies to defraud the taxpayers. I am going to speak to you from this lawsuit. I am going to read to you right from this lawsuit. Before you fall asleep and think it is boring, it is not boring. These are two whistleblowers, former ARCO executives, big boys in the echelon, who cleansed their souls. This is what they said in a lawsuit under penalty of perjury:

Causes of action alleged herein arise from a nationwide conspiracy by some of the world's largest oil companies to shortchange the United States of America of hundreds of millions of dollars in revenues known as royalties.

Let me repeat that because this is the crux of what is before us today. Two whistleblowers from the highest echelons of the big oil companies stated under penalty of perjury that there is a ''nationwide conspiracy by some of the world's largest oil companies to shortchange the United States of America of hundreds of millions of dollars in revenues known as royalties.''

What does this amendment do? Why am I taking the Senate's time? I want to shine the light of truth on this issue.

The Department of the Interior knows this scam is going on, and they want to fix it. What we have before us is an amendment to stop the Interior

Department. You can see from the poster by my good friend from Texas. Now the argument is: Turn your sights on the Interior Department; they are corrupt. This is a new argument about trial lawyers. I haven't heard that one before. I guess they keep taking a poll to see who is popular, and then they try to argue with us because they cannot argue with us on the merits.

I think it is also very interesting because the Senator from Texas and the Senator from Wyoming tried to stop Senator FEINGOLD from talking about the oil company contributions. They are coming up with the trial lawyers. I find it is interesting. That is fine. I don't mind that. I wouldn't gag any of my colleagues. They can say whatever they want because the issue here is clear. It is stated in a lawsuit:

> There is a nationwide conspiracy by some of the world's largest oil companies to shortchange the United States of America of hundreds of millions of dollars in revenue known as royalties.

That is not a statement by trial lawyers; that is a statement under penalty of perjury by two former employees of big oil.

Let's see what else they say.

They say:

> There is a pattern and a practice of carefully developed and coordinated schemes targeted to defraud the United States of America of its lawful share of royalties owed by the defendants, the oil companies, for crude oil produced in United States owned or controlled land.

In English language, it means that when these oil companies drill on lands that belong to the people of the United States of America, land of the United States, either onshore or offshore, they are not paying their royalties.

To continue:

> The oil companies' unlawful conduct is continuing in nature and these major oil companies operating in the United States have underpaid oil royalties to the United States by calculating the royalties based on prices less than the total consideration actually received by the oil companies.

In English language, these royalties are not being based on the fair market price, which is what they have to be, according to the lease they sign. Let's take a look at that lease they signed because I think that is pretty telling.

The Senator from Texas keeps referring to a royalty as a tax. A royalty is not a tax. A royalty is paid subject to an agreement. When oil companies drill on lands that belong to ''we, the people,'' they have to pay something for it. It is a privilege, and they have to pay something for it. The ''something'' that they pay for is the subject of this debate.

The Department of the Interior says—and these whistleblowers say—that 5 percent of the oil companies are cheating and 95 percent are doing the right thing. They are paying the fair market value—their royalty is based on a fair market value—but 5 percent of the companies that are cheating us are not. We know that to be the case.

So let's look at the agreement that the oil companies signed. They signed an agreement that says the value of production for purposes of computing royalty on production shall never be less than the fair market value of the production. It further says gas of all kinds, except helium, is subject to royalties and that, for purposes of computing, the royalty from this lease shall never be less than the fair market value of production.

That is the subject of this debate. Five percent of the oil companies are not paying the fair market value.

Let's look at some of the companies and the posted prices.

Whistleblowers have told us that these oil company executives sit around and plan to defraud the people. It is all in this lawsuit, and it is reflected in this chart. If you track the market price of oil—right here we have done that— from July 1997 to June 1998, just to give you an example, this blue line is the market price.

How do we know the market price? It is listed in oil publications every day. We know what it is. It is really definable. If you track that market price compared with this red line, which is the ARCO posted price—in other words, that is the price ARCO decided to pay royalties on—what do you see? You see a differential of about $4 per barrel. Sometimes it is less—$2. But it can go up to $4 or $5 in difference. What does that mean? It means that the taxpayers are being defrauded by this amount in the middle, in between the two.

Do we have another oil company? It just doesn't happen in ARCO. I don't want to say it just happens in ARCO.

Here we have another oil company. We track the market prices and the posted prices. Isn't it amazing? Why is it this way? Because these companies are cheating the Government. They are not paying the royalties based on the blue line, which is the market price, which they have to, according to the agreement they signed. This isn't about taxes, my friends. This is a royalty agreement. They are paying the royalty based on the red line, and the taxpayers are getting ripped off.

You may say, well, what is $4 a barrel with $2 to $4 on a regular basis? It is a lot. Let me tell you what it is. We are not talking about peanuts; we are talking about real dollars. Let's talk about that.

This amendment that is before us today, on which the Senator from Texas, Mrs. HUTCHISON, got 60 votes—just the amount she needed, and not 1 vote to spare to bring this amendment to the floor—is about real dollars, $66 million. What can you do with $66 million?

By the way, that is only 1 year. If this continues, we are looking at $1/2 billion pretty soon, and $1 billion after that.

Let's take 1 year for this particular amendment, $66 million. We could have hired 1,000 teachers with that. We know we need more teachers in the classroom. These royalty payments, when they go to the States, are used in the classroom. Anyone who talks about how we need more money for education, we could hire 1,000 teachers with the $66 million.

Maybe you don't want to hire teachers. Maybe you want to improve the schools. We can put 44,000 new computers in the classroom with $66 million. That is just this year. Or we can buy textbooks for 1.2 million students.

Have you ever looked at some of the textbooks in our public schools? When I was a kid and I got a textbook—it was a long time ago; I plead guilty to that—when we opened up a textbook in those happy days, it smelled clean and fresh. It was clean and fresh. It was ours. Today, some of the textbooks have writing; they are old; they are falling apart. What kind of message is that?

I could be challenged: Why is the Senator from California talking about schools, textbooks, and teachers? Easy. The money we would get if we defeat the Hutchison amendment could buy 1.2 million students new textbooks.

If you want to do something for the safety net with that $66 million, we could provide 53 million hot lunches for schoolchildren, lunches that have more than ketchup, I might say; lunches with nourishment, nutrition. We know a lot of our kids need that.

When these oil companies sit around and plot to defraud the government—and we have it here, under penalty of perjury, that that is what they do with seven schemes. We have the schemes outlined. Later in the debate I will get into exactly what are the seven schemes. Essentially, all seven are schemes to lower the value of the oil that is pumped from Federal lands. They have intricate ways of doing that. It is spelled out right here. I will read a little more from this complaint.

These whistleblowers, who were former executives high up in the chain of big oil, say:

> . . .they have knowledge of the unlawful conduct, including the schemes and the practices alleged herein, which include the oil company's misrepresentation and underpayment of oil royalty payments to the United States.

They go through the schemes. Does anyone want to challenge the authenticity of these charges from these whistleblowers, former oil executives, who say they have ''direct knowledge that this is going on.'' They call it ''conspiratorial activities'' to cheat the United States out of its royalty income by deflating the base price of oil upon which royalties are to be paid.

This is thievery. People say: Why are you taking the time of the Senate, Senator BOXER? It is because I love this place too much to see us put our imprimatur on this scheme.

Let's read directly from the Platt's Oil article that shows exactly what one of these executives said under penalty of perjury. This is an article that appeared over the summer of this year in an oil company report. This isn't from

the New York Times. We have gotten a good article from the New York Times. We have gotten good articles from USA Today and the Los Angeles Times. We have gotten good articles in South Dakota; we have gotten good articles in Michigan. All of those editorials are saying Senator BOXER is right.

This is from an oil company newspaper, so it should have total credibility with all who take the oil company's side. I will read this article entitled ''Retired ARCO Employee Says Company Underpaid Oil Royalties.''

A retired Atlantic Richfield employee has admitted in court that while he was the secretary of ARCO's crude pricing committee, the major's posted prices were far below the fair market value.

Let me repeat that. An oil company executive who worked in this area said that the ''posted prices''—that is, the price that the oil company paid the royalty on—was ''far below the fair market value.''

Let's look at the chart again. He is saying the amount they paid their royalties on—remember, the royalty is a percentage, about 12 percent if it is onshore, 12 percent of the fair market value. They did 12 percent of their made-up posted price.

He is not anonymous. This man has a name. He has put his good name out there. He has said under penalty of perjury in court that what he says is true. Harry Anderson is his name. He testified this month in an ongoing suit, and he said he was a witness to the inner workings of ARCO. According to court documents, Anderson testified that the primary purpose of the crude pricing committee was to set the posted prices for the mid-continent, Alaskan and California crudes. In other words, it was his job to decide what was the posted price. On that posted price, they would pay their royalties. Whatever Mr. Anderson and his friends decided was that fair market value called the posted price, that is on what they would pay the royalties.

This chart shows consistently these prices were below the market price listed in the paper. Could this be an accident? No, because he said ARCO's postings were within 15 to 30 cents per barrel of the others, and at least $4 to $5 below what was accepted as fair market value for crude.

What he said was all of the majors were doing this. This 5 percent that we say are doing the wrong thing were within a few cents of each other, and all of them, according to him, were $4 to $5 below the fair market price. That is even more than we said, $2 to $4. He says in a certain period of time they were $4 to $5 below market price.

Under penalty of perjury, a man with the inside knowledge of what was going on, said that ARCO and the other ''posters''—meaning the posted price people—never raised the posted price to the market value. We see that is true. We plotted the market price during that period and here is the posted price. He says all of our calculations, all the public information on refined values relating to California crudes say the fair market value was well in excess of the posting.

That is another way of putting it: The fair market value was well in excess; it was more than the posted prices that they put down.

He said, and this is really interesting, he was:

. . . not being truthful 5 years ago when he testified in a deposition that ARCO's posted prices represented fair market value.

So the man admits that he wasn't truthful before in court. He is cleansing his soul and he is now telling the truth. He goes on to say, and this is chilling, in explanation for why he lied about the fair market value:

I was an ARCO employee. Some of the issues being discussed were still being litigated.

Listen to this. He says:

My plan was to get to retirement. We had seen numerous occasions where the nail that stood up got beaten down.

What does that mean? Someone who had the courage to stand up in the face of the higher-ups and tell the truth that they were cheating taxpayers got beaten down. Harry Anderson said that. It is pretty chilling. He goes on. He said:

The senior executives of ARCO had the judgment that they would take the money, accrue for the day of judgment, and that's what we did.

What does he mean by that, ''take the money'' and wait ''for the day of judgment?''

What he means is they would lie about the value of the oil, not give the true market value, pay less of a royalty, pocket the money, and wait for the judgment day.

Maybe the judgment day is here, I say to my friends. Maybe if this Senate has some courage, we can stop this fraud today. We will not be stopping it if we approve the Hutchison amendment, I will say that. Mr. Anderson said he was afraid he would lose his retirement if he didn't go along with the game. Mr. Anderson said the other executives said: What the heck, we'll just lie about this and we'll wait for the judgment day. That is a translation of what he said. He goes on to say even more chilling things. He goes on to say:

I would not have been there in any capacity had I continued to exercise the right they had given me to dissent to the process during the discussion stage.

Let me repeat that:

I would not have been there in any capacity had I continued to exercise the right they had given me to dissent to the process during the discussion stage.

In other words, Mr. Anderson is saying if I blew the whistle, I would be gone. If I did not go along with this scheme—and we now know seven schemes—that he would be gone. He says further:

Once we made our decisions, the ranks closed.

So they sat around, decided to wait for the judgment day, and people like Harry Anderson who were afraid for their retirement went along with the scheme. Then he says: Once we made our decision we closed ranks. That was the deal.

He says further:

I did not get to be a manager and remain a manager being oblivious and blind to signals.

What an ethic. What an ethic. Where is the corporate responsibility, when they have someone who is honest in their ranks and he is afraid to talk because he will get fired, he won't get his retirement? When he talks up about how the company underpaid oil royalties, he is finished. So he doesn't talk up. And he is feeling guilty and he is carrying this on his back. He comes clean in a lawsuit where he just says: I was afraid of losing my job if I told the truth.

We are going to protect that kind of behavior by the oil companies by voting for this amendment? I pray not. I pray not. I really hope some of the folks who voted for cloture to bring this debate to a close will join me on the substance of this thing. I have never in all my years in politics—and I have been in politics so long I am embarrassed to tell you that I was elected the first time in 1976. I have seen a lot of things. I have seen issues that were cloudy. I have seen issues where the line between right and wrong was fudged. They say every issue has two sides. This one does. The oil companies versus the people. That is the two sides.

The Interior Department wants to make sure the oil companies pay their fair share so the people get their fair share. We will show you the money again; the money, what is at stake here. If we do not vote down the Hutchison amendment, the people of America will have lost $154 million.

Let's suppose you do not even like to spend it on national parks; you don't want to spend it in classrooms. How about paying down the debt? I will bet a lot of folks think that is a good idea. But, no, if we vote for the Hutchison amendment, we lose a cumulative $154 million.

I want to read into the RECORD a letter I just received from the Consumer Federation of America. First, I want to say a word about the groups that have really worked hard to defeat this Hutchison amendment. I just told you before there are two sides on this amendment: the oil companies versus the people of the United States of America. I believe that in my heart. We have over 50 groups that are helping us defeat this amendment. Every one of them is worthy of mention, but I do not have time at this point to mention them all, so I will mention some of them:

The American Association of Educational Service Agencies—they know they are being robbed of education funds by this amendment. They oppose it. The American Association of School Administrators, the American Federation of Government Employees, the

American Federation of Teachers—they have to be in the classrooms with the books that don't measure up, without computers. They want to fight for this. They are against the Hutchison amendment.

American Rivers, Americans for Clean Energy, the Arkansas State Lands Commission, the California State Superintendent of Public Instruction, the Clean Fuels Foundation, Common Cause. Common Cause understands what is at stake here. They agree with Senator FEINGOLD when he stood up—and they tried to gag him when he said there is a tie-in between this amendment and the campaign finances where big special interests like the tobacco companies, the oil companies, you name it, have an incredible amount of influence. Again, even if everyone was pure of heart it looks terrible to see the special interests win on these.

The Better Government Association is with us, the Colorado State Board of Land Commissioners, the Consumer Project on Technology—they know they need technology in schools—Defenders of Wildlife. It is an incredible list. The Friends of the Earth, the Gray Panthers—they are the elderly. They understand we need to support our parks and our kids and our schools; the Montana Department of Natural Resources and Conservation.

I am just on the M's, and this goes all the way to the W's.

I want to comment on one of the organizations that has worked so hard with me and others on this, U.S. Public Interest Research Group, U.S. PIRG. They have worked very diligently talking with colleagues, and we have kept this fight alive because of these people. We have kept this fight on the front pages of some of the newspapers because of these people. Hopefully, tonight we will see it on TV.

The Washington State Lands Commissioner; the Wilderness Society; the Wisconsin Secretary of State and Chair, Board of Commissioners of Public Lands—this is an incredible list. I left out the N's and the P's, and I will have to get back to them later.

Today, I have a new letter from the Consumer Federation of America. Let me read it. This is one of the foremost consumer groups in the country. I have to say it is now headed by a beloved colleague, Howard Metzenbaum, who served here as the voice of the consumers for so long, the voice for the people who do not have a voice, the voice for the people who have to get up in the morning and go to work, the people who cannot afford to send their lobbyists here and the people who cannot afford campaign contributions.

What does he say in this letter?

The Consumer Federation of America joins you in opposing the Hutchison-Domenici rider to [this bill]. [The organization] is concerned about the decline in accountability of many corporations to the needs and concerns of consumers, communities, and national interests. This rider is a case study in this lack of accountability, not to mention an unjustified subsidy by the taxpayers to the [big] oil companies.

According to the Department of Interior, eighteen oil companies have consistently undervalued the cost of oil drilled on federal land to avoid paying [their royalty payments] of about $66 million a year.

He goes on to say we have already lost $88 million and that this amendment of Senator HUTCHISON will, in fact, delay the Department of the Interior—even a better word—''prohibit the Department of Interior from finalizing their regulations'' to require the oil companies to pay their royalties based on the fair market price of the oil, not on a lower price established by the oil companies themselves.

Howard Metzenbaum said it as straight as one can. They are paying royalties on their made-up price rather than on the market price.

He goes on to say that the Consumer Federation of America opposes this rider for two reasons.

One:

The undervaluation of oil drilled on Federal land amounts to nothing more than corporate welfare. The practice represents an unjustified subsidy, especially to the larger oil companies that are in a position to reap huge returns from oil drilled on Federal land.

Second:

Taxpayers must pick up the tab for this subsidy, to the tune of tens of millions of dollars a year.

He goes on to say:

The Consumer Federation of America applauds you for your efforts to insure that taxpayers receive a fair return from federal oil sales.

Mr. President, I ask unanimous consent that this letter be printed in the RECORD, along with a list of groups that are, in fact, opposing the Hutchison amendment.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CONSUMER FEDERATION OF AMERICA,
Washington, DC, September 23, 1999.

Re Urgent! CFA opposes Hutchison-Domenici oil royalty rider.

Hon. BARBARA BOXER,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOXER: The Consumer Federation of America (CFA) joins you in opposing the Hutchison-Domenici rider to the FY 2000 Department of Interior Appropriations bill. CFA is concerned about the decline in accountability of many corporations to the needs and concerns of consumers, communities, and national interests. This rider is a case study in this lack of accountability, not to mention an unjustified subsidy by the taxpayers to large oil companies.

According to the Department of Interior, eighteen oil companies have consistently undervalued the cost of oil drilled on federal land and avoided paying fees of about $66 million a year. Since this rider first took effect last year, an estimated $88 million in royalties have not been collected. This rider would prohibit the Department of Interior from finalizing regulations that would require oil companies to pay royalties based on the market price of oil drilled on federal land, and not on a lower price established by the oil companies themselves.

CFA opposes this ride for two primary reasons:

The undervaluation of oil drilled on Federal land amounts to nothing more than corporate welfare. The practice represents an unjustified subsidy, especially to the larger oil companies that are in a position to reap huge returns from oil drilled on Federal land.

Taxpayers must pick up the tab for this subsidy, to the tune of tens of millions of dollars a year.

CFA applauds you for your efforts to insure that taxpayers receive a fair return from federal oil sales.

Sincerely,

HOWARD H. METZENBAUM.
Senator (Ret.).

OPPOSITION TO MORATORIUM HITS A GUSHER: MILLIONS AGREE BIG OIL SHOULD PAY FAIR SHARE

(Revised August 3, 1999)

Senator Kay Bailey Hutchison (R–TX) has vowed to re-attach an amendment known as the oil royalty moratorium to the Department of Interior appropriations bill in the coming days. The moratorium would stop Interior from implementing a rule that prevents royalty-evasion by 40 of the largest oil companies drilling on federal and Indian lands. A growing coalition of educational, taxpayer, conservation, native American and labor organizations as well as state governments agree with Interior that Big Oil should pay its fair share.

American Assn of Educational Service Agencies
American Association of School Administrators
American Federation of Government Employees (AFGE), AFL–CIO
American Federation of State, County and Municipal Employees (AFSCME)
American Federation of Teachers
American Lands Alliance
American Oceans Campaign
American Rivers
American Wind Energy Association
Americans for Clean Energy
Arkansas State Lands Commission
Better Government Association
California State Lands Commission
Calif. State Superintendent of Public Instruction
Clean Fuels Foundation
Colorado State Board of Land Commissioners
Common Cause
Consumer Project on Technology
Council of Chief State School Officers
Defenders of Wildlife
EarthJustice Legal Defense Fund
Endangered Species Coalition
Federation of Western Outdoor Clubs
Friends of the Earth
Fund for Constitutional Government
Government Accountability Project
Gray Panthers
Greenpeace
Mineral Policy Center
Montana Department of Natural Resources and Conservation
National Assn of State Boards of Education
National Audubon Society
National Education Association
National Environmental Trust
National Parent-Teachers Association (PTA)
National Parks and Conservation Association
National Rural Education Association
National School Boards Association
National Trust for Historic Preservation
National Wildlife Federation
Native American Rights Fund
Natural Resources Defense Council
The Navajo Nation
New Mexico State Lands Commissioner
North Dakota Commissioner of University and School Lands

Ozone Action
Pacific Rivers Council
Paper Allied Industrial Chemical and Energy Workers (PACE)
Physicians for Social Responsibility
Preamble Center
Project On Government Oversight
Public Citizen's Congress Watch
Public Citizen's Critical Mass Energy Project
Public Employees for Environmental Responsibility
Safe Energy Communication Council
Service Employees International Union
Sierra Club
South Dakota Commissioner of Schools and Public Lands
Southern Utah Wilderness Association
SUN DAY Campaign
Taxpayers for Common Sense
Texas State Lands Commissioner
Trout Unlimited
20/20 Vision
UNITE, Union of Needletrades, Industrial & Textile Employees
United Electrical, Radio & Machine Workers of America
United for a Fair Economy
U.S. Public Interest Research Group
Washington State Lands Commissioner
Wilderness Society
Wisconsin Secretary of State and Chair, Board of Commissioners of Public Lands
World Wildlife Fund

Mrs. BOXER. Mr. President, we are in quite a situation here, and I am going to go through some of the charts I have not gone through up to this time.

When we talk about the money we will lose because of the Hutchison amendment—and I find it ironic we are doing an appropriations bill to appropriate money for the various functions therein, including national parks, including very important functions, such as preserving historic monuments—we realize we are losing $66 million, and I told you that money can go pretty far. It will affect many States.

My staff has been extraordinary in terms of all the research and all the work they have put into this issue. I thank Jodi Linker, Matthew Baumgart, and the rest of my staff, and Liz Tankersley and Dave Sandretti who helped us. When you are hit with an issue such as this and you know you have an uphill battle, it takes a good staff to keep on keeping on, to keep on keeping up with the issues, and they do. I am so grateful to them.

Today I have a new chart. It shows the 11 most endangered historic sites in America. What is very interesting about this is that these buildings qualify for Federal funds to preserve them. As we go into the next millennium, we start thinking about our heritage, our great Nation. One of the things we have to do is restore these incredible monuments to our history. There are 11 of them. They desperately are seeking, not Susan, but funding. They must have funding because they are old and they will otherwise fall apart.

I was at one such monument. It is not 1 of the 11 great ones. It is a small one. But it is in a little town north of my home, Sonoma County. It is a round barn. I never really knew what a round barn was, but it is famous. In the 1800s, they used to take the horses and run them around in this barn. We only have a couple left in California. This one is falling apart. It needs a few dollars. So when people say $66 million, let's look at these 11.

The Senator from Illinois is here, and I point out to him that one of these endangered landmarks, as I remember, is in Illinois. I wonder if he realizes—and I know he does—that some of this funding that would otherwise go to the Interior Department and we are not going to see if the Hutchison amendment is adopted could go to help one of the monuments in his State, which is the Pullman Administration Building and factory complex, in Pullman, IL, which dates back to 1890.

All of these are very endangered. We see one in Rochester, NY, the Monroe Theater. We see one in Louisville, KY, a beautiful place called Robinswood. We see one in Cleveland, MT, Lancaster, PA, barn shadow, ''Lost Barn.'' We see the Allen Auditorium in Alaska and, in my own State, the incredible Angel Island Immigration Station through which many of our ancestors came. In New York State, there are four national historic landmark hospitals. There is one in Hudson Valley. It is a beautiful one. One is in Baltimore, west side of downtown Baltimore, Chinatown. It is endangered.

I say to my colleagues, when we are fighting against this amendment, we are, in fact, saying it is not fair for 5 percent of the oil companies to do the wrong thing, to defraud the people of the United States of America of their money; it is wrong to do that.

There are other uses for this money. We believe even if all those uses did not have support, paying down the debt would be better than allowing this big ripoff to continue.

Mr. President, I yield the floor and retain my time.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 1 hour.

Mr. DURBIN. I thank the Chair.

Mr. President, I thank the Senator from California, again, for engaging in this debate. There are those who stay glued to their screens watching the Senate debate from early morning to late at night.

The PRESIDING OFFICER. If the Senator from Illinois will pardon the Chair, I misstated. The Senator has 22 minutes.

Mr. DURBIN. I thank the Chair.

Those who stay glued to the screens watching C–SPAN and the Senate debate know what this is all about. Those who come to the gallery or tune in may not understand why we are on the floor today with a few Members very deeply involved in debate.

This is a debate over the use of America's public lands, lands owned by all of us as citizens of the United States. We have a lot of them, literally millions of acres. Some of them are beautiful, pristine parks, and some are national forests.

Many of these lands are used for a variety of purposes. Some are used for recreational and tourism purposes, our beautiful National Park System which was instituted by a famous Republican President, Theodore Roosevelt, who opened Yosemite National Park and started the park system, and many other aspects such as the National Forest System, of which we have in Illinois the Shawnee National Forest, one of the more beautiful parts of our State. We are very proud of it.

Then as you go out West, you find a variety of public lands. I am the sponsor of a bill, on which perhaps a dozen of my colleagues have joined me, for the so-called Utah Wilderness, an area much different from my national forest in southern Illinois, but as a desert, in its own way, it has a special beauty. It is a wilderness area owned by the Federal Government.

We say that many areas of public land are going to be protected, that literally no one can use them, or, if you do, it is in a very careful manner. But we say as well that there are some lands which can be used, public lands, by private individuals and companies for a fee. So we invite onto some lands, like national forests, logging companies that come in and chop down trees. They make a profit off the lumber. They give money to the Federal Government to use that land to chop those trees down.

We also allow mining companies to come in on public land to mine for minerals which they turn around and sell. We say to western ranchers: You can let your cattle graze on public lands here, chew the grass, get fat to bring to market to make you a profit. You will pay us a fee to do it, but you are welcome to use the land.

This debate is about the use of public lands where oil companies come in and drill for oil. Keep it in perspective. The oil companies do not own the land. We do. The taxpayers do. The oil companies—private companies—come in and bid for the right to drill for oil. If they are fortunate and find oil they can then sell for a profit, they give us back a rental fee called a royalty. That is what this debate is all about. It is about 5 percent of the oil companies in America, the largest oil companies, and whether they will pay to us, as taxpayers, to the Federal Government, a fair rental payment, a royalty payment for extracting oil from our land and selling it for a profit.

Sounds like a pretty simple undertaking. We put a formula into law. The formula said: We are going to base the royalty that you pay the taxpayers for drilling oil on public lands based on what the price of the oil is. It sounds eminently sensible, reasonable, and easy. It is not. We found, over the last several years, that the oil companies have found ways to avoid coming up

with the real price of the oil. They have six or seven different schemes they use to basically pay less to the taxpayers than they are supposed to pay.

How can I say that? I can say it because a lot of States and the Federal Government have taken the oil companies to court and have said they did not pay the royalty required by law. The oil companies, over several years, have paid back $5 billion that was underpaid in royalties. We caught them with their hands in the cookie jar. They had not paid the taxpayers—State and Federal taxpayers—what they were required to pay under the law.

The amendment before us by the Senator from Texas, Mrs. HUTCHISON, says, the Department of the Interior cannot recalculate this royalty fee based on the new prices of oil. It would be the fourth time in several years that we stopped the Interior Department from recalculating the royalty. In other words, we are saying we do not care if the oil companies owe us more money, we are not going to collect it.

How much is it worth to us, to the taxpayers? It is $5.6 million per month. Some watching this will say: For goodness' sake, don't they lose that on the floor of the Treasury when they are mopping up at night? And $5.6 million a month, that isn't much by Federal standards where you talk about trillions and billions.

They have a point. But for the average person, the average family, the average business, $66 million a year is real money, real money that the oil companies should pay us and are not paying us and will not pay us if the Hutchison amendment passes because the Hutchison amendment insulates the oil companies from this recalculation of the royalty that they pay. Why? Why in the world would we take the oil companies and do this?

If this were the Little Sisters of the Poor about to have their mortgage foreclosed on their convent, for goodness' sake, count me in. I will be ready to consider an amendment. We are talking about the largest oil companies in the world. They are being protected by this amendment. I think it is a bit unseemly, if you will, for these oil companies to come on our land—not their land—drill oil, an irreplaceable resource, sell it for a profit, and refuse to pay the taxpayers what they owe them for being on this land. That is what this amendment does.

Mrs. BOXER. Will the Senate yield on that point?

Mr. DURBIN. I am happy to yield to the Senator from California.

Mrs. BOXER. I appreciate the Senator's outrage on this.

It is incredible. Some of our colleagues have come up and said things privately such as: I can't believe you're attacking these oil companies.

I want to make a point and make sure my friend saw this. I read from a complaint that was filed by two whistleblowers from big oil—ARCO, as it happens. In their words—these are not words from the Senator from Illinois or words from the Senator from California, who has been told she doesn't know what she is talking about. If I don't, I believe people who have worked in the oil companies for many years. I want to make sure my friend has heard this. I am going to read to him a little piece of the introduction to this complaint and ask him if he has read it before, and even though he might not have, if he could comment on it.

This is an introduction to a lawsuit being filed by two whistleblowers. These are two people who worked for ARCO, big executives in ARCO, who had in their heart, I think—these are my words, not theirs—the need to tell the truth about what went on inside those corporate walls. This is what they say. They say:

[There was] a nationwide conspiracy by some of the world's largest oil companies to shortchange the United States of America of hundreds of millions of dollars in revenues—known as royalties—derived from the production of crude oil . . .

They go on to say:

[There was] a pattern and practice of carefully developed and coordinated schemes—

They outline seven schemes—

targeted to defraud the United States of its lawful share of oil royalties . . .

They go on to say: ''This is an ongoing conspiracy.''

So I ask my friend this direct question: about his outrage he exhibits on this floor. Isn't there a reason for anyone with a set of eyes and a brain to match to be outraged when not just one whistleblower but two and three and four and more people who got high-paid salaries admit that they sat around and defrauded the taxpayers, and that this amendment would allow that outrage to continue—does that not reflect my friend's views?

Mr. DURBIN. It does. I say further that it is a matter of whether or not we are going to be Uncle Sam or ''Uncle Sucker.'' Think about these oil companies. We are talking about $66 million a year.

Let me tell you, it is a bit unseemly for these oil companies to be fighting over $66 million a year, owed to the taxpayers, to come in and to support an amendment which insulates them from paying $66 million to the taxpayers.

Let me give you an idea why I think it is unseemly. And I agree with the Senator from California. Let's take a look at the oil companies involved. As I have said, you are not going to find the Little Sisters of the Poor Petroleum Company here.

No. 1, Shell Oil Company. The total revenues of Shell Oil Company in 1996 were $29 billion. Exxon Corporation, $134 billion; Chevron, $43 billion; Texaco, $45 billion; Marathon, $16 billion; Mobil, $81 billion; Conoco, $20 billion. The list goes on and on.

The reason I read those—and there are many more—you would recognize every name on the list. You know these companies. You have seen their gas stations. You have seen their stock printed in the paper. They have huge worldwide sales. And these multi-multibillion-dollar huge companies refuse to pay us, the taxpayers, Uncle Sam, America, a fair royalty, a fair rental payment for drilling oil on our land and selling it for their profit.

Can we conclude that these companies are in such perilous financial condition that $66 million would break the bank? Let me tell you, the royalty which they are refusing to pay, the royalty which this amendment insulates them from paying, represents, in every instance, less than one-tenth of 1 percent of the revenue of each of the companies—less than one-tenth of 1 percent, sometimes even smaller amounts.

Why in the world are we fighting this battle? Profitable companies, multibillion-dollar companies, coming on our land, drilling oil for their profit, have to come to the Senate to put on an amendment to insulate them from paying their fair rental, their fair royalty for drilling oil? There are those who say: For goodness sakes, Senators, aren't there some other things you could debate? Yes, I suppose. When it gets down to it, the money, in the scheme of a $1.7 trillion national budget, may get lost, $66 million a year, $5.6 million a month. But there is something that won't get lost. That is the simple justice of this debate, a question of fairness, a question of common sense.

As much as those on the other side would like to obfuscate this issue and tell us it is certainly so complicated, beyond the ken and mind of any Member of the Senate, they are just plain wrong. We have received correspondence from the Secretary of the Interior. We have seen editorial support in USA Today, the Los Angeles Times, articles in the Wall Street Journal, learned, expert people who have said this is pretty simple. This is a rip-off for American taxpayers.

I have to say to the Senator from California, I am glad she is waging this battle, as uncomfortable as it may be to my colleagues in the Senate, to try, once and for all, to say that if we are going to hold individual Americans, families, and businesses responsible for their tax liability on April 15, then, for goodness sakes, these multibillion-dollar oil companies should pay their fair share under the law for drilling oil on our land. They have been tested in court time and again and found guilty. Whistleblowers have come forward. Yet this amendment, the Hutchison amendment, will perpetuate this rip-off.

I know some will argue that there are other issues of importance. I hope that in the boardrooms of these oil companies they would please reflect on this battle. Is this really worth it? Is this really worth it to the big oil companies. Sixty-six million in a multibillion-dollar company wouldn't make a

ripple on their balance sheet. But for them to be in a position, as they are today, of trying to defend the indefensible, a position where they have lost time and again in court, trying to say they can use up our Federal resources without paying for them, is just incomprehensible.

Mrs. BOXER. Will my friend yield for a final question and perhaps retain the remainder—I would like him to speak again —I wanted to make a point. There is a chart up there on the Long Beach jury verdict where Harry Anderson, one of the most important whistleblowers, was quoted. That isn't even a case about Federal royalties. This debate, I want to point it out, is about Federal royalties. The one case they ever won was based on State royalties. You don't have to pay your State royalties based on fair market value.

I thank my friend.

Mr. DURBIN. Mr. President, I reserve the remainder of my time.

Mr. REID addressed the Chair.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Nevada.

Mr. REID. Mr. President, I appreciate the opportunity to speak this afternoon. This money going to the Land and Water Conservation Fund has been so important to the State of Nevada. Lake Tahoe, which we share with the State of California, has received, from the work that I have been able to do since I have been fortunate enough to be in the Senate, tens of millions of dollars from the Land and Water Conservation Fund to purchase environmentally sensitive land, land that would have been subdivided, land that would have been overrun with problems. Now this land is in beautiful, pristine wilderness.

The Land and Water Conservation Fund has been extremely important to the State of Nevada. This gives me an opportunity, because of how important the Land and Water Conservation Fund has been to the State of Nevada, to talk about the State of Nevada. People do not understand the State of Nevada.

Coincidentally, there was an article in today's Reno Gazette Journal. That is a Gannett newspaper in Reno, NV. This is a major story, coincidentally, in today's newspaper. There is a picture of a beautiful area. Below it are the words, in large print: Many don't associate Nevada with beauty. But if they do some exploring, one of the many sites that will take their breath away is the Arc Dome Wilderness.

As is said in this article: One of the many sites that will take their breath away is the Arc Dome Wilderness.

The State of Nevada is seen by many as a place to dump nuclear waste, a place to set off nuclear weapons, nuclear devices. The State of Nevada is the most mountainous State in the Union except for Alaska. We have, in the State of Nevada, 314 separate, distinct mountain ranges. In the State of Nevada, we have 32 mountains over 11,000 feet high. Just outside Las Vegas—if you could walk it, it would be about 10 miles—you would come to a mountain that is almost 11,000 feet high. Nevada is a unique State. It is a very large State. It is a State that has magnificent views.

What people also don't understand is, we are fortunate. When I first came here, Nevada was the only State that had not done its Forest Service wilderness designation, the only State. I introduced legislation. It took a number of years, but we, in the State of Nevada, have created a beautiful Forest Service wilderness.

That means we have preserved areas in the State of Nevada in their pristine state. These are areas that my children, my children's children can go to, and these areas are the same as they were 100 years ago. In the process of doing the legislation for the wilderness in the State of Nevada, I, of course, toured the State of Nevada and looked at every wilderness site. After the legislation was introduced, I sent staff to talk to local people because, of course, with rare exception—although there are two wilderness areas, one right outside Las Vegas and one right outside Reno—with rare exception, these wilderness areas are located in remote areas of the State of Nevada, rural areas in the State of Nevada. I sent staff out to visit with these people in rural Nevada to talk to them about wilderness.

I got a call from one of my staff members. She said: It is interesting; I am in Ely, and they believe you should back off your wilderness—and I had heard that story lots of times. She said: They think you should create a national park. I said: A national park? She said: Yes, that is what they think should be done.

I didn't realize at the time that there had been for almost 60 years an effort to create a national park in the State of Nevada. A long-time Nevada Senator by the name of Key Pittman, who became the chairman of the Foreign Affairs Committee in the Senate—and was, at the outbreak of World War I, chairman of the Foreign Affairs Committee—sent a man, a forest ranger, to take a look at where would be a good place in Nevada to have a national park. This man traveled to Nevada. His name was Mott. He found a place. He reported to Key Pittman.

Key Pittman went to the President. To make a long story somewhat short, there were efforts made over the decades to create a national park in Nevada. It failed every time. Mining interests, ranching interests, they couldn't work it out. Well, I took the advice of my staff person, and the people in White Pine County, and created a national park legislatively. I offered legislation to take it out of the wilderness designation and create a national park. We created a national park. It is now a law that has passed the U.S. Congress, signed by the President, and it is a beautiful park—Great Basin National Park.

It is in a very remote area. It is over the border of the State of Utah. It is about 720 miles from Ely, NV. It is a place that everybody should go. What is there? The oldest living thing in the world is located there. The bristle cone pine tree is over 5,000 years old. These pine trees in this national park were growing when Caesar was around. These pine trees were old when Christ was on the earth. You can go to the Great Basin National Park and see them and feel them. They are there. They are still growing. On this national park is Nevada's only glacier. We have a glacier in Nevada at our Great Basin National Park. Every different thing that is found in the Great Basin is found in this national park. It is a wonder of nature, from the towering Wheeler Peak to the base of it, which is high desert. It is a wonderful place. It is a place where people can walk.

We certainly need to do more things in all of our national parks to make them better places for visitors, although Great Basin is very nice. I would love to have a great new visitor center there, and we need an interpretive site.

The Senator from California has gone, but I say, with land and water conservation moneys we are going to build in various areas in our national parks beautiful visitor centers. That is important, and we should be able to do that.

A bit of the ice age exists in the form of this glacier. As I indicated, it is the only one of its kind, not only in Nevada but in the Great Basin. It is a mere token of what the ice age was, but in Nevada it still exists in the Great Basin National Park. It calls to mind the powerful glaciers capped at Snake Range only a few thousand years ago. Glacial activity is easy to find. Piles of glacial debris form mounds and ridges and lakes.

I failed to mention, in these parks are wonderful little lakes; they are turquoise blue. I have been there, and I have seen them. They are ice cold. We call them Theresa and Stella Lakes. They occupy hollows that were gouged out during the ice age. This national park is just unbelievably nice. I talk about Nevada having 32 mountain peaks over 11,000 feet high. Wheeler Peak is 13,000 feet high. I think that is really important, that we have Wheeler Peak, which is over 13,000 feet high, the second highest peak in the State. It is just really quite unbelievable that we have Wheeler Peak where it is.

The bristle cone pines we talked about being there at the time of Caesar and at the time of Christ. When they were building the pyramids, these trees were growing.

This is interesting. We had a cowboy out riding his horse one day, and he was looking up, and he suddenly dropped through ground into this huge cavern, and now these caverns are part of the Great Basin National Park, called Lehman Caves. It has a separate entrance, a wonderful place. You can look at stalactites and stalagmites,

and it is as dark as anything could be. We have that there.

Mr. DORGAN. I wonder if the Senator will yield for a question.

Mr. REID. I am happy to.

Mr. DORGAN. I have listened with some interest not only to the Senator from Nevada but to other of my colleagues who are speaking about the issue before the Senate. I know the Senator from Nevada is talking about the budget problems we have. The fact is, we don't have enough money for education, health care, and a range of things. That is why we have not had the appropriations bills brought to the floor for those areas. The Senator from Nevada is talking about those issues.

The issue that has been raised by the Senator from California is the issue of royalties paid with respect to the extraction of oil. My understanding of this issue—and I know there has been a discussion of it at some length here—is that in integrated oil companies, where you have oil companies raising oil and then selling it to themselves, the value of the oil they are pulling from the ground is an issue they largely decide and report to the Government and say: By the way, that oil didn't have much value; therefore, I am not going to pay you much in royalties.

So when the folks get out there and look at these sweetheart transactions from companies which own each other, one to another, they discover that this oil has been radically undervalued, and the interests that have been denied the rightful opportunities here are the American public; the American people haven't gotten their royalties. They have not received the fair amount of royalties. When the oilers go look at this, they say, you can't do that, you can't undervalue this, and therefore cheat the public out of what is theirs.

I guess the dispute here is a circumstance where someday we want that to continue to exist: Let them continue to sell oil to themselves, and price the way they want to, and avoid paying royalties.

The Senator from Nevada makes the point that when we do that, we end up not getting the money we should get for the American public, and these royalties belong to the public. Second, we don't have the resources we need, then, to make the investments in children, health care, and other things. That is the point, I think, the Senator from Nevada makes.

I find it interesting. I was a State tax administrator in the State of North Dakota before I came to this body, and I will give you another example that is almost exactly like this. We had to value railroads. We had to establish a value on railroads for tax purposes. The railroads said to the State of North Dakota, well, the value of the railroads is computed by describing all of the stock and all of the debt, assuming you bought all the stock and assumed the debt. That is what the railroads told the State. The railroads said: By the way, the value of our stock is par value, which is printed on the certificate. Of course, that is not the value of the stock. But for many years the State of North Dakota accepted par value on the stock as representative of the value of the railroad. They radically underpaid their taxes because of it.

When I became tax administrator, having taken a look at that, I decided that was not going to stand. Of course, the railroads didn't like it at all when we changed the method. That is exactly what is at stake here with respect to the oil companies. They sell oil to themselves and underprice it so they can avoid paying royalties to the American people, who are owed these royalties, and they don't want this interrupted. They say: We don't want to change the way we are doing this; we like it. Of course they like it, because they are not paying the royalties they owe to the American people.

The Senator from Nevada makes the point that it is not fair.

Mr. REID. Mr. President, let me reclaim my time and say to my friend from North Dakota, as I indicated earlier, the reason I was so impressed with what the Senator from California has done is that a portion of these royalties currently goes to the Land and Water Conservation Fund for Federal land acquisition. That is what I have talked about here. I think it is so important.

I see my friend from Iowa and my friend from North Dakota. I know they have both been to Lake Tahoe, which the Senators from Nevada and California share. Now, that is a beautiful place. It has remained as beautiful as it is because we have been able to take money in years gone by from the Land and Water Conservation Fund to buy land around there. As a result of that, we are making progress and saving that pristine land. It is not pristine now, but we are saving that beautiful lake, and we want to stop degradation from taking place. That is why, from my standpoint, these royalties are so important, because they go into land and water conservation moneys which for us in the State of Nevada are so important.

Mr. HARKIN. Will the Senator yield?

Mr. REID. Yes.

Mr. HARKIN. I have a statement and then a question. I thank the Senator for what he said about the land and water conservation funds because we use those in Iowa, too. Every dollar taken out, by losing it to the oil companies, is something we don't get to use to save some of our hunting grounds and fishing grounds.

Mr. REID. I want to say one other thing to my friend. I know he has another question or two he wants to ask. When we don't have money in that Land and Water Conservation Fund, that makes for difficulty in other areas. I mentioned briefly that we only have one national park in Nevada, and in Iowa I doubt if you have one.

Mr. HARKIN. We don't even have one.

Mr. REID. You know, the national parks all over America—and I know the Senator has traveled to them and has seen them—need restoration; they need to be refurbished. We need to rebuild. Every year that goes by and more people visit them, there is more wear and tear on them. That is why the land and water conservation money is an offset. It is a tremendous help to us.

Does the Senator have another question?

Mr. HARKIN. I thank the Senator. I especially want to thank the Senator from California for her great leadership, and the Senator from Illinois who was making statements earlier. The Senator from Nevada has again put a finger on why we need to close this loophole and why what is happening right now is grossly unfair. It has come to my attention. I am not an expert on oil and all that kind of stuff. At least it is my understanding.

Mr. REID. We have more oil in Nevada than in Iowa.

Mr. HARKIN. I am sure.

Mr. REID. We don't have much.

Mr. HARKIN. But we have a different form. It is called ethanol. I will get to that in a second.

Let me ask the Senator, I understand this loophole that allows a handful of oil companies to keep from paying their fair share of taxes for what is owed the Government—it is only just a few, and most of the oil companies pay their fair share. Is that right?

Mr. REID. I have listened to the debate. I heard the Senator from Illinois and the Senator from California enter into an exchange saying that it is only about 5 percent of the companies that do not pay the right amount of money.

Mr. HARKIN. Doesn't it strike us as odd that 95 percent of the oil companies are good citizens? They pay their honest taxes. There are honest royalties. Yet we get 5 percent of the largest who are skirting the law, who are doing this, and keeping us from collecting the royalties that help us with our Land and Water Conservation Fund. So we are talking about 5 percent, a handful of the largest of all the oil companies.

I ask my friend from Nevada, what sense does this make? Why would we excuse 5 percent of the largest when we stick it to the smaller oil companies and make them pay their royalties? If we are going to do this, why not do it for all of them?

Second, we heard the Senator from North Dakota talking about how the railroads were putting up their value as par value, and he changed that when he became tax commissioner. I was thinking about that. I wonder if anyone has ever offered to buy a railroad at par value and whether they would sell it. I want to ask the Senator from Nevada, as to these oil companies, does the Senator think I could as a private individual—if I wanted to get an oil jobber and go buy oil—buy oil from those companies at the value they placed on this, at which they paid royalties?

Mr. REID. I think not.

Mr. HARKIN. I don't think so. If I am wrong, someone please correct me because I would like to go out and buy some of that oil. I think I could turn it into a pretty handsome profit. I believe in the profit incentive. But you know darned well that you can't bill that oil at that price. They sell it to themselves at that price, and that is how they are getting out of paying the Government their fair share of royalties.

I also have to ask the Senator from Nevada, I understand what the Senator from California is attempting to do is not to impose any kind of new tax—this is not a new tax, as I understand it—on the oil companies.

Mr. REID. The Senator is absolutely right.

Mr. HARKIN. It is not a new tax. It is a matter of having a handful of these companies pay what they owe. Is that correct?

Mr. REID. That is absolutely true.

Mr. HARKIN. It is not a new tax. It is something they have known that they have had to pay all along and that they are supposed to pay.

All, I guess, the Interior bill does is clarify the rules so they will pay their fair share, as I understand it. The amendment of the Senator from Texas stops this from happening. It lets the oil companies continue to underpay their royalties. Is that right?

Mr. REID. That is right.

Mr. HARKIN. I saw this figure. I can't attest to this. I thought this was pretty interesting—''Big Oil's Big Ripoff.'' The Hutchison amendment has already cost us $66 million in lost royalties, according to the Interior Department. Is that right? Already, to date, according to the Interior Department, taxpayers have lost $88 million. When you add the Hutchison amendment on that, it will cost us $154 million, according to the Interior Department. Is that correct?

Mr. REID. The reason I came, I say to my friend, and the reason I am so interested in this is that we are desperate for money in the West. I am sure it is accordingly so in other places. We have so much in the way of public land. We are desperate for money to make sure some of our nice places remain that way.

In all due respect to my friend from Iowa, his State was settled long before Nevada. The reason he does not have national parks and wilderness areas is because it is all private land. I don't in any way denigrate what has happened to the State of Iowa. But we in the West still have public lands that we want to try to add to and protect. We are having difficulty doing that because we don't have the money as the Federal Government, which is the caretaker. We don't have the money to not only add to it a little bit but take care of what we have.

Mr. HARKIN. Where do these royalties go? They don't go into the general coffers.

Mr. REID. They go to a number of places. But the track of money I have followed goes to the Land and Water Conservation Fund, which the President, thank goodness, is fighting to put some money into.

We have not had enough money for the Federal Government to stop development in Montana. There was an agreement made to buy a large mine there because they thought it would be detrimental to the national park that is right there. Yellowstone, they thought, didn't need that there. As a result of that, the Federal Government didn't have any money to buy it, even though they made the deal to buy it. This $154 million would allow them to do that. A lot could be done with that.

Mr. HARKIN. I say to the Senator that we in Iowa are trying now to reclaim some of the Loess Hills. It is a wonderful natural phenomenon. It takes place in only two areas on Earth—here and in China. We are trying to reclaim these and make them a preserved area.

Mr. REID. Will the Senator explain what has happened in China and Iowa?

Mr. HARKIN. This is over centuries, thousands of years ago, tens of thousands of years ago, the winds blew and they blew up these huge mounds of fine dirt. There are only two places to this extent. One is here and one is in China. These are a natural phenomenon. They are beautiful, very scenic, and we are trying to reclaim them and preserve them for future generations. This money could help do that.

I guess that is why I wanted to ask the Senator the question because he caught my attention when we talked about parks. We don't have national parks in Iowa. But we do have things such as the Loess Hills, Effigy Mounds, and some fishing and hunting areas that get money from the Water and Conservation Fund—and historic preservation.

I am constrained on this. I am a big supporter of ethanol because ethanol is clean. We grow it. It is renewable. We don't have to import it from other countries. I have always thought that ethanol could compete fairly with oil. There is a provision in the law that gives a certain tax credit for the use of ethanol in gasoline.

One of the Senators from Texas has always gone after it saying ethanol should not get any tax breaks; it should stand on its own two feet and compete against oil. I took the floor one time, I say to my friend from Nevada, and I said: Fine. Let's go back and recapture all of the tax breaks that all of the oil companies have gotten for the last 50 or 60 years. And how about the tax breaks they get now? How about this? If this doesn't amount to a tax break for big oil, I don't know what does. They want to keep that but they want to take away the small amount of tax credit that we have for ethanol.

I want to get that off my chest because I hear these oil State Senators coming in here all the time telling me that we can't provide any kind of tax incentive for the use of ethanol because we don't for oil. Nonsense. This proves it right here.

Mr. REID. Let me say to my friend, as someone from the State of Nevada, we don't grow a great deal. We grow alfalfa. We are the largest producer of white onions in the United States. But other than that, we don't produce a lot in the way of agricultural products—certainly a lot less than we used to because of the growth in the Las Vegas area. So it was a hard sell to me to accept ethanol being something that was good for our country because it was hard for me to accept that we could grow something and stick it in a car and burn it.

But what persuaded me—I am now an advocate for ethanol—is that it is renewable. We have this ability in the United States to grow crops. We don't grow crops in Nevada as they grow them in the Midwest, in Iowa. But if we burn up a tank of ethanol this year, then next year there is some more ethanol and we can burn up some more. It is not the same as fossil fuel. That is a selling point to me.

I say to my friend from Iowa that another reason I was willing to come here on the Boxer postcloture activities is that we don't get enough opportunity around here to talk about things.

I am happy to hear the Senator from Iowa talk about some areas in the State of Iowa that are environmentally important. The Senator has talked about them. I would love to visit Iowa. I came to the floor today to talk about the beauty in the State of Nevada. I invite the Senator from Iowa to spend a few days with me in Nevada. We will go on a pack trip; we will go into some of the beautiful wilderness areas.

People fly over the State of Nevada. It looks like one big desert. It is not. We have wilderness areas. In the Reno newspaper, they talk about one wilderness area called Arc Dome. We have heard about mountain sheep, but in Nevada we have mountain goats. We have beaver. We have eagles floating through the valleys, antelope, elk.

People don't realize Nevada is more than the bright lights of Las Vegas and Reno. We need more time to talk about our various States. We tend to come to the floor and get involved in things that do not allow Members the opportunity to educate each other about their States.

Mr. HARKIN. Today, I learned a lot about the beauty of Nevada. I will take the Senator up on his offer to visit.

Mr. REID. The invitation is open, and I hope my friend will invite me to Iowa to look at the natural phenomenon in his State.

Mr. HARKIN. Secretary Babbitt came to Iowa and visited the Loess Hills area. He never knew they were there. No one ever talked about it. We are trying to preserve them.

Let me, again, ask the Senator from Nevada, there was an editorial in USA Today.

Mr. REID. I have the time. Please proceed. I yield for a question.

Mr. HARKIN. There is an editorial in the USA Today, August 26 of last year, entitled, ''Time to clean up Big Oil's slick deal with Congress.'' They are talking about this very item, ripping off the taxpayers. ''According to the watchdog project on government oversight, there is more than $2 billion in uncollected Federal royalties at open market prices, and the total grows by more than $1 million every week.''

This editorial, along with an editorial that appeared in the Los Angeles Times of July 20 of this year, gave an indication of how much money was given by the oil companies in campaign contributions. Big oil contributed more than $35 million to national political committees and congressional candidates in this time over the last 12 years.

I question no one's motives on this floor. I never question anyone's motives. I say this is another indication of why we need campaign finance reform.

Mr. THOMAS. I raise a point of order it is not germane to what we are talking about. It is not germane to what this discussion is about.

Mr. REID. I have the floor and I am happy to respond to that.

We have at great length here today talked about the Land and Water Conservation Fund, how it is tied into the question of royalties. Certainly that is about as germane as it could be.

Mr. THOMAS. Campaign finance reform——

Mr. REID. I have an hour's time, and I have spoken in germane terms to the matter now before the Senate. If the question is asked and goes on to some other subject matter, we can't be——

Mr. THOMAS. Mr. President, I raise a point of order. Could I have a determination?

Mr. HARKIN. May I be heard on the point of order, Mr. President?

The PRESIDING OFFICER. The Senator from Nevada does have the floor, but I think he has a responsibility to make sure the questions that are being raised in this colloquy are relevant to the issues before the Senate today.

Mr. REID. I appreciate the statement.

Mr. HARKIN. If the Senator will yield, I say it is absolutely relevant to the issue of oil companies, royalties, and how much they are paying, to say that Senators ought to have the right to defend their interests and to defend companies in their States.

I don't question Senator HUTCHISON or anybody else is doing this in good conscience. They have their case to argue. That is fair. What I am saying, when we get editorials such as this that point out how much money has come from oil companies to the campaign coffers of the people making this debate, it demeans the whole debate. That is my point. I think the Senator would agree with me on that.

My question is, this is tied into this debate. We could have a much better debate if we had that.

Mr. REID. If I can respond to the question, the subject matter of that editorial is the amendment that is now before this body. It is not on another subject. That is the subject matter of this editorial, on the matter now before this body.

Mr. HARKIN. I ask unanimous consent this editorial be printed in the RECORD.

Mr. THOMAS. I object.

The PRESIDING OFFICER. The objection is heard.

Mr. HARKIN. I ask unanimous consent that an article appearing in the Los Angeles Times dated July 20—

The PRESIDING OFFICER. The Senator from Nevada has the floor.

Mr. REID. Mr. President, I ask unanimous consent that an editorial, dated Wednesday, August 26, entitled, ''Time to clean up Big Oil's slick deal with Congress,'' be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From USA Today, August 26, 1998]

TIME TO CLEAN UP BIG OIL'S SLICK DEAL WITH CONGRESS

Imagine being able to compute your own rent payments and grocery bills, giving your-self a 3% to 10% discount off the market price. Over time, that would add up to really big bucks. And imagine having the political clout to make sure nothing threatened to change that cozy arrangement.

According to government and private studies, that's the sweet deal the oil industry is fighting to protect the right to extract crude oil from public land and pay the government no the open market price but a lower ''posted price''—based on private deals the oil companies can manipulate for their own benefit.

States, Native American tribes and landowners are suing for the full open-market-price fees, and a few oil companies have begun to cut settlement deals from Alabama to New Mexico rather than face trial. Accordingly to the watchdog Project on Government Oversight, there's more than $2 billion in uncollected federal royalties at open market prices. And the total grows by more than $1 million every week.

No wonder the industry is pouring money into the campaign coffers of senators and congressmen willing to help protect the status quo. Oil-patch lawmakers have been playing tag team with amendments that bar the Interior Department from implementing new rules to require payment at the open market price.

Sen. Kay Bailey Hutchison, R-Texas, for one, is so valued by the industry that even though she's only been in Washington five years, she's already the No. 2 recipient of oil-producer cash over the past 12 years.

Big Oil has contributed more than $35 million to national political committees and congressional candidates in the time—a modest investment in protecting the royalty-pricing arrangement that's enabled the industry to pocket an extra $2 billion.

That's millions missing in action from the battle to reduce the federal deficit and from accounts for land and water conservation, historic preservation and several Native American tribes. In addition, public schools in 24 states have been shortchanged: States use their share of federal royalties for education funding.

Meanwhile, the industry seeks to change the subject, lobbying to force Uncle Sam to take royalties in oil instead of dollars. That would put the government in the oil business, where it doesn't belong, but not change the slippery method of figuring companies' bills.

Having profited so long by being able to fiddle with the price, now the companies and their congressional pets complain that paying what they really owe would be unfair.

But the taxpayers have been getting the unfair end of this deal for far too long. One major producer, Atlantic Richfield, has already adopted market pricing for calculating its royalty payments. Congress, instead of protecting industry recalcitrants and campaign contributors, should protect the public interest.

BIG OIL'S INFLUENCE

Top congressional recipients of oil-producer political action committee contributions between January 1987 and March 1998:

Sen. Phil Gramm, R-Texas: $198,337.

Sen. Kay Bailey Hutchison, R-Texas: $175,199.

Sen. John Breaux, D-La. $174,800.

Sen. James Inhofe, R-Okla: $171,999.

Rep. Don Young, R-Alaska: $171,025.

Mr. REID. I do want to say we are very proud of the wilderness areas we have in Nevada. Let me name them: Alta Toquima Wilderness, 38,000 acres; Arc Dome Wilderness, which is the largest, it covers 150,000 acres; Mount Charleston Wilderness, right outside the city of Las Vegas, covers the Spring Mountain Range and is almost 11,000 feet high; Mount Rose Wilderness, likewise, located just outside Reno. You can see it from Reno when you go there. Table Mountain Wilderness, and I have traveled almost every bit of that, is a wonderfully unique place. Currant Mountain Wildness is near the Great Basin National Park. The East Humboldts Wilderness is 37,000 acres. Here we have a herd of shaggy mountain goats which you can see there, with a small cirque lake and the 11,000 foot peak. Grant Range Wilderness, not far from Las Vegas, is a 50,000 acre area; Jarbidge Wilderness, a beautiful, wonderful area, you can still go there and pick up flint stones. You can pick up arrowheads. I went there for the first time in August, and the snow had not melted yet. It was beautiful.

Mount Moriah Wilderness is located near the Utah border; Quinn Canyon Wilderness is located in eastern Nevada, 27,000 acres. Ruby Mountain Wilderness has skiing. Land at the top in a helicopter, ski down the mountain, and come out where there is no wilderness. Santa Rosa Mountain Wilderness, also very remote; and finally, Boundary Peak Wilderness on the California-Nevada border is a mountain more than 13,000 feet high, which is the highest mountain in the State of Nevada.

My friend from Massachusetts has a question, I understand.

Mr. KENNEDY. If the Senator will be kind enough to yield for a question.

Mr. President, as I understand, half of the royalty is returned to the States. Is the Senator familiar with the fact that the amounts that are actually returned to the States go directly for the cause of education, the education funds of these States?

Mr. REID. I say to my friend, who is the ranking member of the Health,

Education, Labor and Pensions Committee and who has spent so much time working on education issues, trying to find money, as I know the ranking member has done—trying to find money to fund education programs all over America—yes, $66 million. As the Senator from Iowa indicated, it could go up to $154 million. Think what we could do with that share of education moneys, with the programs he has authorized in his committee but we have no ability to fund.

Mr. KENNEDY. I want to just raise this issue since, by and large, the majority of the States use the resources that come from this royalty for education. If the amendment of the Senator is carried, then they are going to be denied funding in a number of these States, some 24 different States. I think it is important to recognize—

Mr. THOMAS. I raise a point of order. Would the Senator please explain the question exchange? I am sorry, I don't understand this.

Mr. KENNEDY. I would like to be heard on this.

Mr. REID. Would the Senator complete his question to the Senator.

Mr. KENNEDY. The point is, if the royalty money is not available to the States, does the Senator understand that money is going to have to be made up in some other way and otherwise we are going to have cutbacks in education in the States?

Mr. REID. I have been waiting for the Senator from Massachusetts to come because I was hoping he would ask this question.

We in Nevada know more than anyplace in America how difficult it is to fund education. I say to my friend, does he realize in Nevada we hold the record? In Clark County, we dedicated and built 18 schools in 1 year. No school district in America has ever come close to that. We need schools. I say to my friend from Massachusetts, in Las Vegas we have to build one school every month to keep up with the growth. We are the eighth largest school district in America. We have well over 200,000 kids in our school districts.

So I say, absolutely, the money that would come from this would help the people in Nevada and the rest of the people in the country. I don't know how I could be more direct in my answer to the Senator.

Mr. KENNEDY. I again want to ask the Senator: As I understand it, for example, the total share of the royalty funds that goes to the State of California, 100 percent, goes to public education of children in California. Does the Senator understand in Colorado it is some 60 percent, 100 percent in Louisiana? Those would be funds, if this amendment were carried, that would be directly denied to the public school system in those States and would have to be made up, or otherwise there would be cuts in those particular States. Does the Senator understand the relationship between what we are talking about here and the issue on education? It is very significant.

Maybe $60 million does not make a lot of difference to some Senators. But it could make a lot of difference if we were talking about the Reading Excellence Act which has just been cut over in House Appropriations. It makes a difference to 330,000 children—whether they are going to learn how to read.

We have those examples across the board: Colorado, 60 percent; North Dakota, 57 percent. Has there been any discussion on the floor of the Senate by those Senators on how they are going to make up the money? It seems to me we ought to have at least that kind of information. If you are going to cut out that funding for public education in the schools—and that is what this amendment does—we ought to understand where the other money is going to come from because you are taking it right out of public school education.

I do not know what the Senator's conclusions are, but when we realize we are dealing with the appropriations bill that is the last bill on the agenda, it maybe doesn't have a very high priority. Maybe that is one of the reason it has not been talked about very much by the Republicans, those on the other side. But this is money that comes right out of public education. It comes right out of support for public education in a number of these States.

Mr. REID. I say, in answer——

Mr. KENNEDY. I was just asking the Senator how these States are going to make up for it. Can the Senator help us?

Mr. REID. The Senator has asked a couple questions.

First of all, no, there has not been a single word on this Senate floor about where the makeup would be for this money. The fact is, as with most education issues that have come up since the majority has been controlling this place, they just ignore it. They don't worry about it.

I say, in answer to my friend from Massachusetts, yes, we have a lot of children—more children who are not going to be able to read, the more we cut back on these moneys. But I say to my friend, we have 3,000 children dropping out of high school every day in America. Couldn't we use a few of these dollars to come up with some programs to keep these kids in school?

Mrs. BOXER. Will the Senator from Nevada yield to me for a question?

Mr. REID. I am happy to.

Mrs. BOXER. Because I think it dovetails with the Senator's question about the States.

I say to my friends from Massachusetts and Nevada, maybe some Senators on this floor do not care about this, but the States do care about this. The States have sued the oil companies because of this continuous undervaluation of these oil royalty payments. I say to my friend, it is outrageous that we do not fix this problem today. The States have sued to the tune of $5 billion because they need this money.

What we will do, if this amendment is agreed to, I say to both of my friends, is continue this undervaluation, continue these lawsuits where the States have to sue, rather than allow Secretary Babbitt and the Interior Department to fix this problem.

I am so glad the Senator has yielded to my friend from Massachusetts. I wanted to know if he was aware of these valuations and if he would ask unanimous consent to have these facts printed in the RECORD.

Mr. REID. I would have to say to my friend from California, I knew of dollars but I did not know of the tremendous amounts: The State of California, $345 million, unbelievable; Texas, $30 million; New Mexico, a small State, think of what could happen in the State of New Mexico with $6 million; Alabama, $15 million; Louisiana $400 million.

As I understand, these moneys come from lawsuits where the oil companies settled. There was not a trial where a verdict was rendered or a judgment rendered. They paid up when they found that they were doing wrong. And all this money, based upon what the Senator from California has so aptly described earlier in her statements on the Senate floor, and what the Senator from Massachusetts said—every dollar of this money goes to public education. States break it up differently, the Senator said—California, 100 percent; North Dakota, 56 percent—but that is a lot of money for those States.

Mr. KENNEDY. I was interested in the Senator's viewpoint. At the very time we are meeting here, this very time this afternoon, the House appropriators are marking up the education bill. They have just cut $60 million out of the reading programs, the Reading Excellence Act, which would affect 330,000 children. This is what we are talking about.

Does the Senator agree with me that we have a limited role in public education? We provide 7 cents out of every dollar in education, but we provide it in targeted areas to try to begin to make some difference in local communities and in States so these efforts can be carried on and expanded if they are worthwhile. We have the Reading Excellence Act, which is just beginning to take hold, just beginning to make a difference. Mr. President, $60 million is a big hunk of change, and that is what this amounts to in total revenues—$66 million.

I just want to inquire of the Senator so the membership understands. When we refuse to defeat the Hutchison amendment, we are going to be disadvantaging States in the public education system.

Mr. REID. I say to my friend in response to the question, he made a very good point. The Federal Government, in my opinion, does not do enough to help public education. It does not do enough. Seven percent is not enough. But at least we do something. Every dollar we send to the school districts is badly needed.

But in answer to the question of the Senator, this money goes to the school districts. They can spend it in any way they want. Isn't that right?

Mr. KENNEDY. That is my understanding.

Mr. REID. The Federal Government is not saying you must spend it in a certain way. The State of California, by law and regulations of the State of California, is required to spend this money in any way they want on public education?

Mr. KENNEDY. That is absolutely correct. If the Hutchison amendment is accepted here, these will be the results. Effectively, we are going to be seeing an important source of funding for public education, for the schools in these several States, being denied.

Does the Senator agree with me that most of the responsibilities we have are on priorities, on making choices?

Mr. REID. The Senator is correct.

Mr. KENNEDY. Does the Senator understand the choice to be on the issue of education? If we accept the amendment of the Senator from Texas, we are going to have, as a corresponding result, important reductions in support of public education in a number of States; is that the Senator's understanding?

Mr. REID. And it will not be made up anyplace else.

Mr. KENNEDY. Does the Senator think we are going to make it up at the Federal level in terms of appropriations? Has there been any suggestion?

Mr. REID. We see what is happening in the House as we speak. We have seen what has happened in the last several years: Education is being ratcheted down. There are some, I say to my friend, who want to destroy public education, and this is a step in that direction.

Mr. KENNEDY. I thank the Senator. It is important the Membership have a full understanding of the impact of the Hutchison amendment on education.

Mr. REID. I appreciate the questions from my friend from Massachusetts. One reason, before the Senator leaves the floor, that I think this is so important is this money does not go to any one place. I talked about the importance of the money and doing something about the natural beauty in our States. The Senator asked a series of questions that indicated a large chunk of this money will go to public education, and as far as this Senator is concerned, I do not think there is anything more important than public education and protecting our natural resources. That is, in effect, what the Senator from California is attempting to do: Focus attention on these moneys that would go to these very important issues, such as the national park we have in Nevada, such as the 14 wilderness areas we have in Nevada, and the many educational programs.

I ask the Chair how much of the Senator's hour is remaining.

The PRESIDING OFFICER. Ten minutes.

Mr. REID. Mr. President, while we are talking about education, I say to my colleagues that I have worked with the Senator from New Mexico, Mr. BINGAMAN, on some very important legislation. The Senator from Massachusetts and I just touched upon it. It deals with dropouts.

As the Presiding Officer has heard me say, every day in America 3,000 children drop out of high school, half a million a year. Every one of those children who drop out of school are less than they can be. They are going to be less productive to themselves and to their families. They are going to add to the cost of Government in education, in welfare, and our criminal justice system.

Mr. President, 84 percent of the men and women in the prisons around America have not graduated from high school. So are high school dropouts a priority? Yes, they are.

The Senator from New Mexico, Mr. BINGAMAN, and I have introduced legislation to create, within the Department of Education, a dropout czar who would work on programs around the country to keep kids in school and not force any of these programs on local school districts, but have them available with challenge grants and other opportunities for schools to step in and see if they can help keep some of their kids in schools. It will cost a few dollars to do this. We need to do it. This will allow us to have moneys to do that.

I say keeping children in school is important. We have programs around the country that work. Let's try to pattern what we do after the programs that work and keep some of these kids in school. I cannot think of anything more important, as it relates to education, than keeping these kids in school. We are not going to keep all 3,000 children from dropping out every day, but let's say every day instead of 3,000 children on average dropping out, 2,800 drop out. We will keep 200 children in high school every day. Think how many that will add up to in a school year: Kids who have a better opportunity to do what they are capable of doing and not adding to the criminal justice system, not being part of the statistics. Eighty-four percent of the people in prison did not graduate from high school. We need to do better in that regard.

Also, we need to do better with our natural resources. We need to do something about the multibillion-dollar backlog in our national parks. We are closing parts of our national parks because we cannot rehabilitate them the way they need to be rehabilitated. Some of these areas are becoming dangerous for people to walk in.

What we do with our personnel in our U.S. park system is something we should not brag about. Employees of the National Park System are living in Quonset huts from the Second World War. We have to provide housing for these people. A lot of these parks, just like Great Basin, are very remote. The nearest town from the Great Basin is 70 miles away. These people are living in conditions I do not think you want your children living in. These jobs are coveted. They go to school to become a park ranger. They love their work. We should provide adequate housing for them because a lot of times it does not exist.

I appreciate the opportunity to speak today. I appreciate the questions from the Senators from North Dakota, Massachusetts, California, and Iowa. I hope this debate has been educational to other Members of the Senate.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, what is the situation with regard to time?

The PRESIDING OFFICER. The Senator has an hour.

Mr. THOMAS. I thank the Chair. I want to make a few comments to see if we can move this discussion back to the issue. We have been totally off the issue for the last 2 hours.

The issue really has to do with MMS. It has to do with the development and enforcement of regulations. Nearly everyone who has gotten up so far has said: I do not know much about this; our State does not do this. And they have gone on to talk at length about it.

I have been involved with this. I have been at the meetings with MMS. Our State is the largest State involved in terms of oil royalties.

We ought to focus on the real issue for a while. I want to do that.

Mr. CRAIG. Will the Senator from Wyoming yield for a question?

Mr. THOMAS. Certainly.

Mr. CRAIG. As we refocus this debate on the issue of royalties, obviously the Senators from Nevada and Massachusetts and California were focusing the issue of royalties on public land resources on education. There was a critical vote in the Senate last week which they strongly opposed—and some of them spoke against it—that directly associated resources with education. That was the issue of timber, timber cuts, stumpage fees flowing back to local schools.

Will the Senator respond to that? We are talking out of both sides of our mouths if we are saying that royalties are all for education, and yet just this last week, they voted against education in timber-dependent communities across this country that have had their budgets cut 50 and 60 percent. The Senator from California voted that way, and the Senator from Nevada voted that way. Will the Senator from Wyoming respond to that?

Mr. THOMAS. Will the Senator make it a little clearer as to exactly how this impacts?

Mr. CRAIG. The point I am making is, every time the Forest Service is allowed to cut a tree off public lands, 25 percent of that stumpage fee goes back to the local school district to be spent for schools.

For good reasons, we have reduced the timber program by 70 percent in the last 7 years. I have a school district in my State that is not feeding its kids today and asking them to bring brown bags because the vote of the Senator from California, along with the Senators from Nevada and Massachusetts, denied them the right to cut trees on the clear water forests in my State.

Can I get exercised about this? The Senator from Oregon supported me because he has a school district that is only allowing its kids to go 4 days a week instead of 5. So if we are going to use oil royalties for that argument, quit speaking out of both sides of your mouth because just last week you voted that way.

We have always balanced our natural resources for the good of the environment and for the good of the public that is associated with them. The Senator from Wyoming knows that. We graze on Wyoming public lands and we take oil and coal from under Wyoming public lands—State and Federal lands. Some of that money goes back to the local communities. Yet this administration wants to decouple that.

I am glad the Senator from California is concerned about public land resources and local education, but you cannot be selective in this business. You have to share and associate. What I hear is a tremendously narrow and selective argument.

I thank the Senator from Wyoming for yielding because that is a bogus argument that is being placed by the Senator from California, unless she wants to stand up with the Senator from Idaho and say: I recognize the need to balance timber sales in northern California because the money goes to the schools in northern California, as they do in Idaho. That is called balance. That is called sharing.

I thank the Senator from Wyoming for yielding because you just cannot have it both ways in this business without someone such as me standing up and saying, foul ball, foul ball, bogus argument, unless you are willing to say: Wait a minute, I recognize your problem; we have it in the timberlands of Northern California.

Oil is an issue. It is an important issue. We want a fair return on that. The Senator from the State of Texas is trying to build that kind of fairness into this debate.

I thank my colleague from Wyoming for yielding. I yield the floor to him.

Mrs. HUTCHISON. Will the Senator from Wyoming yield for a question on a similar subject?

Mr. THOMAS. Certainly.

Mrs. HUTCHISON. Talking about education, along the lines of what the Senator from Idaho was just saying, we have another double standard, and that is, the Senator from California led the effort not to allow drilling offshore in California that is estimated to have cost the schoolchildren in the school districts of California over $1 million a year. That is a California decision.

But the fact is, you cannot talk about losing money for schoolchildren by raising the taxes on oil companies on the one hand and then on the other hand say: But we are not going to allow drilling offshore that would put $1 million into the coffers for the schoolchildren of California.

Don't you think there is a relationship here and perhaps there are the same issues but just people taking different sides?

Mr. THOMAS. It certainly seems that way. I think there is a real paradox here. On the one hand we are talking about more money for education and at the same time voting to reduce that amount for education. So I think that is difficult.

Let me go back to the topic that we are really here to discuss and that is MMS's proposed oil valuation rule. I rise in strong support of the Hutchison amendment. I have been working on this issue for a long time. I have been involved in numerous meetings. I have worked with the oil companies. I have worked with the school districts. I have worked with the State of Wyoming.

We are working toward find a workable solutions for everyone, which seems to be ignored by the folks on the other side. We are trying to find a way, with these regulations, for Minerals Management to make them work better. We have met with them. The oil companies want to make it work better. We want to give the Congress an opportunity to participate in this matter of making regulations.

So that is where we really are.

The domestic companies, of course, already pay significant amounts of money. Someone was saying here that 95 percent pay but the others do not. That is simply not true but if it were, that is an enforcement issue. We have regulations now. The problem is, the regulations and the proposed regulation are not workable.

Talking about having a price that is posted, that fits everywhere, that is not the way the oil business works. It is quite different in Wyoming than in Oklahoma. The idea of, where do you take the value? do you take it at the wellhead? that is what the contract says. But if you have to carry it, as an oil producer, out 10 miles to where it can be sold, it is quite a different cost that goes into it. These are the kinds of issues that are involved.

These folks who have been talking this afternoon would make you think people were trying to do away with this. That is not the case at all. It is terribly unfair. It is not the issue. The issue is to work together with MMS and get these regulations enforced. It is relatively simple, frankly.

I have to tell you, we talked some about the impact it has on Iowa, which is nothing; talked about the impact it has on Nevada, which is almost nothing because there is no production there.

Let me tell you a little about our counties. We have 23 counties in Wyoming. Here is one, Park County: 82 percent Federal land. We have another one that is 80 percent Federal land: Big Horn County. These are places where jobs, where the tax base, where schools are financed largely by mineral production.

We have mineral production now. Do we want to change the method of taxing? Fine. But we want to do it along with the Congress. We want to do it along with the producers. We want to make it work and not just be something that is to be done by MMS without consultation with industry and other involved. That is really quite simple.

With regard to the editorial that was put in the RECORD, I have a rebuttal that also appeared in the LA Times, that I think would be fair to have in the RECORD, written by the vice president of the American Petroleum Institute, Chuck Sandler. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times]

(By Charles E. Sandler, Vice President, American Petroleum Institute)

Among the hallmarks of America's great opinion-shaping industry has been its insistence on the swaying of hearts and minds through the use of reasoned and finely crafted argument based on sound information, not inflammatory rhetoric and baseless accusations.

Perhaps it is because I've always placed The Los Angeles Times among the ranks of this country's great newspapers that I find myself perplexed over what could possibly have led to the publication of a shrill editorial about a complex subject that cries out for dispassionate discussion—the Interior Department's proposed new rules governing the payment of royalties by oil companies for oil they produce on federal lands. What could have been a piece that shed light on the issue's complexities instead came across as nothing more than illogic-capped mountains of scurrilous accusations and misinformation.

We cannot expect the entire world to agree with us on all issues that are important to us. But we do not see it as unreasonable to expect a fair shake and a fair hearing from those who write about us in respectable forums.

These are the facts:

First, oil companies are not promoting the use of posted prices to compute future royalties, and in fact have not done so for at least two years.

Secondly, the editorial implies that only large producers are concerned about the proposed rule when the truth is that all oil producers, from the largest to the smallest mom-and-pop outfits, are united in opposing the rule.

The oil and gas industry and the MMS are in agreement that current oil valuation rules must be replaced. In fact, like the MMS, the industry is seeking improved rules that are fair, workable and free of the uncertainties and ambiguities that make the current regulations a costly bureaucratic nightmare, both for the oil companies and the federal government. However, we oppose replacing the current system with an even more flawed, more complex and more burdensome set of regulations that fail to accurately

take into consideration a number of crucial and relevant expenses—transportation and other post-production costs, for instance—in computing royalties.

We have repeatedly urged the Interior Department's Minerals Management Service (MMS) to establish a system that avoids the complications of valuation altogether through the use of a royalty-in-kind (RIK) program under which the government takes its payement in oil, not dollars (an alternative permitted but not required under current law).

Under such a system, producers tender the government its royalty share of production and it would in turn contract with marketing companies to sell the oil at the fair-market price, as other producers do. It would simplify the system, eliminate the need for armies of accountants and lawyers (and their fees), and it would provide an opportunity for the federal and state governments to increase revenues. A similar system has been used in Alberta, Canada, and resulted in increased oil production and royalty payments, fewer disagreements between the government and oil producers, and a smaller bureaucracy. The government, unfortunately, has yet to adopt such a proposal although a pilot RIK project is being planned for this fall in the Gulf of Mexico.

The Times editorial's unfair comparison of the current situation to the Teapot Dome scandal—which involved fraud—ignores the significant fact that Democratic and Republican members of Congress who have joined to prevent Interior from unilaterally imposing its will on the industry have very legitimate concerns. To suggest that a lawmaker from a state that is a leader in oil and gas production is unduly influenced by the oil and gas industry because she has taken campaign contributions from that industry is ludicrous. It's like saying that no Silicon Valley lawmaker who's received campaign contributions from the high-tech industry should ever lift a finger to help that sector of California's economy.

Contrary to the editorial's allegation, producers are playing by the existing rules, as established by the government. The fact that new rules have not been made final as a result of Congress's decision to exercise its lawful right to review policy does not alter that fact.

Finally, if Interior were truly concerned about increasing revenue from the land the federal government leases to oil companies, it should give serious consideration to the tried and tested royalty-in-kind proposal.

Much work remains to be done before this matter is resolved. Legitimate differences of opinion exist. In the end, the issue will be settled by reasonable minds employing reasoned arguments, both to promote their views and to secure an agreement. The Times, unfortunately, missed a great opportunity to be a part of that sober discussion.

Mr. THOMAS. There is a great deal of involvement here. We have to talk a little bit about this industry. We have now, what, approximately 55 percent of foreign oil that comes into this country. Our oil people are stressed to keep it going. The oil business has been in something of a depression. We had oil down in the $6-, $7-, $8-a-barrel range in Wyoming. That is not to say there ought not to be regulations, that there ought not to be the kind of royalty rules that can be lived by. That is what we are working for.

If you came in from Mars and listened to what has been talked about over the last hour, you would think we did not have anything except a bunch of robber barons. That is not true—absolutely not true.

So I hope we can go forward with this, we can go ahead and work in the next year to put these royalty rules together, as it should be, to put it together in a way that is fair.

We have proposed regulations. We now have some changes in personnel in MMS that I think might make it work quite a bit better. We have some changes now coming forth at the Assistant Secretary's level.

We really need to get down to some facts and get away from all this hyperbole about what people are not paying, and people are cheating, and all these things. If that is true, that is an enforcement issue that ought to be dealt with by the Federal Government.

The West does have a unique relationship with the Federal Government. As I mentioned, all of us have a great deal of our land that is there, a great deal of our resources. We are dependent largely on mineral resources, along with agriculture and tourism, for our economy. So we need to have an economy that has jobs, that creates a tax base, that does the kinds of things that this industry does.

So I am really interested in us moving forward beyond these types of arguments brought up by the other side of the aisle and get something accomplished. We have talked about this now, and we have had several votes on this, as a matter of fact. We had 60 votes to move forward. We are ready to go forward with the Interior bill and do some things that have to be done in the next week and a half. We owe it to the American people.

I am really distressed by the idea of standing around wasting time on an issue that has pretty well been summed up and should be completed. We have already finished it, but we continue to go on and on here on the floor, I guess for political reasons. I cannot think of any other reason we continue to go on as long as we have.

One of the things, of course, that is most difficult from time to time in dealing with the Federal Government is the Federal regulations that are onerous and difficult. They make it very hard for businesses.

By the way, many of the businesses in Wyoming—and the oil business—are small businesses, independent producers. Many of them are stripper wells and down to 15 barrels or so per day. These are not all the mammoth companies, and so on, they talk about. This is an industry that is tremendously important to our State.

By the way, our students do receive a great deal of support from this source, which is our principal source, of course, for funding schools and doing the other things we do in our State.

Efforts will go forward to continue to complete the regulations and the rules. That is really what we are aiming toward. That is really what we ought to do. MMS needs to work with industry and come up with some workable regulations. Talking about schools not having the money—the money is there now. As the Senator from Idaho indicated, there have been diversions from that pot of money by the very people who are continuing to talk about needing more. It seems to be something of an irony to do it that way.

I guess I have been particularly concerned about shifting the focus of our discussion today on an MMS proposed rule over to campaign finance, which we heard talked about for 30 minutes this morning. It is not relevant at all to what we are doing. And the implication that everyone who is for a workable rule is somehow a product of the contributions, I am offended by this. I am. I think it is a very unproductive kind of an argument.

I hope we can move forward, get this behind us, that we can get this job done. We can do it, and it can be done. By working with MMS, we and industry can come up with a workable rule. We are on our way to doing that now.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER (Mr. FITZGERALD). The Senator from Minnesota.

Mr. HARKIN. Will the Senator yield?

Mr. WELLSTONE. I do not yield the floor.

Mr. THOMAS. Mr. President, I think this is our hour, if I understand it correctly.

The PRESIDING OFFICER. The Senator from Wyoming had the floor. Did he yield the floor?

Mr. THOMAS. I yielded the floor to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator cannot yield the floor to another Senator.

Mr. WELLSTONE. Mr. President, I believe I have the floor.

The PRESIDING OFFICER. The Senator from Minnesota was recognized.

Mr. WELLSTONE. I thank the Chair.

Mr. DOMENICI. Will Senator WELLSTONE yield, without losing his right?

Mr. WELLSTONE. I am pleased to yield for a question, without losing my right.

Mr. DOMENICI. How long will it be in terms of the remarks the Senator will make before he yields the floor?

Mr. WELLSTONE. I say to my colleague, probably about an hour.

Mr. DOMENICI. I thank the Senator.

Mr. WELLSTONE. Mr. President, I say to my colleague from Wyoming, I understand the point he is making about the connections to money at an individual level. I am not here to make that argument. I think there is a different argument that could be made about the need for reform.

What I want to do is go back to what I think is the issue. To me, the issue is that the Hutchison amendment is an outrageous provision. The reason we are out here on the floor is, we want people in the country to know about it. We all have to be accountable.

It was offered to the Interior appropriations bill. Now, because of this successful effort to get cloture, this

amendment, if it goes into law, which it will, will restrict the Interior Department from doing its job, which is to make sure that the oil companies pay their full royalties. I thank the Senator from California for having the courage to come out and take on this effort and for having the courage to make this an issue, a very public issue in the country.

The reason we are out here is that behind this amendment lies an unbelievable story. The Interior Department's Mineral Management Service, MMS, simply wanted to collect the money that these oil companies owe the public. Many of the industry's largest companies have been consistently underpaying their royalties. They are not paying their taxes. Ordinary people, which I mean in a positive way, in Illinois or Minnesota, they pay their taxes. These companies have not been paying their taxes, not the fair share.

Last year, Mobil Oil agreed to a $56.5 million settlement of Federal and State lawsuits alleging underpayment of royalties. They agreed to the settlement. Also, according to the Wall Street Journal, not exactly a bastion of liberalism, Chevron Corporation has agreed in principle to pay approximately $95 million to resolve a civil lawsuit charging that Chevron shortchanged the American public. That is what has been going on.

There have been a flurry of other settlements—$2.5 billion in Alaska, $350 million in California, $17.5 million in Texas, $10 million in Louisiana, and $8 million in New Mexico. Remember, this oil belongs to the public. What we have been saying to these companies is: Go ahead, take the oil, but all we ask, as the public, is for you to pay the market value. I don't think that is too much to ask, nor do the people of this country think it is too much to ask. Apparently, the big oil companies do. If there was a poll in the country, 99 percent of the people would be with my colleague from California.

Let me be clear about one thing: We are not talking about all of the oil companies. We are not talking about the mom and pop independents. We are talking about large integrated companies that sell to affiliates at undervalued prices. They make up only 5 percent of the oil companies drilling on the Federal land, but they account for 68 percent of the Federal production.

The Interior Department, up to the time of this Hutchison amendment, was developing regulations to stop this highway robbery. People get angry. People work hard. They pay their taxes. Then they see these big oil companies that say: We don't have to pay our taxes.

This is not new authority. Interior always had the statutory authority to collect royalties on the fair market value. But what the Hutchison amendment would do would essentially negate what the Interior Department was trying to do. What was the Interior Department trying to do? These new regulations would keep the oil companies from manipulating ''fair market value'' to underpay their royalties.

That is what they have been doing. They have been cheating. This is the question I ask my colleagues: Do these companies, these large integrated oil companies, deserve our sympathy? I don't think so. They have been caught. Let me repeat that. They have been caught. They have been caught underpaying their royalties. They have been cheating the public. That is what they have been doing.

My colleague from Texas and some other Senators come to the floor and they want to do a special favor for the big oil companies. The reason we are out on the floor is, even if we lost on the cloture vote, I say to my colleague from California and other Senators, we don't lose this vote, not really. We don't lose this fight, not really, because I think people in the country are absolutely outraged.

We are talking about $66 million a year that could be going to the environment, to schools, to our children. We are talking about big oil companies that basically seem to think—my colleague from Wisconsin was out here on the floor, and I guess other Senators didn't appreciate what he was doing. But with all due respect, this is a reform issue. How is it that we have so much sympathy, how is it we care so deeply, how is it we feel the pain of these oil companies, how is it we are so much at their service, and yet, when it comes to families that can't afford child care, we don't have the same sympathy? When it comes to making sure we make the investment in education for our children, we apparently don't have the same sympathy.

I was at a press conference with my colleague from Vermont, Senator JEFFORDS, a Republican. We were talking about the current course, which is going to be about a 12- to 14-percent cut in low-income energy assistance in a cold weather State. We are talking about grants of maybe $285, but it makes a huge difference. Do my colleagues know that for around 85-, 90,000 households in Minnesota, a third of them are elderly; 70 percent of them are working poor?

This means there is a grant so that during the cold winter months in Minnesota—we have a few of those months—we make sure those families, in trying to pay their heat, are still also able to afford food, or elderly people don't give up on prescription drugs.

What do we have here? We have a Senate, by virtue of the vote on the floor of the Senate, which basically does the bidding for these big oil companies. All of our sympathies are for these companies. My colleague from California has had the courage to confront this, to take this on. The reason we are taking our time this afternoon, I say to the Senator from California, is that we want as many people in the country as possible to know about this. That is right; absolutely, that is right.

I said, when the Senator was out, I have no doubt—and I thank her for her effort; I know she must be getting tired—I have no doubt that 99 percent of the people in this country are on your side. I say that to the Senator from California. People are outraged by this. This is another example of too few people, with too much power, having too much say over how the Senate operates, and the vast majority of the people are left out.

It is interesting; my colleague from Massachusetts, Senator KENNEDY, just gave me a summary of what happened today on the House side in the Subcommittee on Education of Appropriations. Unbelievable. They cut $1.2 billion in money that would have gone to reduce class size. My daughter is a Spanish teacher. I asked her the other day, ''What size classes do you have this year?'' She said, ''36 and 38.'' Those are two of her classes. Those classes need to be smaller.

Then I was talking to my son, who has two small children in elementary school. In the third grade class, there are 28 students. We know if we reduce class size, teachers would have more time to spend with these kids, and they can do better. Today, on the House side, our Republican colleagues cut this—title I funding, $264 million below the President's request.

I have to talk about this for a little while. This is unbelievable. Albeit, I was literally on this one, in a minority, but we had all this discussion about Ed-Flex and all that we were going to do with title I. At the same time, our title I funding for low-income children in our country is about a third of the level of what it should be if we were to reach all the kids. This is money that is used for teaching assistants, more teachers, more parent outreach, higher standards, and making sure that kids who fall behind can meet those standards. Today, we are essentially cutting title I. How could the $66 million be used? We can hire a thousand teachers; we can put 44,000 new computers in the classrooms; we can buy textbooks for 1.2 million students; we can provide 53 million hot lunches for schoolchildren.

So I can't understand when some of my colleagues come out on the floor and say this is not the issue. This is the issue. These oil companies have been cheating. They haven't been paying their fair share of taxes. They were able to get some Senators to come out here as a favor to them and make sure they are able to continue to basically not pay their fair share of taxes. We give up $66 million, and the choice becomes not the mom-and-pop operations, but huge, big, integrated oil companies.

Do I have sympathy on the side of big oil companies, or am I on the side of children? That is an easy question for me and the vast majority of people in this country to answer. It is interesting; when we talk about the whole issue of cheating the public, I want to point this out on the floor of the Senate. Now we are talking about cheating

the public. Now we are talking about the Interior Department wanting to basically put into effect the regulation that makes sure the big oil companies could not cheat the public. Now we are talking about an effort that basically is an effort to undo this regulation, undo the work of the Interior Department.

The Interior Department is essentially saying to people: You know what. We, as a Government agency, are going to make sure the oil companies pay their fair share, which is what people believe in. People get angry because they think we are well-connected, and if you make huge contributions—which is what my colleague from Wisconsin was talking about—and you are a heavy hitter and you have lobbyists, you can get special deals. People hate that. They get furious about it. I don't blame them.

I heard a lot about cheating and all the rest when we had the welfare debate. It is interesting. We have all this sympathy for the ''poor,'' large oil companies. They come in here and, apparently, for some of my colleagues, we can't do enough for them, even when they are not paying their fair share. But you know, it is interesting; we never have any of the same sympathy for poor mothers and children.

I have been out on the floor of the Senate trying to get at least some honest policy evaluation of how this welfare bill is working. I get something passed on the Senate floor, and it is taken out in conference committee. As I was saying, how about some sympathy for others? Maybe if they are not as well connected, or maybe if they don't have all of the income, we still ought to care about them.

So if we hear from Families USA that since that welfare bill passed, there are 670,000 fewer children who have medical coverage, we ought to be concerned. If we hear from the U.S. Department of Agriculture that there has been a dramatic rise in the number of hungry and food-insecure families in the country, maybe we ought to be concerned. And if we know there has been about a 25-percent drop in food stamp participation, maybe we ought to be concerned.

If we hear that most of these mothers are getting jobs that are barely above minimum wage, and then they lose health care coverage and they don't find good child care for their children, maybe we should be concerned. If it is the case, as it is the case in Minnesota—and I will bet in a lot of other States as well—that we can't even make the rent subsidy program work any longer because there is no affordable low-income housing, so the fair market value is above what would make anybody eligible, and that people can't even find housing and they can't cash-flow—they would have to make $12 or $13 to be able to cash-flow to afford any affordable housing for themselves and their children, and if the most dramatic rise in the homeless population is women and children, maybe we should have the same concern. But we don't.

We are concerned for these oil companies that have been caught cheating, but we are not concerned for low-income women and children. We are concerned for these oil companies that have been caught cheating. There is not enough we can do for them, but we are not concerned about funding title I. We are not concerned about making sure we fund low-income energy assistance. We are not concerned about making the investment to reduce class size. We are not concerned about affordable child care. We are not concerned about making sure that we fully fund and make the investment we ought to make in veterans' health care.

But we can't do enough for these oil companies that have been caught cheating.

I think this debate we have been having, this sort of fight on the floor of the Senate speaks volumes on what is at stake. Let me simply, one more time, repeat what I said earlier. This amendment is an outrageous provision offered to the Interior appropriations bill. What it does is it basically restricts the Interior Department from doing its job. What the Interior Department was trying to do was make sure the oil companies pay the full royalties for the oil they are drilling on Federal or Indian land. Therefore, we lose, roughly speaking, $66 million a year. Therefore, the choice becomes: Do you hire a thousand teachers? Do you put 44,000 new computers into the classrooms? Do you buy textbooks for 1.2 million students? Do you provide 53 million hot lunches for schoolchildren? Or do you basically come down on the side of the big oil companies?

Well, I am proud to say on the floor of the Senate that I am not the Senator for the big oil companies or the big insurance companies or the pharmaceutical companies. They already have great representation in Washington, DC. It is the rest of the people who need it. That is what Senator BOXER has been trying to do—represent the rest of the people in this country. That is what I am proud to do out on the floor of the Senate.

It is interesting. October is going to be Domestic Violence Awareness Month. It is so important that in October we focus on the violence in families. About every 13 seconds a woman is beaten and battered in her home. A home is supposed to be a safe place. About every 13 seconds, that is a conservative figure. All too many children witness this violence, as well.

As it turns out, we also at this time are recognizing the 25th anniversary of Women's Advocates, which was the Nation's first battered women's shelter located in St. Paul, MN. I have a lot of pride when I talk about the staff and when I talk about the volunteers and the supporters of Women's Advocates.

In 1974, the doors of this shelter first opened for women and their children who were seeking some respite from violence. It took a lot of courage and for women to stand up to this.

To date, this wonderful, special place has provided advocacy shelter and advocacy and support services to over 25,000 women and children. They spend countless hours teaching our schoolchildren and community members about the impact. Women's Advocates stands as a pillar of grace and triumph. I hail executive director, Elizabeth Wolf, and all the courageous women.

But what is interesting to me—I raise this question because, again, I come out on the floor of the Senate and I say: Can't we do more to try to stop this violence? Can't we have more safe visitation centers to protect children and women? Can't we make sure we do more by way of supporting children who witness this violence in their homes—some 3 to 5 million children? Can't we do more to make sure these women who have been battered and who have experienced this violence can afford housing when they leave these shelters? Do you know what the answer is from my colleagues? No. We can't make that investment. We don't have the money. But when the oil companies that have been cheating and have been caught cheating come here and they say, please give us a special break, please give us a special favor, we find it easy to give them our sympathy and to give them what they want.

How interesting it is. This is an issue of representation. How interesting it is that when we are talking about children in our schools, when we are talking about working families that can't afford child care for their children, when we are talking about men and women who work in our child care centers and have to leave because they can't make a living wage, therefore, there is all this turnover—the Washington Post had an excellent piece about this not too long ago—and when we are talking about whether or not people who work almost 52 weeks a year, 40 hours a week, shouldn't be able to have a living wage and we should raise the minimum wage, or when we are talking about whether or not can't we do more by way of affordable houses, or when we are talking about how we can't expand the Pell grant program to make sure higher education is more affordable, we don't have any sympathy; we don't have any resources; there is nothing we can do.

But when it comes to these big oil companies, when they come here and they say, please give us a special favor, we have been cheating and now the Interior Department is going to say we can't cheat any longer and we have to pay our fair share of taxes, we ask you to fix that. That is exactly what the crux of the amendment is. That is exactly why we are speaking on the floor with a tremendous amount of indignation.

The question becomes one of representation. I think this actually is what my colleague from Wisconsin was

trying to speak to. Why do the wage earners, these working families, these children and women who are experiencing violence, children who witness that violence, why don't their concerns seem to carry any weight and yet the concerns of the poor large oil companies that have been caught cheating seem to matter? What is going on here?

I think this is a huge problem. I think this has everything in the world to do with the need for reform. This has to do with a mix of money and politics. This has to do with: Who are the players? Who are the contributors? Who are the heavy hitters? Who are the well connected? Who can get Senators to do their bidding?

I tell you, it is outrageous. That is why I am on the floor to say it is outrageous. It is absolutely outrageous.

I have another question. I have a different question. This one is very near and dear to my heart.

Why do we have all of this concern for these poor big oil companies that have been caught cheating and don't want to pay their fair share but we don't have the same concern for family farmers who right now are going under? We are going to lose another 6.57 percent of our family farmers in Minnesota. These producers are going to go under. We want to come out here and we want to say raise the loan rate.

I say to my colleague from Michigan, I would be pleased to finish up a little bit earlier. I will finish up in a few minutes. I have other colleagues wanting to speak. I will make one final point.

Mr. President, I ask unanimous consent that my colleague from Michigan be allowed to follow me. I still have the floor.

The PRESIDING OFFICER. Is there objection?

Mr. GRAMM. Mr. President, I object.

Mr. WELLSTONE. Mr. President, I will take my time.

Let me simply raise another question, which is if we have all of this concern for these big oil companies, and we want to prevent the Interior Department from making sure they can pay full royalties, then why don't we have the same concern for family farmers in the State of Minnesota? Why don't we have the same concern for the producers in my State? Many of us from the farm States want to come out here and we want to talk about raising the loan rate. I have a proposal that I want an up-or-down vote on to put a moratorium on these acquisitions and these mergers.

We want to talk about antitrust action. We want to talk about fair trade policy. We want to know why the conference committee can't even get the emergency assistance to our farmers who are going under.

But it seems as if when it comes to family farmers in Minnesota, or, for that matter, Illinois, or in our country, or when it comes to education for children, or when it comes to veterans' health care, or when it comes to low-income energy assistance, or when it comes to affordable housing, or when it comes to what we can do about reducing violence in homes, the brunt of the violence directed at women and children, we don't have very much sympathy. But we have all of the sympathy in the world for these poor oil companies that have been caught cheating because, after all, they are the ones that are the well connected. They are the ones that have the resources. They are the ones that seem to make a difference.

Mr. LEVIN. Mr. President, I wonder if the Senator from Minnesota will yield for a unanimous consent.

Mr. WELLSTONE. I am pleased to yield for a question. I would like to keep the floor.

Mr. LEVIN. Will the Senator yield for a unanimous consent request?

Mr. WELLSTONE. I am pleased to keep the floor and yield for a unanimous consent request.

Mr. LEVIN. Mr. President, I ask unanimous consent—if the Senator from Minnesota would be able to do this—that the Senator from Minnesota yield within the next few minutes to the Senator from Texas for 10 minutes, and then to the Senator from Michigan for 10 minutes, and then, if the Senator from Minnesota is still on the floor after giving us the time, the floor go back to the Senator from Minnesota until 4:15, at which point the floor would be yielded to the Senator from Texas, Mrs. HUTCHISON, or her designee.

Mr. WELLSTONE. Mr. President, there is so much more I want to say right now, but I am pleased to yield to that request.

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

Mrs. HUTCHISON. Mr. President, at 4:15 Senator DOMENICI or I will be recognized and we will use approximately 45 minutes of our time.

Mr. WELLSTONE. And I have how much time after?

Mr. LEVIN. Let me state the unanimous consent request.

Mrs. HUTCHISON. Fifteen minutes, from 4 to 4:15, is what the Senator would have.

Mr. LEVIN. Let me state the unanimous consent request. I ask unanimous consent that Senator GRAMM have 10 minutes at this time, then I have 10 minutes, the floor go back to Senator WELLSTONE until 4:15, then it go to Senator HUTCHISON or her designee at 4:15, and any time remaining to Senator WELLSTONE on his hour at 4:15 that he retain.

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

Mr. WELLSTONE. Could I take 30 seconds to summarize?

Mr. LEVIN. I add that Senator WELLSTONE take whatever number of minutes he wishes to summarize. That comes off my 10 minutes.

I thank the Senator from Minnesota. I know how difficult it is. He is into some very important material, and it is an intrusion, but it accommodates a number of Senators.

Mr. WELLSTONE. Mr. President, I ask the question, How does it come to be that these large oil companies have generated so much of our sympathy, have enlisted so much of our sympathy? They have been caught. Let me repeat that: They have been caught underpaying their royalties. They have been cheating. And we have all of the sympathy for these big oil companies.

But when it comes to children, when it comes to family farmers, when it comes to doing something about reducing violence in homes, when it comes to raising the minimum wage, when it comes to affordable child care, when it comes to affordable health care, when it comes to so many of the issues so important to families in our country, we don't seem to have the same sympathy.

This debate goes to the heart of what is at stake in the Senate. What is at stake is, Whom do we represent? Are we Senators for the big oil companies or are we Senators for the vast majority of citizens in our country who are asking Senators to get serious with good public policy that will make a difference for them, make a difference for their children, make a big difference for our communities?

That is what this is about. Do we have representative democracy where the vast majority of people are heard or do we have a system where we have democracy for the few, where the big oil companies come here and work out their special deals? That is what they have done, America. That is so outrageous. That is what is so unconscionable. That is why we are taking the time this afternoon to make sure every single citizen in this country understands what has happened here.

I yield the floor.

The PRESIDING OFFICER. Senator GRAMM of Texas.

Mr. GRAMM. Mr. President, what a pity it is that America today is focused on the fact that the President has vetoed the tax bill and is not paying a bit of attention to this debate. So much passion, it is a shame it is wasted, but it is.

The President has vetoed the tax bill. It means the average working couple in America will bear $1,400 a year of marriage penalty because the President doesn't believe they ought to get relief. It means all over America people who inherit family farms and small businesses from their parents, who worked a lifetime to build the farms and businesses up, will have to sell them to give the Government 55 cents out of every dollar of value for which their parents worked a lifetime.

Because the President has vetoed the tax bill, it means we are not going to have a small across-the-board tax cut for every working American who pays income taxes. Because the President vetoed the tax bill, we are not going to make health insurance deductible for Joe and Sarah Brown, the same as it is deductible for General Motors or General Electric.

We know, based on the makeup of the House and Senate and based on the votes of our Democrat colleagues who have been steadfastly opposed to cutting taxes for working families, that we can't override the President's veto. So the tax debate is over.

Thank goodness we will have a new President in 15 months. The American people are going to get to vote in part on whether or not Government ought to spend a surplus or give part of it back. When they vote, we will vote again.

I say this to the President: I hope the President will not send down to Congress more spending bills, because they will pass over my cold, dead political body. I hope the President is not going to propose raising taxes and spending money because they are going to pass over my cold, dead political body. We can't make Bill Clinton cut taxes, but we can stop him from spending the Social Security surplus. That is exactly what we are going to do.

We are going to hear all kinds of whining from the White House about how the President has ''got to, got to, got to'' have more money, even though we are spending more than ever in American history. He has to have more, and we have to steal it from Social Security or raise taxes to pay for it. It is not going to happen. End of that debate.

Now, I want to say I have never, since I have been in the Senate, seen a debate so out of kilter with the real issue that is before the Senate. Quite frankly, I have seen few debates that are as mean-spirited as this debate.

Here is the issue in a nutshell: For 4 years, the Congress has decided, when we wrote a law setting out royalties on oil production that would be paid to the Federal Government and establishing a system to collect them, we meant what we said; that when the Government entered into contracts with people, that those contracts were binding; and that if people wanted to raise those royalties, that ought to be voted on in Congress. After all, we went to the inconvenience to run for public office, and the Constitution says Congress shall have the power to raise taxes and to spend money.

It must be wonderful to have all these things my colleagues hate—big oil, big medicine, big pharmaceuticals—but we are talking about $22 million a year worth of royalties. This is not about money, this is about principle. It is about whether or not Congress ought to set the law and whether Congress has the power to tax, or whether the Federal bureaucracy, through its own power and by its own agenda, with no support from Congress, can override Congress' will and make law.

I am proud of my dear, wonderful colleague from Texas. I love my colleague from Texas because she is tough. I have never seen an issue so demagogued as this issue. I have to say to her, she has not backed up an inch and she has won. I think it is a great testament to her courage and to her toughness. I congratulate her on both.

The issue is not big oil versus schoolchildren. If the Federal Government raises royalties and therefore raises the deliverable price at the filling station, or when you buy home heating oil, who pays for it? Who pays for it is working men and women. That is food, clothing, shelter, and education they take away from their children.

This is not an issue about oil companies versus children; this is an issue of whether we want to take an action through regulation on which Congress constitutionally should be voting.

Second, do we want to raise those prices? I do not. In terms of all of this stuff, big oil and political power, they do not have anything to do with this debate. This debate is about whether or not the Mineral Management Service should have unilateral powers to change royalty rates, or whether Congress, which set the rates to begin with, established the process, should have the power to make those changes if they choose.

Our Democrat colleagues use terms such as ''fairness'' and ''big oil'' and ''excess profits.'' It all reminds me of when their policy was in effect under President Carter, and we all waited in line to buy gasoline; when their policy was in force under President Carter and we had double-digit inflation. Maybe they want to go back to that. I do not. But to turn this into some kind of political shouting match when we are talking about a debate that involves $22 million a year, which is a small amount but a fundamental principle of American government which is beyond setting a price on, and that is who makes the law in this country? Does the bureaucracy make law or does the Congress make law?

Our colleague from Texas has, for 4 years in a row, set out in law the principle that Congress made the law to begin with, and when we are ready to change it, we will change it. We do not need the Clinton administration acting as executive branch, legislative branch, and regulator all combined.

So I say to my colleague, I am proud of what she has done. I am proud that she has won, and all the whining and all the moaning and all the groaning does not change the fact that the Senator from Texas stands on the firmest ground that you could stand on, on the floor of the Senate. The Constitution, in article I, gives Congress the power to impose taxes. It does not give the Mineral Management Service the power to impose taxes. Nor will we ever give them that power. That is what this issue is about. I think we demean the legislative process and demean debate by trying to turn this into something that it is not.

I know someone from the Mineral Management Service has said —and our colleague from Texas is going to give the exact quote —that we need this issue to demagog. Maybe they need this issue to demagog. But this is the greatest deliberative body in the history of the world. Here we are supposed to be debating real issues.

Mrs. HUTCHISON. Mr. President, will the Senator yield?

Mr. GRAMM. I will be happy to yield.

Mrs. HUTCHISON. Is the Senator referring to the quote from Michael Gaudlin of the Department of the Interior, Communications Director, quoted in Inside Energy magazine, November 2, 1998, in which he said, ''We're sticking to the position we've taken.'' ''It gives us an issue to demagog for another year.''

Is that what he is referring to?

Mr. GRAMM. Will my colleague read what the quote said again? I want to be sure that is what I was referring to.

Mrs. HUTCHISON. Michael Gaudlin of Department of the Interior, Communications Director, quoted in Inside Energy magazine, November 2, 1998, in which he said, ''We're sticking to the position we've taken.'' ''It gives us an issue to demagog for another year.''

Mr. GRAMM. That is the quote I am talking about. I thank our colleague for using it.

Let me say this. He can demagog all he wants to. But if he wants to raise taxes, let me suggest to him he quit his job, go back wherever he is from, and that he convince millions of people to elect him to the Senate. Then he can come up here and vote to raise taxes. But as long as he is there and not here, I do not care what he thinks about taxes. It is not his duty to raise them.

I yield the floor.

The PRESIDING OFFICER. The 10 minutes of the Senator have expired. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, it is very interesting that we have had such a focus on Congress having the power rather than the bureaucracy having the power. Many of us worked very hard in this body, including, I believe, the Senator from Texas, to make sure Congress would have the power to review regulation and to review rules. We have a Congressional Accountability Act. It is pretty new. We do not use it very often, but it is there. For 60 days after the Interior Department adopts a rule, if we will let them adopt the rule, we have the power to override that rule by expedited procedure.

So if my good friend from Texas really wants Congress to be in the position that we can override the rule if we ever permit the rule to be adopted, we have that power. We worked hard to get that power in law. It took us many years to get that power in law. It is called congressional accountability, congressional review, and the rulemaking process that the Interior Department is following is a rulemaking process that we told them to follow. We are not going to let them finish it, apparently. The argument we now hear is we are not going to let them finish it because we have the power. We should have the power, not the bureaucracy.

The problem with that argument is it ignores the fact that if we did let them finish, which we should, their rulemaking process, we would have the power to override a rule of the Department of the Interior. For 60 days we have expedited procedures that will permit us to override their rule. So that argument does not wash.

The part of this that really intrigues me the most is what so-called integrated oil companies have been able to get away with by basically setting their own prices instead of using market price. I was really intrigued by this. I was not into this issue until a few months ago, really. I started reading some editorials. I started reading the congressional speeches here in the Senate of Senator BOXER and others.

I asked the Interior Department. I said: Can you give me some examples where you have an integrated oil company and an independent oil company that are drilling the same oil from public lands and paying us different royalties; where the price they are setting in an integrated company on the one hand, and an independent company on the other hand, are different for the same oil from adjacent lands, both being public lands, of course? Because then, if you have different prices being set for the same oil, you have overwhelming evidence that we are being cheated. Either that or the independents are paying more than they should, which is a pretty unlikely thing because they are going by the market price. They are going by what they get for the oil in an arm's length transaction.

So on the one hand, you have independents with an arm's length transaction, which is what the law is. Then we have the integrateds coming along, saying the prices are going to be a lot different based on what they are charging themselves.

So I asked the Department of the Interior to take a look at areas on public lands where you have independents and integrated oil companies right next to each other drilling for the same oil. Is there a price differential?

Here are the numbers they give me. It is to me powerful evidence that we are being cheated because from the same lease, the same oil field, the same oil, in 6 months in 1999, we get different prices, and in every case the price that is being set by the integrated company is less than the market price which was established by the independent in its arm's length transaction.

How do we justify this? How does an integrated company justify that? In January 1999, three different fields: Colorado, New Mexico, and the Gulf of Mexico. Sales price, dollars per barrel, the independent: $12.43. That was the market price. That was the price they were paid on the market for that oil. The same lease, same oil field, same oil the integrated company is basing their royalty to us on: $11.83.

February, the independent, arm's length transaction, getting $11.97 and paying a royalty based on that. What does the integrated company base its royalty on? When it sells it to itself: $11.36.

March of 1999, Colorado, same lease, same field, same oil in terms of quality, you have the same oil. The independent, he is basing the royalty to us on $14.60. The integrated company is basing its royalty to us on $14.08.

April, same story; May, same story; June, same story. That's Colorado, the first 6 months of 1999.

I asked them to give me some examples. I told them not to pick and choose; give me examples which are typical examples where you have oil sales, same lease, same field, same quality oil next to each other. That is in what I am interested.

This is the New Mexico field. It has the same kind of price structure. The independent sells it for $11.74. The integrated company is paying us on $9.83.

In February, New Mexico, the independent company paid, arm's length transaction, $11.53. The integrated company is basing a royalty to us on $10.16.

Something is fundamentally wrong here. The Senator from California and others, it seems to me, have demonstrated in a very clear, dramatic fashion that something is wrong, but when you break it down and ask the Interior Department to give us some more evidence, give us evidence of the differences in the amount on which royalties are based, where the field is the same field, where the lease is the same field—these are public lands. This oil does not belong to the oil companies; it belongs to the people of the United States. They are on our land. This is not a tax; it is a royalty for our property. We own it. It is ours and we let the oil companies drill on it.

What did they come up with? Gulf of Mexico, same field, same lease, the independent company, arm's length transaction gets $11.19. The integrated company, selling to itself, is basing its royalty on $10.49. There is a lot of evidence of these miscalculations by these integrated companies so they pay less royalties.

What could be more compelling evidence when you have oil being drawn from the same field, the same lease right next to each other on a public land? How much more compelling evidence do we need before we finally say to the Interior Department: Go ahead, do your rule.

In closing, I remind our colleagues of one other thing and it is where I started. What we hear from the Senator from Texas is we should do this, not the bureaucracy. We have the power to override the bureaucracy under this new process which so many of us worked so hard to put in place so we are accountable, not the bureaucracy. It used to be called legislative review. Before that, we thought we had a legislative veto, but that was overridden by the Supreme Court. Now it is called the Congressional Accountability Act. For 60 days, if we will let the Interior Department follow the process, we then have the power, under expedited procedures, to override any final rule they may adopt.

This effort is to truncate that, to cut it off so they cannot follow the rulemaking process. That is what this effort is all about.

What it will stop is the elimination of this absurdity. It is absurd for the same oil, for the same field to be charged at different amounts. It is obvious what is going on. The independent companies, because they are selling on the market, have a very clear objective, outside way of determining market value.

Mrs. BOXER. Will the Senator yield?

Mr. LEVIN. I will be happy to yield.

Mrs. BOXER. It is my understanding that Senator WELLSTONE was going to be here at 4. He has yielded the extra time until 4:15 to the Senator from Michigan. I want to engage him in a couple questions, if there is no objection, and then at 4:15, we will go to Senator DOMENICI or Senator HUTCHISON's person of choice.

Mrs. HUTCHISON. Mr. President, I say to the Senator from California, I certainly will not object, but I have one other Senator who has also asked for time.

Mrs. BOXER. Go right ahead and make a UC request.

Mrs. HUTCHISON. I ask unanimous consent that at 5 o'clock I have 5 minutes for Senator BROWNBACK and 5 minutes for Senator ENZI, and then perhaps Senator GRAHAM can come after that.

Mrs. BOXER. I agree, if we can say after the Senators have spoken then we go to my designee for a period of up to 30 minutes. Is that all right, since the Senator is going to have the next hour?

Mrs. HUTCHISON. I ask unanimous consent that I have the hour from 4:15 to 5:15, and then the Senator from California will have the next 30 minutes.

Mrs. BOXER. That is fine.

Mrs. HUTCHISON. I propose that request.

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

Mrs. BOXER. We are winding down.

Mr. LEVIN. Mr. President, I ask unanimous consent that a copy of this chart be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AN INDEFENSIBLE GAP

Sales month and company	Colorado sales price ($/barrel)	New Mexico sales price ($/barrel)	Gulf of Mexico (sales price ($/barrel)
January 1999			
Independent	12.43	11.74	11.19
Integrated	11.83	9.83	10.49
February 1999			
Independent	11.97	11.53	10.93
Integrated	11.36	10.16	10.35
March 1999			
Independent	14.60	14.09	13.01
Integrated	14.08	11.13	12.77
April 1999			
Independent	17.28	16.43	15.44
Integrated	16.61	14.00	15.34
May 1999			
Independent	17.80	17.20	16.65
Integrated	17.11	15.83	15.94

AN INDEFENSIBLE GAP—Continued

Sales month and company	Colorado sales price ($/barrel)	New Mexico sales price ($/barrel)	Gulf of Mexico (sales price ($/barrel)
June 1999			
Independent	18.16	[1]	16.21
Integrated	17.31	16.62	16.04

[1] Not reported.

Oil Sales are from the same lease, same field, and same oil for six months in 1999, for Colorado, New Mexico, and the Gulf of Mexico, respectively.

Mrs. BOXER. Mr. President, understanding the Senator from Michigan now has about 9 minutes remaining, I want to ask him a couple of questions.

First, I thank him very much for his contributions to this debate. I know my friend from Michigan is very meticulous. He was interested in finding a specific case to point to where oil was drilled on very similar lands very close to each other where the oil companies listed different market prices. He asked the Interior Department for that. It was a struggle to get it, and he got it.

I say to my friend, if he can hold up the ARCO chart, I want to try to translate what he has taught us in the specifics to the more general, which is this: Does my friend from Michigan not conclude, after his presentation, there is convincing evidence that a small percentage of the oil companies—namely, those that are integrated and wind up having the first point of sale essentially with themselves—have been consistently undervaluing the price of the oil on which they pay their royalties, and that, in fact, what happens then is that the taxpayers who, as my friend has pointed out, own this land, it belongs to the people of the United States of America, thereby get cheated by that differential? And that is explained on the chart. In other words, the market price is continuously higher than the oil company's posted price, the price on which these 5 percent of the companies pay the royalties. Is that not a fair summary of what is happening?

Mr. LEVIN. That is what is happening. What the Interior Department has done for me at my request is to take a look at situations, as the Senator from California said, where we have oil being drilled under the same lease, the same field so we know it is the same quality oil, next to each other by two different companies, one of which is the 5 percent, the integrated company which is setting its own price, and the other by one of the independents, and to compare the market prices which are set on which the royalty is based.

I told them to give me typical examples. Do not pick and choose. Give me typical examples. The typical examples are on the chart. They show a range of differences in sale prices from 10 cents minimum to $2.99 per barrel. When you put that over the entire country for one company, you come up with this kind of a situation where you have a market price the independents are paying and then you have a posted price by an integrated company, which is below that consistently.

It is wrong, and we have to end it. The Senator from California is leading an effort to end that. We ought to permit the Interior Department to complete its rulemaking process, and then, if a majority of this Congress thinks they have not done this properly, we have a way to override it. We are the final determinants, not the bureaucracy, and we have that power.

We, obviously, do not want to see what this will result in because some of us very clearly want this situation to continue. It is an unfair situation to the taxpayers. It is discriminatory against companies that pay royalties, by the way, based on arm's length market price setting. It is not even fair to them. It is not fair to the States that also get part of these resources.

We are not talking about a tax. This is not a business or an individual being taxed. This is oil that is owned by the public.

The business is owned by an individual. It is a private business. The oil being drilled is publicly owned oil. So there is a major difference between this and a tax.

Mrs. BOXER. I know my friend needs to run off. I ask unanimous consent that I can finish up this portion of my time, and at 4:15 go to Senator HUTCHISON, if there is no objection.

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

Mrs. BOXER. I thank my friend, again, as he runs off to a very important meeting, and say he is so right. A royalty is not a tax; it is an agreement. It is a payment made by oil companies that have the privilege of drilling on the property which belongs to the United States of America. Those funds go to the Federal Treasury. Part of them go to the State treasury, and they are used for environmental purposes and for purposes of education.

I would like to complete my time that remains at this point—reserving the remainder that I have. I have a long time left. I do not intend to use all of that time. I hope soon we will have a chance to make an agreement when this would come to an end, this whole debate. We are not there yet. We are finding out how many colleagues want to come over.

But there was a comment made on the floor about the Senator from California by a few of my colleagues. I do not mind them saying whatever they wish. I do not have any desire to stop them because I can take care of myself. But I want to respond to the statements that were made.

The point we have been making consistently on our side is that when the oil companies do not pay their fair share of royalties, the Treasury is robbed of funds that are necessary for the environment and for education. My colleagues said—particularly Senator CRAIG said; and he did not give me the chance to respond, so I want to respond now—that Senator BOXER here is complaining that the oil companies aren't paying their fair share of royalties, and yet she leads the fight against offshore oil drilling in her State—which, by the way, I am extremely proud he mentioned—and she does not want to cut down our trees—which I am very happy to mention because I think that is our heritage.

The point is, that is not what this is about because this Senator from California wants a strong California economy. What that means is, you preserve the forest, you preserve the beautiful redwood trees, you preserve the beautiful environment. Because if you allow indiscriminate and additional offshore oil drilling—we have plenty going on right now. How many leases? Forty leases are being drilled. If we allow more, it destroys our economy.

Tourism is our No. 1 important economic resource, so if we destroy that, we are done for. So by my fighting to limit offshore oil drilling, by my fighting not to allow indiscriminate cutting down of beautiful old-growth trees, I am, in fact, preserving the economy and increasing the revenues that go to my State.

What are we left with? We are left with what the oil companies have to pay for the offshore oil tracts that they are drilling and the onshore oil tracts that they are drilling currently. This isn't an argument about new drilling. This isn't an argument about new cutting down of trees. This is an argument about the status quo. We have many leases in California that are being drilled.

We expect the oil companies to be good public citizens. We expect the oil companies to pay their fair share. The good news is that 95 percent of them are paying their fair share. Good for them. They are good corporate citizens. They are doing the right thing. There are about 777 oil companies that are doing the right thing, that are paying the fair market value. Unfortunately, there are about 44 companies that are not.

The Hutchison amendment, which is supported by the Senator from New Mexico, and many others, allows those 44 companies to continue to underpay this royalty payment. It is time to put a stop to this, my friends. I hope we will do that. I am not very hopeful, in essence, that this will happen, but maybe some people listening to this debate will have a change of heart, and maybe in the vote we will get into the 40s today. Maybe that will send a signal that this is a tough call.

I see my friend from New Mexico has come to the floor, and under the unanimous consent agreement, my friend from Texas now has full right to give her time to anyone she wants at 4:15. So I yield the floor and get it back at 5:15.

I thank my colleagues for their patience.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Texas.

Mrs. HUTCHISON. I yield up to 15 minutes to my colleague from New Mexico, who is the cosponsor of this amendment and who is doing a super job of not only explaining this but also working on the balanced budget that is so important for our country. In fact, the reason he has not been on the floor with me today is because he is working so hard to make sure we do keep the balanced budget, that we do try to make sure we are responsible stewards of the taxpayer dollars.

I commend him for all he does for our country and yield him up to 15 minutes.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I first thank Senator HUTCHISON for her kind remarks. I tell her, as cosponsor, what a pleasure it is to work with her. We have been sponsor or cosponsor—depending on the year—of this measure for the last 3 years. Hang in there, I say to the Senator. We have not lost yet. We will not lose this time either because we are right.

I want to give a quick summary of the issues, as I see them. When you get right down to it, it isn't all that complicated.

First, we need to have new MMS regulations, but the regulations they steadfastly insist on putting forth are fatally flawed. During the moratorium that the Congress has imposed, several of us—Senators LANDRIEU, NICKLES, THOMAS, HUTCHISON, ENZI, BREAUX, MURKOWSKI, and others—have tried to get the agency to fix the regulations, and they stubbornly refuse. In fact, at the request of the administration, we have all sat around the table on at least two occasions, if not more, with the MMS people and the oil people, sitting around talking about the flaws in it, as the industry sees it. But they refuse to take care of the real problems and stubbornly insist they are right.

Procedurally, the regulation writing process has been tainted. Let me make sure everybody understands that. People involved in writing the regulations were taking $350,000 payments from the Project on Government Oversight, POGO. When the procedure is contaminated, the best way to proceed is to discard the tainted work product and start over. That is why we have a country with laws. Process is important. People writing regulations are not supposed to be paid by someone who has an interest in the outcome.

Can you imagine if the Senate were debating an issue and the shoe was on the other foot what we would be hearing here on the floor? If somebody had taken money, in this case, from the oil or gas companies, think where we would be. The whole process would be thrown out. We need to get to the bottom of the $350,000 payments from the Project on Government Oversight, which is known as POGO.

Senators MURKOWSKI, HUTCHISON, NICKLES, and I have written several letters to Secretary Babbitt on this issue. Because of the procedural irregularities alone, the moratorium should remain in place until satisfactory answers are provided regarding the wrongdoing. It has been months, and we really have no satisfactory explanation.

That is absurd. No other description is accurate. These MMS regulations are unworkable, arbitrary, complicated, and beyond what they ought to be. One producer with one well with one kind of oil would have to value his oil in 10 different ways. There is no justification for such complexity. It can only be labeled an abuse of power.

In addition, the MMS could even second guess, audit, and sue that producer on seven different theories. This is a scheme that is unnecessarily complicated and plainly unworkable. We ought to be able to do better. Regardless of which industry is on the other side of this, we ought to be able to do it better and make it workable. My conclusion is that these regulations are borderline absurd.

The proposed rules exceed the MMS authority. These regulations raise royalty rates by imposing a nonexistent and recently quasi-judicially rejected duty to market. The proposed rules are premised on a rejected legal theory called duty to market.

The relationship between the producer and the MMS is spelled out in the lease. It is a concise document defining the responsibility and duties of the producer and the MMS. Oil is valued at the lease, period. That is what the lease says. The lease is based upon statutory language in the law.

The Mineral Lands Act, 30 USC 226(b), which governs leases for onshore Federal lands, specifically states:

> A lease shall be conditioned upon the payment of a royalty rate of not less than 12.5 percent of amount or value of the production removed or sold from the lease; [that is] at the time the oil is removed from the well.

That is the definition.

The Outer Continental Shelf Lands Act, 43 USC 1331, et seq., governs Federal leases for drilling offshore. The act requires offshore leases to pay:

> A royalty to the lessor on oil and gas . . . saved, removed or sold from the lease.

By regulation, MMS wants to unilaterally rewrite the leases and the law and create a duty to market out of thin air. Duty to market is Government mooching because it wants to increase the royalty amount owed but will not allow a deduction for the costs incurred in getting the higher price.

In other words, they would like the higher of the prices at the wellhead or at some other point. And if the higher one happens to be downstream with a lot of costs involved in getting it there, they don't even want to permit you to deduct the cost of getting it from the wellhead to the downstream or upstream source. They want to get the highest royalty and, thus, make the business swallow, without deductibility, the cost of getting it there.

We don't do that anywhere in American capitalism. We don't do it in our IRS. We don't do it in simple, good CPA accounting procedures.

By analogy, under today's law, the MMS bases its royalty valuation on essentially the wholesale price for the oil. Under the proposed rule, they are basing the royalty on the retail price, which is not authorized by Federal law. The rule does not allow certain transportation and other costs necessary to get the higher price to be deducted from the royalty payment.

When I went to law school, I was taught that one party couldn't unilaterally change a contract. When I went to law school, regulations were to implement, not rewrite, the law. Regulations were to be consistent with the law. I was taught that agencies did not have the authority to rewrite contracts through regulations. MMS lawyers must have missed that week of law school because that is exactly what they are trying to do now. If MMS can change contracts through regulation, in direct violation of the law of the land, why can't other agencies do the same?

For example, why can't Medicare unilaterally, without congressional approval, change its contract with Medicare recipients and say: You have a duty to stay well; Medicare won't pay your Medicare bills because you breached your duty to stay well? That would be absurd, just as this new way of charging royalties is absurd.

If we allow MMS to change the royalty rate, there is nothing to keep the IRS from saying: We want to get more money from American families. So they will issue some complicated regulations and raise their taxes. That would be a usurpation of the exclusive role of Congress. What MMS is trying to do is a usurpation of the exclusive jurisdiction of the Congress.

There is no duty to market in the lease. There is no court-ordered duty to market in the law of the land. It is a figment of the ''tax-raising imagination'' of MMS. They want to raise royalty rates, and that is it. Creating a duty to market when none exists usurps the prerogatives of the Congress and ignores the precedents set by the Department's own review board.

In May, the Interior Board of Land Appeals, known as the IBLA, ruled that there was no duty to market in a case known as Seagull Energy Corporation, Case No. 148 IBLA 3100 (1999). The IBLA has the expertise in these royalty cases. This was a 1999 case before the IBLA.

Secretary Babbitt reversed that in a case involving Texaco, Case No. MMS–92–0306–0&G. The Secretary unilaterally, and in direct contravention of the moratorium imposed by this committee, overruled its own Board of Land Appeals.

I want to commend Senator NICKLES for developing legislation to clarify the authority MMS has regarding oil royalty valuation. Simply stated—and I believe he is right—it stands for the proposition that there has never been,

is not, nor ever shall be a duty to market. If you read a Federal oil and gas lease, there is no mention of a duty to market. It has been the Mineral Management Service position that the duty to market is an implied covenant in the lease. This legislation says the MMS is wrong. That is what the legislation Senator NICKLES has introduced, working its way through Congress, says.

Let me back up and explain the issue and why this legislation is needed. Oil and gas producers doing business on Federal leases pay royalties to the Federal Government based on fair market value. Under this administration, this is easier said than done.

One of the longstanding disputes between Congress and the MMS has been the development of workable royalty valuation regulations that can articulate just exactly what fair market value is.

Cynthia Quarterman, former director of MMS, set out the Interior Department's position that fair market value includes a duty to market the lease production for the mutual benefit of the lessee and the lessor but without the Federal Government paying its share of the costs. Many of these costs are transportation costs, and they are significant. MMS calls it a duty to market. I believe it is the Federal Government mooching, trying to get paid without bearing its share of the cost.

The bill states congressional intent: No duty to market; no Federal Government mooching.

Let me be clear: Where there is a duty to market, it is a matter exclusively within the jurisdiction of the Congress. It is not the job of lawyers at MMS to raise the congressionally set royalty rate through the back door. The so-called duty to market is a backdoor royalty increase, and there can be no doubt about it. The MMS has been unable to develop workable royalty valuation rules, and Congress has had to impose a moratorium on these regulations. The core issue has been the duty to market, and I believe I have explained why this is a serious problem.

Nobody is attempting to do anyone a favor. Nobody is attempting to be prejudicial toward the MMS and the Federal Government's tax take. What we are talking about is simple, plain fairness. I won't say equity, because as a matter of fact it is law, not equity, that sets this. It is probably equitable also.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank the Senator from New Mexico because we have talked earlier about taxing expenses. That is exactly what he is talking about. The idea that we would introduce into tax policy in this country the taxation of expenses is, A, outrageous, and, B, if it is going to be done, let us do it straight up; let us let Congress pass a law saying we are going to tax expenses. It won't just be oil companies; it will be other companies as well.

Of course, I think that is a bad policy because I can't imagine we would do something that would hurt our economy anymore. Nevertheless, if we are going to do it, it certainly shouldn't be done by a Federal agency that isn't accountable to anyone. I don't think Congress would be doing its responsibility if we allowed that to happen without our imprimatur.

I thank the Senator from New Mexico for clarifying the duty to market.

It is a very important technical point that is just one more showing of why this is so unfair and why we must do something to correct it.

I want to make a quick announcement, and then I am going to yield up to 10 minutes to the senior Senator from Louisiana.

For the information of all Senators, the Senator from California and I have talked about how much longer this debate would go. It appears that we have an agreement that we would be looking at two stacked votes between 6 and 6:15 tonight, one on the Hutchison amendment, and one on final passage of the Interior appropriations bill, which has been so ably led by the occupant of the chair.

With that, I yield up to 10 minutes to the Senator from Louisiana, who has been a great ally in this fight. There is nobody who understands the importance of oil jobs to our country and the stability of energy in our country than the senior Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. BREAUX. Mr. President, I thank the Senator from Texas for yielding. I appreciate it very much. I really wasn't going to say anything again. I thought I said enough on this issue. I think the Senate probably has debated far too long on this issue.

What is surprising to me is what the arguments have been about. I don't think they are directly related to the issue at hand. I think it is important for us to try to understand what the issue is. Is it that we don't like oil companies, or is the issue that we like the environment, or is the issue that we don't like education, or that we do like education? No.

The issue is very simple and not complex at all. The law that was passed by the Congress—I was on the committee in the House that wrote the bill in 1976. We wrote the OCS Lands Act of 1976. We determined at that time that offshore oil companies that produce oil on Federal lands and the OCS would pay the General Treasury one-sixth of the value of the oil. That is the law; it is one-sixth of the value of the oil.

We established that back in 1976. It was one-eighth before that. Companies, every year, pay one-sixth of the fair market value of the oil. That doesn't go to the Land and Water Conservation Fund. It goes to the General Treasury. Congress then appropriates that money to the Land and Water Conservation Fund, appropriates it for defense purposes, appropriates it for health purposes, and everything else Congress does.

That is what the companies have been paying every year—one-sixth of the fair market value of the oil. Last year, they paid about $4.7 billion, I think, in royalties for the right to produce that oil on Federal lands in our country.

Now, the issue is a very narrow issue. How do you determine what the fair market value of the oil is? It is even more narrow than that. It is what a company is entitled to deduct in determining that fair market value.

I listened intently to my good friend, the Senator from Michigan, with his chart showing why independents paid one price and integrated major companies paid a different price for producing oil on the same adjacent leases. There is a very simple explanation of why that is the way it is. The Senator from Michigan would never argue with the fact that if a Michigan automobile company built a car in Detroit and then sold that car in Louisiana, that Michigan automobile manufacturer would not be able to add the cost of transporting that car to New Orleans to the price he got for the vehicle. Of course, the big company would be able to do that. That would be part of the cost of doing business. He would build the car in Michigan, transport it to New Orleans, sell it, and add the transportation cost to the price of the car. No one would think that would be unusual.

The same principle affects oil companies, as well. In determining the fair market value, you find out where they sell it. A legitimate deduction is transporting it to the place of the sale. The difference between the independent companies and the major companies in the same area is they sell it at different places. The independent will sell it when it comes out of the ground. He will sell it at the wellhead. An integrated company would not sell it at the wellhead but would put the oil in a transportation pipeline and send it to a point where it is sold down the line.

Would anybody argue that the cost of transporting the oil from the time it is brought out of the ground to the time it is eventually sold is not a legitimate cost of producing and selling that product? Of course, not. Just as the cost of transporting that car from Michigan to New Orleans is a legitimate cost of producing and selling it the first time you have a sale; it is a legitimate add-on to the price of the product. So, too, is the cost of transporting the oil from the well to the place of the first sale. It is a legitimate deduction for the cost of producing that product.

That is really what we are arguing about. The Department of the Interior and Minerals Management say they don't agree that a cost of transporting it should be a legitimate deduction, or maybe some of it should but not all of it. The companies say they think it all

should be deductible. The MMS says just part of it. That is the fight.

This fight is not about education or welfare or defense. It is a very narrow issue. The Senator from Texas is merely saying: Please, let's make them talk a little bit more about trying to resolve this very narrow issue. Oh, we can let the rule go through, and it is going to be litigated from here to who knows where. That is going to cost the Government and the taxpayers and the companies a lot of money, and it is not going to resolve anything—certainly not in 12 months. We will be in litigation in courts all over the country litigating what they think is a legitimate deduction versus what the company thinks.

The Senator from Texas has suggested we pause for 12 months and say negotiate out what is a legitimate deduction for transporting the oil from the time it is brought out of the ground to the time it reaches its first sale. There is nothing mysterious about that. We always argue with companies about what is and is not legitimate. My State has sued oil companies right and left, disagreeing on the interpretation of a legitimate deduction. The issue is whether you are going to allow transportation costs to be deducted or not. It is not whether or not you like oil companies. Hate them; I don't care.

The question is simply fairness about what a legitimate deduction should be with regard to determining the fair market value of the oil. Oil companies have said: Let's put an end to this. We will give you the oil and you sell it and determine the fair market value. The Government says: No, we don't want to do that; we want you to market it and get a fair market value for it.

It is not a question about anybody lying, cheating, stealing, or trying to rip off the Government, or anything else. Companies have an obligation to represent their stockholders and the millions of employees they have. The Government has an obligation to be fair. The only thing the amendment of the Senator from Texas says is, let's avoid litigation and quit fighting.

It is unfortunate that we got into a debate about whether we like oil companies or not. That is not the issue. Oil companies have paid ever since they have had production on Federal lands. Like I said, $4.7 billion was paid just last year to the General Treasury, and rightfully so, as the cost of being able to produce energy on Federal lands. In my State and on other Federal lands around the coastal areas of this country, it will continue to be paid. It is a very narrow issue. This is not a monumental deal that we should be talking about. We should not be involved in cloture votes and arguing about something that is relatively so small.

Some of the Senators say $88 million is being lost. It is not being lost. It is a dispute as to whether it is a legitimate deduction or not.

I think we eventually will pass the amendment and, hopefully, the oil companies will sit down in the offices of the Interior Department and negotiate instead of meeting in courthouses and having to litigate. I just hope we can move on—adopt this measure and get on with the many other things that are more pressing than whether we should deduct transportation costs or not.

That is the only issue that is on the table. You can talk about anything else, but the issue is only what are legitimate transportation costs from the time the oil comes out of the ground to the time it is sold at the first sale. I suggest that this is not something that you tie up the Senate for as long as it has been. It should be negotiated out by technicians, lawyers, but it should be negotiated, not litigated.

I thank the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Louisiana. I think he has shown exactly what the problem is, why what is being proposed is so unfair, and why we on a bipartisan basis have said to the MMS: We want you to go back to the drawing board, and we want you to do something that is fair, simple and understandable, and then we will be supportive.

I thank him for his leadership in this area.

Mr. President, I yield up to 10 minutes for the distinguished Senator from Oklahoma, the assistant majority leader, Mr. NICKLES.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, first, I compliment my colleague from Texas, Senator HUTCHISON, for outstanding work on this issue, and also several other people who have spoken on the issue, including Senator DOMENICI and Senator GRAMM from Texas.

I have been a little disappointed in the tenor of the debate by people on the other side of this issue. In the Senate, we certainly have the right to have disagreements on issues, but in some cases sometimes debate is not a credit to the Senate. Everyone is entitled to their own opinion. But certainly some of the insinuations that have been made on the floor today—that people are doing this because they owe big oil or they received contributions—is very offensive to this Senator. I think Senators need to be very cognizant of the rules of the Senate not to impugn the integrity or the intentions of Senators.

In 1996, this Congress passed legislation called the Royalty Fairness and Simplification Act by an overwhelming margin with bipartisan support in the Senate. I sponsored the bill and it was supported by Democrats and signed by President Clinton. The purpose of that legislation was to simplify the royalty process.

The MMS rule proposal flies in the face of that action. The President signed the bill in 1996. The proposal now put out by the MMS is the opposite, it is not a simplification.

If you look at this chart, you can see that this rule is not workable. To insinuate that people who oppose this rule are beholding to big oil, or they are against schoolkids is wrong.

The MMS proposal on royalties simply will not work and to state on the floor that it is going to waste millions of dollars, and we are depriving kids is not factual.

If this rule goes into effect, it will be an invitation for litigation. Instead of the States getting more money, or cities getting more money, they will get more litigation. The attorneys handling the cases might make more money.

Then they imply that maybe they have evidence from whistleblowers showing intent to deceive. We know there are whistleblowers. In the recent case where one ''whistleblower'' testified, I hate to tell you that before a jury trial in Long Beach it was decided against the plaintiffs, against the city of Long Beach against the supposed whistleblower. That was a 14-year case. There have been three decisions, all of which big oil won. I doubt that the jury was trying to decide the case in favor of big oil. It so happens the jury decided that the claimants in this case were wrong.

Mrs. HUTCHISON. Mr. President, will the Senator yield for a question on that very point?

Mr. NICKLES. I am happy to yield.

Mrs. HUTCHISON. Mr. President, we have heard so much rhetoric on the Senate floor about a former ARCO employee who testified that the oil companies were trying to cheat the State of California and the Federal Government. In fact, that ARCO employee was the very same person who was involved in the Long Beach lawsuit about which the Senator is speaking. I ask the Senator if it isn't true that the jurors rejected his testimony?

Mr. NICKLES. The Senator is exactly right. I appreciate the clarification. That is the point I am making. When you hear the opponents of this amendment basing almost everything on this disgruntled employee, it just doesn't make sense. I didn't sit in on the case. I wasn't a juror. I was not involved in this case of 14 years. But I know the Exxon company won. Big oil won. The jurors decided that this disgruntled employee wasn't telling the truth, or didn't have a case.

When you look at the MMS proposed royalty scheme, you can say mistakes have been made. I will promise you that if we pass this MMS proposal as it now stands before us, you will have more litigation, more mistakes. It is an invitation for litigation. Sure, there will be some settlements and some wins and some losses. But this is not a workable situation.

I will mention that the present law is not as good as it should be and we certainly shouldn't make it worse. You shouldn't be changing the rules of the game and changing contracts. Every law of the land says royalty is based on

the value of oil at the lease. Now you have the MMS saying: Let's include ''duty to market.'' What does that mean? We have had 50 years or more of experience—ever since we have been producing oil. We have the experience of collecting royalties based on the value of the oil at the lease. We don't know what ''duty to market'' means.

This is something new from the Clinton administration that I will assure you, if it becomes law will create more problems. If it does go into effect, two things will be wrong: One, MMS is not supposed to make law. We are the legislators. We are supposed to be the ones who make the law and not some unelected bureaucrat at MMS. It shouldn't become law, period. If this rule becomes final and is implemented, it wouldn't raise more money. It would create more litigation.

What I want on royalties is for them to be fair and simple and for the companies to pay exactly what they owe—no more, no less. The royalty rate is 12½ percent. If we want to raise it to 13 or 14 percent, that is a decision this Congress can make.

But to say we are going to keep the same percentage, yet we are going to have a new obligation called ''duty to market,'' which includes marketing the oil away from the lease and other new obligations—which are kind of hard to define—but, we will try to work that out. There is some ambiguity. It is an invitation to litigation. All that will happen is that the lawyers will make more money.

Speaking of lawyers, I want to raise one other thing. It is very troublesome to me to think that you have two Federal employees—one now a former Federal employee—actually getting paid $350,000 for their involvement in this issue. They were somewhat involved in implementing this rule.

Think of this. Here you have individuals involved in writing the rule. These same people help groups that sue these companies, or sue on behalf of the Government, and get paid a bunch of money—Federal employees. Are we going to allow IRS agents to get a percentage of the take if they go after some big company? If they get a big settlement, are two or three employees supposed to get a percentage of that? That sounds like corruption to me. We have had two people that received $350,000 and we have an administration that wouldn't even say it was wrong.

This is the most corrupt administration in U.S. history. Yesterday we had the FBI testify that this administration completely thwarted their efforts to investigate campaign finance abuses. We had an FBI agent who served for 25 years who said never in his history did he have an investigation in which he was not thwarted, time and time again, by the Justice Department during this administration.

In addition to that we have an administration that grants clemency to 16 terrorists, while the FBI and others said: Don't do it. These are terrorists. They are a threat to the United States.

Did the administration listen to the FBI? No. Did they even consult with the FBI? The FBI said no.

That was a mistake. This administration's corruption, including two employees who were involved in this rulemaking and ended up getting paid $350,000, is deplorable. It is despicable. It shouldn't be applauded. It shouldn't be rewarded.

But most importantly, article I of the Constitution says that Congress shall pass the laws and says Congress shall raise the taxes. It doesn't say unelected bureaucrats at MMS can rewrite the rules, raise royalty rates, or raise taxes. They do not have that right. That belongs to elected officials. Then if we do a bad job, people can kick us out. They can vote us down. They can say: We don't like the laws you passed. What recourse do they have against unelected bureaucrats? None.

There is a reason our forefathers gave us this system of government. They gave us a good system of government, and we should never allow some bureaucracy the opportunity to set rules and regulations that gives them the force and the power to raise taxes.

Should we have royalties that are fair? Yes. Should we have royalties that are accurate and a royalty system that people can understand? You bet. Should people pay exactly what they owe? Certainly.

Members might wonder where I am getting my information. I am chairman of the subcommittee, and we held a hearing regarding this issue. We had a lot of experts in the field saying this is not workable. It is not the money. It is not the money in any way, shape, or form.

The PRESIDING OFFICER. The time has expired.

Mr. NICKLES. I urge my colleagues to vote in favor of this amendment.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Oklahoma. I am very pleased he covered some of those issues.

We have heard a lot about the lawsuit and especially the employees of the Federal Government directly involved with this rulemaking taking $350,000 each from an organization called POGO. That does not pass the smell test. I am very pleased the Senator from Oklahoma pointed that out. That is another reason this rule needs to go back to the drawing board. That is not the American way.

I am happy to yield up to 15 minutes to the Senator from Montana, Senator BURNS, who has been very active in this debate and who understands from a small businessman's point of view how important it is we have fairness in taxation in our country.

Mr. BURNS. Mr. President, I thank my friend from Texas. I also want to say it might not pass the smell test; it doesn't even pass the giggle test.

I want to drop back a little bit, away from the rhetoric we have heard, and look at it from a practical point of view. We have heard a lot about big oil ripoff. What are folks in California paying for gasoline today? Do you think the oil companies are going to pay that? No, they are not going to pay it. The consumer is going to pay it. The people who buy the gasoline and the petroleum products are going to pay it. Big oil, little oil, or whatever is not going to pay that. Do you think they will eat this and swallow it? Get a life.

One of these days, we are going to be hit by a big bolt of common sense around here and we will not be able to handle it.

Let's step back and think. I know the Senator from California is concerned about schools and children. I want her to come to Musselshell, MT. The first oil was discovered in Montana in that county—very active. A lot of it is on public lands. Then we kept getting tougher and tougher, and pretty soon the oil industry left the county. We are closing schools because there are no kids to attend. Nobody is making a paycheck.

Let's take a look and see what happens. Yes, the Government holds those lands in trust. They are public lands. Does the Government invest one penny in the drilling or the exploration of that resource? It does not. Does it buy any of the licenses? Does it offer any of the equipment? Does it pay any of the people to drill and to take the chance there may be oil here and there may not be? If there isn't, does the Government pay for the loss? Not a penny.

A deal was struck. If we find oil there, the companies say: We will give the Government one-eighth ownership in that well. That means one out of every eight buckets that comes out of the ground in crude belongs to the Government, and it sells it wherever it wants to sell. If they don't like the price they are getting from the refinery, I suggest they can take a truck out there next to the well, and every eighth bucket that comes up, put that eighth bucket in their truck, and they can take it anywhere and sell it anywhere they want, and they will get market for it. There are a lot of buyers for it.

That was the deal. That is getting your product or your royalty at the wellhead, as called for by law.

Now we have some folks who say: That is not good enough; we want the retail price. In other words, we don't want to pay any of the transportation, we don't want to pay any of the refining, we don't want to pay all of the costs, but we want the end result.

That is not the deal. This other is put together by law. That law is being changed by an unelected representative who wouldn't be known to my constituency if he or she walked out today.

Who gets hurt by this change? It is not big oil. They don't get hurt because they will pass the cost on to the consumer.

Again, I want to know what they are paying per gallon of gasoline in California. It is pretty high out in my State, too.

Do you know who gets hurt? It is the little guy. It slows down their ability for capital formation, for exploration, and then when they find it, they are taxed more for it. They want to rewrite the law.

An independent producer will have to pay a higher tax. I want that in all capital letters—T-A-X. That is what royalty essentially is. Then they will still have to compete with the low price of foreign oil.

America, if you think you are secure tonight, 55 percent of our oil comes now from offshore. More and more public lands are being cut off from exploration due to some whacky laws and some people who do not understand the business. They do it in the name of the environment. Use common sense. Those folks who want to shut off the oil supply in this country don't know what lines are and don't know what an economy can't do if we have no oil.

A while ago they talked about ethanol. I support the ethanol situation. It is renewable. It is clean. We still have some problems when temperatures get extremely low, as they do in Montana, but nonetheless it is an alternative. I support the tax credits for ethanol.

A tax is essentially what a royalty is. The end result is that the little man can't do it; he simply cannot make a living. When times are looking better for domestic oil, the Federal Government comes rushing in and raises the cost of production.

I can remember when Billings, MT, was pretty active with independent oil people, from land leasers to exploration to drillers. Those folks are just about all gone, because they have driven all of the little people away. They have closed off the lands that might have, and do have, great prospects for oil and gas reserves.

Oil prices are not that strong. Have they stabilized? No, I don't think so. In fact, I will tell you now, no commodity is making money in this country. I don't care if you are talking about oil or products that come from mining or timber or farms; it does not make any difference. The spread between what we get at the production level and what is happening at the retail level is unbelievable.

I will give you an example. If you want to go buy some Wheaties in your grocery store, it will cost you $3.75 to $4 a pound for Wheaties. Think about it. We cannot get $2.25 for a 60-pound bushel of wheat. Something is wrong.

The same thing happens here because everybody has to have a little bigger piece in the process from where you take it from Mother Earth, who gives us all new wealth. The only place new wealth is produced is from Mother Earth. That is true to the time it gets to the consumer. Everybody has to have a bigger piece. Now the Federal Government comes along and says: I think we need a little more, too, because we need to collect some more taxes. We need to build a bigger bureaucracy. That is not the way we do business.

Let's look at the royalty increase and put it in perspective of the entire industry. Oil prices still are not strong. Domestic oil production is still down. The industry is still hurting. Jobs are still being threatened. But our paycheck does not come from the oil patch, so we do not get excited. Our check comes every 2 weeks, just like clockwork. We risk not much—a little time. That is about all. Then all at once we are insensitive to those people who really power our economy—tax them again.

I want to bring back to our attention what Senator HUTCHISON pointed out earlier. This cost will be passed on to the American consumers. You are kidding yourself if you do not believe it. Montanans rely on their private vehicles to get around. It is 148,000 square miles from Alzada, MT, to Eureka, MT. It is further than from here to Chicago, IL. We know what spaces are and we also know what it costs to drive them.

We also have reserves in oil and gas, and if you keep raising these costs, the opportunity to get those reserves becomes more diminished every day. So while the Senator from California contends she is saving all this royalty money for the taxpayer, the person who actually knows the system tells us they will get less revenues during the period of chaos that will ensue as they try to sort out the flawed MMS proposal. Our income to the Treasury will go down; it will not be more.

I have a letter from the Office of the Governor of Montana. I ask unanimous consent to have that letter printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF THE GOVERNOR,
STATE OF MONTANA,
Helena, MT, September 13, 1999.

Hon. CONRAD BURNS,
Dirksen Senate Office Bldg., Washington, DC.

DEAR SENATOR BURNS: I am writing to express this administration's support for the Hutchinson amendment to the Department of Interior Appropriation Bill which would extend the moratorium on Minerals Management Service (MMS) rule making.

The complexity and uncertainty inherent in the proposed MMS rules may be a disincentive for industry, especially Montana's independent producers, to lease and produce oil and gas from federal lands. Such a disincentive will negatively impact the production of oil and gas, within Montana, resulting in less royalty revenue for the state.

The moratorium will provide additional time for all interested parties to develop a fair, workable and efficient plan to collect federal royalties. During this additional one year moratorium, all parties must work in earnest toward the successful conclusion of this issue.

Thank you for your support and understanding.

Sincerely,

MICK ROBINSON,
Director of Policy.

Mr. BURNS. Reading a portion:

The complexity and uncertainty inherent in the proposed MMS rules may be a disincentive for the industry . . .

The moratorium will provide additional time for all interested parties to develop a fair, workable and efficient plan to collect federal royalties.

In the meantime, royalties are lost. So let's get struck by a bolt of common sense. Let's quit being moon-eyed horses and jumping at shadows and the paper bag that blows out from the fence row. This is bad policy and we should not allow this to happen. I do not think the Senate should. I congratulate my friend from Texas for being the champion on this.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Montana because he has made a very important point from the independent producers' standpoint. We have seen independent producers go out of business at a greater rate than ever in the history of our country in the last year because oil prices were so low they could not keep their employees and they had to go out of business. They could not afford to drill because their costs were higher than the price they could get.

The Senator from Montana so ably represents that small businessman, that small businesswoman who is out there in the field, working so hard to make ends meet, trying not to let his or her employees go in a bad time.

Now we have a situation where we could be putting the last nail in the coffin of those who are left. So I am very pleased he talked about the independents and small producers. I am going to talk a little bit more about that because it has been said in this debate that we are only talking about 5 percent, the big oil companies. But that is not the case.

In fact, the small oil companies, the independent producers, have written letters to us, to me, saying: Please do not let this happen. This is going to affect our ability to say the price we are actually getting at the wellhead will not actually be what we are taxed on. That is what the new rule would do. It would say to the independent producer that it doesn't matter what you actually are getting at the wellhead, if someone pulls up and takes their oil right out of the ground. You have to pay a tax on what we say is the market price. We are going to go to the New York Mercantile Exchange to determine the price. We do not care if it is Odessa, TX. If we say the price is $22 and you are getting $21, you are going to pay a tax on $22. Is this America? My heavens.

These are the companies affected by this new MMS rule, and it is 100 percent of every company drilling, every company, small and large, that is going to have second-guessing of the prices, that is going to have indexing to the New York Mercantile Exchange, regardless of where they are, in Arkansas or West Virginia or Texas or Arizona.

They will not be held to the determinations they make. So a small, independent producer who doesn't have a staff of lawyers isn't going to be able to say: OK, we have sold for $21 at the wellhead in Odessa, TX, and therefore, anyone else selling at the wellhead in Odessa, TX, take your chances. We may or may not say it is the same price. So every independent is affected.

I appreciate the Senator from Montana pointing that out. Now I yield up to 5 minutes to the Senator from Kansas.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I rise in support of the Hutchison amendment to continue the moratorium on the Minerals Management Service rule. I thank her for the courageous work she has been doing on this issue. I want to speak to this from the standpoint of a State that has a number of small, independent oil producers. That is what we have in Kansas.

I want to address a couple issues: No. 1, the perspective of the small, independent oil producers. I guess the dominant debate has been about big oil. I want to talk about small, independent oil producers such as we have.

The second issue is we not become more dependent on foreign oil. We get 60 percent, actually more than 60 percent, from foreign sources, and we do not want to drive more of that production overseas.

A third issue is a matter of priority to this body, and that is that we not let our duty to legislate be overtaken by a nonlegislative body. I appreciate the Senator from Texas bringing these issues to the forefront so we could debate them and talk about them on the Senate floor and, hopefully, get some sanity in this system.

Our oil producers are just recovering from some of the lowest prices in 30 years. That has cost the oil and gas industry more than 67,000 American jobs, a number of those in Kansas, and saw the closure of more than 200,000 oil and gas wells. That is the recent situation.

A hike in the royalty rates will make a bad situation worse and could cause more domestic oil production to go overseas. At a time when we already are getting so much of it from overseas, to increase our dependency even more is a really ridiculous idea.

It is up to Congress and not Federal agencies to establish public policies is my second point. The MMS clearly exceeded its authority by proposing to raise royalty rates without congressional authorization. No congressional committee or affected industry groups were notified before the final version of the rule was announced. The MMS has also tried to get around the congressional moratorium by changing Federal lease forms and taking other measures that are similar to the prohibited rule. These reckless actions have led me to believe that this agency is out of control, and it has led a number of our small, independent producers in Kansas not to trust this agency, or the sort of template they are setting up in the industry that is going to cost them more and cost more jobs and cost more oil production in this country and in Kansas.

I do believe the current royalty rate valuations are fundamentally flawed and should be changed.

The regulations proposed by the MMS will increase the amount of the royalties to be paid by assessing royalties on downstream values particularly, without full consideration of the costs on that small independent producer in Kansas who is just now digging out of some of the lowest prices in 30 years, all the jobs they have lost, and all the wells that have been plugged. And we are saying at this point in time: We really do not care for you; we want to just shove these additional costs on you and hurt you more, even though you are just now starting to climb out of the worst situation in 30 years.

Goodness, we ought to think a little bit down the road ourselves and say: Is it wise that we do this on the small independent producer struggling to make a living, who wants to help support the United States and our energy needs of this country, and we do this now? I do not think that is wise at all.

Finally, my point is, it is the responsibility of Congress to make policy decisions, not the MMS. Royalty rates are our responsibility. We, the Senate, have been elected by our constituents to make these difficult decisions, and we should not have our authority preempted by Federal bureaucrats. Some people may not like that conclusion, but that is the way it is. We are the policymakers. We are the people who should set these rates, not a Federal bureaucracy that is not elected, that is a nonlegislative body. That is what is taking place.

In the short time I have, I thank my colleague from Texas for the great work she is doing on defending freedom, defending small independent oil and gas producers, defending us from becoming more dependent on foreign oil, and also defending the Senate's right to establish public policy, and not a nonlegislative body.

I hope as well that people who are debating and tying notions of other considerations into this issue will step back and think for a second. Everybody I know in this body acts with integrity and honor, and that should not be attacked on some sort of unsubstantiated basis. People here do act with honor and with integrity.

There are differences of opinion on this issue. Mine, from the perspective of Kansas, is that we need to be setting this, and not the MMS.

Mr. President, I yield to the Senator from Texas.

Mrs. BOXER. Mr. President, I believe under the agreement I have the time now for 30 minutes; is that correct?

The PRESIDING OFFICER. The Senator is correct, at 5:15. There are 3 minutes remaining.

Mrs. HUTCHISON. Mr. President, I am prepared to let the Senator start her time now. For Senators who are looking at our timetable, we have pretty much agreed we are looking at perhaps a 6 o'clock vote; 6 to 6:15, but we are pushing closer to 6.

Mrs. BOXER. I think we can get this done. Let me start.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I have seen so many tears on behalf of the mom-and-pop oil companies that will be impacted if the Department of the Interior can do their job and collect the fair royalties. I looked at my chart again to make sure I was not misunderstanding. I will talk about the top seven companies that will be impacted by this rule:

Shell: Their total revenues are $29 billion. I cannot remember when they were mom and pop. Maybe someday way back they were.

Exxon: The real mom and pop, $134 billion in revenues.

Chevron: $43 billion in revenues.

Texaco: $45 billion in revenues.

Marathon: $16 billion in revenues.

Mobil Exploration and Production, U.S.: $81 billion.

Conoco: $20 billion.

And it goes on.

The good news is that the small oil companies my friend from Kansas talked about are doing the right thing. Ninety-five percent of the oil companies are doing the right thing and paying their fair share of royalties. It is 5 percent of the companies, the largest companies, the vertically integrated companies, that are failing to pay their fair share.

When we see these tears for the oil companies, I assure my friends, the small companies are doing the right thing; they are paying their fair share. It is the big ones that are not. We know they are involved in a deliberate scheme. We have that in testimony. All we are trying to do is stop them from continuing to rip off the taxpayers.

The Hutchison amendment so far has lost taxpayers $88 million. This one will lose them $66 million. That is $154 million, and there is no end in sight. If you think this one will not be back next year—I don't know. We know the Senator originally had a much longer period of time on her amendment. She cut it back to about a year, but this thing has no end. This is the fourth time it has come up. There is no effort to resolve this situation.

I want to talk about some of the comments made by some of my colleagues, and I ask that the RECORD show Democrats lodged no objection when the Senator from Oklahoma started to talk about the Presidential pardon of a few weeks ago. What does that have to do with this? We did not object. He made his point. It was fine. We know when you start talking about

something off the topic, it is because you really are using the debate time. We are happy. You can talk about what you want.

But five times the Senator from Wisconsin was interrupted when he tried to tie this amendment to oil company contributions. He did not do that; the New York Times did it. USA Today, which I would like to show, did it. The Los Angeles Times tied oil contributions to this amendment. And then, oh, they were shocked and Republican colleagues tried to stop Senator FEINGOLD from talking about it.

I will read what USA Today says. They say:

Big oil has contributed more than $35 million to national political committees and congressional candidates . . . a modest investment in protecting the royalty-pricing arrangement that's enabled the industry to pocket an extra $2 billion.

Senator FEINGOLD was simply talking about what USA Today talked about and what the New York Times on September 20 talked about. I will read what they say. New York Times:

BATTLE WAGED IN THE SENATE OVER ROYALTIES BY OIL FIRMS

Oil companies drilling on Federal land have been accused of habitually underpaying royalties they owe the Government. Challenged in court, they have settled lawsuits, agreeing to pay $5 billion.

The Interior Department wants to rectify the situation by making the companies pay royalties based on the market price of the oil, instead of on a lower price set by the oil companies themselves.

They say:

A simple issue? Not in the United States Senate.

And they track oil company contributions.

All I can say is, it is a legitimate thing to talk about, but five times the Senator from Wisconsin was interrupted making the point.

I also want to respond to the fact that royalties are not a tax. If they were a tax, they would be in the Finance Committee. Royalties are an agreement the oil companies sign voluntarily for the privilege of drilling on land that belongs to the people of the United States of America.

And for that privilege, they pay a small portion over to us, the taxpayers, to be used for parks and recreation, historical preservation, and in the States for education. Royalties are not a tax. If they were a tax, it would be in the Finance Committee.

Let me also thank my colleagues on the other side of the aisle for bringing up the States. They argue for States rights day in and day out. You know what. I agree with them on this one. Let's hear what the States are saying.

I ask unanimous consent to have printed in the RECORD a letter I just received—or that just came to my attention—from the Western States Land Commissioners Association.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WESTERN STATES
LAND COMMISSIONERS ASSOCIATION,
July 29, 1999.

Hon. TRENT LOTT,
U.S. Senate, Washington, DC.
Hon. THOMAS A. DASCHLE,
U.S. Senate, Washington, DC.

DEAR SENATORS LOTT AND DASCHLE: We, the undersigned members of the Western States Land Commissioners Association, urge you to assure that the Interior Appropriations Bill, S. 2466, will allow the Department of Interior to Implement new federal royalty crude oil pricing regulations. The Department's proposed regulations would ensure that oil companies would pay no more and no less than fair market value for federal royalty oil. S. 2466 includes a provision that would continue the ban on implementing the proposed regulations until after June 30, 2001. This delay is costing taxpayers $5 million per month.

Most of the state agencies that are members of the Western States Land Commissioners Association have a strong interest in ensuring that oil companies pay the market value of federal royalty oil. The member states of the Association use their share in the revenues to support schools and other beneficiaries. The failure of the oil companies to pay market value for federal royalty crude reduces the revenues obtained by the federal government and the states.

The Department's Mineral Management Service (MMS) has been eminently fair in proposing its new regulations. MMS has held numerous public and private meetings for over two and a half years to allow the industry to comment and the industry has filed over two thousand pages of comments. Based on industry concerns, MMS has revised its proposed regulations a number of times to take into account industry's suggestions and criticisms. For example, MMS has revised its proposed regulations to recognize regional differences, particularly for the Rocky Mountain Area.

The proposed MMS regulations are very reasonable. If oil companies sell royalty crude on arm's-length transactions, they pay on the basis of prices they receive. If they do not sell the oil on arm's-length transactions, they pay on the basis of prices at market centers, adjusted for location and quality differences, which are universally recognized to result from competition among innumerable buyers and sellers.

Oil companies presently use their posted prices to value royalty oil. Posted prices are unilaterally set by individual oil companies less than the market value of those crudes. In contrast, the market prices proposed by MMS to value royalty crude not sold by arm's-length transactions are set by innumerable buyers and sellers and are publicly reported on a daily basis.

MMS' proposed switch from posted prices to market prices is not a radically new concept:

1. The State of Alaska uses the spot price of Alaska North Slope crude oil quoted for delivery in the Los Angeles Basin as the basis for royalties;

2. ARCO, since the early 1990s, uses spot prices as the basis of payments of royalties throughout the country; and

3. The State of Texas/Chevron and State of Texas/Mobil settlements rely on the use of spot prices for royalty valuation purposes. Mobil settled for $45 million—a case brought by the United States Department of Justice that Mobil had underpaid federal royalties throughout the United States.

The Department's comprehensive proposal is the logical alternative to posted prices.

Sincerely,

Paul Thayer, Executive Officer, California State Lands Commission; Ray Powell, M.S., D.V.M., Commissioner of Public Lands, New Mexico State Land Office; M. Jeff Hagener, Trust Land Administrator, Montana Department of Natural Resources and Conservation; Curt Johnson, Commissioner, South Dakota Office of School and Public Lands; Charlie Daniels, Commissioner, Arkansas Commissioner of State Lands; Robert J. Olheiser, North Dakota Commissioner of University and School Lands; Jennifer M. Belcher, Commissioner, Washington State Department of Natural Resources; Douglas LaFollette, Board Chair and Secretary of State, Wisconsin Board of Commissioners of Public Lands; Mark W. Davis, Minerals Director, Colorado State Board of Land Commissioners.

Mrs. BOXER. This letter is signed by the State Lands Commissioners from these States: California, South Dakota, New Mexico, Arkansas, Montana, Washington State, Colorado, and Wisconsin. That is a sample. That is just this letter.

What do they want? They want the Interior Department to be able to correct this problem. They oppose the Hutchison amendment, these people from these States.

We also have comments by the Commissioner of the Alaska Department of Natural Resources, who says:

The approach taken by MMS [Department of Interior's Minerals Management Service] . . . will better protect Alaska's interests.

They oppose the Hutchison amendment.

We heard from the Arkansas Commissioner of State Lands in a letter to Senators LOTT and DASCHLE:

The Department's comprehensive proposal is the logical alternative to posted prices.

They oppose the Hutchison amendment.

California, the city of Long Beach:

I urge you . . . to support [MMS] regulations . . .

They oppose the Hutchison amendment.

Colorado, Mark Davis, Minerals Director:

This delay is costing taxpayers $5 million per month.

He opposes the Hutchison amendment.

Louisiana:

To sum up, [the department in Louisiana] is supportive of MMS' attempt to value . . . production in a more certain, timely, and accurate manner . . . .

Montana, a letter from the Supervisor of the Federal Royalty Program:

. . . Montana believes that the rule is ready and should be finalized.

That was in 1998.

New Mexico:

It is our fervent hope that Congress will act so as not to extend the current moratorium prohibiting the Department of Interior from issuing a final rulemaking.

North Dakota: This is from Robert Olheiser, North Dakota Commissioner of University and School Lands, in a letter to Senators LOTT and DASCHLE:

The Department's Minerals Management Service has been eminently fair in proposing [these] regulations.

It goes on.

We have a letter from Texas. We have a letter from South Dakota, Washington, Wisconsin.

I see that my friend from Florida is on the floor. I will stop when he is prepared to begin his remarks.

Let me just say at this time—and then I will make concluding arguments when the Senator from Florida has completed in the remainder of the time—that we have a problem on our hands with 5 percent of the oil companies.

We have to do justice. We have to do what is right. We have to listen to the whistleblowers who are risking themselves to come out and tell us there are schemes going on to deprive taxpayers of these royalty payments. We have to do the right thing. We have to listen to the States, the Consumer Federation of America—and how many groups? more than 50 groups—that stand in the public interest and say no to the Hutchison amendment.

Now I yield the remainder of the time until a quarter of to the good Senator from Florida, Mr. BOB GRAHAM.

Mr. GRAHAM. I thank the Senator.

I appreciate this opportunity to make a few remarks on the issues before us today, which I think has three component parts.

The first relates to just what is involved in the change that has been recommended by the Department of the Interior, the change the amendment offered today would frustrate.

I see we have the principal author of the amendment on the floor, and so I might ask a short series of questions, and hopefully, before we conclude this debate, we can have some further information.

Based on the statement that was made earlier today, this increase that would be the result of the Department of the Interior's new regulatory change was characterized as a tax.

It has been my understanding that what we are talking about is a contractual royalty payment; that is, a payment that is made by the user of this Federal resource—petroleum—as the economic condition of gaining access to that Federal resource.

This is not a tax in terms of an imposed burden upon a commercial transaction. This is in the nature of a payment for a product which belongs to the people of the United States which is now going to be used by a specific private firm. I would like some discussion as to why the word ''tax'' is being used to apply to this transaction.

A second concern I have from the earlier discussion of this amendment is the issue of effect on consumers. It was inferred that the effect of this would be to directly increase the price of the petroleum that was used by the American consumer.

It had been my understanding that the way in which the price of petroleum was controlled was in a world marketplace of petroleum and that individual companies did not have the power to pass on their cost to the ultimate consumer. If they do, then that infers a level of monopolistic control of the petroleum economy which raises its own set of concerns.

So I would like to know by what economic relationship this particular group of oil companies would be able to pass on to their consumers whatever was ultimately considered to be the appropriate royalty level for their access to the resource that belongs to the American people.

There has been a chart displayed which shows at the bottom the cost of the petroleum product itself, and then at the top the taxes which are levied.

I would assume we are now talking about the bottom part of that chart because we are not talking about taxes, we are talking about royalties that are being paid.

I would like to have some discussion as to just how much of that bottom portion of the chart is the issue that is at debate today.

Clearly, no one says there should be no royalty paid to the taxpayers of America for the use of their resource. How much, therefore, of that total cost is what is at controversy.

Finally, there is the issue of regulatory complexity. I have seen the chart that shows a rabbit warren of boxes and arrows and relationships. I would be interested in seeing a similar chart as to what the status quo is.

Is the process by which we are arriving at the pricing mechanism for petroleum under the new Department of the Interior regulations significantly more complex than those which are being used to arrive at the method of pricing petroleum under the current standards? If so, where are the particular areas of increased or altered or even reduced complexity?

So those would be three questions. I hope the proponents of this amendment will use some of their time to illuminate. So that is the first question.

The second question is the effect of this debate on the Congress itself.

I am a member of the Energy and Natural Resources Committee, the committee that has basic jurisdiction over this issue. There has been an inference that the Department of the Interior has gone beyond its rulemaking authority in adopting this provision. It has even been implied that maybe the Department of the Interior has been tainted by some of the activities of its individual personnel and the way in which this new rule was developed. Those are serious charges.

As a member of the Energy and Natural Resources Committee—and I will be prepared, if the chairman or others will point out where I am in error—I do not believe we have held any hearings on this issue. Yet we have allowed this matter to now come to the Senate floor as a nongermane amendment to an appropriations bill, a position which is basically in conflict with our recently adopted rule that says we cannot offer matters of general legislation on appropriations bills. But by some relatively clever drafting—and I extend congratulations to those smart people—we have been able to evade the clear intent of the rule that says no legislation on an appropriation.

In fact, this issue, the way in which it is being handled, makes the case as to why our rule is wise, that we ought to be dealing with legislation through committees that have responsibility for legislation, such as the Energy and Natural Resources Committee; we should not be doing it on an appropriations bill.

It does raise the question of why we are doing this. There is a certain unseemliness to bringing up this issue in this manner. It raises the question our colleague from Wisconsin discussed earlier today; that is, Is this going to be the poster child for the mixture of decisions made by Congress and the economic influence, through campaign finance, of those industries that will be the clear beneficiary of those decisions?

I personally have resisted those kinds of linkages because that puts everything we do under a cloud of suspicion. But the way in which this is being handled will give ammunition to those who wish to attack the basic integrity of this institution.

It is unnecessary for us to lay ourselves open to that attack. What we ought to do is have a hearing in the Energy and Natural Resources Committee, invite in all the people who are knowledgeable, have a serious public airing of this question, and then see if legislation should be passed to rein in excessive or inappropriate behavior by the Department of the Interior. We should not be doing this, passing legislation on an appropriations bill.

The third issue is, What is at stake? The resources that will not become available as a result of the passage of this amendment, how would they otherwise have been deployed? The royalties that come from the Federal Government's leasing for oil and gas production are a key part of our public land trust. Currently, a portion of these royalties goes to the Land and Water Conservation Fund which provides the means by which a variety of Federal, State, and local activities have traditionally been funded.

The Energy Committee is currently considering legislation that would expand and make permanent the use of other portions of this royalty program for a variety of uses. The Senator from Louisiana has introduced legislation that would have it used to offset some of the adverse impacts along the coastal areas of those States which are the principal offshore oil and gas production areas. Others would have the funds used for public acquisition of lands that would be significant for a variety of public purposes, including environmental and recreational. Others would have them used for coastal protection purposes.

I will talk today about legislation that has been introduced by Senator

REID of Nevada and my colleague, Senator MACK, which would have a portion of these royalty funds used for the protection of our National Park System. There has been an increasing recognition that our national parks are in serious trouble. I will offer to be entered into the RECORD, immediately after my remarks, an article from the New York Times of July 25, 1999, entitled ''National Parks, Strained By Record Crowds, Face A Crisis.'' I ask unanimous consent that this article be printed in the RECORD.

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

(See Exhibit 1.)

Mr. GRAHAM. What is at stake is, will we have adequate resources, properly directed, to deal with these national issues, including the crisis that is in our national park system.

The question we must ask ourselves as we vote on this amendment and as we vote on the underlying legislation to which it is being offered is, Can we live up to the legacy of our forefathers and mothers and protect our Federal land trust?

We are about to begin the fourth century of our Nation's history. We were formed at the end of the 18th century, had our maturation in the 19th century, and now, in the 20th century, have grown to the great power and source of influence for values that we consider to be fundamental—human rights, democracy—in the 20th century.

The first two of our centuries that were full centuries, the 19th and now the 20th, were highlighted by activism on public lands issues. The 19th century began with the Presidency of Thomas Jefferson. Thomas Jefferson's most renowned action as President was the purchase of Louisiana from France. That single act added almost 530 million acres to the United States. That action changed America from an eastern coastal nation to a continental power.

This century, the 20th century, was marked by the addition to the public land trust led by President Theodore Roosevelt. While in the White House, between 1901 and 1909, President Theodore Roosevelt designated 150 national forests, the first 51 Federal bird reservations, 5 national parks, the first 18 national monuments, the first 4 national game preserves, the first 21 reclamation projects. He also established the National Wildlife Refuge System, beginning with the designation of Pelican Island in my State of Florida as a national wildlife refuge in 1903.

Together, these projects equated to Federal protection of almost 230 million acres, a land area equivalent to that of all the east coast States from Maine to Florida and just under half of the Louisiana Purchase. That is what the first President in the 19th century, Thomas Jefferson, and the first President in the 20th century, Theodore Roosevelt, did for America. That was their legacy.

Clearly, the question we are going to have to answer to our children and grandchildren is, Did you live up to the standards of Thomas Jefferson and Theodore Roosevelt? Roosevelt said: We must ask ourselves if we are leaving for future generations an environment that is as good as or better than what we found. Can we meet that test?

As we enter the 21st century, the fourth century of our Nation's history, we must again ask ourselves this question. We must be prepared to take action to meet the challenge. I argue that the underlying bill to which this amendment is attached and to which this amendment would further delete resources to meet that challenge of Theodore Roosevelt, while it takes some steps towards meeting his challenge, fails to fully commit to the protection of our Federal land trust.

In 1916, Congress created the National Park Service. In doing so, it stated that the purposes of the National Park Service were:

> 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. ''. . . will leave them unimpaired for the enjoyment of future generations.''

That is what our predecessor said in 1916 was the purpose of the National Park System.

Today the unimpaired status of our national parks is severely at risk. On April 22 of this year, the National Parks and Conservation Association identified the 1999 list of the 10 most endangered national parks. In his opening remarks, Mr. Tom Kiernan, the President of the National Parks and Conservation Association, stated:

> These parks were chosen not because they were the only parks with endangered resources, but because they demonstrate the resource damages that are occurring in all of our parks.

These parks demonstrate the breadth of the threats faced by our National Park System. For example, Chaco Culture National Historical Park in Chaco Canyon, NM, contains the remains of 13 major structures that represent the highest point of pueblo pre-Columbian civilization. In the words of the National Park and Conservation Association:

> It is falling victim to time and neglect. Weather damage, inadequate preservation, neglected maintenance, tourism impacts, and potential resource development on adjacent lands threaten the long-term life of these pre-Columbian structures.

All of the parks in the Florida Everglades region were included on the list of the most endangered. In this area, decades of manipulation of the water system has led to loss of significant quantities of Florida's water supply to tide every day; it has led to a 90-percent decline in the wading bird population; it has led to an invasion of nonnative plants and animals and to a shrinking wildlife habitat. The National Parks and Conservation Association calls Yellowstone National Park the ''poster child for the neglect that has marred our national parks.''

We have all heard Senator THOMAS and others speak about the degradation of the sewage handling and treatment system at Yellowstone National Park, a situation that caused spills into Yellowstone Lake and nearby meadows, sending more than 225,000 gallons of sewage into Yellowstone's waterways, threatening the water quality of this resource.

It is not just these beautiful natural areas that are threatened. One of the areas on the 10 most-endangered list, not far from where we stand this late afternoon, is Gettysburg National Park, the site of one of our greatest historic moments. There, because of inadequate maintenance and attention, we are losing some of the most precious historical artifacts of our Nation.

These are illustrative of what is occurring across our National Park System. Estimates of the maintenance backlog of the National Park Service range from a low of $1.2 billion to $3.54 billion. The National Park Service developed a 5-year plan to meet this deferred maintenance obligation. It was based on its ability to execute funds and its priorities within the National Park System. In this year's appropriation process, the House and Senate have modified the national parks' request of $194 million. The House, for instance, reduced the request by almost $25 million. If we are to ever make a dent in our enormous backlog, we must support the national park plan to systematically reduce this accumulation of deferred maintenance.

In addition, if we are to prevent the backlog from growing, we must support periodic maintenance on the existing facilities in the park system. The Senate reduced both cyclic maintenance and repair and rehabilitation in the operation and the maintenance account of the Park Service by $3 million and $2.5 million, respectively. While you may say these are small dollar amounts in the large budget of the National Park System, failure to meet these basic annual maintenance requirements will cause our backlog to grow in the long run and will cause the severity of the threat to our national parks to increase.

Neither the operation and maintenance account nor the construction account is designed specifically to meet the natural resources needs of the park system.

This year, the National Park Service is seeking to change this with the Natural Resource Challenge, announced earlier this year by National Park Service Director Bob Stanton.

This plan will change decisionmaking in the Park Service as manager's make resource preservation and conservation an integral consideration in all management actions.

To support this program, the National Park Service requested $16 million in the fiscal year 2000 Interior appropriations bill.

During this fiscal year, these funds will be focused on the completion of

natural resource inventories to be used by park managers in decisionmaking.

These funds will support large-scale preservation projects and target restoration of threatened areas damaged by human disturbance.

After considering the National Park Service's Natural Resource Challenge appropriations request, the House fully funded the base program with $16.235 million.

The Senate significantly reduced the funds for this program, providing a total of only $6 million.

This shortfall will extend the time period for completion of baseline inventories for all 260 park units from 7 to 14 years, delaying the time period when the Park Service will be able to identify a ''natural resource backlog'' similar to the construction backlog it currently uses.

The actions taken by the Senate and the House do not meet the challenge posed by Theodore Roosevelt to leave our environment in a better state than we found it.

I sympathize with the Interior Appropriations Subcommittee, and I respect the actions they have been able to take over the last several years to support the needs of the National Park System.

However, there is a limit to what the Appropriations Subcommittee can do given the tools they have.

They are working to fund 20th century needs for construction and natural resource preservation using a 19th century funding mechanism.

The National Park Service needs a sustained, reliable funding source that will allow it to develop intelligent plans based on prioritization of need, not availability of funds.

Last year, Senator THOMAS led the way with his landmark legislation on the National Park Service, Vision 2020.

This legislation adopted, for the first time, both concessions reform and science-based decisionmaking on resource needs within the park service.

We took a big step forward last year with the extension of the fee demonstration program.

This allows individual parks to charge entrance fees and use a portion of the proceeds for maintenance backlog and natural resource projects.

This action generates about $100 million annually throughout the park system. It is time for the next step.

Earlier this year, I introduced legislation with Senators REID and MACK, S. 819, the National Park Preservation Act, that would provide dedicated funding to the National Park Service to restore and conserve the natural resources within our park system.

This legislation seeks to address the long-term efforts required to truly restore and protect our natural, cultural, and historic resources in our park system.

The legislation would reallocate funds derived from the use of a nonrenewable resource—offshore drilling in the outer continental shelf—to a renewable resource—restoration and preservation of natural, cultural, and historic resources in our national park system.

These funds provided by our bill would ensure that each year the National Park Service will have the resources it needs to restore and prevent damages to the natural, cultural, and historic resources in our park system.

I am working with the members of the Energy and Natural Resources Committee to include a version of this legislation in the final package of the ''Outer Continental Shelf Revenue'' legislation under consideration by that Committee.

Last week, I circulated a dear colleague requesting that each of you join me in this effort.

As we move to final passage on the Interior appropriations bill and final negotiations on the OCS revenue legislation, I urge you to remember this quote from Theodore Roosevelt quote,

Nothing short of defending this country during wartime compares in importance with the great central task of leaving this land even a better land for our descendants than it is for us.

We have serious needs in many areas of our national land trust. If we are to meet the standard set by Theodore Roosevelt almost a century ago, we must not be depleting our capacity to do this by underfunding and by reducing the funds that are available to meet these national park and other national land demands. We must be looking, creatively, for ways to provide sustained, adequate funding sources. That is what is at issue in this debate.

Are we going to succumb to the request of a floor amendment to an appropriations bill to reduce the funds available to meet our national land trust responsibilities or are we going to both defeat this amendment and then step forward in the underlying bill to provide the resources necessary to meet the crisis that exists in our national parks and in many of our other national land trusts?

I hope we will hear the call from a century in the past of Theodore Roosevelt, that we be prepared to be judged by whether we have left to our children and our grandchildren a better America than our parents and grandparents gave to us.

Thank you, Mr. President.

EXHIBIT 1

[From the New York Times, July 25, 1999]

NATIONAL PARKS, STRAINED BY RECORD CROWDS, FACE A CRISIS

(By Michael Janofsky)

YELLOWSTONE NATIONAL PARK, Wyo., July 22—In growing numbers that now exceed 3.1 million a year, visitors travel here to America's oldest national park to marvel at wildlife, towering mountains, pristine rivers and geological curiosities like geysers, hot springs and volcanic mudpots.

Yet many things tourists may not see on a typical trip through Yellowstone's 2.2 million acres spread across parts of Idaho, Montana and Wyoming could have a greater impact on the park's future than the growl of a grizzly or spew of Old Faithful.

For all its beauty, Yellowstone is broken. Hordes of summer tourists and the increasing numbers now visiting in the spring, fall and winter are overwhelming the park's ability to accommodate them properly.

In recent years, the park's popularity has created such enormous demands on water lines, roads and personnel that park management has been forced to spend most of Yellowstone's annual operating budget, about $30 million, on immediate problems rather than investing in long-term solutions that would eliminate the troublesome areas.

Yellowstone is not the only national park suffering. With the nation's 378 national park areas expected to attract almost 300 million visitors this year, after a record 286 million in 1998, many parks are deferring urgently needed capital improvements.

For instance, damaged sewage pipes at Yellowstone have let so much ground water from spring thaws into the system that crews have had to siphon off millions of gallons of treated water into meadows each of the last four years.

And with budget restraints forcing personnel cutbacks in every department, even the number of park rangers with law-enforcement authority has dropped, contributing to a steady increase in crime throughout Yellowstone.

''It's so frustrating,'' Michael V. Finley, Yellowstone's superintendent, said. ''As the park continues to deteriorate, the service level continues to decline. You see how many Americans enjoy this park. They deserve better.''

Over the last decade the annual budget of the National Park Service, an agency of the Interior Department, has nearly doubled, to $1.9 billion for the fiscal year 1999 from $1.13 billion in 1990, an increase that narrowly outpaced inflation.

But in an assessment made last year, the park service estimated that it would cost $3.54 billion to repair maintenance problems at national parks, monuments and wilderness areas that have been put off—for decades, in some cases—because of a lack of money.

The cost of needed repairs at Yellowstone was put at $46 million, the most of any park area in the system. But the park service report shows that budget limits have forced virtually all national parks to set aside big maintenance projects, delays that many park officials say compromise visitor enjoyment and occasionally threaten their health and safety.

Senator Craig Thomas, a Wyoming Republican who is chairman of the Subcommittee on National Parks, and Bob Stanton, director of the park service, negotiated a deal this week to spend $12 million over the next three years for Yellowstone repairs.

Other parks may have to wait longer. The Grand Canyon National Park depends on a water treatment system that has not been upgraded in 30 years, a $20 million problem, park officials say. Parts of the Chesapeake and Ohio Canal National Historical Park along the Potomac River are crumbling, another $10 million expense. The Everglades National Park in South Florida needs a $15 million water treatment plant.

Even with a heightened awareness of need among Federal lawmakers and Clinton Administration officials, money to repair those problems may be hard to find at a time when Congress is wrestling over the true size of a projected budget surplus and how much of it will pay for tax cuts. If billions were to become available for new spending, the park service would still have to slug it out with every other Federal agency, and few predict that parks would emerge a big winner.

It is a disturbing prospect to conservationists, parks officials and those lawmakers

who support increased spending to help the parks address their backlog of maintenance problems.

''It's kind of like a decayed tooth,'' said Dave Simon, the Southwest regional director for the National Parks and Conservation Association, a citizens' group that is working with Yellowstone to solve some of the long-term needs. ''If you don't take care of it, one day you'll wake up with a mouthful of cavities.''

The parks' supporters like Representative Ralph S. Regula, an Ohio Republican who is chairman of Appropriations Subcommittee on the Interior, concede that budgetary increases as well as revenue from new programs that allow parks to keep a greater share of entrance fees and concession sales have been offset by inflation, rising costs and daily operational demands that now accommodate 8.9 percent more people than those who visited national parks a decade ago.

With few dollars available for maintenance programs, the parks suffered ''bengin neglect,'' Mr. Regula said, adding: ''It's not very sexy to fix a sewer system or maintain a trail. You don't get headlines for that. It would be nice to get them more money, but we're constrained.''

Denis P. Galvin, the deputy director of the National Park Service, noted that only twice this century, in the 1930's and in 1966, has the Federal Government authorized money for systemwide capital improvements, and he said he was not expecting another windfall soon.

''Generally,'' Mr. Galvin said, ''domestic programs come at the back of the line when they're formulating the Federal budget, and I just don't think parks are a priority.''

Perhaps no park in America reflects the array of hidden problems more than Yellowstone, which opened in 1872, years before Idaho, Montana and Wyoming became states.

Park officials here say that the longer problems go unattended, the more expensive and threatening they become.

The budget restraints have meant reducing the number of rangers who carry guns and have the authority to make arrests.

Rick Obernesser, Yellowstone's chief ranger, said the roster had dwindled to 112 from 144 over the last 10 years, which often means leaving the park without any of these rangers from 2 A.M. to 6 A.M.

Next year, Mr. Obernesser said, the park will have only 93 of these rangers, about 1 for every 23,000 acres, compared with 1 for every 15,000 acres when his staff was at peak strength.

That has not only led to slower response times to emergencies, like auto accidents and heart attacks, he said, but also to an increase in crime. Since the peak staffing year of 1989, he said, the park has experienced significant increases in the killing of wildlife, thefts, weapons charges against visitors and violations by snowmobile drivers.

* * * * *

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that I be allowed to speak for up to 5 minutes, following which Senator BOXER from California would be recognized for up to 10 minutes, after which Senator MURKOWSKI would be recognized to speak for up to 5 minutes, and then I will close for up to 5 minutes.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Mr. President, reserving the right to object, and I will not, I thank my colleague. It has been a long day, and we are about to end this. Will that take us to 6:10 or 6:15?

Mrs. HUTCHISON. Yes, it will.

Mrs. BOXER. I will not object.

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

Mrs. HUTCHISON. Mr. President, I want to take 5 minutes at this time to answer what questions were asked by Senator GRAHAM from Florida. First of all, he asked: Why are we calling this a tax? This is really a lease payment, a condition for a lease.

What I am concerned about is that he is willing to say we will change the terms of the lease during the term. If that is not an increase in a tax, I don't know what it is. It is a tax increase during the term of a lease. It changes the conditions of the lease, and it will raise the costs to oil companies. Who is going to pay the increased costs? Who always pays the increased costs on business? I am always amazed that people talk about taxing business and making business pay their fair share. When the business is going to sell the product, the business has to have a certain margin in order to stay in business and keep the jobs that it is creating. Of course, they have to raise the price of the product. That is exactly what is going to happen.

This is the chart about which the Senator from Florida spoke. There is no question that the taxes at the top of the chart are 56 cents for a gallon of gasoline, and the oil is 64 cents. If you add more to the taxes, you are going to add more to the price of gasoline.

This is a tax increase on the people who are going to pay for gasoline at the pump.

Mr. GRAHAM. Mr. President, will the Senator yield for a question?

Mrs. HUTCHISON. I have 5 minutes under a unanimous consent. I didn't interrupt the Senator from Florida, and I would like to finish my 5 minutes, if I can.

The Senator from Florida talked about the ''rabbit warren'' of regulation.

I want to put that chart up because it is a valid question.

Is this the same as, or any worse than, the regulations that we have today? In fact, this whole segment of this chart isn't there today because today, if oil is sold at the wellhead, the Federal Government recognizes that is the price. Under the new regulation, we have this theory of procedures that would be required for a person who is selling at the wellhead to prove that was really the price because the Mineral Management Service reserves the right to second-guess the price that is actually paid.

I say that there is a good case to be made that this is actually more complicated than it is today. I hope that we will not allow that to go forward.

The third area that was mentioned by the Senator from Florida is, why is this coming up in this bill? He said: Why don't we have hearings? Why is this coming up in this bill?

It is coming up in this bill because the Federal regulators are spending taxpayer dollars to perpetrate a tax increase on the hard-working people of this country who buy gasoline at the pump, and they are doing it with the appropriations that we are passing tonight.

Of course, if we are going to have any say, if we are going to have the ability to exercise the responsibility of Congress to set tax policy in our country and determine that we are going to raise gasoline prices at the pump, we must act on the bill that gives them the money, and direct them as a Congress to not raise taxes on the people of America who buy gasoline for their cars every day.

Last but not least, the Senator from Florida raised the question: Are we living up to the legacy of Theodore Roosevelt? I think it is important that we look at the money that we are spending to preserve our wildlife and preserve our natural habitat. I think that is a valid question. My answer is yes. That is not an issue in anything we are talking about tonight because if these companies don't agree to take care of the environment and clean up anything that might be built, then they will not get the lease.

That is part of the least arrangement. So protecting the environment is not an issue, and, of course, we want to protect the legacy that we have been given by our forefathers and mothers of this wonderful country.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from California is recognized for 10 minutes.

Mrs. BOXER. Mr. President, I thank my colleague, Senator HUTCHISON, for working so well with me so we can, in an orderly way, get this vote.

I want to say to my friend from Florida before he leaves the floor that I know he has more to say on this, and that he has raised issues that are so important to this debate.

First, he raised the issue of process. He raises the point that this amendment doesn't belong here. It certainly does not.

As a matter of fact, originally it was stripped from the bill, and it came back in a rather clever way.

I give my colleague credit for passing the test. But it is making appropriations on a bill. My colleague makes that point.

Second, he makes a very important point on the substance. This issue about whether a royalty is a tax, he knows. He is on the Finance Committee. If this was a tax, he would be dealing with it.

He himself raises a crucial issue that was given short shrift by my friend from Texas, and that is, why are we here? Who do we fight for? And shouldn't it be for our children, our grandchildren, and their children? I

think he says it in very sweeping terms.

He also points out very clearly the specific problems that we face in the shortfall of our national parks, and the fact that these funds, when collected from the oil companies, go into the Land and Water Conservation Fund.

I thank the Senator.

I also want to thank Senators DURBIN, FEINGOLD, REID, WELLSTONE, DORGAN, LEVIN, HARKIN, KENNEDY, DASCHLE, BYRD, AKAKA, CLELAND, and CONRAD for yielding me time. This has meant a lot to me personally.

But it also is telling that Senators would take their time and come to the floor to speak from their heart. And they did.

I believe at the end of the day we have shown that the facts are on our side. I believe we have the arguments on our side that have been made by the consumer groups. I think the people who care about the environment are on our side. The legal precedents and settlements are on our side. Most of the States that are affected by this are on our side. I have read them into the RECORD. So if it is about States rights, we have the RECORD. The former oil executives under penalty of perjury and putting themselves on the line testified that we are right, and that there has been not one scheme but seven schemes to defraud the people of their money from royalties.

I think we have proven that we have the arguments on our side.

I am happy that we had this debate. To me, this is what the Senate should be about, and one of our colleagues from Oklahoma denigrated this debate. He said it didn't fit the Senate. He said that, in a way. I think this debate is important for the Senate.

But I want to wind up by picking up on a statement made by the Senator from Montana. He is a good debater. And he ''gets with you.'' I like to hear him. What he said in the debate was basically, to me and the people on my side, ''Get a life.'' He said, ''Get a life.''

I want to talk about my life for a minute. I want to talk about what my professional life is about. I want to assure the Senator from Montana that I have a life. As a Senator, what I try to do with my life is to find purpose in it by fighting for the people of my State and the people of this country by taking their side against the special interests when I believe the special interests are wrong.

If I believe the special interests are right, I will fight for them, if they are on the side of the people. I said earlier, and I will repeat now, there are two sides to this debate on this amendment. There are. The oil company has one side and the people have the other. I stand on the side of the people.

So I have a life. I try to make my life about justice.

My colleagues could have a different view of justice. I respect them tremendously if they do. But, to me, this is a matter of justice.

Why do I say it? I say it because we know something bad is going on when two former oil executives filed a lawsuit and described very clearly the seven schemes by the oil companies to defraud the taxpayers.

Quoting from them, they say:

> There is a nationwide conspiracy by some of the world's largest oil companies to short change the United States of America of hundreds of millions of dollars in revenue.

That is not the Senator from California. It is not the Senator from Massachusetts. It is not the Senator from Florida. It is two former oil executives who spell out the seven schemes of the oil companies.

We know that there have been settlements all over the country—$5 billion worth of settlements by seven States.

Why would these oil companies be settling all over this country? In Alaska, for $3.7 billion; in California, for $345 million. It goes on—in Texas, for $30 million. The State of Texas brought suit. The State of Texas sued the oil companies. And guess what happened. The oil company didn't want to go to court. They settled for $30 million; New Mexico, for $6 million. It goes on.

Now these oil companies are settling because they know they don't have a leg to stand on in court because they signed an agreement to pay royalties at fair market value. The Mineral Management Service at the Department of the Interior caught them. They want to fix the problem.

This is the fourth time this Senate is interfering in that. I love this Senate too much to see that happen. It is the oil companies versus the people. I want to be on the side of the people.

I think this has been a very good debate. We have covered all the issues very well. I want to thank the media for getting involved. We have seen some very strong stories in the last few days on this. I think the original editorial written by USA Today is still the best. USA Today said: ''Time to clean up Big Oil's slick deal with Congress.'' Those are tough words. Those are ugly words. I am sad to say, I agree. We can clean it up today. We can vote against this amendment and clean it up and have a good editorial. Wouldn't Members love to see an editorial tomorrow, ''Congress cleans up its act, tells the oil companies to pay their fair share of royalties.'' I would be excited to see that headline. I don't think we will see it.

This issue will not go away as long as my colleagues and I are here. I think it is clear. The editorial says the taxpayers have been getting the unfair end of this deal for far too long. Congress should protect the public interest.

That is what this is about. We have heard every argument in the book: The Interior Department is terrible, Mineral Management is terrible, people in the Interior Department are terrible. Everybody is terrible. Everybody is terrible.

The people who are causing the trouble, the 5 percent of the oil companies that are not paying their fair share, are robbing this Federal Treasury of almost $6 million per month. That is a lot of money. Ask any constituent what they would do with $6 million a month, and they would have a pretty good list.

Sad to say, this money that is not going into the Treasury because of this amendment could have gone to the classrooms of the States, could have gone into the Land and Water Conservation Fund, and been spent on the kinds of things Senator GRAHAM, Senator DURBIN, and many of our colleagues have pointed out need attention.

We are coming to the end of this debate. I urge my colleagues, in the name of fairness and justice, to vote against the Hutchison amendment.

I yield the floor.

Mr. ENZI. Mr. President, I rise in strong support for the amendment offered by the Senator from Texas, Senator HUTCHISON, and the Senator from New Mexico, Senator DOMENICI, on oil royalties. It is essential that we adopt this amendment to prohibit yet another attempt by this administration to ''tax'' the American people without their effective representation—without a bill being introduced in Congress, without its passage by both Houses of Congress, and without the President's signature.

There has been a lot of talk about whether or not the current procedures for valuing crude oil for Federal royalty purposes are working properly. I have been fascinated by this debate. The issue we are discussing is really more basic than whether the current procedures need to be modified. The question is at heart a constitutional one—if we are to change the way the Federal Government has forced oil companies to calculate Federal royalties for the last 79 years, should this change come from Congress, or should it come in the form of a tax scheme dreamed up by a Federal bureaucracy?

Not only do these rules amount to a usurpation of the legislative function by the administration, but in substance they would allow tremendous complexity for people in the oil industry. These rules would require producers to report and pay royalties under three different sets of rules. Now I've been a small businessman, and I've been on the receiving end of Federal and State regulations for a good part of my life. I can tell you, we better have a very good explanation if we are going to expect small oil companies in Wyoming to dill out a bunch more paper work just to comply with their lawful obligation to pay Federal royalties on the oil they drill on Federal lands.

If we are going to change the point at which we determine the value of the crude oil—from the wellhead to some point downstream or by reference to a national exchange, we owe it to the small producers in Wyoming, and throughout the country, to give their suggestions to Congress on any alternative plan. We need to hear how much

more time and effort this is going to be for folks who are still hurting from last year's devastatingly low crude oil prices.

I think we owe that opportunity to our Nation's oil producers, so I am proud to join the Senator from Texas and the Senator from New Mexico, and others in standing up for the right of Congress to pass laws that affect the tax burden on our domestic oil industry.

I ask unanimous consent a letter from Wyoming Governor Geringer to Senator HUTCHISON be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATE OF WYOMING,
OFFICE OF THE GOVERNOR,
September 8, 1999.

Hon. KAY BAILEY HUTCHISON,
U.S. Senate,
Washington, DC.

DEAR SENATOR HUTCHISON: I ask for your strong support of the amendment to the Department of Interior Appropriation Bill which would extend the moratorium on Minerals Management Service (MMS) rule making. Wyoming, as the largest stakeholder of federal oil royalty receipts (35%) supports a fair and workable oil valuation rule. However, the current proposed rules contain more uncertainty and will diminish incentives for industry to lease, explore and produce on the immense amount of federal acreage in Wyoming. Such uncertainty will lead to additional administrative, audit and legal activities, which will lead to higher costs for Wyoming producers, causing their products to be less competitive. Higher costs to the MMS are then passed on to Wyoming and other states in the sharing of net receipts. Last year Wyoming's net receipt share along of MMS activity was $7 million.

Wyoming is currently involved in a pilot project with the MMS to take its crude oil royalties in-kind (RIK) rather than in cash. This RIK pilot program has been designed to allow the state and the MMS to reduce administrative costs, eliminate legal disputes and test the various methods of achieving fair market value for our oil. Therefore, the moratorium extension for two more years would allow such valuable experience to be tested. Allowing a sufficient amount of time to finish the pilot will assist in the development of new rules. Let us keep working cooperatively with MMS, free of this rule making distraction.

While we continue to object to the implementation of Interior's rules, Wyoming has participated in every phase of the rulemaking process. We also have observed the attempts to craft distracting legislation, which would attempt to address far too many unrelated aspects of the relationship between MMS, stakeholder states and industry. We do not support such efforts. Following our experience with RIK, we believe that a simple approach establishing a voluntary RIK program for the states, embodied in no more than two pages of legislation, will be all that is necessary. Let us go to work on a simple, but effective bill.

I urge you to support the rulemaking moratorium and encourage the MMS and royalty receiving states to engage in a genuine partnership role which will insure a fair, workable and beneficial plan to collect royalties. Adoption of the proposed rules would obstruct any opportunity to improve our royalty collection process.

Thank you for your support and understanding!

Best regards,

JIM GERINGER,
Governor.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from Alaska is recognized for 5 minutes.

Mr. MURKOWSKI. Mr. President, I thank the Chair. I have listened to the debate with a little frustration, as I am sure my colleagues have, regarding the emotional arguments prevailing on an issue that fails to give disclosure to the public on what this issue is all about.

The Hutchison moratorium amendment keeps the MMS from spending money for 1 year to implement a new rule that amounts to another tax, a value-added tax, on oil produced in the United States on Federal leases. What they don't say in the debate is who pays this additional tax. It is the American consumer, the taxpayer, the public.

Bureaucrats don't have the right to unilaterally establish a tax. That is just what this proposal does. That is a right that is reserved in the Constitution, by the Constitution to this Congress. Existing law says royalties should be collected at the lease, not after value has been added downstream as the rule proposed by Department of Interior would do. This MMS rule, for the first time in history, embraces a value-added tax concept to oil valuation.

There is little mention about the energy security interests of this country. We are now dependent upon imported oil. Imported oil is the No. 1 contributor to our trade deficit. The domestic oil industry is in tough shape. In 1973, during the oil embargo, we imported 36 percent of our oil. Today, we import 56 percent. The Department of Energy says that figure will go up to the 63- to 64-percent area by the years 2005, 2006, and 2007, and over 55,000 American jobs have been lost in the last 2 years in the oil industry, five times the number in the steel industry. The MMS rule drives U.S. jobs overseas, increases our trade deficit, and makes America more dependent on one area of the world that is very volatile, the Mideast.

This moratorium by the Senator from Texas has been in place for 2 years. The press has reported two Government employees have been paid $350,000 each from a group associated with the trial lawyers as an award for pushing for the new rule which benefits—benefits whom? It doesn't benefit the taxpayer or the consumer; it benefits the lawyers. The Department of the Interior inspector general and Justice Department are investigating. Something is rotten around here. It is not in Denmark. It has something to do with the process.

This has the effect of turning our Government regulation over to the highest bidder. No rule tainted by payoffs to the rulemakers should be tolerated. It is interesting to note, as the Senator from Texas has, they say they want to simplify a process. The chart today reminds me of the chart Senator SPECTER presented to this body describing the simplified health care that had been proposed by the First Lady and the administration. Again, look at this chart. If that is a simplified chart on the workable manner in which MMS proposes a value-added method for determining the appropriate royalty for oil, you and I both know that won't hold water.

This is a cancer within Government. We talk about whistleblowers and those who are supporting the proposed MMS gasoline and heating oil tax which Senator HUTCHISON's amendment postpones for 1 year. When they think about a whistleblower, most people think of something someone sees is wrong, who blows a whistle to draw attention. The Federal Government has laws on the books to protect whistleblowers who come forward to report fraud and abuse.

Let's look at this case. This case is a little different. Two Federal employees, one working for the Department of the Interior and the other working for the Department of Energy—the two Departments of jurisdiction; these are supposed to be objective people—worked behind the scenes and pushed for the MMS rule change. They were paid $350,000 each on September 13, 1999 as rewards for their work. There is a copy of the check.

The point of this is, they were paid by a self-described public interest group which has about 200 members. This group, the Project On Government Oversight, or POGO, has rather curious ties to law firms which have made millions of dollars from suing oil companies over oil royalties. Make no mistake about who pays: The public.

As an example, POGO's board of directors has included lawyers who have worked directly on these cases for years. The City of Long Beach, CA, lost the most recent case. An attorney for the city said they spent about $100 million on the case. That is $100 million that could have been spent on education and was spent on lawyers instead.

The Department of the Interior is investigating, but it is illegal for Federal employees to be paid for pursuing changes to Federal regulations by those who benefit from such changes. Our Secretary of the Interior, what has he done? He has done nothing. The Interior Department had nothing to do with it.

The Hutchison amendment should be adopted to give time to work on a fair and simple regulation to States, Federal lessees, and taxpayers.

That chart is not a simplification. I commend my colleague for her effort to expose the truth behind the fiction we have heard so much about today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Alaska, the

chairman of the Energy Committee, who understands this issue and understands the importance of a stable oil and gas supply in our country.

It has been said that the States that have the most at stake are against my amendment. I submit for the RECORD a letter from the Governor of Wyoming, who says:

Wyoming, as the largest stakeholder of federal oil royalty receipts (35 percent), supports a fair and workable oil valuation rule. However the current proposed rules contain more uncertainty and will diminish incentives for industry to lease, explore and produce on the immense amount of federal acreage in Wyoming.

The Governor of the State of North Dakota wrote:

As a major recipient of income from Federal royalties, the State of North Dakota supports reasonable rules for the valuation of federal oil royalties. Unfortunately, the current version of the rules proposed by MMS does not fit that description.

The Governor of Montana:

The complexity and uncertainty inherent in the proposed MMS rules may be a disincentive for industry, especially Montana's independent producers, to lease and produce oil and gas from federal lands. Such a disincentive will negatively impact the production of oil and gas within Montana, resulting in less royalty revenue for the state.

I think that is a very important point because we have been talking about losing $60 million from the coffers of the Federal Government. But in fact, if oil companies cannot drill because they cannot make a profit because their costs will be higher than the price they can charge, then they are not going to drill and there will be no money in the Federal coffers—not $66 million; there will be a diminishing of the amount of money that will come into the Federal Government.

I will submit these letters along with letters from the Secretary of Energy of Oklahoma, Commissioner David Dewhurst from the Texas General Land Office, and the California Independent Petroleum Association. They write:

Please, Senator Hutchison, pass your amendment.

We have a list of the independents who say the MMS rule will be harmful to them. These are the small producers, those with 5 or 10 or 15 employees, the families of which depend on this income. This is an independent producer issue.

It comes down to this. Through the last 10 years, the price of gasoline at the pump has increased from $1.21 to $1.29 per gallon. But let's look at where that increase has come from. The increase in taxes has gone from 26 cents a gallon to 40 cents a gallon. The price of the crude oil has actually gone down from 94 cents to 88 cents.

So the price has gone up. Why? Because taxes have increased. If we do not pass the Hutchison amendment, taxes are going to increase again, and who is going to pay? It is going to be the hard-working American who fills up his or her gas tank and has to pay a higher price because there are higher taxes put on them in the name of increased royalty rates.

If we are going to have a tax increase for whatever purpose —for more education spending, for the environment, for any purpose whatsoever—let's call it a tax increase and let's vote on it up or down. Let Congress take a stand because Congress is the one that will be accountable to the people. Let's not let a Federal agency raise the price of gasoline at the pump by raising taxes on oil in the name of new oil royalty rates. Congress will not stand by and let an unelected Federal agency raise taxes on hard-working people in this country and the price of gasoline at the pump.

The Senator from California said she would like to see editorials tomorrow in the paper saying: Congress cleans up its act. I would like to see editorials. I would like to see editorials that say: Congress rejected the rhetoric; it did not listen to arguments about lawsuits on present regulations as if it would affect the future regulations; Congress stood up for its right to make tax policy in this country and not to let tax increases affect the hard-working people of this country. That is the editorial I hope to see tomorrow.

I ask unanimous consent the letters I referred to and others be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF WYOMING,
OFFICE OF THE GOVERNOR,
September 8, 1999.

Hon. KAY BAILEY HUTCHISON,
U.S. Senate, Washington, DC.

DEAR SENATOR HUTCHISON: I ask for your strong support of the amendment to the Department of Interior Appropriation Bill which would extend the moratorium on Minerals Management Service (MMS) rule making. Wyoming, as the largest stakeholder of federal oil royalty receipts (35%), supports a fair and workable oil valuation rule. However, the current proposed rules contain more uncertainty and will diminish incentives for industry to lease, explore and produce on the immense amount of federal acreage in Wyoming. Such uncertainty will lead to additional administrative, audit and legal activities, which will lead to higher costs for Wyoming producers, causing their products to be less competitive. Higher costs to the MMS are then passed on to Wyoming and other states in the sharing of net receipts. Last year Wyoming's net receipt share alone of MMS activity was $7 million.

Wyoming is currently involved in a pilot project with the MMS to take its crude oil royalties in-kind (RIK) rather than in cash. This RIK pilot program has been designed to allow the state and the MMS to reduce administrative costs, eliminate legal disputes and test the various methods of achieving fair market value for our oil. Therefore, the moratorium extension for two more years would allow such valuable experience to be tested. Allowing a sufficient amount of time to finish the pilot will assist in the development of new rules. Let us keep working cooperatively with MMS, free of this rule making distraction.

While we continue to object to the implementation of Interior's rules, Wyoming has participated in every phase of the rulemaking process. We also have observed the attempts to craft distracting legislation, which would attempt to address far too many unrelated aspects of the relationship between MMS, stakeholder states and industry. We do not support such efforts. Following our experience with RIK, we believe that a simple approach establishing a voluntary RIK program for the states, embodied in no more than two pages of legislation, will be all that is necessary. Let us go to work on a simple, but effective bill.

I urge you to support the rulemaking moratorium and encourage the MMS and royalty receiving states to engage in a genuine partnership role which will insure a fair, workable and beneficial plan to collect royalties. Adoption of the proposed rules would obstruct any opportunity to improve our royalty collection process.

Thank you for your support and understanding!

Best regards,

JIM GERINGER,
Governor.

STATE OF NORTH DAKOTA,
OFFICE OF THE GOVERNOR
September 7, 1999.

Hon. EARL POMEROY,
U.S. House of Representatives, Washington, DC.

DEAR REPRESENTATIVE POMEROY: As a major recipient of income from federal royalties, the State of North Dakota supports reasonable rules for the valuation of federal oil royalties. Unfortunately, the current version of the rules proposed by the Minerals Management Service (MMS) does not fit that description.

The rules currently proposed are vague, complex, and do not solve the problem of properly determining oil value. If adopted as currently proposed, the rules will increase MMS administrative costs and oil valuation uncertainty.

Uncertainty in oil valuation works as a disincentive to industry in its future efforts to produce oil and gas from federal lands, resulting in a loss of income for North Dakota.

Increased MMS administrative costs also harm North Dakota through increased billings under the federal government's net receipts sharing laws.

Because of these considerations, I urge you to support an extension of the congressionally mandated moratorium preventing MMS from issuing final rules in the current form.

Sincerely,

EDWARD T. SCHAFER,
Governor.

STATE OF MONTANA,
OFFICE OF THE GOVERNOR,
September 13, 1999.

Hon. CONRAD BURNS,
Washington, DC.

DEAR SENATOR BURNS: I am writing to express this administration's support for the Hutchison amendment to the Department of Interior Appropriation Bill which would extend the moratorium on Minerals Management Services (MMS) rule making.

The complexity and uncertainty inherent in the proposed MMS rules may be a disincentive for industry, especially Montana's independent producers, to lease and produce oil and gas from federal lands. Such a disincentive will negatively impact the production of oil and gas within Montana, resulting in less royalty for the state.

The moratorium will provide additional time for all interested parties to develop a fair, workable and efficient plan to collect federal royalties. During this additional one year moratorium, all parties must work in earnest toward the successful conclusion of this issue.

Thank you for your support and understanding.

Sincerely,

MICK ROBINSON,
Director of Policy

STATE OF OKLAHOMA,
OFFICE OF THE SECRETARY OF ENERGY,
September 11, 1999.

Hon. DON NICKLES,
U.S. Senate, Washington, DC.

DEAR SENATOR NICKLES: I ask for your strong support of the amendment to the Department of Interior appropriation bill which would extend the moratorium on Minerals Management Service oil valuation rulemaking. Oklahoma and the other oil-producing states have worked hard to help create a simpler, fairer method of valuing oil. The proposed MMS rules are complicated and burdensome, particularly for independent producers. I believe they will act as a disincentive to lease and produce oil and gas from federal lands. Additionally, I believe their complexity and uncertainty will mean increased costs for the federal government and states.

Therefore, I strongly support extension of the current moratorium until a valuation methodology can be derived which satisfies the objective of capturing market value at the lease in a simple, certain and efficient manner.

Sincerely,

CARL MICHAEL SMITH,
Secretary of Energy.

STATEMENT OF COMMISSIONER DAVID DEWHURST

Texas General Land Office

As an independent oilman who explored on and produced oil and gas from MMS leases, I know firsthand the business risks that are required in offshore exploration and production. As the elected land commissioner of Texas who serves as a trustee of state lands and waters that benefit the school kids of Texas, I am committed to ensuring that we maximize revenue for public and higher education. Therefore, I support the position advocated by Senator Hutchison. The proposed MMS rules are complicated and burdensome and would be a disincentive for industry, particularly independent producers, to lease and produce oil and gas from federal lands. I am concerned that the net effect of these rules will be less oil and gas is produced, and consequently less royalty revenue for our school kids.

Statement from Texas Railroad Commission Chairman Tony Garza regarding Senator Kay Bailey Hutchison's (R-Texas) effort to extend the moratorium on the Mineral Management Service (MMS) proposed royalty valuation rule.

''With oil imports continuing a dramatic rise, Senator Hutchison's effort will help guard against the serious security and economic risks associated with an American marketplace dominated by foreign crude. It's more than help for a beleaguered domestic energy industry. It's common-sense policy that strengthens our commitment to domestic production and jobs while encouraging the development of a sound U.S. energy policy.''

CALIFORNIA INDEPENDENT
PETROLEUM ASSOCIATION,
SACRAMENTO, CA,
September 13, 1999.

Hon. KAY BAILEY HUTCHISON,
U.S. Senate, Washington, DC.

DEAR SENATOR HUTCHISON: The California Independent Petroleum Association (CIPA) represents 450 independent oil and gas producers, royalty owners and service companies operating in California. CIPA wants to set the record straight. The MMS oil royalty rulemaking affects all California producers on federal land. It is false to claim that this rulemaking only affects the top 5% of all producers.

How are California independents affected? The proposed rulemaking allows the government to second guess a wellhead sale. If rejected, a California producer is subjected to an ANS index that adjusts to the wellhead set by the government. Using a government formula instead of actual proceeds results in a new tax being imposed on all producers of federal oil.

It doesn't end, if a California producer chooses to move its oil downstream of the well, the rulemaking will reject many of the costs associated with these activities. Again, to reject costs results in a new tax being levied on the producer.

Senator Hutchison, California producers support your amendment to extend the oil royalty rulemaking an additional year. We offer our support not on behalf of the largest producers in the world, but instead on behalf of independent producers in the state of California. Your amendment will provide the needed impetus to craft a rule that truly does affect the small producer and creates a new rulemaking framework that is fair and equitable for all parties.

Again, thank you for offering this amendment. We cannot allow the government to unilaterally assess an additional tax on independent producers. After record low oil prices, California producers are barely beginning to travel down a lengthy road to recovery. To assess a new tax at this time could have a devastating effect on federal production and the amount of royalties paid to the government.

Sincerely,

DANIEL P. KRAMER,
Executive Director.

NATIONAL BLACK CHAMBER
OF COMMERCE,
August 5, 1999.

Hon. KAY BAILEY HUTCHISON,
Senator, State of Texas,
Washington, DC.

DEAR SENATOR HUTCHISON: The National Black Chamber of Commerce has been quite proud of the leadership you have shown on the issue of oil royalties and the attempt of the Minerals Management Service's, Department of Interior, to levy eventual increases on the oil industry.

The efforts of MMS are, indeed, ludicrous. Collectively, the national economy is booming and the chief subject matter is ''tax reduction'' not ''royalty increase'', which is a cute term for tax increase. What adds ''salt to the wound'' is the fact that despite a booming economy from a national perspective, the oil industry has not been so fortunate and is on hard times. We need to come up with vehicles that will stimulate this vital part of our economic bloodstream, not further the damages.

We support your plan to re-offer a one-year extension of the moratorium on the new rule proposed by MMS. We will also support any efforts you may have to prohibit the new rule. Good luck in giving it ''the good fight''.

Sincerely,

HARRY C. ALFORD,
President and CEO.

FRONTIERS OF FREEDOM,
ARLINGTON, VA,
July 30, 1999.

Hon. KAY BAILEY HUTCHISON,
U.S. Senate, Washington, DC.

Re: Supporting the Hutchison-Domenici Amendment (a Moratorium on the Proposed Oil Valuation Rule which Prevents Unauthorized Taxation and Lawmaking by the Department of Interior).

DEAR SENATOR HUTCHISON: We are writing to express our support for the Hutchison-Domenici amendment to the FY 2000 Appropriations bill. The Hutchison-Domenici amendment prevents the Department of the Interior from rewriting laws and assessing additional taxes without the consent of the Congress. This role properly rests with the legislative branch, not with unelected bureaucrats.

In a misleading letter dated July 21, 1999, detractors of the Hutchison-Domenici amendment allege it will cost ''taxpayers, schoolchildren, Native Americans, and the environment.'' That is not so! It's time to set the record straight—this amendment does not alter the status quo at all. This amendment says to Secretary Babbitt: Spend no money to finalize a crude oil valuation rule until the Congress agrees with your proposed methodology for defining value for royalty purposes.

We contend that a mineral lease is a contract, whether issued by the United States or any other lessor, and as such, its terms may not be unilaterally changed just because a government bureaucracy thinks more money can be squeezed from the lessee by redefining the manner in which the value of production is established. What royalty amount is due is determined by the contracts and statues, and nothing else. For seventy-nine years the federal government has lived according to a law that establishes that the government receives value at the well—not downstream after incremental value is added. The bureaucrats at the Interior Department are in effect imposing a value added tax through the backdoor.

This is nothing short of a backdoor tax via an unlawful, inequitable rulemaking which Secretary Babbitt says is necessary because of ''changing oil market.'' But, we think his real result, and that of his supporters such as Senator Boxer, is to cripple the domestic petroleum industry, and drive them to foreign shores and advance their goal of reducing fossil fuel consumption. This is why they falsely claim that green eyeshade accounts somehow are impacting the environment.

The outcry on behalf of schoolchildren is particularly hypocritical. Senator Boxer and Rep. George Miller are responsible for a mineral leasing law amendment in the 1993 Omnibus Budget Reconciliation Act which reduces education revenues to the State of California by over $1 million per year—far more than the Department's oil valuation rule would add to California's treasury (approximately $150,000 per year as scored by the Congressional Budget Office). So really, who is harming schoolchildren's education budgets? The oil industry provides millions and millions of royalty dollars each year for the U.S. Treasury and for States' coffers.

The ''cheating'' which Sen. Boxer and others allege is unproven. Reference to settlements by oil companies as proof of fraud is improper. When President Clinton settled the Paula Jones lawsuit his attorney admonished Senator Boxer and her fellow jurors to take no legal inference from that payment. We agree. As such, oil company settlements cannot be given precedential value. Who can fight the government forever when the royalty dollars they have paid in are used to fund enormous litigation budgets?

Lastly, two employees of the federal government who were integral to the ''futures market pricing'' philosophy espoused in the Department's rulemaking have been caught accepting $350,000 checks from a private group with a stake in the outcome of False Claims Act litigation against oil companies. Ironically, the money to pay-off these two

individuals for their ''heroic'' actions while working as federal employees came from a settlement by one oil company. The Project on Government Oversight (POGO) last fall received well over one million dollars as a plaintiff in the suit. Shortly thereafter POGO quietly ''thanked'' these public servants for making this bounty possible. The Public Integrity Section of the Department of Justice has an ongoing investigation. We find it unconscionable the Administration seeks to put the valuation rule into place without getting to the bottom of this bribe first. The L.A. Times recently drew a parallel with the Teapot Dome scandal of the 1920's, but who is Albert Fall in this modern day scandal?

The Department's rule amounts to unfair taxation without the representation which Members of Congress bring by passing laws. If Congress chooses to change the mineral leasing laws to prospectively modify the terms of a lease, so be it. It should do so in the proper authorizing process with opportunity for the public to be heard. A federal judge has recently ruled the EPA has unconstitutionally encroached upon the legislature's lawmaking authority when promulgating air quality rules. We are convinced the Secretary of the Interior, in a similar manner, is far exceeding his authority unilaterally by assessing a value added tax.

Let Congress define the law on mineral royalties. We elected Members to do this job, we didn't elect Bruce Babbit and a band of self-serving bureaucrats. Support the Hutchison-Domenici amendment.

Sincerely

George C. Landrith, Executive Director, Frontiers of Freedom; Patrick Burns, Director of Environmental Policy, Citizens for a Sound Economy; Fred L. Smith, Jr., President, Competitive Enterprise Institute; Al Cors, Jr., Vice President for Government Affairs, National Taxpayers Union; Jim Martin, President, 60 Plus; Grover C. Norquist, President, Americans for Tax Reform; Chuck Cushman, Executive Director, American Land Rights Association; Bruce Vincent, President, Alliance for America; Adena Cook, Public Lands Director, Blue Ribbon Coalition; David Ridenour, Vice President, National Center for Public Policy Research.

PEOPLE FOR THE USA,
PUEBLO, CO,
July 27, 1999.

Hon. KAY BAILEY HUTCHISON,
U.S. Senate, Washington, DC.

DEAR SENATOR HUTCHISON: On behalf of the 30,000 grassroots members of People for the USA, I would once again like to thank you for your diligent efforts to bring common sense to royalty calculations and payments on federal oil and gas leases.

In their efforts to balance environmental protection with growth through grassroots actions, our members (not just those in Texas) always notice and appreciate strong, common sense leadership such as you have shown.

We support your fight to simplify the current royalty calculation system. It is already a burden on a struggling domestic oil and gas industry, and the Minerals Management Service proposal simply adds insult to injury. Royalty calculation is not, as Interior Communications Director Michael Gauldin remarked, ''an issue to demagogue for another year.'' With 52,000 jobs lost in just the last year?

Worse, Energy Secretary Bill Richardson has suggested that domestic oilfield workers look to opportunity overseas. Senator, an Administration that talks about kicking American resource producers out of the country has a badly skwed set of priorities.

We appreciate what you are doing to straighten them out, and will back you up at the grass roots any way we can.

Again, on behalf of thousands of hard-working American resource producers, Thank you. If you have any specific suggestions as to how we can assist you, feel free to contact me any time.

Respectfully,

JEFFREY P. HARRIS,
Executive Director.

CITIZENS FOR A SOUND ECONOMY,
WASHINGTON, DC,
July 27, 1999.

DEAR SENATOR HUTCHISON: The 250,000 grassroots members of Citizens for a Sound Economy (CSE) ask you to oppose any attempts in the Senate to strike the provision in the Interior Appropriation bill that delays implementation of a final crude oil valuation rule.

The current royalty system is needlessly complex and results in time-consuming disagreements and expensive litigation. The Minerals Management Service's (MMS) new oil valuation proposal is, however, deeply flawed and would have the ultimate effect of raising taxes on consumers.

The 1999 Omnibus Appropriations Act included moratorium language concerning a final crude oil valuation rule with the expectation that the Department of the Interior (DOI) and industry would enter into meaningful negotiations in order to resolve their differences. Unfortunately, more time is still needed for government and industry is required to reach a mutually beneficial compromise.

CSE recognizes this need and opposes any attempt to halt the moratorium, or curtail efforts to bring about a simpler, more workable rule.

Thank you for your attention and efforts, and for your continuing leadership in this important matter.

Sincerely,

PAUL BECKNER,
President.

The PRESIDING OFFICER. The time of the Senator has expired. The question is on agreeing to amendment No. 1603.

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). Present.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

The result was announced, yeas 51, nays 47, as follows:

[Rollcall Vote No. 290 Leg.]

YEAS—51

Abraham	Domenici	Lincoln
Allard	Enzi	Lott
Ashcroft	Fitzgerald	Lugar
Bennett	Frist	Mack
Bingaman	Gorton	McConnell
Bond	Gramm	Murkowski
Breaux	Grams	Nickles
Brownback	Grassley	Roberts
Bunning	Hagel	Santorum
Burns	Hatch	Sessions
Campbell	Helms	Shelby
Chafee	Hutchinson	Smith (NH)
Cochran	Hutchison	Stevens
Coverdell	Inhofe	Thomas
Craig	Inouye	Thompson
Crapo	Kyl	Thurmond
DeWine	Landrieu	Voinovich

NAYS—47

Akaka	Feinstein	Moynihan
Baucus	Graham	Murray
Bayh	Gregg	Reed
Biden	Harkin	Reid
Boxer	Hollings	Robb
Bryan	Jeffords	Rockefeller
Byrd	Johnson	Roth
Cleland	Kennedy	Sarbanes
Collins	Kerrey	Schumer
Conrad	Kerry	Smith (OR)
Daschle	Kohl	Snowe
Dodd	Lautenberg	Specter
Dorgan	Leahy	Torricelli
Durbin	Levin	Wellstone
Edwards	Lieberman	Wyden
Feingold	Mikulski	

ANSWERED ''PRESENT''—1

Warner

NOT VOTING—1

McCain

The amendment (No. 1603) was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote.

Mrs. HUTCHISON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

● Mr. MCCAIN. Mr. President, I want to state for the record that, had I been able to, I would have voted against the Hutchison amendment to the Interior appropriations bill, which proposed to continue a moratorium on revising Interior regulations governing how much oil companies pay for oil drilled on public lands and resources. I regret that previous commitments prevented my availability to be in the Senate for this critical vote.

This issue seems fairly straightforward. Oil companies are required to pay royalties for on- and off-shore oil drilling. Fees are based on current law which clearly states that ''the value of production for purposes of computing royalty on production. . . shall never be less than the fair market value of the production.'' Revenues generated from these royalties are returned to the federal treasury. However, for many years, oil companies have been allowed to set their own rates.

In the past, I have supported similar amendments which extended a moratorium on rulemaking while affected parties were involved in negotiations to update the regulations. However, this process has been stalled for years, with little possibility of reaching resolution because these legislative riders imposing a moratorium on regulation changes have created a disincentive for oil companies to agree to any fee increases, resulting in taxpayers losing as much as $66 million a year.

Who loses from this stalemate? The taxpayers—because royalties returned to the federal treasury benefit states, Indian tribes, federal programs such as the Historic Preservation Fund and the Land and Water Conservation Fund, and national parks.

I supported cloture twice to end debate on this amendment because I believe we should vote on the underlying amendment to allow a fair and equitable solution of royalty valuation of oil on federal lands. On the final vote,

however, I would have opposed the Hutchison amendment to continue this moratorium because I believe we should halt the process by which oil companies can set their own rules and determine how much they pay the taypayers for the use of public assets. I do not support a structure which only serves to benefit big oil companies and allows them to continue to be subsidized by the taxpayers.

We should seek fairness for each and every industry doing business on public lands using public assets, and we should insist that same treatment be applied to oil companies. Fees that are assessed from drilling oil on public lands are directed back to the federal treasury and these fees should reflect the true value of the benefit oil companies receive.

We have a responsibility, both as legislators and as public servants, to ensure responsible management of our public lands and a fair return to taxpayers. That responsibility includes determining a fair fee structure for oil drilling on public lands. Despite passage of this amendment which continues this moratorium for yet another year, I hope that we can reach a reasonable agreement to ensure proper payment by oil companies for utilizing public resources.●

Mr. REID. Mr. President, I had intended to offer to the fiscal year 2000 Interior appropriations measure an amendment that would have repealed a provision that the Congress tucked into last year's massive omnibus appropriations bill.

That provision established a one-year moratorium on any new or expanded Indian Self-Determination Act contract, grant, or compact between the Bureau of Indian Affairs, or the Indian Health Service, and Indian tribes.

The establishment of this moratorium was a result of the growing shortfall between allowable contract support costs and the amounts appropriated for such costs.

The rationale when we imposed the moratorium was that shortfalls in contract support costs would continue to increase as long as Indian tribes entered into new contracts with the BIA or IHS.

Therefore, it was argued that the best way to prevent these increasing shortfalls simply would be to prevent the tribes from even entering into new contracts.

Logical as it may sound, the moratorium has had the practical effect of preventing many Indian tribes from providing their members with the most basic of services, whether it involves health services, social services, law enforcement or road maintenance.

Mr. President, while I have withdrawn my amendment at this time, I would like to emphasize the importance of addressing this issue.

I would note that as we go to conference, the House version of this legislation does not contain the provision which extends the moratorium on self-determination contracts.

Mr. President, I ask my friend from New Mexico whether he is familiar with Section 324 of H.R. 2466, the FY 2000 Interior appropriations measure, which is currently pending before the Senate.

Mr. BINGAMAN. I am familiar with this provision. Section 324 extends the one-year moratorium established last year prohibiting Indian tribes from entering into or expanding existing Self-Determination Act contracts, grants or compacts with the Bureau of Indian Affairs or the Indian Health Service.

Mr. REID. I would also ask the Senator to explain the effect of the moratorium contained within Section 324 of this legislation.

Mr. BINGAMAN. Certainly. While this moratorium was established to address the growing shortfall between allowable contract support costs and the amounts appropriated for such costs, the practical effect of the prohibition has been to prevent many Indian tribes from providing their members with the most basic of services, whether it involves health services, social services, law enforcement or road maintenance.

Mr. REID. I concur with the Senator.

A prime example of this effect involves the Washoe Tribe of Nevada and California, which was prevented from entering into a contract for the most basic service, even though they were willing to proceed despite the realization that their contract support costs would not be fully covered.

In the Alpine Country of the Washoe tribal lands, huge amounts of snowfall are not uncommon. The BIA has a snowplow, and until recently, also had a snowplow operator who would help clear snow after the lands were hit by storms. The BIA operator recently retired, however, so the tribe made plans to contract with the BIA, under the Indian Self-Determination Act, to take possession of the plow in order to allow a fully-trained tribe member to operate the truck and clear the snow.

You can imagine their surprise, therefore, when the local BIA office informed them that they were prohibited by statute from entering into that contract for such a simple, yet important, task of clearing snow.

The inability to clear snow in a timely fashion created a logistical nightmare and a safety hazard, not to mention further strains on an already-strained tribal economy.

For the Washoe Tribe, contract support funds weren't the primary concern; the safety and well-being of the tribe's members superseded that concern.

I ask the Senator from New Mexico if he is familiar with these types of consequences.

Mr. BINGAMAN. I say to the senior Senator from Nevada that I am very familiar with this reality. In my home State of New Mexico, I have seen several instances where Indian tribes have been unable to provide their members with the most basic of services because the moratorium prohibits them from contracting with BIA or IHS.

Mr. REID. Isn't it also true that the House of Representatives, during its consideration of the fiscal year 2000 Interior appropriations measure, removed the moratorium from its version of the legislation.

Mr. BINGAMAN. The Senator is correct. During the debate of H.R. 2466 in the House, Representative DALE KILDEE of Michigan raised a point of order against the provision containing the moratorium on the grounds that the language violated a rule against legislating on appropriations bills.

Mr. REID. And, isn't it also true that the Chair upheld that point of order, thereby striking the moratorium provision from the House measure.

Mr. BINGAMAN. The Senator from Nevada is correct. The House version of the fiscal year 2000 Interior appropriations does not contain a moratorium prohibiting Indian tribes from entering into or expanding existing Self-Determination Act contracts, grants or compacts with the Bureau of Indian Affairs or the Indian Health Service.

Mr. REID. I thank the Senator from New Mexico and urge my colleagues to reevaluate this issue as we head to conference with the House.

Mr. CAMPBELL. Mr. President, I call upon my colleagues to support the fiscal year 2000 Interior appropriations bill which will help preserve our natural wonders. The bill contains an amendment that I offered which would direct the forest service to conduct a study of the severity of Mountain Pine Beetle in the Rocky Mountain Region and report back to Congress within six months after enactment on how to address this problem. As adopted the amendment would not have any budget ramifications.

My amendment is in the interest of our national forests. According to the Forest Service this outbreak of the Pine Beetle infestation is similar to the one that occurred in the 1970's. During that period there were peak annual losses of over 1 million trees as a result of the beetle. Right now we are seeing the beginning of another epidemic, which is continuing to grow.

There are a number of factors which contribute to the current Mountain Pine Beetle problem—the general lack of forest management, which includes proper timber harvesting, and increased susceptibility resulting from the suppression of forest fires.

The current infestation is in the northern two-thirds of the front range of Colorado where the largest number of people live in my home state. Surveys by the Forest Service and Colorado State Forest Service survey shows 12,891 dead trees detected in 1996; 32,445 in 1997; and 74,288 in 1998. All indications are that we will see a staggering 150,000 trees infested in 1999. It is clear that if this trend continues we will see an outbreak worse than the 1970's. I am also concerned about the high possibility that dead timber from the pine beetle will catch on fire and wreak havoc on Colorado's front range.

It is important for Congress to address this problem now before it gets out of control and the people of Colorado find themselves with thousands of dead trees. I urge my colleagues to support passage of the bill.

I thank the Chair and yield the floor.

Mr. GORTON. Mr. President, I ask for third reading of the bill.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

Mr. GORTON. 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.

The PRESIDING OFFICER. The bill having been read for the third time, the question is, Shall the bill pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

The result was announced—yeas 89, nays 10, as follows:

[Rollcall Vote No. 291 Leg.]

YEAS—89

Abraham	Enzi	Lott
Akaka	Feinstein	Lugar
Allard	Fitzgerald	Mack
Baucus	Frist	McConnell
Bayh	Gorton	Mikulski
Bennett	Gramm	Moynihan
Bingaman	Grams	Murkowski
Bond	Grassley	Nickles
Breaux	Gregg	Reed
Brownback	Hagel	Reid
Bryan	Harkin	Robb
Bunning	Hatch	Roberts
Burns	Helms	Rockefeller
Byrd	Hollings	Roth
Campbell	Hutchinson	Santorum
Chafee	Hutchison	Sarbanes
Cleland	Inhofe	Schumer
Cochran	Inouye	Sessions
Collins	Jeffords	Shelby
Conrad	Johnson	Smith (NH)
Coverdell	Kennedy	Smith (OR)
Craig	Kerrey	Snowe
Crapo	Kerry	Specter
Daschle	Kohl	Stevens
DeWine	Kyl	Thomas
Dodd	Landrieu	Thompson
Domenici	Leahy	Thurmond
Dorgan	Levin	Torricelli
Durbin	Lieberman	Warner
Edwards	Lincoln	

NAYS—10

Ashcroft	Graham	Wellstone
Biden	Lautenberg	Wyden
Boxer	Murray	
Feingold	Voinovich	

NOT VOTING—1

McCain

The bill (H.R. 2466), as amended, was passed, as follows:

Resolved, That the bill from the House of Representatives (H.R. 2466) entitled ''An Act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes.'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96–487 (16 U.S.C. 3150(a)), $634,321,000, to remain available until expended, of which $2,147,000 shall be available for assessment of the mineral potential of public lands in Alaska pursuant to section 1010 of Public Law 96–487 (16 U.S.C. 3150); and of which not to exceed $1,000,000 shall be derived from the special receipt account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–6a(i)); and of which $1,500,000 shall be available in fiscal year 2000 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation, to such Foundation for cost-shared projects supporting conservation of Bureau lands; in addition, $33,529,000 for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than $634,321,000, and $2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities: Provided, That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau or its contractors.

WILDLAND FIRE MANAGEMENT

For necessary expenses for fire preparedness, suppression operations, emergency rehabilitation and hazardous fuels reduction by the Department of the Interior, $283,805,000, to remain available until expended, of which not to exceed $5,025,000 shall be for the renovation or construction of fire facilities: Provided, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: Provided further, That unobligated balances of amounts previously appropriated to the ''Fire Protection'' and ''Emergency Department of the Interior Firefighting Fund'' may be transferred and merged with this appropriation: Provided further, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: Provided further, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., Protection of United States Property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the remedial action, including associated activities, of hazardous waste substances, pollutants, or contaminants pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), $10,000,000, to remain available until expended: Provided, That notwithstanding 31 U.S.C. 3302, sums recovered from or paid by a party in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to section 107 or 113(f) of such Act, shall be credited to this account to be available until expended without further appropriation: Provided further, That such sums recovered from or paid by any party are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated, or otherwise disposed of by the Secretary and which shall be credited to this account.

CONSTRUCTION

For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $12,418,000, to remain available until expended.

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976, as amended (31 U.S.C. 6901–6907), $135,000,000, of which not to exceed $400,000 shall be available for administrative expenses: Provided, That no payment shall be made to otherwise eligible units of local government if the computed amount of the payment is less than $100.

LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94–579, including administrative expenses and acquisition of lands or waters, or interests therein, $17,400,000, to be derived from the Land and Water Conservation Fund, to remain available until expended.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein including existing connecting roads on or adjacent to such grant lands; $99,225,000, to remain available until expended: Provided, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

FOREST ECOSYSTEMS HEALTH AND RECOVERY FUND

(REVOLVING FUND, SPECIAL ACCOUNT)

In addition to the purposes authorized in Public Law 102–381, funds made available in the Forest Ecosystem Health and Recovery Fund can be used for the purpose of planning, preparing, and monitoring salvage timber sales and forest ecosystem health and recovery activities such as release from competing vegetation and density control treatments. The Federal share of receipts (defined as the portion of salvage timber receipts not paid to the counties under 43 U.S.C. 1181f and 43 U.S.C. 1181f–1 et seq., and Public Law 103–66) derived from treatments funded by this account shall be deposited into the Forest Ecosystem Health and Recovery Fund.

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated

for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $10,000,000, to remain available until expended: Provided, That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94–579, as amended, and Public Law 93–153, to remain available until expended: Provided, That notwithstanding any provision to the contrary of section 305(a) of Public Law 94–579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: Provided further, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on his certificate, not to exceed $10,000: Provided, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, for scientific and economic studies, conservation, management, investigations, protection, and utilization of fishery and wildlife resources, except whales, seals, and sea lions, maintenance of the herd of longhorned cattle on the Wichita Mountains Wildlife Refuge, general administration, and for the performance of other authorized functions related to such resources by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities, $684,569,000, to remain available until September 30, 2001, except as otherwise provided herein, of which $400,000 shall be available for grants under the Great Lakes Fish and Wildlife Restoration Program, and of which $300,000 shall be available for spartina grass research being conducted by the University of Washington, and of which $500,000 of the amount available for consultation shall be available for development of a voluntary-enrollment habitat conservation plan for cold water fish in cooperation with the States of Idaho and Montana (of which $250,000 shall be made available to each of the States of Idaho and Montana), and of which $150,000 shall be available to Michigan State University toward creation of a community development database, and of which $11,701,000 shall remain available until expended for operation and maintenance of fishery mitigation facilities constructed by the Corps of Engineers under the Lower Snake River Compensation Plan, authorized by the Water Resources Development Act of 1976, to compensate for loss of fishery resources from water development projects on the Lower Snake River, and of which not less than $400,000 shall be available to the United States Fish and Wildlife Service for use in reviewing applications from the State of Colorado under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536), and in assisting the State of Colorado by providing resources to develop and administer components of State habitat conservation plans relating to the Preble's meadow jumping mouse: Provided, That not less than $1,000,000 for high priority projects which shall be carried out by the Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended: Provided further, That not to exceed $5,932,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended, for species that are indigenous to the United States (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsections (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)): Provided further, That of the amount available for law enforcement, up to $400,000 to remain available until expended, may at the discretion of the Secretary, be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on his certificate: Provided further, That of the amount provided for environmental contaminants, up to $1,000,000 may remain available until expended for contaminant sample analyses: Provided further, That all fines collected by the U.S. Fish and Wildlife Service for violations of the Marine Mammal Protection Act (16 U.S.C. 1362–1407) and implementing regulations shall be available to the Secretary, without further appropriation, to be used for the expenses of the U.S. Fish and Wildlife Service in administering activities for the protection and recovery of manatees, polar bears, sea otters, and walruses, and shall remain available until expended: Provided further, That, heretofore and hereafter, in carrying out work under reimbursable agreements with any state, local, or tribal government, the U.S. Fish and Wildlife Service may, without regard to 31 U.S.C. 1341 and notwithstanding any other provision of law or regulation, record obligations against accounts receivable from such entities, and shall credit amounts received from such entities to this appropriation, such credit to occur within 90 days of the date of the original request by the Service for payment: Provided further, That all funds received by the United States Fish and Wildlife Service from responsible parties, heretofore and through fiscal year 2000, for site-specific damages to National Wildlife Refuge System lands resulting from the exercise of privately-owned oil and gas rights associated with such lands in the States of Louisiana and Texas (other than damages recoverable under the Comprehensive Environmental Response, Compensation and Liability Act (26 U.S.C. 4611 et seq.), the Oil Pollution Act (33 U.S.C. 1301 et seq.), or section 311 of the Clean Water Act (33 U.S.C. 1321 et seq.)), shall be available to the Secretary, without further appropriation and until expended to (1) complete damage assessments of the impacted site by the Secretary; (2) mitigate or restore the damaged resources; and (3) monitor and study the recovery of such damaged resources.

CONSTRUCTION

For construction and acquisition of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; $40,434,000, to remain available until expended: Provided, That notwithstanding any other provision of law, a single procurement for the construction of facilities at the Alaska Maritime National Wildlife Refuge may be issued which includes the full scope of the project: Provided further, That the solicitation and the contract shall contain the clauses ''availability of funds'' found at 48 C.F.R. 52.232.18.

LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, $56,444,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which not to exceed $1,000,000 shall be available to the Boyer Chute National Wildlife Refuge for land acquisition.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), as amended, $21,480,000, to be derived from the Cooperative Endangered Species Conservation Fund, and to remain available until expended.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $10,000,000.

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201–4203, 4211–4213, 4221–4225, 4241–4245, and 1538), the Asian Elephant Conservation Act of 1997 (16 U.S.C. 4261–4266), and the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301–5306), $2,400,000, to remain available until expended: Provided, That funds made available under this Act, Public Law 105–277, and Public Law 105–83 for rhinoceros, tiger, and Asian elephant conservation programs are exempt from any sanctions imposed against any country under section 102 of the Arms Export Control Act (22 U.S.C. 2799aa–1).

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101–233, as amended, $15,000,000, to remain available until expended.

WILDLIFE CONSERVATION AND APPRECIATION FUND

For necessary expenses of the Wildlife Conservation and Appreciation Fund, $800,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 70 passenger motor vehicles, of which 61 are for replacement only (including 36 for police-type use); repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase

of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management and investigation of fish and wildlife resources: Provided, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: Provided further, That the Service may accept donated aircraft as replacements for existing aircraft: Provided further, That notwithstanding any other provision of law, the Secretary of the Interior may not spend any of the funds appropriated in this Act for the purchase of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in Senate Report 105–56.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, including not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by 16 U.S.C. 1706, $1,355,176,000, of which $8,800,000 is for research, planning and interagency coordination in support of land acquisition for Everglades restoration shall remain available until expended, and of which not to exceed $8,000,000, to remain available until expended, is to be derived from the special fee account established pursuant to title V, section 5201 of Public Law 100–203.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, $51,451,000, of which not less than $1,500,000 shall be available to carry out the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 et seq.): Provided, That notwithstanding any other provision of law, the National Park Service may hereafter recover all fees derived from providing necessary review services associated with historic preservation tax certification, and such funds shall be available until expended without further appropriation for the costs of such review services.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), $42,412,000, to be derived from the Historic Preservation Fund, to remain available until September 30, 2001, of which $8,422,000 pursuant to section 507 of Public Law 104–333 shall remain available until expended.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, $223,153,000, to remain available until expended, of which $1,100,000 shall be for realignment of the Denali National Park entrance road, of which not less than $3,500,000 shall be available for modifications to the Franklin Delano Roosevelt Memorial, and of which $90,000 shall be available for planning and development of interpretive sites for the quadricentennial commemoration of the Saint Croix Island International Historic Site, Maine, including possible interpretive sites in Calais, Maine, and of which not less than $1,000,000 shall be available, subject to an Act of authorization, to conduct a feasibility study on the preservation of certain Civil War battlefields along the Vicksburg Campaign Trail, and of which $500,000 shall be available for the Wilson's Creek National Battlefield: Provided, That $5,000,000 for the Wheeling National Heritage Area and $1,000,000 for Montpelier shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470a: Provided further, That $1,000,000 shall be made available for Isle Royale National Park to address visitor facility and infrastructure deterioration: Provided further, That notwithstanding any other provision of law, a single procurement for the construction of visitor facilities at Brooks Camp at Katmai National Park and Preserve may be issued which includes the full scope of the project: Provided further, That the solicitation and the contract shall contain the clause ''availability of funds'' found at 48 CFR 52.232.18.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 2000 by 16 U.S.C. 460l–10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with statutory authority applicable to the National Park Service, $87,725,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, of which $500,000 is to administer the State assistance program, and in addition $20,000,000 shall be available to provide financial assistance to States and shall be derived from the Land and Water Conservation Fund, and of which not less than $2,000,000 shall be used to acquire the Weir Farm National Historic Site in Connecticut, and of which not less than $3,000,000 shall be available for the Fredericksburg and Spotsylvania National Military Park, and of which not less than $1,700,000 shall be available for the acquisition of properties in Keweenaw National Historical Park, Michigan, and of which $200,000 shall be available for the acquisition of lands at Fort Sumter National Monument.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 384 passenger motor vehicles, of which 298 shall be for replacement only, including not to exceed 312 for police-type use, 12 buses, and 6 ambulances: Provided, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: Provided further, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project.

None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.

The National Park Service may distribute to operating units based on the safety record of each unit the costs of programs designed to improve workplace and employee safety, and to encourage employees receiving workers' compensation benefits pursuant to chapter 81 of title 5, United States Code, to return to appropriate positions for which they are medically able.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; and to conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law and to publish and disseminate data; $813,093,000, of which $72,314,000 shall be available only for cooperation with States or municipalities for water resources investigations; and of which $16,400,000 shall remain available until expended for conducting inquiries into the economic conditions affecting mining and materials processing industries; and of which $2,000,000 shall remain available until expended for ongoing development of a mineral and geologic data base; and of which $160,248,000 shall be available until September 30, 2001 for the biological research activity and the operation of the Cooperative Research Units: Provided, That of the funds available for the biological research activity, $1,000,000 shall be made available by grant to the University of Alaska for conduct of, directly or through subgrants, basic marine research activities in the North Pacific Ocean pursuant to a plan approved by the Department of Commerce, the Department of the Interior, and the State of Alaska: Provided further, That none of these funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: Provided further, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

ADMINISTRATIVE PROVISIONS

The amount appropriated for the United States Geological Survey shall be available for the purchase of not to exceed 53 passenger motor vehicles, of which 48 are for replacement only; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: Provided, That activities funded by appropriations herein made

may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302 et seq.: Provided further, That the United States Geological Survey may contract directly with individuals or indirectly with institutions or nonprofit organizations, without regard to 41 U.S.C. 5, for the temporary or intermittent services of students or recent graduates, who shall be considered employees for the purposes of chapters 57 and 81 of title 5, United States Code, relating to compensation for travel and work injuries, and chapter 171 of title 28, United States Code, relating to tort claims, but shall not be considered to be Federal employees for any other purposes.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only; $110,682,000, of which $84,569,000 shall be available for royalty management activities; and an amount not to exceed $124,000,000, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, from rate increases to fee collections for Outer Continental Shelf administrative activities performed by the Minerals Management Service over and above the rates in effect on September 30, 1993, and from additional fees for Outer Continental Shelf administrative activities established after September 30, 1993: Provided, That $3,000,000 for computer acquisitions shall remain available until September 30, 2001: Provided further, That funds appropriated under this Act shall be available for the payment of interest in accordance with 30 U.S.C. 1721(b) and (d): Provided further, That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: Provided further, That notwithstanding any other provision of law, $15,000 under this heading shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of the Minerals Management Service concurred with the claimed refund due, to pay amounts owed to Indian allottees or Tribes, or to correct prior unrecoverable erroneous payments: Provided further, That not to exceed $198,000 shall be available to carry out the requirements of section 215(b)(2) of the Water Resources Development Act of 1999.

OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, $6,118,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not to exceed 10 passenger motor vehicles, for replacement only; $95,891,000: Provided, That the Secretary of the Interior, pursuant to regulations, may use directly or through grants to States, moneys collected in fiscal year 2000 for civil penalties assessed under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: Provided further, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not more than 10 passenger motor vehicles for replacement only, $185,658,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended; of which up to $7,000,000, to be derived from the Federal Expenses Share of the Fund, shall be for supplemental grants to States for the reclamation of abandoned sites with acid mine rock drainage from coal mines, and for associated activities, through the Appalachian Clean Streams Initiative: Provided, That grants to minimum program States will be $1,500,000 per State in fiscal year 2000: Provided further, That of the funds herein provided up to $18,000,000 may be used for the emergency program authorized by section 410 of Public Law 95–87, as amended, of which no more than 25 percent shall be used for emergency reclamation projects in any one State and funds for federally administered emergency reclamation projects under this proviso shall not exceed $11,000,000: Provided further, That prior year unobligated funds appropriated for the emergency reclamation program shall not be subject to the 25 percent limitation per State and may be used without fiscal year limitation for emergency projects: Provided further, That pursuant to Public Law 97–365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: Provided further, That funds made available under title IV of Public Law 95–87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: Provided further, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: Provided further, That the State of Maryland may set aside the greater of $1,000,000 or 10 percent of the total of the grants made available to the State under title IV of the Surface Mining Control and Reclamation Act of 1977, as amended (30 U.S.C. 1231 et seq.), if the amount set aside is deposited in an acid mine drainage abatement and treatment fund established under a State law, pursuant to which law the amount (together with all interest earned on the amount) is expended by the State to undertake acid mine drainage abatement and treatment projects, except that before any amounts greater than 10 percent of its title IV grants are deposited in an acid mine drainage abatement and treatment fund, the State of Maryland must first complete all Surface Mining Control and Reclamation Act priority one projects.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001–2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, $1,633,296,000, to remain available until September 30, 2001 except as otherwise provided herein, of which not to exceed $93,684,000 shall be for welfare assistance payments and notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed $115,229,000 shall be available for payments to tribes and tribal organizations for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2000, as authorized by such Act, except that tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs; and of which not to exceed $402,010,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2000, and shall remain available until September 30, 2001; and of which not to exceed $51,991,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, self-governance grants, the Indian Self-Determination Fund, land records improvement, and the Navajo-Hopi Settlement Program: Provided, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed $44,160,000 within and only from such amounts made available for school operations shall be available to tribes and tribal organizations for administrative cost grants associated with the operation of Bureau-funded schools: Provided further, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 2001, may be transferred during fiscal year 2002 to an Indian forest land assistance account established for the benefit of such tribe within the tribe's trust fund account: Provided further, That any such unobligated balances not so transferred shall expire on September 30, 2002: Provided further, That from amounts appropriated under this heading $5,422,000 shall be made available to the Southwestern Indian Polytechnic Institute and that from amounts appropriated under this heading $8,611,000 shall be made available to Haskell Indian Nations University.

CONSTRUCTION

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87–483, $146,884,000, to remain available until expended: Provided, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: Provided further, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: Provided further, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable basis: Provided further, That for fiscal year 2000, in implementing new construction or facilities improvement and repair project grants in excess of $100,000 that are provided to tribally controlled grant schools under Public Law 100–297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: Provided further, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: Provided further, That in considering applications, the Secretary shall consider whether the Indian tribe or tribal organization would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C.

2005(a), with respect to organizational and financial management capabilities: Provided further, That if the Secretary declines an application, the Secretary shall follow the requirements contained in 25 U.S.C. 2505(f): Provided further, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2508(e): Provided further, That notwithstanding any other provision of law, collections from the settlements between the United States and the Puyallup tribe concerning Chief Leschi school are made available for school construction in fiscal year 2000 and hereafter: Provided further, That in return for a quit claim deed to a school building on the Lac Courte Oreilles Ojibwe Indian Reservation, the Secretary shall pay to U.K. Development, LLC the amount of $375,000 from the funds made available under this heading.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, $27,131,000, to remain available until expended; of which $25,260,000 shall be available for implementation of enacted Indian land and water claim settlements pursuant to Public Laws 101–618 and 102–575, and for implementation of other enacted water rights settlements; and of which $1,871,000 shall be available pursuant to Public Laws 99–264, 100–383, 103–402 and 100–580.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed loans, $4,500,000, as authorized by the Indian Financing Act of 1974, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $59,682,000.

In addition, for administrative expenses to carry out the guaranteed loan programs, $504,000.

ADMINISTRATIVE PROVISIONS

The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts and grants, either directly or in cooperation with States and other organizations.

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans, the Indian loan guarantee and insurance fund, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits, and purchase of not to exceed 229 passenger motor vehicles, of which not to exceed 187 shall be for replacement only.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office operations or pooled overhead general administration (except facilities operations and maintenance) shall be available for tribal contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103–413).

In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs for distribution to other tribes, this action shall not diminish the Federal government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

Notwithstanding any other provision of law, no funds available to the Bureau, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska.

Appropriations made available in this or any other Act for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995. Funds made available under this Act may be used to fund a Bureau-funded school (as that term is defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026)) that shares a campus with a school that offers expanded grades and that is not a Bureau-funded school, if the jointly incurred costs of both schools are apportioned between the 2 programs of the schools in such manner as to ensure that the expanded grades are funded solely from funds that are not made available through the Bureau.

The Tate Topa Tribal School, the Black Mesa Community School, the Alamo Navajo School, and other BIA-funded schools, subject to the approval of the Secretary of the Interior, may use prior year school operations funds for the replacement or repair of BIA education facilities which are in compliance with 25 U.S.C. 2005(a) and which shall be eligible for operation and maintenance support to the same extent as other BIA education facilities: Provided, That any additional construction costs for replacement or repair of such facilities begun with prior year funds shall be completed exclusively with non-Federal funds.

DEPARTMENT OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, $67,325,000, of which: (1) $63,076,000 shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) $4,249,000 shall be available for salaries and expenses of the Office of Insular Affairs: Provided, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the General Accounting Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: Provided further, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104–134: Provided further, That Public Law 94–241, as amended, is further amended (1) in section 4(b) by deleting ''2002'' and inserting ''1999'' and by deleting the comma after the words ''$11,000,000 annually'' and inserting in lieu thereof the following: ''and for fiscal year 2000, payments to the Commonwealth of the Northern Mariana Islands shall be $5,580,000, but shall return to the level of $11,000,000 annually for fiscal years 2001 and 2002. In fiscal year 2003, the payment to the Commonwealth of the Northern Mariana Islands shall be $5,420,000. Such payments shall be''; and (2) in section (4)(c) by adding a new subsection as follows: ''(4) for fiscal year 2000, $5,420,000 shall be provided to the Virgin Islands for correctional facilities and other projects mandated by Federal law.'': Provided further, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: Provided further, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure in American Samoa, Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia through assessments of long-range operations maintenance needs, improved capability of local operations and maintenance institutions and agencies (including management and vocational education training), and project-specific maintenance (with territorial participation and cost sharing to be determined by the Secretary based on the individual territory's commitment to timely maintenance of its capital assets): Provided further, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

For economic assistance and necessary expenses for the Federated States of Micronesia and the Republic of the Marshall Islands as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, and for economic assistance and necessary expenses for the Republic of Palau as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, $20,545,000, to remain available until expended, as authorized by Public Law 99–239 and Public Law 99–658.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for management of the Department of the Interior, $62,203,000, of which not to exceed $8,500 may be for official reception and representation expenses and up to $1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $36,784,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $26,614,000.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

For operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, $73,836,000, to remain available until expended: Provided, That funds for trust management improvements may be transferred to the Bureau of Indian Affairs and Departmental Management: Provided further, That funds made available to Tribes and Tribal organizations through contracts or grants obligated during fiscal year 2000, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: Provided further, That notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: Provided

further, That notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least eighteen months and has a balance of $1.00 or less: Provided further, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder.

INDIAN LAND CONSOLIDATION PILOT

For implementation of a pilot program for consolidation of fractional interests in Indian lands by direct expenditure or cooperative agreement, $5,000,000 to remain available until expended, of which not to exceed $500,000 shall be available for administrative expenses: Provided, That the Secretary may enter into a cooperative agreement, which shall not be subject to Public Law 93–638, as amended, with a tribe having jurisdiction over the pilot reservation to implement the program to acquire fractional interests on behalf of such tribe: Provided further, That the Secretary may develop a reservation-wide system for establishing the fair market value of various types of lands and improvements to govern the amounts offered for acquisition of fractional interests: Provided further, That acquisitions shall be limited to one or more pilot reservations as determined by the Secretary: Provided further, That funds shall be available for acquisition of fractional interests in trust or restricted lands with the consent of its owners and at fair market value, and the Secretary shall hold in trust for such tribe all interests acquired pursuant to this pilot program: Provided further, That all proceeds from any lease, resource sale contract, right-of-way or other transaction derived from the fractional interest shall be credited to this appropriation, and remain available until expended, until the purchase price paid by the Secretary under this appropriation has been recovered from such proceeds: Provided further, That once the purchase price has been recovered, all subsequent proceeds shall be managed by the Secretary for the benefit of the applicable tribe or paid directly to the tribe.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (Public Law 101–380), and Public Law 101–337; $4,621,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: Provided, That notwithstanding any other provision of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft: Provided further, That no programs funded with appropriated funds in the ''Departmental Management'', ''Office of the Solicitor'', and ''Office of Inspector General'' may be augmented through the Working Capital Fund or the Consolidated Working Fund.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: Provided, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: Provided further, That all funds used pursuant to this section are hereby designated by Congress to be ''emergency requirements'' pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99–198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95–87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: Provided, That appropriations made in this title for fire suppression purposes shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for fire suppression purposes, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: Provided further, That for emergency rehabilitation and wildfire suppression activities, no funds shall be made available under this authority until funds appropriated to ''Wildland Fire Management'' shall have been exhausted: Provided further, That all funds used pursuant to this section are hereby designated by Congress to be ''emergency requirements'' pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible: Provided further, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, United States Code: Provided, That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902 and D.C. Code 4–204).

SEC. 106. Appropriations made in this title shall be available for obligation in connection with contracts issued for services or rentals for periods not in excess of twelve months beginning at any time during the fiscal year.

SEC. 107. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore leasing and related activities placed under restriction in the President's moratorium statement of June 26, 1990, in the areas of northern, central, and southern California; the North Atlantic; Washington and Oregon; and the eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

SEC. 108. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore oil and natural gas preleasing, leasing, and related activities, on lands within the North Aleutian Basin planning area.

SEC. 109. No funds provided in this title may be expended by the Department of the Interior to conduct offshore oil and natural gas preleasing, leasing and related activities in the eastern Gulf of Mexico planning area for any lands located outside Sale 181, as identified in the final Outer Continental Shelf 5-Year Oil and Gas Leasing Program, 1997–2002.

SEC. 110. No funds provided in this title may be expended by the Department of the Interior to conduct oil and natural gas preleasing, leasing and related activities in the Mid-Atlantic and South Atlantic planning areas.

SEC. 111. Advance payments made under this title to Indian tribes, tribal organizations, and tribal consortia pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.) may be invested by the Indian tribe, tribal organization, or consortium before such funds are expended for the purposes of the grant, compact, or annual funding agreement so long as such funds are—

(1) invested by the Indian tribe, tribal organization, or consortium only in obligations of the United States, or in obligations or securities that are guaranteed or insured by the United States, or mutual (or other) funds registered with the Securities and Exchange Commission and which only invest in obligations of the United States or securities that are guaranteed or insured by the United States; or

(2) deposited only into accounts that are insured by an agency or instrumentality of the United States, or are fully collateralized to ensure protection of the funds, even in the event of a bank failure.

SEC. 112. (a) Employees of Helium Operations, Bureau of Land Management, entitled to severance pay under 5 U.S.C. 5595, may apply for, and the Secretary of the Interior may pay, the total amount of the severance pay to the employee in a lump sum. Employees paid severance pay in a lump sum and subsequently reemployed by the Federal Government shall be subject to the repayment provisions of 5 U.S.C. 5595(i)(2) and (3), except that any repayment shall be made to the Helium Fund.

(b) Helium Operations employees who elect to continue health benefits after separation shall be liable for not more than the required employee contribution under 5 U.S.C. 8905a(d)(1)(A). The Helium Fund shall pay for 18 months the remaining portion of required contributions.

(c) The Secretary of the Interior may provide for training to assist Helium Operations employees in the transition to other Federal or private sector jobs during the facility shut-down and disposition process and for up to 12 months following separation from Federal employment, including retraining and relocation incentives on the same terms and conditions as authorized for employees of the Department of Defense in section 348 of the National Defense Authorization Act for Fiscal Year 1995.

(d) For purposes of the annual leave restoration provisions of 5 U.S.C. 6304(d)(1)(B), the cessation of helium production and sales, and other related Helium Program activities shall be deemed to create an exigency of public business under, and annual leave that is lost during leave years 1997 through 2001 because of 5 U.S.C. 6304 (regardless of whether such leave was scheduled in advance) shall be restored to the employee and shall be credited and available in accordance with 5 U.S.C. 6304(d)(2). Annual leave so restored and remaining unused upon the transfer of a Helium Program employee to a position of the executive branch outside of the Helium Program shall be liquidated by payment to the employee of a lump sum from the Helium Fund for such leave.

(e) Benefits under this section shall be paid from the Helium Fund in accordance with section 4(c)(4) of the Helium Privatization Act of 1996. Funds may be made available to Helium Program employees who are or will be separated before October 1, 2002 because of the cessation of helium production and sales and other related activities. Retraining benefits, including retraining and relocation incentives, may be paid for retraining commencing on or before September 30, 2002.

(f) This section shall remain in effect through fiscal year 2002.

SEC. 113. Notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, funds available herein and hereafter under this title for Indian self-determination or self-governance contract or grant support costs may be expended only for costs directly attributable to contracts, grants and compacts pursuant to the Indian Self-Determination Act and no funds appropriated in this title shall be available for any contract support costs or indirect costs associated with any contract, grant, cooperative agreement, self-governance compact or funding agreement entered into between an Indian tribe or tribal organization and any entity other than an agency of the Department of the Interior.

SEC. 114. Notwithstanding any other provisions of law, the National Park Service shall not develop or implement a reduced entrance fee program to accommodate non-local travel through a unit. The Secretary may provide for and regulate local non-recreational passage through units of the National Park System, allowing each unit to develop guidelines and permits for such activity appropriate to that unit.

SEC. 115. Notwithstanding any other provision of law, in fiscal year 2000 and thereafter, the Secretary is authorized to permit persons, firms or organizations engaged in commercial, cultural, educational, or recreational activities (as defined in section 612a of title 40, United States Code) not currently occupying such space to use courtyards, auditoriums, meeting rooms, and other space of the main and south Interior building complex, Washington, D.C., the maintenance, operation, and protection of which has been delegated to the Secretary from the Administrator of General Services pursuant to the Federal Property and Administrative Services Act of 1949, and to assess reasonable charges therefore, subject to such procedures as the Secretary deems appropriate for such uses. Charges may be for the space, utilities, maintenance, repair, and other services. Charges for such space and services may be at rates equivalent to the prevailing commercial rate for comparable space and services devoted to a similar purpose in the vicinity of the main and south Interior building complex, Washington, D.C. for which charges are being assessed. The Secretary may without further appropriation hold, administer, and use such proceeds within the Departmental Management Working Capital Fund to offset the operation of the buildings under his jurisdiction, whether delegated or otherwise, and for related purposes, until expended.

SEC. 116. (a) In this section—

(1) the term ''Huron Cemetery'' means the lands that form the cemetery that is popularly known as the Huron Cemetery, located in Kansas City, Kansas, as described in subsection (b)(3); and

(2) the term ''Secretary'' means the Secretary of the Interior.

(b)(1) The Secretary shall take such action as may be necessary to ensure that the lands comprising the Huron Cemetery (as described in paragraph (3)) are used only in accordance with this subsection.

(2) The lands of the Huron Cemetery shall be used only—

(A) for religious and cultural uses that are compatible with the use of the lands as a cemetery; and

(B) as a burial ground.

(3) The description of the lands of the Huron Cemetery is as follows:

The tract of land in the NW quarter of sec. 10, T. 11 S., R. 25 E., of the sixth principal meridian, in Wyandotte County, Kansas (as surveyed and marked on the ground on August 15, 1888, by William Millor, Civil Engineer and Surveyor), described as follows:

''Commencing on the Northwest corner of the Northwest Quarter of the Northwest Quarter of said Section 10;

''Thence South 28 poles to the 'true point of beginning';

''Thence South 71 degrees East 10 poles and 18 links;

''Thence South 18 degrees and 30 minutes West 28 poles;

''Thence West 11 and one-half poles;

''Thence North 19 degrees 15 minutes East 31 poles and 15 feet to the 'true point of beginning', containing 2 acres or more.''.

SEC. 117. Grazing permits and leases which expire or are transferred, in this or any fiscal year, shall be renewed under the same terms and conditions as contained in the expiring permit or lease until such time as the Secretary of the Interior completes the process of renewing the permits or leases in compliance with all applicable laws. Nothing in this language shall be deemed to affect the Secretary's statutory authority or the rights of the permittee or lessee.

SEC. 118. Refunds or rebates received on an on-going basis from a credit card services provider under the Department of the Interior's charge card programs may be deposited to and retained without fiscal year limitation in the Departmental Working Capital Fund established under 43 U.S.C. 1467 and used to fund management initiatives of general benefit to the Department of the Interior's bureaus and offices as determined by the Secretary or his designee.

SEC. 119. Appropriations made in this title under the headings Bureau of Indian Affairs and Office of Special Trustee for American Indians and any available unobligated balances from prior appropriations Acts made under the same headings, shall be available for expenditure or transfer for Indian trust management activities pursuant to the Trust Management Improvement Project High Level Implementation Plan.

SEC. 120. All properties administered by the National Park Service at Fort Baker, Golden Gate National Recreation Area, and leases, concessions, permits and other agreements associated with those properties, shall be exempt from all taxes and special assessments, except sales tax, by the State of California and its political subdivisions, including the County of Marin and the City of Sausalito. Such areas of Fort Baker shall remain under exclusive federal jurisdiction.

SEC. 121. Notwithstanding any provision of law, the Secretary of the Interior is authorized to negotiate and enter into agreements and leases, without regard to section 321 of chapter 314 of the Act of June 30, 1932 (40 U.S.C. 303b), with any person, firm, association, organization, corporation, or governmental entity for all or part of the property within Fort Baker administered by the Secretary as part of Golden Gate National Recreation Area. The proceeds of the agreements or leases shall be retained by the Secretary and such proceeds shall be available, without future appropriation, for the preservation, restoration, operation, maintenance and interpretation and related expenses incurred with respect to Fort Baker properties.

SEC. 122. None of the funds provided in this or any other Act may be used for pre-design, design or engineering for the removal of the Elwha or Glines Canyon Dams, or for the actual removal of either dam, until such time as both dams are acquired by the Federal government notwithstanding the proviso in section 3(a) of Public Law 102–495, as amended.

SEC. 123. (a) SHORT TITLE.—This section may be cited as the ''Battle of Midway National Memorial Study Act''.

(b) FINDINGS.—The Congress makes the following findings:

(1) September 2, 1997, marked the 52nd anniversary of the United States victory over Japan in World War II.

(2) The Battle of Midway proved to be the turning point in the war in the Pacific, as United States Navy forces inflicted such severe losses on the Imperial Japanese Navy during the battle that the Imperial Japanese Navy never again took the offensive against the United States or the allied forces.

(3) During the Battle of Midway on June 4, 1942, an outnumbered force of the United States Navy, consisting of 29 ships and other units of the Armed Forces under the command of Admiral Nimitz and Admiral Spruance, out-maneuvered and out-fought 350 ships of the Imperial Japanese Navy.

(4) It is in the public interest to study whether Midway Atoll should be established as a national memorial to the Battle of Midway to express the enduring gratitude of the American people for victory in the battle and to inspire future generations of Americans with the heroism and sacrifice of the members of the Armed Forces who achieved that victory.

(5) The historic structures and facilities on Midway Atoll should be protected and maintained.

(c) PURPOSE.—The purpose of this Act is to require a study of the feasibility and suitability of designating the Midway Atoll as a National Memorial to the Battle of Midway within the boundaries of the Midway Atoll National Wildlife Refuge. The study of the Midway Atoll and its environs shall include, but not be limited to, identification of interpretative opportunities for the educational and inspirational benefit of present and future generations, and of the unique and significant circumstances involving the defense of the island by the United States in World War II and the Battle of Midway.

(d) STUDY OF THE ESTABLISHMENT OF MIDWAY ATOLL AS A NATIONAL MEMORIAL TO THE BATTLE OF MIDWAY.—

(1) IN GENERAL.—Not later than six months after the date of enactment of this Act, the Secretary of the Interior shall, acting through the Director of the National Park Service and in consultation with the Director of the United States Fish and Wildlife Service, the International Midway Memorial Foundation, Inc. (hereafter referred to as the ''Foundation''), and Midway Phoenix Corporation, carry out a study of the suitability and feasibility of establishing Midway Atoll as a national memorial to the Battle of Midway.

(2) CONSIDERATIONS.—In studying the establishment of Midway Atoll as a national memorial to the Battle of Midway under paragraph (1), the Secretary shall address the following:

(A) The appropriate federal agency to manage such a memorial, and whether and under what conditions, to lease or otherwise allow the Foundation or another appropriate entity to administer, maintain, and fully utilize the lands (including any equipment, facilities, infrastructure, and other improvements) and waters of Midway Atoll if designated as a national memorial.

(B) Whether designation as a national memorial would conflict with current management of Midway Atoll as a wildlife refuge and whether, and under what circumstances, the needs and requirements of the wildlife refuge should take precedence over the needs and requirements of a national memorial on Midway Atoll.

(C) Whether, and under what conditions, to permit the use of the facilities on Sand Island for purposes other than a wildlife refuge or a national memorial.

(D) Whether to impose conditions on public access to Midway Atoll as a national memorial.

(3) REPORT.—Upon completion of the study required under paragraph (1), the Secretary shall submit, to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the House of Representatives, a report on the study, which shall include any recommendations for further legislative action. The report shall also include an inventory of all known past and present facilities and structures of historical significance on Midway Atoll and its environs. The report shall include a description of each historic facility and structure and a discussion of how each will contribute to the designation and interpretation of the proposed national memorial.

(e) CONTINUING DISCUSSIONS.—Nothing in this Act shall be construed to delay or prohibit discussions between the Foundation and the United States Fish and Wildlife Service or any other government entity regarding the future role of the Foundation on Midway Atoll.

SEC. 124. Where any Federal lands included within the boundary of Lake Roosevelt National Recreation Area as designated by the Secretary of the Interior on April 5, 1990 (Lake Roosevelt Cooperative Management Agreement) were utilized as of March 31, 1997, for grazing purposes pursuant to a permit issued by the National Park Service, the person or persons so utilizing such lands shall be entitled to renew said permit under such terms and conditions as the Secretary may prescribe, for the lifetime of the permittee or 20 years, whichever is less.

SEC. 125. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds on the basis of identified, unmet needs. No tribe shall receive a reduction in Tribal Priority Allocation funds of more than ten percent in fiscal year 2000.

SEC. 126. None of the Funds provided in this Act shall be available to the Bureau of Indian Affairs or the Department of the Interior to transfer land into trust status for the Shoalwater Bay Indian Tribe in Clark County, Washington, unless and until the tribe and the county reach a legally enforceable agreement that addresses the financial impact of new development on the county, school district, fire district, and other local governments and the impact on zoning and development.

SEC. 127. None of the funds provided in this Act shall be available to the Department of the Interior or agencies of the Department of the Interior to implement Secretarial Order 3206, issued June 5, 1997.

SEC. 128. Of the funds appropriated in title V of the Fiscal Year 1998 Interior and Related Agencies Appropriation Act, Public Law 105–83, the Secretary shall provide up to $2,000,000 in the form of a grant to the Fairbanks North Star Borough for acquisition of undeveloped parcels along the banks of the Chena River for the purpose of establishing an urban greenbelt within the Borough. The Secretary shall further provide from the funds appropriated in title V up to $1,000,000 in the form of a grant to the Municipality of Anchorage for the acquisition of approximately 34 acres of wetlands adjacent to a municipal park in Anchorage (the Jewel Lake Wetlands).

SEC. 129. WALKER RIVER BASIN. $200,000 is appropriated to the United States Fish and Wildlife Service in fiscal year 2000 to be used through a contract or memorandum of understanding with the Bureau of Reclamation, for: (1) the investigation of alternatives, and if appropriate, the implementation of one or more of the alternatives, to the modification of Weber Dam on the Walker River Paiute Reservation in Nevada; (2) an evaluation of the feasibility and effectiveness of the installation of a fish ladder at Weber Dam; and (3) an evaluation of opportunities for Lahontan cutthroat trout restoration in the Walker River Basin. $125,000 is appropriated to the Bureau of Indian Affairs in fiscal year 2000 for the benefit of the Walker River Paiute Tribe, in recognition of the negative effects on the Tribe associated with delay in modification of Weber Dam, for an analysis of the feasibility of establishing a Tribally-operated Lahontan cutthroat trout hatchery on the Walker River as it flows through the Walker River Indian Reservation: Provided, That for the purposes of this section: (A) $100,000 shall be transferred from the $250,000 allocated for the United States Geological Survey, Water Resources Investigations, Truckee River Water Quality Settlement Agreement; (B) $50,000 shall be transferred from the $150,000 allocated for the United States Geological Survey, Water Resources Investigations, Las Vegas Wash endocrine disruption study; and (C) $175,000 shall be transferred from the funds allocated for the Bureau of Land Management, Wildland Fire Management.

SEC. 130. FUNDING FOR THE OTTAWA NATIONAL WILDLIFE REFUGE AND CERTAIN PROJECTS IN THE STATE OF OHIO. Notwithstanding any other provision of law, from the unobligated balances appropriated for a grant to the State of Ohio for the acquisition of the Howard Farm near Metzger Marsh, Ohio—

(1) $500,000 shall be derived by transfer and made available for the acquisition of land in the Ottawa National Wildlife Refuge;

(2) $302,000 shall be derived by transfer and made available for the Dayton Aviation Heritage Commission, Ohio; and

(3) $198,000 shall be derived by transfer and made available for a grant to the State of Ohio for the preservation and restoration of the birthplace, boyhood home, and schoolhouse of Ulysses S. Grant.

SEC. 131. PROHIBITION ON CLASS III GAMING PROCEDURES. No funds made available under this Act may be expended to implement the final rule published on April 12, 1999, at 64 Fed. Reg. 17535.

SEC. 132. CONVEYANCE TO NYE COUNTY, NEVADA. (a) DEFINITIONS.—In this section:

(1) COUNTY.—The term ''County'' means Nye County, Nevada.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(b) PARCELS CONVEYED FOR USE OF THE NEVADA SCIENCE AND TECHNOLOGY CENTER.—

(1) IN GENERAL.—For no consideration and at no other cost to the County, the Secretary shall convey to the County, subject to valid existing rights, all right, title, and interest in and to the parcels of public land described in paragraph (2).

(2) LAND DESCRIPTION.—The parcels of public land referred to in paragraph (1) are the following:

(A) The portion of Sec. 13 north of United States Route 95, T. 15 S. R. 49 E, Mount Diablo Meridian, Nevada.

(B) In Sec. 18, T. 15 S., R. 50 E., Mount Diablo Meridian, Nevada:

(i) W ½ W ½ NW ¼.

(ii) The portion of the W ½ W ½ SW ¼ north of United States Route 95.

(3) USE.—

(A) IN GENERAL.—The parcels described in paragraph (2) shall be used for the construction and operation of the Nevada Science and Technology Center as a nonprofit museum and exposition center, and related facilities and activities.

(B) REVERSION.—The conveyance of any parcel described in paragraph (2) shall be subject to reversion to the United States, at the discretion of Secretary, if the parcel is used for a purpose other than that specified in subparagraph (A).

(c) PARCELS CONVEYED FOR OTHER USE FOR A COMMERCIAL PURPOSE.—

(1) RIGHT TO PURCHASE.—For a period of 5 years beginning on the date of enactment of this Act, the County shall have the exclusive right to purchase the parcels of public land described in paragraph (2) for the fair market value of the parcels, as determined by the Secretary.

(2) LAND DESCRIPTION.—The parcels of public land referred to in paragraph (1) are the following parcels in Sec. 18, T. 15 S., R. 50 E., Mount Diablo Meridian, Nevada:

(A) E ½ NW ¼.

(B) E ½ W ½ NW ¼.

(C) The portion of the E ½ SW ¼ north of United States Route 95.

(D) The portion of the E ½ W ½ SW ¼ north of United States Route 95.

(E) The portion of the SE ¼ north of United States Route 95.

(3) USE OF PROCEEDS.—Proceeds of a sale of a parcel described in paragraph (2)—

(A) shall be deposited in the special account established under section 4(e)(1)(C) of the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2345); and

(B) shall be available for use by the Secretary—

(i) to reimburse costs incurred by the local offices of the Bureau of Land Management in arranging the land conveyances directed by this Act; and

(ii) as provided in section 4(e)(3) of that Act (112 Stat. 2346).

SEC. 133. CONVEYANCE OF LAND TO CITY OF MESQUITE, NEVADA. Section 3 of Public Law 99–548 (100 Stat. 3061; 110 Stat. 3009–202) is amended by adding at the end the following:

''(e) FIFTH AREA.—

''(1) RIGHT TO PURCHASE.—For a period of 12 years after the date of enactment of this Act, the city of Mesquite, Nevada, shall have the exclusive right to purchase the parcels of public land described in paragraph (2).

''(2) LAND DESCRIPTION.—The parcels of public land referred to in paragraph (1) are as follows:

''(A) In T. 13 S., R. 70 E., Mount Diablo Meridian, Nevada:

''(i) The portion of sec. 27 north of Interstate Route 15.

''(ii) Sec. 28: NE ¼, S ½ (except the Interstate Route 15 right-of-way).

''(iii) Sec. 29: E ½ NE ¼ SE ¼, SE ¼ SE ¼.

''(iv) The portion of sec. 30 south of Interstate Route 15.

''(v) The portion of sec. 31 south of Interstate Route 15.

''(vi) Sec. 32: NE ¼ NE ¼ (except the Interstate Route 15 right-of-way), the portion of NW ¼ NE ¼ south of Interstate Route 15, and the portion of W ½ south of Interstate Route 15.

''(vii) The portion of sec. 33 north of Interstate Route 15.

''(B) In T. 14 S., R. 70 E., Mount Diablo Meridian, Nevada:

''(i) Sec. 5: NW ¼.

''(ii) Sec. 6: N ½.

''(C) In T. 13 S., R. 69 E., Mount Diablo Meridian, Nevada:

''(i) The portion of sec. 25 south of Interstate Route 15.

''(ii) The portion of sec. 26 south of Interstate Route 15.

''(iii) The portion of sec. 27 south of Interstate Route 15.

''(iv) Sec. 28: SW ¼ SE ¼.

''(v) Sec. 33: E ½.

''(vi) Sec. 34.

''(vii) Sec. 35.

''(viii) Sec. 36.

''(3) NOTIFICATION.—Not later than 10 years after the date of enactment of this subsection, the city shall notify the Secretary which of the parcels of public land described in paragraph (2) the city intends to purchase.

''(4) CONVEYANCE.—Not later than 1 year after receiving notification from the city under paragraph (3), the Secretary shall convey to the city the land selected for purchase.

''(5) WITHDRAWAL.—Subject to valid existing rights, until the date that is 12 years after the date of enactment of this subsection, the parcels of public land described in paragraph (2) are withdrawn from all forms of entry and appropriation under the public land laws, including the mining laws, and from operation of the mineral leasing and geothermal leasing laws.

''(6) USE OF PROCEEDS.—The proceeds of the sale of each parcel—

''(A) shall be deposited in the special account established under section 4(e)(1)(C) of the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2345); and

''(B) shall be available for use by the Secretary—

''(i) to reimburse costs incurred by the local offices of the Bureau of Land Management in arranging the land conveyances directed by this Act; and

''(ii) as provided in section 4(e)(3) of that Act (112 Stat. 2346).

''(f) SIXTH AREA.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall convey to the city of Mesquite, Nevada, in accordance with section 47125 of title 49, United States Code, up to 2,560 acres of public land to be selected by the city from among the parcels of land described in paragraph (2).

''(2) LAND DESCRIPTION.—The parcels of land referred to in paragraph (1) are as follows:

''(A) In T. 13 S., R. 69 E., Mount Diablo Meridian, Nevada:

''(i) The portion of sec. 28 south of Interstate Route 15 (except S ½ SE ¼).

''(ii) The portion of sec. 29 south of Interstate Route 15.

''(iii) The portion of sec. 30 south of Interstate Route 15.

''(iv) The portion of sec. 31 south of Interstate Route 15.

''(v) Sec. 32.

''(vi) Sec. 33: W ½.

''(B) In T. 14 S., R. 69 E., Mount Diablo Meridian, Nevada:

''(i) Sec. 4.

''(ii) Sec. 5.

''(iii) Sec. 6.

''(iv) Sec. 8.

''(C) In T. 14 S., R. 68 E., Mount Diablo Meridian, Nevada:

''(i) Sec. 1.

''(ii) Sec. 12.

''(3) WITHDRAWAL.—Subject to valid existing rights, until the date that is 12 years after the date of enactment of this subsection, the parcels of public land described in paragraph (2) are withdrawn from all forms of entry and appropriation under the public land laws, including the mining laws, and from operation of the mineral leasing and geothermal leasing laws.''.

SEC. 134. QUADRICENTENNIAL COMMEMORATION OF THE SAINT CROIX ISLAND INTERNATIONAL HISTORIC SITE. (a) FINDINGS.—Congress finds that—

(1) in 1604, 1 of the first European colonization efforts was attempted at St. Croix Island in Calais, Maine;

(2) St. Croix Island settlement predated both the Jamestown and Plymouth colonies;

(3) St. Croix Island offers a rare opportunity to preserve and interpret early interactions between European explorers and colonists and Native Americans;

(4) St. Croix Island is 1 of only 2 international historic sites comprised of land administered by the National Park Service;

(5) the quadricentennial commemorative celebration honoring the importance of the St. Croix Island settlement to the countries and people of both Canada and the United States is rapidly approaching;

(6) the 1998 National Park Service management plans and long-range interpretive plan call for enhancing visitor facilities at both Red Beach and downtown Calais;

(7) in 1982, the Department of the Interior and Canadian Department of the Environment signed a memorandum of understanding to recognize the international significance of St. Croix Island and, in an amendment memorandum, agreed to conduct joint strategic planning for the international commemoration with a special focus on the 400th anniversary of settlement in 2004;

(8) the Department of Canadian Heritage has installed extensive interpretive sites on the Canadian side of the border; and

(9) current facilities at Red Beach and Calais are extremely limited or nonexistent for a site of this historic and cultural importance.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) using funds made available by this Act, the National Park Service should expeditiously pursue planning for exhibits at Red Beach and the town of Calais, Maine; and

(2) the National Park Service should take what steps are necessary, including consulting with the people of Calais, to ensure that appropriate exhibits at Red Beach and the town of Calais are completed by 2004.

SEC. 135. No funds appropriated for the Department of the Interior by this Act or any other Act shall be used to study or implement any plan to drain Lake Powell or to reduce the water level of the lake below the range of water levels required for the operation of the Glen Canyon Dam.

SEC. 136. None of the funds appropriated or otherwise made available in this Act or any other provision of law, may be used by any officer, employee, department or agency of the United States to impose or require payment of an inspection fee in connection with the import or export of shipments of fur-bearing wildlife containing 1,000 or fewer raw, crusted, salted or tanned hides or fur skins, or separate parts thereof, including species listed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora done at Washington March 3, 1973 (27 UST 1027).

SEC. 137. (a) None of the funds provided in this Act shall be available to the Department of the Interior to deploy the Trust Asset and Accounting Management System (TAAMS) in any Bureau of Indian Affairs Area Office, with the exception of the Billings Area Office, until 45 days after the Secretary of the Interior certifies in writing to the Committee on Appropriations and the Committee on Indian Affairs that, based on the Secretary's review and analysis, such system meets the TAAMS contract requirements and the needs of the system's customers including the Bureau of Indian Affairs, the Office of Special Trustee for American Indians and affected Indian tribes and individual Indians.

(b) The Secretary shall certify that the following items have been completed in accordance with generally accepted guidelines for system development and acquisition and indicate the source of those guidelines: Design and functional requirements; legacy data conversion and use; system acceptance and user acceptance tests; project management functions such as deployment and implementation planning, risk management, quality assurance, configuration management, and independent verification and validation activities. The General Accounting Office shall provide an independent assessment of the Secretary's certification within 15 days of the Secretary's certification.

SEC. 138. No funds appropriated under this Act shall be expended to implement sound thresholds or standards in the Grand Canyon National Park until 90 days after the National Park Service has provided to the Congress a report describing (1) the reasonable scientific basis for such sound thresholds or standard and (2) the peer review process used to validate such sound thresholds or standard.

SEC. 139. Notwithstanding any other provision of law, the Secretary of the Interior shall use any funds previously appropriated for the Department of the Interior for fiscal year 1998 for acquisition of lands to acquire land from the Borough of Haines, Alaska for subsequent conveyance to settle claims filed against the United States with respect to land in the Borough of Haines prior to January 1, 1999: Provided, That the Secretary of the Interior shall not convey lands acquired pursuant to this section unless and until a signed release of claims is executed.

SEC. 140. In addition to any amounts otherwise made available under this title to carry out the Tribally Controlled College or University Assistance Act of 1978, $1,500,000 is appropriated to carry out such Act for fiscal year 2000.

SEC. 141. PILOT WILDLIFE DATA SYSTEM. From funds made available by this Act to the United States Fish and Wildlife Service, the Secretary of the Interior shall use $1,000,000 to develop a pilot wildlife data system to provide statistical data relating to wildlife management and control in the State of Alabama.

SEC. 142. BIA POST SECONDARY SCHOOLS FUNDING FORMULA. (a) IN GENERAL.—Any funds appropriated for Bureau of Indian Affairs Operations for Central Office Operations for Post Secondary Schools for any fiscal year that exceed the amount appropriated for the schools for fiscal year 2000 shall be allocated among the schools proportionate to the unmet need of the schools as determined by the Post Secondary Funding Formula adopted by the Office of Indian Education Programs and the schools on May 13, 1999.

(b) APPLICABILITY.—This section shall apply for fiscal year 2000 and each succeeding fiscal year.

SEC. 143. Notwithstanding any other provision of law, in conveying the Twin Cities Research Center under the authority provided by Public Law 104–14, as amended by Public Law 104–208, the Secretary may accept and retain land and other forms of reimbursement: Provided, That the Secretary may retain and use any such reimbursement until expended and without further appropriation: (1) for the benefit of the National Wildlife Refuge System within the State of Minnesota; and (2) for all activities authorized by Public Law 100–696, 16 U.S.C. 460zz.

SEC. 144. VALUATION OF CRUDE OIL FOR ROYALTY PURPOSES.

None of the funds made available by this Act shall be used to issue a notice of final rulemaking with respect to the valuation of crude oil for royalty purposes (including a rulemaking derived from proposed rules published at 62 Fed. Reg. 3742 (January 24, 1997), 62 Fed. Reg. 36030 (July 3, 1997), and 63 Fed. Reg. 6113 (1998)) until September 30, 2000.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, $187,444,000, to remain available until expended: Provided, That within the funds available, $250,000 shall be used to assess the potential hydrologic and biological impact of lead and zinc mining in the Mark Twain National Forest of Southern Missouri: Provided further, That none of the funds

in this Act may be used by the Secretary of the Interior to issue a prospecting permit for hardrock mineral exploration on Mark Twain National Forest land in the Current River/Jack's Fork River—Eleven Point Watershed (not including Mark Twain National Forest land in Townships 31N and 32N, Range 2 and Range 3 West, on which mining activities are taking place as of the date of enactment of this Act): Provided further, That none of the funds in this Act may be used by the Secretary of the Interior to segregate or withdraw land in the Mark Twain National Forest, Missouri under section 204 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1714).

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, cooperative forestry, and education and land conservation activities, $190,793,000, to remain available until expended, as authorized by law.

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, and for administrative expenses associated with the management of funds provided under the headings ''Forest and Rangeland Research'', ''State and Private Forestry'', ''National Forest System'', ''Wildland Fire Management'', ''Reconstruction and Construction'', and ''Land Acquisition'', $1,239,051,000, to remain available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 460l–6a(i)): Provided, That of the amount provided under this heading, $750,000 shall be used for a supplemental environmental impact statement for the Forest Service/Weyerhaeuser Huckleberry land exchange, which shall be completed by September 30, 2000.

WILDLAND FIRE MANAGEMENT

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, and for emergency rehabilitation of burned-over National Forest System lands and water, $560,980,000, to remain available until expended: Provided, That such funds are available for repayment of advances from other appropriations accounts previously transferred for such purposes: Provided further, That notwithstanding any other provision of law, up to $4,000,000 of funds appropriated under this appropriation may be used for Fire Science Research in support of the Joint Fire Science Program: Provided further, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest Service and Rangeland Research appropriation, are also available in the utilization of these funds for Fire Science Research.

For an additional amount to cover necessary expenses for emergency rehabilitation, presuppression due to emergencies, and wildfire suppression activities of the Forest Service, $90,000,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That these funds shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

RECONSTRUCTION AND MAINTENANCE

For necessary expenses of the Forest Service, not otherwise provided for, $362,095,000, to remain available until expended for construction, reconstruction, maintenance and acquisition of buildings and other facilities, and for construction, reconstruction, repair and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205: Provided, That up to $15,000,000 of the funds provided herein for road maintenance shall be available for the decommissioning of roads, including unauthorized roads not part of the transportation system, which are no longer needed: Provided further, That no funds shall be expended to decommission any system road until notice and an opportunity for public comment has been provided on each decommissioning project: Provided further, That any unexpended balances of amounts previously appropriated for Forest Service Reconstruction and Construction as well as any unobligated balances remaining in the National Forest System appropriation in the facility maintenance and trail maintenance extended budget line items at the end of fiscal year 1999 may be transferred to and made a part of this appropriation.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $36,370,000, to be derived from the Land and Water Conservation Fund, to remain available until expended: Provided, That subject to valid existing rights, all Federally owned lands and interests in lands within the New World Mining District comprising approximately 26,223 acres, more or less, which are described in a Federal Register notice dated August 19, 1997 (62 F.R. 44136–44137), are hereby withdrawn from all forms of entry, appropriation, and disposal under the public land laws, and from location, entry and patent under the mining laws, and from disposition under all mineral and geothermal leasing laws.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $1,069,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the sixteen Western States, pursuant to section 401(b)(1) of Public Law 94–579, as amended, to remain available until expended, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), $92,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of not to exceed 110 passenger motor vehicles of which 15 will be used primarily for law enforcement purposes and of which 109 shall be for replacement; acquisition of 25 passenger motor vehicles from excess sources, and hire of such vehicles; operation and maintenance of aircraft, the purchase of not to exceed three for replacement only, and acquisition of sufficient aircraft from excess sources to maintain the operable fleet at 213 aircraft for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed $100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein, pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901–5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

None of the funds made available under this Act shall be obligated or expended to abolish any region, to move or close any regional office for National Forest System administration of the Forest Service, Department of Agriculture without the consent of the House and Senate Committees on Appropriations.

Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for forest firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Foreign Agricultural Service in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b unless the proposed transfer is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report 105–163.

None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the procedures contained in House Report 105–163.

No funds appropriated to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture without the approval of the Chief of the Forest Service.

Funds available to the Forest Service shall be available to conduct a program of not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended by Public Law 93–408.

Of the funds available to the Forest Service, $1,500 is available to the Chief of the Forest Service for official reception and representation expenses.

To the greatest extent possible, and in accordance with the Final Amendment to the Shawnee National Forest Plan, none of the funds available in this Act shall be used for preparation of timber sales using clearcutting or other forms of

even-aged management in hardwood stands in the Shawnee National Forest, Illinois.

Pursuant to sections 405(b) and 410(b) of Public Law 101–593, of the funds available to the Forest Service, up to $2,250,000 may be advanced in a lump sum as Federal financial assistance to the National Forest Foundation, without regard to when the Foundation incurs expenses, for administrative expenses or projects on or benefitting National Forest System lands or related to Forest Service programs: Provided, That of the Federal funds made available to the Foundation, no more than $400,000 shall be available for administrative expenses: Provided further, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: Provided further, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds: Provided further, That hereafter, the National Forest Foundation may hold Federal funds made available but not immediately disbursed and may use any interest or other investment income earned (before, on, or after the date of enactment of this Act) on Federal funds to carry out the purposes of Public Law 101–593: Provided further, That such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

Pursuant to section 2(b)(2) of Public Law 98–244, up to $2,650,000 of the funds available to the Forest Service shall be available for matching funds to the National Fish and Wildlife Foundation, as authorized by 16 U.S.C. 3701–3709, and may be advanced in a lump sum as Federal financial assistance, without regard to when expenses are incurred, for projects on or benefitting National Forest System lands or related to Forest Service programs: Provided, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds advanced by the Forest Service: Provided further, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities for sustainable rural development purposes.

Notwithstanding any other provision of law, 80 percent of the funds appropriated to the Forest Service in the ''National Forest System'' and ''Reconstruction and Construction'' accounts and planned to be allocated to activities under the ''Jobs in the Woods'' program for projects on National Forest land in the State of Washington may be granted directly to the Washington State Department of Fish and Wildlife for accomplishment of planned projects. Twenty percent of said funds shall be retained by the Forest Service for planning and administering projects. Project selection and prioritization shall be accomplished by the Forest Service with such consultation with the State of Washington as the Forest Service deems appropriate.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to sections 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–663.

The Secretary of Agriculture is authorized to enter into grants, contracts, and cooperative agreements as appropriate with the Pinchot Institute for Conservation, as well as with public and other private agencies, organizations, institutions, and individuals, to provide for the development, administration, maintenance, or restoration of land, facilities, or Forest Service programs, at the Grey Towers National Historic Landmark: Provided, That, subject to such terms and conditions as the Secretary of Agriculture may prescribe, any such public or private agency, organization, institution, or individual may solicit, accept, and administer private gifts of money and real or personal property for the benefit of, or in connection with, the activities and services at the Grey Towers National Historic Landmark: Provided further, That such gifts may be accepted notwithstanding the fact that a donor conducts business with the Department of Agriculture in any capacity.

Funds appropriated to the Forest Service shall be available, as determined by the Secretary, for payments to Del Norte County, California, pursuant to sections 13(e) and 14 of the Smith River National Recreation Area Act (Public Law 101–612).

For purposes of the Southeast Alaska Economic Disaster Fund as set forth in section 101(c) of Public Law 104–134, the direct grants provided in subsection (c) shall be considered direct payments for purposes of all applicable law except that these direct grants may not be used for lobbying activities.

No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act to any other agency or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

The Forest Service shall fund overhead, national commitments, indirect expenses, and any other category for use of funds which are expended at any units, that are not directly related to the accomplishment of specific work on-the-ground (referred to as ''indirect expenditures''), from funds available to the Forest Service, unless otherwise prohibited by law: Provided, That the Forest Service shall implement and adhere to the definitions of indirect expenditures established pursuant to Public Law 105–277 on a nationwide basis without flexibility for modification by any organizational level except the Washington Office, and when changed by the Washington Office, such changes in definition shall be reported in budget requests submitted by the Forest Service: Provided further, That the Forest Service shall provide in all future budget justifications, planned indirect expenditures in accordance with the definitions, summarized and displayed to the Regional, Station, Area, and detached unit office level. The justification shall display the estimated source and amount of indirect expenditures, by expanded budget line item, of funds in the agency's annual budget justification. The display shall include appropriated funds and the Knutson-Vandenberg, Brush Disposal, Cooperative Work-Other, and Salvage Sale funds. Changes between estimated and actual indirect expenditures shall be reported in subsequent budget justifications: Provided further, That during fiscal year 2000 the Secretary shall limit total annual indirect obligations from the Brush Disposal, Cooperative Work-Other, Knutson-Vandenberg, Reforestation, Salvage Sale, and Roads and Trails funds to 20 percent of the total obligations from each fund.

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service may be used to reimburse the Office of the General Counsel (OGC), Department of Agriculture, for travel and related expenses incurred as a result of OGC assistance or participation requested by the Forest Service at meetings, training sessions, management reviews, land purchase negotiations and similar non-litigation related matters: Provided, That no more than $500,000 is transferred: Provided further, That future budget justifications for both the Forest Service and the Department of Agriculture clearly display the sums previously transferred and request future funding levels.

Any appropriations or funds available to the Forest Service may be used for necessary expenses in the event of law enforcement emergencies as necessary to protect natural resources and public or employee safety.

From any unobligated balances available at the start of fiscal year 2000, the amount of $11,550,000 shall be allocated to the Alaska Region, in addition to the funds appropriated to sell timber in the Alaska Region under this Act, for expenses directly related to preparing sufficient additional timber for sale in the Alaska Region to establish a three-year timber supply.

Of any funds available to Region 10 of the Forest Service, exclusive of funds for timber sales management or road reconstruction/construction, $7,000,000 shall be used in fiscal year 2000 to support implementation of the recent amendments to the Pacific Salmon Treaty with Canada which require fisheries enhancements on the Tongass National Forest.

The Forest Service is authorized through the Forest Service existing budget to reimburse Harry Fray for the cost of his home, $143,406 (1997 dollars) destroyed by arson on June 21, 1990 in retaliation for his work with the Forest Service.

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

(DEFERRAL)

Of the funds made available under this heading for obligation in prior years, $156,000,000 shall not be available until October 1, 2000: Provided, That funds made available in previous appropriations Acts shall be available for any ongoing project regardless of the separate request for proposal under which the project was selected.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95–91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), performed under the minerals and materials science programs at the Albany Research Center in Oregon, $390,975,000, to remain available until expended, of which $24,000,000 shall be derived by transfer from unobligated balances in the Biomass Energy Development account: Provided, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas.

ALTERNATIVE FUELS PRODUCTION

(INCLUDING TRANSFER OF FUNDS)

Moneys received as investment income on the principal amount in the Great Plains Project Trust at the Norwest Bank of North Dakota, in such sums as are earned as of October 1, 1999, shall be deposited in this account and immediately transferred to the general fund of the Treasury. Moneys received as revenue sharing from operation of the Great Plains Gasification Plant and settlement payments shall be immediately transferred to the general fund of the Treasury.

NAVAL PETROLEUM AND OIL SHALE RESERVES

The requirements of 10 U.S.C. 7430(b)(2)(B) shall not apply to fiscal year 2000: Provided, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

ENERGY CONSERVATION

For necessary expenses in carrying out energy conservation activities, $684,817,000, to remain available until expended, of which $1,600,000 shall be for grants to municipal governments for cost-shared research projects in buildings, municipal processes, transportation and sustainable urban energy systems, and of which

$25,000,000 shall be derived by transfer from unobligated balances in the Biomass Energy Development account: Provided, That $168,000,000 shall be for use in energy conservation programs as defined in section 3008(3) of Public Law 99–509 (15 U.S.C. 4507): Provided further, That notwithstanding section 3003(d)(2) of Public Law 99–509, such sums shall be allocated to the eligible programs as follows: $135,000,000 for weatherization assistance grants and $33,000,000 for State energy conservation grants.

ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Office of Hearings and Appeals, $2,000,000, to remain available until expended.

STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $159,000,000, to remain available until expended: Provided, That the Secretary of Energy hereafter may transfer to the SPR Petroleum Account such funds as may be necessary to carry out drawdown and sale operations of the Strategic Petroleum Reserve initiated under section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241) from any funds available to the Department of Energy under this or any other Act. All funds transferred pursuant to this authority must be replenished as promptly as possible from oil sale receipts pursuant to the drawdown and sale.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $70,500,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From appropriations under this Act, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made.

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private or foreign: Provided, That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: Provided further, That the remainder of revenues after the making of such payments shall be covered into the Treasury as miscellaneous receipts: Provided further, That any contract, agreement, or provision thereof entered into by the Secretary pursuant to this authority shall not be executed prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full comprehensive report on such project, including the facts and circumstances relied upon in support of the proposed project.

No funds provided in this Act may be expended by the Department of Energy to prepare, issue, or process procurement documents for programs or projects for which appropriations have not been made.

In addition to other authorities set forth in this Act, the Secretary may accept fees and contributions from public and private sources, to be deposited in a contributed funds account, and prosecute projects using such fees and contributions in cooperation with other Federal, State or private agencies or concerns.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, $2,138,001,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) for services furnished by the Indian Health Service: Provided, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: Provided further, That $12,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: Provided further, That $384,442,000 for contract medical care shall remain available for obligation until September 30, 2001: Provided further, That of the funds provided, up to $17,000,000 shall be used to carry out the loan repayment program under section 108 of the Indian Health Care Improvement Act: Provided further, That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: Provided further, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): Provided further, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available for obligation until September 30, 2001: Provided further, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: Provided further, That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed $203,781,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts or annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2000.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, $189,252,000, to remain available until expended: Provided, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefore as authorized by 5 U.S.C. 5901–5902; and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities: Provided, That in accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation: Provided further, That notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121 (the Indian Sanitation Facilities Act) and Public Law 93–638, as amended: Provided further, That funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation: Provided further, That notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title III of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title III of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: Provided further, That none of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law: Provided further, That funds made available in this Act are to be apportioned to the Indian Health Service as appropriated in this Act, and accounted for in the appropriation structure set

forth in this Act: Provided further, That with respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities, on a reimbursable basis, including payment in advance with subsequent adjustment, and the reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account which provided the funding, said amounts to remain available until expended: Provided further, That reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance: Provided further, That the appropriation structure for the Indian Health Service may not be altered without advance approval of the House and Senate Committees on Appropriations.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, $8,000,000, to remain available until expended: Provided, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: Provided further, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: Provided further, That no relocatee will be provided with more than one new or replacement home: Provided further, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99–498, as amended (20 U.S.C. 56 part A), $4,250,000.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed 30 years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; up to 5 replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees; $367,062,000, of which not to exceed $40,704,000 for the instrumentation program, collections acquisition, Museum Support Center equipment and move, exhibition reinstallation, the National Museum of the American Indian, the repatriation of skeletal remains program, research equipment, information management, and Latino programming shall remain available until expended, and including such funds as may be necessary to support American overseas research centers and a total of $125,000 for the Council of American Overseas Research Centers: Provided, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations.

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

For necessary expenses of planning, construction, remodeling, and equipping of buildings and facilities at the National Zoological Park, by contract or otherwise, $4,400,000, to remain available until expended.

REPAIR AND RESTORATION OF BUILDINGS

For necessary expenses of repair and restoration of buildings owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), including not to exceed $10,000 for services as authorized by 5 U.S.C. 3109, $35,000,000, to remain available until expended: Provided, That contracts awarded for environmental systems, protection systems, and exterior repair or restoration of buildings of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

CONSTRUCTION

For necessary expenses for construction, $19,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, SMITHSONIAN INSTITUTION

None of the funds in this or any other Act may be used to initiate the design for any proposed expansion of current space or new facility without consultation with the House and Senate Appropriations Committees.

The Smithsonian Institution shall not use Federal funds in excess of the amount specified in Public Law 101–185 for the construction of the National Museum of the American Indian.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $61,438,000, of which not to exceed $3,026,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, $6,311,000, to remain available until expended: Provided, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, $14,000,000.

CONSTRUCTION

For necessary expenses for capital repair and rehabilitation of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, $20,000,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $6,040,000.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $90,000,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to organizations and individuals pursuant to sections 5(c) and 5(g) of the Act, for program support, and for administering the functions of the Act, to remain available until expended.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $13,000,000, to remain available until expended, to the National Endowment for the Arts: Provided, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of section 10(a)(2), subsections 11(a)(2)(A) and 11(a)(3)(A) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $101,000,000, shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until expended.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $14,700,000, to remain available until expended, of which $10,700,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): Provided, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

OFFICE OF MUSEUM SERVICES

GRANTS AND ADMINISTRATION

For carrying out subtitle C of the Museum and Library Services Act of 1996, as amended, $23,905,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: Provided, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: Provided further, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $1,078,000: Provided, That beginning in fiscal year 2000 and thereafter, the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (20 U.S.C. 956(a)), as amended, $7,000,000.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89–665, as amended), $2,906,000: Provided, That none of these funds shall be available for compensation of level V of the Executive Schedule or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71–71i), including services as authorized by 5 U.S.C. 3109, $6,312,000: Provided, That all appointed members will be compensated at a rate not to exceed the rate for level IV of the Executive Schedule.

UNITED STATES HOLOCAUST MEMORIAL COUNCIL

HOLOCAUST MEMORIAL COUNCIL

For expenses of the Holocaust Memorial Council, as authorized by Public Law 96–388 (36 U.S.C. 1401), as amended, $33,286,000, of which $1,575,000 for the museum's repair and rehabilitation program and $1,264,000 for the museum's exhibitions program shall remain available until expended.

PRESIDIO TRUST

PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, $24,400,000 shall be available to the Presidio Trust, to remain available until expended, of which up to $1,040,000 may be for the cost of guaranteed loans, as authorized by section 104(d) of the Act: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $200,000,000. The Trust is authorized to issue obligations to the Secretary of the Treasury pursuant to section 104(d)(3) of the Act, in an amount not to exceed $20,000,000.

TITLE III—GENERAL PROVISIONS

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

SEC. 302. No part of any appropriation under this Act shall be available to the Secretary of the Interior or the Secretary of Agriculture for the leasing of oil and natural gas by noncompetitive bidding on publicly owned lands within the boundaries of the Shawnee National Forest, Illinois: Provided, That nothing herein is intended to inhibit or otherwise affect the sale, lease, or right to access to minerals owned by private individuals.

SEC. 303. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 304. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 305. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 306. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless advance notice of such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such Committees.

SEC. 307. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c; popularly known as the ''Buy American Act'').

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

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

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 308. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (Sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 1999.

SEC. 309. None of the funds made available by this Act may be obligated or expended by the National Park Service to enter into or implement a concession contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

SEC. 310. None of the funds appropriated or otherwise made available by this Act may be used for the AmeriCorps program, unless the relevant agencies of the Department of the Interior and/or Agriculture follow appropriate reprogramming guidelines: Provided, That if no funds are provided for the AmeriCorps program by the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999, then none of the funds appropriated or otherwise made available by this Act may be used for the AmeriCorps programs.

SEC. 311. None of the funds made available in this Act may be used: (1) to demolish the bridge between Jersey City, New Jersey, and Ellis Island; or (2) to prevent pedestrian use of such bridge, when it is made known to the Federal official having authority to obligate or expend such funds that such pedestrian use is consistent with generally accepted safety standards.

SEC. 312. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) EXCEPTIONS.—The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) REPORT.—On September 30, 2000, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104–208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

SEC. 313. Notwithstanding any other provision of law, amounts appropriated to or earmarked in committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 103–138, 103–332, 104–134, 104–208, 105–83, and 105–277 for payments to tribes and tribal organizations for contract support costs associated with self-determination or self-governance contracts, grants, compacts, or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service as funded by such Acts, are the total amounts available for fiscal years 1994 through 1999 for such purposes, except that, for the Bureau of Indian Affairs, tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, self-governance compacts or annual funding agreements.

SEC. 314. Notwithstanding any other provision of law, for fiscal year 2000 the Secretaries of Agriculture and the Interior are authorized to limit

competition for watershed restoration project contracts as part of the ''Jobs in the Woods'' component of the President's Forest Plan for the Pacific Northwest or the Jobs in the Woods Program established in Region 10 of the Forest Service to individuals and entities in historically timber-dependent areas in the States of Washington, Oregon, northern California and Alaska that have been affected by reduced timber harvesting on Federal lands.

SEC. 315. None of the funds collected under the Recreational Fee Demonstration program may be used to plan, design, or construct a visitor center or any other permanent structure without prior approval of the House and the Senate Committees on Appropriations if the estimated total cost of the facility exceeds $500,000.

SEC. 316. (a) None of the funds made available in this Act or any other Act providing appropriations for the Department of the Interior, the Forest Service or the Smithsonian Institution may be used to submit nominations for the designation of Biosphere Reserves pursuant to the Man and Biosphere program administered by the United Nations Educational, Scientific, and Cultural Organization.

(b) The provisions of this section shall be repealed upon enactment of subsequent legislation specifically authorizing United States participation in the Man and Biosphere program.

SEC. 317. None of the funds made available in this or any other Act for any fiscal year may be used to designate, or to post any sign designating, any portion of Canaveral National Seashore in Brevard County, Florida, as a clothing-optional area or as an area in which public nudity is permitted, if such designation would be contrary to county ordinance.

SEC. 318. Of the funds provided to the National Endowment for the Arts—

(1) The Chairperson shall only award a grant to an individual if such grant is awarded to such individual for a literature fellowship, National Heritage Fellowship, or American Jazz Masters Fellowship.

(2) The Chairperson shall establish procedures to ensure that no funding provided through a grant, except a grant made to a State or local arts agency, or regional group, may be used to make a grant to any other organization or individual to conduct activity independent of the direct grant recipient. Nothing in this subsection shall prohibit payments made in exchange for goods and services.

(3) No grant shall be used for seasonal support to a group, unless the application is specific to the contents of the season, including identified programs and/or projects.

SEC. 319. The National Endowment for the Arts and the National Endowment for the Humanities are authorized to solicit, accept, receive, and invest in the name of the United States, gifts, bequests, or devises of money and other property or services and to use such in furtherance of the functions of the National Endowment for the Arts and the National Endowment for the Humanities. Any proceeds from such gifts, bequests, or devises, after acceptance by the National Endowment for the Arts or the National Endowment for the Humanities, shall be paid by the donor or the representative of the donor to the Chairman. The Chairman shall enter the proceeds in a special interest-bearing account to the credit of the appropriate endowment for the purposes specified in each case.

SEC. 320. No part of any appropriation contained in this Act shall be expended or obligated to fund new revisions of national forest land management plans until new final or interim final rules for forest land management planning are published in the Federal Register. Those national forests which are currently in a revision process, having formally published a Notice of Intent to revise prior to October 1, 1997; those national forests having been court-ordered to revise; those national forests where plans reach the fifteen year legally mandated date to revise before or during calendar year 2000; national forests within the Interior Columbia Basin Ecosystem study area; and the White Mountain National Forest are exempt from this section and may use funds in this Act and proceed to complete the forest plan revision in accordance with current forest planning regulations.

SEC. 321. No part of any appropriation contained in this Act shall be expended or obligated to complete and issue the five-year program under the Forest and Rangeland Renewable Resources Planning Act.

SEC. 322. (a) In providing services or awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 from funds appropriated under this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that serve underserved populations.

(b) In this section:

(1) The term ''underserved population'' means a population of individuals who have historically been outside the purview of arts and humanities programs due to factors such as a high incidence of income below the poverty line or to geographic isolation.

(2) The term ''poverty line'' means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

(c) In providing services and awarding financial assistance under the National Foundation on the Arts and Humanities Act of 1965 with funds appropriated by this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that will encourage public knowledge, education, understanding, and appreciation of the arts.

(d) With funds appropriated by this Act to carry out section 5 of the National Foundation on the Arts and Humanities Act of 1965—

(1) the Chairperson shall establish a grant category for projects, productions, workshops, or programs that are of national impact or availability or are able to tour several States;

(2) the Chairperson shall not make grants exceeding 15 percent, in the aggregate, of such funds to any single State, excluding grants made under the authority of paragraph (1);

(3) the Chairperson shall report to the Congress annually and by State, on grants awarded by the Chairperson in each grant category under section 5 of such Act; and

(4) the Chairperson shall encourage the use of grants to improve and support community-based music performance and education.

SEC. 323. None of the funds in this Act may be used for planning, design or construction of improvements to Pennsylvania Avenue in front of the White House without the advance approval of the House and Senate Committees on Appropriations.

SEC. 324. Notwithstanding any other provision of law, none of the funds provided in this Act to the Indian Health Service or Bureau of Indian Affairs may be used to enter into any new or expanded self-determination contract or grant or self-governance compact pursuant to the Indian Self-Determination Act of 1975, as amended, for any activities not previously covered by such contracts, compacts or grants. Nothing in this section precludes the continuation of those specific activities for which self-determination and self-governance contracts, compacts and grants currently exist or the renewal of contracts, compacts and grants for those activities; implementation of section 325 of Public Law 105–83 (111 Stat. 1597); or compliance with 25 U.S.C. 2005.

SEC. 325. Amounts deposited during fiscal year 1999 in the roads and trails fund provided for in the fourteenth paragraph under the heading ''FOREST SERVICE'' of the Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), shall be used by the Secretary of Agriculture, without regard to the State in which the amounts were derived, to repair or reconstruct roads, bridges, and trails on National Forest System lands or to carry out and administer projects to improve forest health conditions, which may include the repair or reconstruction of roads, bridges, and trails on National Forest System lands in the wildland-community interface where there is an abnormally high risk of fire. The projects shall emphasize reducing risks to human safety and public health and property and enhancing ecological functions, long-term forest productivity, and biological integrity. The Secretary shall commence the projects during fiscal year 2000, but the projects may be completed in a subsequent fiscal year. Funds shall not be expended under this section to replace funds which would otherwise appropriately be expended from the timber salvage sale fund. Nothing in this section shall be construed to exempt any project from any environmental law.

SEC. 326. HARDWOOD TECHNOLOGY TRANSFER AND APPLIED RESEARCH. (a) The Secretary of Agriculture (hereinafter the ''Secretary'') is hereby and hereafter authorized to conduct technology transfer and development, training, dissemination of information and applied research in the management, processing and utilization of the hardwood forest resource. This authority is in addition to any other authorities which may be available to the Secretary including, but not limited to, the Cooperative Forestry Assistance Act of 1978, as amended (16 U.S.C. 2101 et. seq.), and the Forest and Rangeland Renewable Resources Act of 1978, as amended (16 U.S.C. 1600–1614).

(b) In carrying out this authority, the Secretary may enter into grants, contracts, and cooperative agreements with public and private agencies, organizations, corporations, institutions and individuals. The Secretary may accept gifts and donations pursuant to the Act of October 10, 1978 (7 U.S.C. 2269) including gifts and donations from a donor that conducts business with any agency of the Department of Agriculture or is regulated by the Secretary of Agriculture.

(c) The Secretary is hereby and hereafter authorized to operate and utilize the assets of the Wood Education and Resource Center (previously named the Robert C. Byrd Hardwood Technology Center in West Virginia) as part of a newly formed ''Institute of Hardwood Technology Transfer and Applied Research'' (hereinafter the ''Institute''). The Institute, in addition to the Wood Education and Resource Center, will consist of a Director, technology transfer specialists from State and Private Forestry, the Forestry Sciences Laboratory in Princeton, West Virginia, and any other organizational unit of the Department of Agriculture as the Secretary deems appropriate. The overall management of the Institute will be the responsibility of the USDA Forest Service, State and Private Forestry.

(d) The Secretary is hereby and hereafter authorized to generate revenue using the authorities provided herein. Any revenue received as part of the operation of the Institute shall be deposited into a special fund in the Treasury of the United States, known as the ''Hardwood Technology Transfer and Applied Research Fund'', which shall be available to the Secretary until expended, without further appropriation, in furtherance of the purposes of this section, including upkeep, management, and operation of the Institute and the payment of salaries and expenses.

(e) There are hereby and hereafter authorized to be appropriated such sums as necessary to carry out the provisions of this section.

SEC. 327. No timber in Region 10 of the Forest Service shall be advertised for sale which, when using domestic Alaska western red cedar selling values and manufacturing costs, fails to provide at least 60 percent of normal profit and risk of

the appraised timber, except at the written request by a prospective bidder. Program accomplishments shall be based on volume sold. Should Region 10 sell, in fiscal year 2000, the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan which provides greater than 60 percent of normal profit and risk at the time of the sale advertisement, all of the western red cedar timber from those sales which is surplus to the needs of domestic processors in Alaska, shall be made available to domestic processors in the contiguous 48 United States based on values in the Pacific Northwest as determined by the Forest Service and stated in the timber sale contract. Should Region 10 sell, in fiscal year 2000, less than the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan meeting the 60 percent of normal profit and risk standard at the time of sale advertisement, the volume of western red cedar timber available to domestic processors at rates specified in the timber sale contract in the contiguous 48 states shall be that volume: (i) which is surplus to the needs of domestic processors in Alaska; and (ii) is that percent of the surplus western red cedar volume determined by calculating the ratio of the total timber volume which has been sold on the Tongass to the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan. The percentage shall be calculated by Region 10 on a rolling basis as each sale is sold. (For purposes of this amendment, a ''rolling basis'' shall mean that the determination of how much western red cedar is eligible for sale to various markets shall be made at the time each sale is awarded.) Western red cedar shall be deemed ''surplus to the needs of domestic processors in Alaska'' when the timber sale holder has presented to the Forest Service documentation of the inability to sell western red cedar logs from a given sale to domestic Alaska processors at a price equal to or greater than the log selling value stated in the contract. All additional western red cedar volume not sold to Alaska or contiguous 48 United States domestic processors may be exported to foreign markets at the election of the timber sale holder. All Alaska yellow cedar may be sold at prevailing export prices at the election of the timber sale holder.

SEC. 328. For fiscal year 2000, the Secretary of Agriculture, with respect to lands within the National Forest System, and the Secretary of the Interior, with respect to lands under the jurisdiction of the Bureau of Land Management, shall use the best available scientific and commercial data in amending or revising resource management plans for, and offering sales, issuing leases, or otherwise authorizing or undertaking management activities on, lands under their respective jurisdictions: Provided, That the Secretaries may at their discretion determine whether any additional information concerning wildlife resources shall be collected prior to approving any such plan, sale, lease or other activity, and, if so, the type of, and collection procedures for, such information.

SEC. 329. The Secretary of Agriculture and the Secretary of the Interior shall:

(a) prepare the report required of them by section 323(a) of the Fiscal Year 1998 Interior and Related Agencies Appropriations Act (Public Law 105–83; 111 Stat. 1543, 1596–7);

(b) make the report available for public comment for a period of not less than 120 days; and

(c) include the information contained in the report and a detailed response or responses to any such public comment in any final environmental impact statement associated with the Interior Columbia Basin Ecosystem Project.

SEC. 330. Section 7 of the Service Contract Act (SCA), 41 U.S.C. section 356 is amended by adding the following paragraph:

''(8) any concession contract with Federal land management agencies, the principal purpose of which is the provision of recreational services to the general public, including lodging, campgrounds, food, stores, guiding, recreational equipment, fuel, transportation, and skiing, provided that this exemption shall not affect the applicability of the Davis-Bacon Act, 40 U.S.C. section 276a et seq., to construction contracts associated with these concession contracts.''.

SEC. 331. TIMBER AND SPECIAL FOREST PRODUCTS. (a) DEFINITION OF SPECIAL FOREST PRODUCT.—For purposes of this section, the term ''special forest product'' means any vegetation or other life forms, such as mushrooms and fungi that grows on National Forest System lands, excluding trees, animals, insects, or fish except as provided in regulations issued under this section by the Secretary of Agriculture.

(b) FAIR MARKET VALUE FOR SPECIAL FOREST PRODUCTS.—The Secretary of Agriculture shall develop and implement a pilot program to charge and collect not less than the fair market value for special forest products harvested on National Forest System lands. The authority for this pilot program shall be for fiscal years 2000 through 2004. The Secretary of Agriculture shall establish appraisal methods and bidding procedures to ensure that the amounts collected for special forest products are not less than fair market value.

(c) FEES.—

(1) IN GENERAL.—The Secretary of Agriculture shall charge and collect from persons who harvest special forest products all costs to the Department of Agriculture associated with the granting, modifying, or monitoring the authorization for harvest of the special forest products, including the costs of any environmental or other analysis.

(2) SECURITY.—The Secretary of Agriculture may require a person that is assessed a fee under this subsection to provide security to ensure that the Secretary of Agriculture receives fees authorized under this subsection from such person.

(d) WAIVER.—The Secretary of Agriculture may waive the application of subsection (b) or subsection (c) pursuant to such regulations as the Secretary of Agriculture may prescribe.

(e) COLLECTION AND USE OF FUNDS.—

(1) Funds collected in accordance with subsection (b) and subsection (c) shall be deposited into a special account in the Treasury of the United States.

(2) Funds deposited into the special account in the Treasury in accordance with this section in excess of the amounts collected for special forest products during fiscal year 1999 shall be available for expenditure by the Secretary of Agriculture on October 1, 2000 without further appropriation, and shall remain available until expended to pay for—

(A) in the case of funds collected pursuant to subsection (b), the costs of conducting inventories of special forest products, monitoring and assessing the impacts of harvest levels and methods, and for restoration activities, including any necessary vegetation; and

(B) in the case of fees collected pursuant to subsection (c), the costs for which the fees were collected.

(3) Amounts collected in accordance with subsection (b) and subsection (c) shall not be taken into account for the purposes of the sixth paragraph under the heading of ''Forest Service'' of the Act of May 23, 1908 (16 U.S.C. § 500); section 13 of the Act of March 1, 1911 (16 U.S.C. § 500); the Act of March 4, 1913 (16 U.S.C. § 501); the Act of July 22, 1937 (7 U.S.C. § 1012); the Acts of August 8, 1937 and of May 24, 1939 (43 U.S.C. §§ 1181 et. seq.); the Act of June 14, 1926 (43 U.S.C. § 869–4); chapter 69 of title 31 United States Code; section 401 of the Act of June 15, 1935 (16 U.S.C. § 715s); the Land and Water Conservation Fund Act of 1965 (16 U.S.C. § 460l–6a); and any other provision of law relating to revenue allocation.

SEC. 332. Title III, section 3001 of Public Law 106–31 is amended by inserting after the word ''Alabama,'' the following phrase ''in fiscal year 1999 or 2000''.

SEC. 333. The authority to enter into stewardship and end result contracts provided to the Forest Service in accordance with Section 347 of Title III of Section 101(e) of Division A of Public Law 105–825 is hereby expanded to authorize the Forest Service to enter into an additional 9 contracts in Region One.

SEC. 334. LOCAL EXEMPTIONS FROM FOREST SERVICE DEMONSTRATION PROGRAM FEES. Section 6906 of Title 31, United States Code, is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''Necessary''; and

(2) by adding at the end the following:

''(b) LOCAL EXEMPTIONS FROM DEMONSTRATION PROGRAM FEES.—

''(1) IN GENERAL.—Each unit of general local government that lies in whole or in part within the White Mountain National Forest and persons residing within the boundaries of that unit of general local government shall be exempt during that fiscal year from any requirement to pay a Demonstration Program Fee (parking permit or passport) imposed by the Secretary of Agriculture for access to the Forest.

''(2) ADMINISTRATION.—The Secretary of Agriculture shall establish a method of identifying persons who are exempt from paying user fees under paragraph (1). This method may include valid form of identification including a drivers license.''.

SEC. 335. MILLSITES OPINION. PROHIBITION ON MILLSITE LIMITATIONS.—Notwithstanding the opinion dated November 7, 1997, by the Solicitor of the Department of the Interior concerning millsites under the general mining law (referred to in this section as the ''opinion''), in accordance with the millsite provisions of the Bureau of Land Management's Manual Sec. 3864.1.B (dated 1991), the Bureau of Land Management Handbook for Mineral Examiners H–3890–1, page III–8 (dated 1989), and section 2811.33 of the Forest Service Manual (dated 1990), the Department of the Interior and the Department of Agriculture shall not limit the number or acreage of millsites based on the ratio between the number or acreage of millsites and the number or acreage of associated lode or placer claims for any fiscal year.

SEC. 336. Notwithstanding section 343 of Public Law 105–83, increases in recreation residence fees may be implemented in fiscal year 2000: Provided, That such an increase would not result in a fee that exceeds 125 percent of the fiscal year 1998 fee.

SEC. 337. No federal monies appropriated for the purchase of land by the Forest Service in the Columbia River Gorge National Scenic Area (''CRGNSA'') may be used unless the Forest Service complies with the acquisition protocol set out in this section:

(a) PURCHASE OPTION REQUIREMENT.—Upon the Forest Service making a determination that the agency intends to pursue purchase of land or an interest in land located within the boundaries of the CRGNSA, the Forest Service and the owner of the land or interest in land to be purchased shall enter into a written purchase option agreement in which the landowner agrees to retain ownership of the interest in land to be acquired for a period not to exceed one year. In return, the Forest Service shall agree to abide by the bargaining and arbitration process set out in this section.

(b) OPT OUT.—After the Forest Service and landowner have entered into the purchase option agreement, the landowner may at any time prior to federal acquisition voluntarily opt out of the purchase option agreement.

(c) SELECTION OF APPRAISERS.—Once the landowner and Forest Service both have executed the required purchase option, the landowner and Forest Service each shall select an appraiser to appraise the land or interest in land described in the purchase option. The landowner and Forest Service both shall instruct their appraiser to estimate the fair market value of the land or interest in land to be acquired. The landowner and Forest Service both

shall instruct their appraiser to comply with the Uniform Appraisal Standards for Federal Land Acquisitions (Interagency Land Acquisition Conference 1992) and Public Law 91–646 as amended. Both appraisers shall possess qualifications consistent with state regulatory requirements that meet the intent of Title XI, Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

(d) PERIOD TO COMPLETE APPRAISALS.—The landowner and Forest Service each shall be allowed a period of 180 days to provide to the other an appraisal of the land or interest in land described in the purchase option. This 180-day period shall commence upon execution of a purchase option by the landowner and the Forest Service.

(e) BARGAINING PERIOD.—Once the landowner and Forest Service each have provided to the other a completed appraisal, a 45-day period of good faith bargaining and negotiation shall commence. If the landowner and Forest Service cannot agree within this period on the proper purchase price to be paid by the United States for the land or interest in land described in the purchase option, the landowner may request arbitration under subsection (f) of this section.

(f) ARBITRATION PROCESS.—If a landowner and the Forest Service are unable to reach a negotiated settlement on value within the 45-day period of good faith bargaining and negotiation, during the 10 days following this period of good faith bargaining and negotiation the landowner may request arbitration. The process for arbitration shall commence with each party submitting its appraisal and a copy of this legislation, and only its appraisal and a copy of this legislation, to the arbitration panel within 10 days following the receipt by the Forest Service of the request for arbitration. The arbitration panel shall render a written advisory decision on value within 45 days of receipt of both appraisals. This advisory decision shall be forwarded to the Secretary of Agriculture by the arbitration panel with a recommendation to the Secretary that if the land or interest in land at issue is to be purchased that the United States pay a sum certain for the land or interest in land. This sum certain shall fall within the value range established by the two appraisals. Costs of employing the arbitration panel shall be divided equally between the Forest Service and the landowner, unless the arbitration panel recommends either the landowner or the Forest Service bear the entire cost of employing the arbitration panel. The arbitration panel shall not make such a recommendation unless the panel finds that one of the appraisals submitted fails to conform to the Uniform Appraisal Standard for Federal Land Acquisition (Interagency Land Acquisition Conference 1992). In no event, shall the cost of employing the arbitration panel exceed $10,000.

(g) ARBITRATION PANEL.—The arbitration panel shall consist of one appraiser and two lawyers who have substantial experience working with the purchase of land and interests in land by the United States. The Secretary is directed to ask the Federal Center for Dispute Resolution at the American Arbitration Association to develop lists of no less than ten appraisers and twenty lawyers who possess substantial experience working with federal land purchases to serve as third-party neutrals in the event arbitration is requested by a landowner. Selection of the arbitration panel shall be made by mutual agreement of the Forest Service and landowner. If mutual agreement cannot be reached on one or more panel members, selection of the remaining panel members shall be by blind draw once each party has been allowed the opportunity to strike up to 25 percent of the third-party neutrals named on either list. Of the funds available to the Forest Service, up to $15,000 shall be available to the Federal Center for Dispute Resolution to cover the initial cost of establishing this program. Once established, costs of administering the program shall be borne by the Forest Service, but shall not exceed $5,000 a year.

(h) QUALIFICATIONS OF THIRD-PARTY NEUTRALS.—Each appraiser selected by the Federal Dispute Resolution Center, in addition to possessing substantial experience working with federal land purchases, shall possess qualifications consistent with state regulatory requirements that meet the intent of Title XI, Financial Institutions Reform, Recovery & Enforcement Act of 1989. Each lawyer selected by the Federal Dispute Resolution Center, in addition to possessing substantial experience working with federal land purchases, shall be an active member in good standing of the bar of one of the 50 states or the District of Columbia.

(i) DECISION REQUIRED BY THE SECRETARY OF AGRICULTURE.—Upon receipt of a recommendation by an arbitration panel appointed under subsection (g), the Secretary of Agriculture shall notify the landowner and the CRGNSA of the day the recommendation was received. The Secretary shall make a determination to adopt or reject the arbitration panel's advisory decision and notify the landowner and the CRGNSA of this determination within 45 days of receipt of the advisory decision.

(j) ADMISSABILITY.—Neither the fact that arbitration pursuant to this act has occurred nor the recommendation of the arbitration panel shall be admissible in any court or administrative proceeding.

(k) EXPIRATION DATE.—This act shall expire on October 1, 2002.

SEC. 338. A project undertaken by the Forest Service under the Recreation Fee Demonstration Program as authorized by Section 315 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1996, as amended, shall not result in—

(1) displacement of the holder of an authorization to provide commercial recreation services on Federal lands. Prior to initiating any project, the Secretary shall consult with potentially affected holders to determine what impacts the project may have on the holders. Any modifications to the authorization shall be made within the terms and conditions of the authorization and authorities of the impacted agency.

(2) the return of a commercial recreation service to the Secretary for operation when such services have been provided in the past by a private sector provider, except when—

(A) the private sector provider fails to bid on such opportunities,

(B) the private sector provider terminates its relationship with the agency, or,

(C) the agency revokes the permit for noncompliance with the terms and conditions of the authorization.

In such cases, the agency may use the Recreation Fee Demonstration Program to provide for operations until a subsequent operator can be found through the offering of a new prospectus.

SEC. 339. NATIONAL FOREST-DEPENDENT RURAL COMMUNITIES ECONOMIC DIVERSIFICATION. (a) FINDINGS AND PURPOSES.—Section 2373 of the National Forest-Dependent Rural Communities Economic Diversification Act of 1990 (7 U.S.C. 6611) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking ''national forests'' and inserting ''National Forest System land'';

(B) in paragraph (4), by striking ''the national forests'' and inserting ''National Forest System land'';

(C) in paragraph (5), by striking ''forest resources'' and inserting ''natural resources''; and

(D) in paragraph (6), by striking ''national forest resources'' and inserting ''National Forest System land resources''; and

(2) in subsection (b)(1)—

(A) by striking ''national forests'' and inserting ''National Forest System land''; and

(B) by striking ''forest resources'' and inserting ''natural resources''.

(b) DEFINITIONS.—Section 2374(1) of the National Forest-Dependent Rural Communities Economic Diversification Act of 1990 (7 U.S.C. 6612(1)) is amended by striking ''forestry'' and inserting ''natural resources''.

(c) RURAL FORESTRY AND ECONOMIC DIVERSIFICATION ACTION TEAMS.—Section 2375(b) of the National Forest-Dependent Rural Communities Economic Diversification Act of 1990 (7 U.S.C. 6613(b)) is amended—

(1) in the first sentence, by striking ''forestry'' and inserting ''natural resources''; and

(2) in the second and third sentences, by striking ''national forest resources'' and inserting ''National Forest System land resources''.

(d) ACTION PLAN IMPLEMENTATION.—Section 2376(a) of the National Forest-Dependent Rural Communities Economic Diversification Act of 1990 (7 U.S.C. 6614(a)) is amended—

(1) by striking ''forest resources'' and inserting ''natural resources''; and

(2) by striking ''national forest resources'' and inserting ''National Forest System land resources''.

(e) TRAINING AND EDUCATION.—Paragraphs (3) and (4) of section 2377(a) of the National Forest-Dependent Rural Communities Economic Diversification Act of 1990 (7 U.S.C. 6615(a)) are amended by striking ''national forest resources'' and inserting ''National Forest System land resources''.

(f) LOANS TO ECONOMICALLY DISADVANTAGED RURAL COMMUNITIES.—Paragraphs (2) and (3) of section 2378(a) of the National Forest-Dependent Rural Communities Economic Diversification Act of 1990 (7 U.S.C. 6616(a)) are amended by striking ''national forest resources'' and inserting ''National Forest System land resources''.

SEC. 340. INTERSTATE 90 LAND EXCHANGE. (a) Section 604(a) of the Interstate 90 Land Exchange Act of 1998 (105 Pub. L. 277; 12 Stat. 2681–326 (1998)) is hereby amended by adding at the end of the first sentence: ''except title to offered lands and interests in lands described in section 605(c)(2) (Q), (R), (S), and (T) must be placed in escrow by Plum Creek, according to terms and conditions acceptable to the Secretary and Plum Creek, for a three-year period beginning on the later of the date of enactment of this Act or consummation of the exchange. During the period the lands are held in escrow, Plum Creek shall not undertake any activities on these lands, except for fire suppression and road maintenance, without the approval of the Secretary, which shall not be unreasonably withheld''.

(b) Section 604(b) of the Interstate 90 Land Exchange Act of 1998 (105 Pub. L. 277; 12 Stat. 2681–326 (1998)) is hereby amended by inserting after the words ''offered land'' the following: ''as provided in section 604(a), and placement in escrow of acceptable title to the offered lands described in section 605(c)(2) (Q), (R), (S), and (T)''.

(c) Section 604(b) is further amended by adding the following at the end of the first sentence: ''except Township 19 North, Range 10 East, W.M., Section 4, Township 20 North, Range 10 East, W.M., Section 32, and Township 21 North, Range 14 East, W.M., W½W½ of Section 16, which shall be retained by the United States''. The appraisal approved by the Secretary of Agriculture on July 14, 1999 (the ''Appraisal'') shall be adjusted by subtracting the values determined for Township 19 North, Range 10 East, W.M., Section 4 and Township 20 North, Range 10 East, W.M., Section 32 during the Appraisal process in the context of the whole estate to be conveyed.

(d) After adjustment of the Appraisal, the values of the offered and selected lands, including the offered lands held in escrow, shall be equalized as provided in section 605(c) except that the Secretary also may equalize values through the following, including any combination thereof—

(1) conveyance of any other lands under the jurisdiction of the Secretary acceptable to Plum

Creek and the Secretary after compliance with all applicable Federal environmental and other laws; and

(2) to the extent sufficient acceptable lands are not available pursuant to paragraph (1) of this subsection, cash payments as and to the extent funds become available through appropriations, private sources, or, if necessary, by reprogramming.

(e) The Secretary shall promptly seek to identify lands acceptable for conveyance to equalize values under paragraph (1) of subsection (d) and shall, not later than May 1, 2000, provide a report to Congress outlining the results of such efforts.

(f) As funds or lands are provided to Plum Creek by the Secretary, Plum Creek shall release to the United States deeds for lands and interests in land held in escrow based on the values determined during the Appraisal process in the context of the whole estate to be conveyed. Deeds shall be released for lands and interests in lands in the exact reverse order listed in section 605(c)(2).

(g) Section 606(d) is hereby amended to read as follows: ''the Secretary and Plum Creek shall make the adjustments directed in section 604(b) and consummate the land exchange within 30 days of enactment of the Interstate 90 Land Exchange Amendment, unless the Secretary and Plum Creek mutually agree to extend the consummation date''.

SEC. 341. THE SNOQUALMIE NATIONAL FOREST BOUNDARY ADJUSTMENT ACT OF 1999. (a) IN GENERAL.—The boundary of the Snoqualmie National Forest is hereby adjusted as generally depicted on a map entitled ''Snoqualmie National Forest 1999 Boundary Adjustment'' dated June 30, 1999. Such map, together with a legal description of all lands included in the boundary adjustment, shall be on file and available for public inspection in the office of the Chief of the Forest Service in Washington, District of Columbia. Nothing in this subsection shall limit the authority of the Secretary of Agriculture to adjust the boundary pursuant to section 11 of the Weeks Law of March 1, 1911.

(b) RULE FOR LAND AND WATER CONSERVATION FUND.—For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9), the boundary of the Snoqualmie National Forest, as adjusted by subsection (a), shall be considered to be the boundary of the Forest as of January 1, 1965.

SEC. 342. Section 1770(d) of the Food Security Act of 1985 (7 U.S.C. 2276(d)) is amended by redesignating paragraph (10) as paragraph (11) and by inserting after paragraph (9) the following new paragraph:

''(10) section 3(e) of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1642(e));''.

SEC. 343. None of the funds appropriated or otherwise made available by this Act may be used to implement or enforce any provision in Presidential Executive Order 13123 regarding the Federal Energy Management Program which circumvents or contradicts any statutes relevant to Federal energy use and the measurement thereof, including, but not limited to, the existing statutory mandate that life-cycle cost effective measures be undertaken at Federal facilities to save energy and reduce the operational expenditures of the Government.

SEC. 344. The Forest Service shall use appropriations or other funds available to the Service to—

(1) improve the control or eradication of the pine beetles in the Rocky Mountain region of the United States; and

(2)(A) conduct a study of the causes and effects of, and solutions for, the infestation of pine beetles in the Rocky Mountain region of the United States; and

(B) submit to Congress a report on the results of the study, within 6 months of the date of enactment of this provision.

SEC. 345. None of the funds made available by this Act may be used for the physical relocation of grizzly bears into the Selway-Bitterroot Wilderness of Idaho and Montana.

SEC. 346. SHAWNEE NATIONAL FOREST, ILLINOIS. None of the funds made available under this Act may be used to—

(1) develop a resource management plan for the Shawnee National Forest, Illinois; or

(2) make a sale of timber for commodity purposes produced on land in the Shawnee National Forest from which the expected cost of making the timber available for sale is greater than the expected revenue to the United States from the sale.

SEC. 347. YOUTH CONSERVATION CORPS AND RELATED PARTNERSHIPS. (a) Notwithstanding any other provision of this Act, there shall be available for high priority projects which shall be carried out by the Youth Conservation Corps as authorized by Public Law 91–378, or related partnerships with non-Federal youth conservation corps or entities such as the Student Conservation Association, $1,000,000 of the funds available to the Bureau of Land Management under this Act, in order to increase the number of summer jobs available for youth, ages 15 through 22, on Federal lands.

(b) Within six months after the date of enactment of this Act, the Secretary of Agriculture and the Secretary of the Interior shall jointly submit a report to the House and Senate Committees on Appropriations and the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives that includes the following—

(1) the number of youth, ages 15 through 22, employed during the summer of 1999, and the number estimated to be employed during the summer of 2000, through the Youth Conservation Corps, the Public Land Corps, or a related partnership with a State, local or nonprofit youth conservation corps or other entities such as the Student Conservation Association;

(2) a description of the different types of work accomplished by youth during the summer of 1999;

(3) identification of any problems that prevent or limit the use of the Youth Conservation Corps, the Public Land Corps, or related partnerships to accomplish projects described in subsection (a);

(4) recommendations to improve the use and effectiveness of partnerships described in subsection (a); and

(5) an analysis of the maintenance backlog that identifies the types of projects that the Youth Conservation Corps, the Public Land Corps, or related partnerships are qualified to complete.

SEC. 348. Each amount of budget authority for the fiscal year ending September 30, 2000, provided in this Act for payments not required by law, is hereby reduced by 0.34 percent: Provided, That such reductions shall be applied ratably to each account, program, activity, and project provided for in this Act.

This Act may be cited as the ''Department of the Interior and Related Agencies Appropriations Act, 2000''.

Mr. GORTON. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate insist on its amendment and request a conference with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees on behalf of the Senate.

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

The Presiding Officer (Mr. SESSIONS) appointed Mr. GORTON, Mr. STEVENS, Mr. COCHRAN, Mr. DOMENICI, Mr. BURNS, Mr. BENNETT, Mr. GREGG, Mr. CAMPBELL, Mr. BYRD, Mr. LEAHY, Mr. HOLLINGS, Mr. REID, Mr. DORGAN, Mr. KOHL, and Mrs. FEINSTEIN conferees on the part of the Senate.

Mr. GORTON. Mr. President, the talents of my Staff Director, Bruce Evans, are exceeded only by his patience.

This bill has been on and off the floor for the better part of two months at this point and has now been passed by a fairly near unanimous vote as against the situation a year ago when we were barely able to begin debate on it.

Mr. Evans has led the staff of both parties with great skill and dedication and has kept me out of many troubles I might otherwise have had. Perhaps the best tribute to that is the fact that no changes were made in this bill in this 2-month period as a result of contested votes on the floor of the Senate. Many were made as a result of reasonable requests on the part of many of our Members.

I thank my ranking minority member, the distinguished senior Senator from West Virginia, whose help and cooperation from the beginning of my chairmanship of this subcommittee has been unfailing and of immense effect.

Mr. President, I would once again like to thank both my staff and Senator BYRD's staff for all the hard work they have done on this bill. The Minority Clerk, Kurt Dodd, has been a pleasure to work with in his first full year with the Committee. He has proven to be a valuable resource for my staff through both his knowledge of the programs in this bill and his advocacy on behalf of members on the other side of the aisle. Kurt has been ably assisted by Carole Geagley of the minority staff, and by Liz Gelfer, whom we have enjoyed having on detail from the Department of Energy.

My own subcommittee staff has also had benefit of an agency detailee this year. Sean Marsan has been with us courtesy of the U.S. Fish and Wildlife Service, and has done a wonderful job on a number of special projects. He has also performed well the laborious task of logging the thousands of member requests that the Subcommittee receives from members of this body. For those of my colleagues who have particular programs or projects funded in this bill—and I think I can safely say that includes each one of you—you owe Sean a debt of gratitude for keeping your ample requests in some sort of manageable order.

I also want to thank the subcommittee professional staff for all of their good work. Ginny James continues to do a great job with the many cultural agencies funded in this bill, as well as with the Indian Health Service and U.S. Geological Survey accounts. I am pleased that we were able this year to provide modest increases for both the NEA and NEH, and hope that the two endowments appreciate the role

Ginny has played in making this possible. It is not an easy thing to shepherd and provide counsel to the enthusiastic, but sometimes over-eager, arts community.

Anne McInerney of the subcommittee staff has been responsible for the Fish and Wildlife Service and Bureau of Indian Affairs accounts, and this year took on the added responsibility of managing the land acquisition accounts for the four land management agencies. Members of this body continue to put individual land acquisition projects toward the top of their priority lists, making it quite a challenge to balance those priorities against the core operating needs of the agencies funded in this bill. Anne has done a marvelous job in this regard, as well as in helping me address the many management challenges faced by the Bureau of Indian Affairs and the Office of the Special Trustee.

Leif Fonnesbeck is in his first full year with the Committee staff. He has in effect been thrown in the deep end by being assigned the Forest Service and Bureau of Land Management accounts, where he probably will spend as much time on policy issues as on more traditional appropriations matters. Of the half dozen or so amendments that have been debated and voted upon during consideration of this bill, I think all but one have been related to Leif's area of responsibility. He has acquitted himself very well, and has proven to be a quick study. We are glad to have him with us.

Joe Norrell is also new to our subcommittee this year. Joe performs duties for both the Interior subcommittee and the VA/HUD subcommittee chaired by Senator BOND, and as such is frequently pulled in two different directions by two different masters. He has handled this difficult challenge with commitment and good humor, and has been a great help to both subcommittees.

Finally, I would also like to thank Kari Vander Stoep of my personal staff for her work on the issues in this bill that are of particular importance to the people of Washington state. Kari has done a wonderful job in this regard since her predecessor, Chuck Berwick, departed for business school.

Each of these individuals has already spent many late nights working on this bill, and will likely spend many more such nights over the coming weeks as we move to conference with the House. I want to express my own gratitude for their good work, and also convey the appreciation of the Ranking Member, Senator BYRD, and that of the Senate as a whole.

UNANIMOUS-CONSENT AGREEMENT—H.R. 2684

Mr. LOTT. Mr. President, I ask unanimous consent the following amendments be the only first-degree amendments in order to the HUD–VA appropriations bill and they be subject to relevant second-degree amendments. I further ask consent that Senator WELLSTONE be recognized this evening to offer his amendment. I thank him for being willing to stay here to offer his amendment. We need more Senators willing to stay to get the job done. He will offer a sense of the Senate on atomic veterans. That amendment will be debated tonight. I further ask consent no amendment be in order to the Wellstone amendment prior to the vote, and I ask consent that the vote occur at 9:30 a.m. on Friday, with 2 minutes for debate for closing remarks prior to the vote.

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

Mr. LOTT. As a result of this agreement, there will be no further votes this evening. The first vote tomorrow will be at approximately 9:35 a.m. It is anticipated further votes will occur tomorrow in an effort to conclude HUD–VA. I talked with Senator DASCHLE. We should and we will finish the HUD–VA appropriations bill tomorrow. We have good managers on this bill. They will push it forward.

The only amendments that we had on the list are the atomic veterans sense of the Senate by Senator WELLSTONE, sense of the Senate regarding education by Senator DASCHLE, an amendment by Senator KERRY regarding section 8 housing, another amendment by Senator KERRY regarding housing aids, one regarding NASA by Senator ROBB, one by Senator TORRICELLI regarding aircraft noise, a managers' package by Senator BOND, one by Senators BENNETT and DODD regarding Y2K, and relevants by Senators BOND and MIKULSKI.

RULE XXII

Mr. LOTT. One final thing, and then the managers can go forward. It is my understanding some of the debate today was not germane to the issue on oil royalties, the issue on which 60 Members voted to invoke cloture earlier today.

Rule XXII clearly states all debate must be germane. Senators THOMAS and Senator HUTCHISON of Texas raised a point of order to guide the debate back to the pending oil royalties subject. The Chair on first blush ruled the debate does not have to be germane.

To better clarify the position of the chairman, I now make a parliamentary inquiry. Is there a requirement under rule XXII that all debate postcloture must be germane to the issue on which cloture was invoked?

The PRESIDING OFFICER. The Senator is correct. All debate postcloture must be germane to the issue on which cloture was invoked.

Mr. LOTT. Mr. President, if a Senator speaks on a subject that is nongermane to the pending issue, is it in order for any Member to raise a point of order against the debate in question?

The PRESIDING OFFICER. It is in order for any Member to raise a point of order relative to the debate. When such a point of order is raised, the Chair will decide if the debate in question is germane or nongermane. If the debate is determined to be germane, the debate in question will resume. If the debate is determined to be nongermane, the Senator will be warned to keep his remarks germane to the pending question. If the Senator continues to speak on a nongermane basis and any Senator raises a point of order against the debate content, the Chair would restate the rule on which the violation is occurring and the Senator in question would immediately lose the floor.

Mr. LOTT. I thank the Chair for that clarification. I therefore withdraw a pending appeal.

The PRESIDING OFFICER. The appeal is withdrawn.

Mr. LOTT. I yield the floor.

Mr. FEINGOLD. Mr. President, I just want to make one clarification concerning the colloquy between the majority leader and the Chair. I have no disagreement with the statements of the Chair concerning the Senate rule on germaneness during the post-cloture debate. However, the majority leader prefaced his inquiry with the statement that it was his understanding that some debate on the oil royalties amendment was not germane. I want to make clear that there was never a ruling that any particular statement made during the debate by any Senator was not germane. I am confident that my remarks during this debate were germane to the issue at hand and I do not interpret the Chair's statement in this colloquy to have suggested or ruled otherwise.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2000—Resumed

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative assistant read as follows:

A bill (H.R. 2684) 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, and for other purposes.

Mr. BOND. Mr. President, may I ask the majority leader, was that a unanimous consent order that the only amendments in order are the ones that were read off?

Mr. LOTT. That is correct. It did say, of course, relevant second-degree amendments would be in order. I believe we only have a half dozen or so amendments we have to consider. I hope most of them can be handled without recorded votes. It does appear there would be a necessity for as many as two recorded votes, maybe three, tomorrow. If the Senators cooperate, I think we can be through with this bill

and all amendments before noon tomorrow.

Mr. BOND. I thank the majority leader.

AMENDMENT NO. 1789

(Purpose: To express the sense of the Senate that lung cancer, colon cancer, and brain and central nervous system cancer should be presumed to be service-connected disabilities as radiogenic diseases)

Mr. WELLSTONE. Mr. President, I send an amendment to the desk.

The legislative assistant read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 1789.

Mr. WELLSTONE. 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:

On page 17, between lines 14 and 15, insert the following:

SEC. 108. (a) FINDINGS.—The Senate makes the following findings:

(1) One of the most outrageous examples of the failure of the Federal Government to honor its obligations to veterans involves the so-called ''atomic veterans'', patriotic Americans who were exposed to radiation at Hiroshima and Nagasaki and at nuclear test sites.

(2) For more than 50 years, many atomic veterans have been denied veterans compensation for diseases, known as radiogenic diseases, that the Department of Veterans Affairs recognizes as being linked to exposure to radiation. Many of these diseases are lethal forms of cancer.

(3) The Department of Veterans Affairs almost invariably denies the claims for compensation of atomic veterans on the grounds that the radiation doses received by such veterans were too low to result in radiogenic disease, even though many scientists and former Under Secretary for Health Kenneth Kizer agree that the dose reconstruction analyses conducted by the Department of Defense are unreliable.

(4) Although the Department of Veterans Affairs already has a list of radiogenic diseases that are presumed to be service-connected, the Department omits three diseases—lung cancer, colon cancer, and central nervous system cancer—from that list, notwithstanding the agreement of scientists that the evidence of a link between the three diseases and low-level exposure to radiation is very convincing and, in many cases, is stronger than the evidence of a link between such exposure and other radiogenic diseases currently on that list.

(b) SENSE OF SENATE.—It is the sense of the Senate that lung cancer, colon cancer, and brain and central nervous system cancer should be added to the list of radiogenic diseases that are presumed by the Department of Veterans Affairs to be service-connected disabilities.

Mr. WELLSTONE. Mr. President, I rise today to offer a sense-of-the-Senate amendment that speaks to the frustrating and infuriating obstacles that have too often kept veterans who were exposed to radiation during military service from getting the disability compensation they deserve. This amendment would put the senate on record as being in favor of adding three radiogenic conditions to the list of presumptively service-connected diseases for which atomic veterans may receive VA compensation, specifically: lung cancer, colon cancer; and tumors of the brain and central nervous system. It is based on a bill I introduced during the last Congress S. 1385, the Justice for Atomic Veterans Act.

But before I speak on the merits of this amendment, I'd like to talk about the frustrating and infuriating obstacles that have beset this amendment in the Senate. I offered an amendment to make the needed change in the law on S. 4, the Soldiers', Sailors;', Airmen's, and Marines' Bill of Rights Act of 1999. It was accepted and adopted by the Senate by voice vote. When it became clear that S. 4 was dead on arrival in the house, I offered this amendment to the Defense Department authorization bill. Again, the amendment was accepted, but it was stripped out in conference. I mention the history of this amendment to my colleagues in the belief that what was acceptable to the Senate three months ago will be acceptable today. But to put my colleagues on notice that this time I am going to insist on a roll call vote and to make it clear that I will be back to offer the actual amendment as many times as I have to so that justice can be done by the atomic veteran.

I believe that the way we treat our veterans does send an important message to young people considering service in the military. When veterans of the Persian Gulf war don't get the kind of treatment they deserve, when the VA health care budget loses out year after year to other budget priorities, when veterans benefits claims take years and years to resolve, what is the message we are sending to future recruits?

How can we attract and retain young people in the service when our government fails to honor its obligation to provide just compensation and health care for those injured during service?

One of the most outrageous examples of our government's failure to honor its obligations to veterans involves ''atomic veterans,'' patriotic Americans who were exposed to radiation at Hiroshima and Nagasaki and at atmospheric nuclear tests.

For more than 50 years, many of them have been denied compensation for diseases that the VA recognizes as being linked to their exposure to radiation—diseases known as radiogenic diseases. Many of these diseases are lethal forms of cancers. I'm sure many of my colleagues have seen the recent headlines about the exposure of workers at the nuclear plant in Paducah, Kentucky. The story of the atomic veteran is very much the same.

I received my first introduction to the plight of atomic veterans from some first-rate mentors, the members of the Forgotten 216th. The Forgotten 216th was the 216th Chemical Service Company of the U.S. Army, which participated in Operation Tumbler Snapper. Operation Tumbler Snapper was a series of eight atmospheric nuclear weapons tests in the Nevada desert in 1952.

About half of the members of the 216th were Minnesotans. What I've learned from them, from other atomic veterans, and from their survivors has shaped my views on this issue.

Five years ago, the Forgotten 216th contacted me after then-Secretary of Energy O'Leary announced that the U.S. Government had conducted radiation experiments on its own citizens. For the first time in public, they revealed what went on during the Nevada tests and the tragedies and trauma that they, their families, and their former buddies had experienced since then.

Because their experiences and problems typify those of atomic veterans nationwide, I'd like to tell my colleagues a little more about the Forgotten 216th. When you hear their story, I think you have to agree that the Forgotten 216th and other veterans like them must never be forgotten again.

Members of the 216th were sent to measure fallout at or near ground zero immediately after a nuclear blast. They were exposed to so much radiation that their Geiger counters went off the scale while they inhaled and ingested radioactive particles. They were given minimal or no protection. They frequently had no film badges to measure radiation exposure. They were given no information on the perils they faced.

Then they were sworn to secrecy about their participation in nuclear tests. They were often denied access to their own service medical records. And they were provided no medical follow-up.

For decades, atomic veterans have been America's most neglected veterans. They have been deceived and treated shabbily by the government they served so selflessly and unquestioningly.

If the U.S. Government can't be counted on to honor its obligation to these deserving veterans, how can young people interested in the military service have any confidence that their government will do any better by them?

Mr. President, I believe the neglect of atomic veterans should stop here and now. Our government has a long overdue debt to these patriotic Americans, a debt that we in the Senate must help to repay. I urge my colleagues on both sides of the aisle to help repay this debt by supporting this amendment.

My legislation and this amendment have enjoyed the strong support of veterans service organizations. Recently, the Independent Budget for FY 2000, which is a budget recommendation issued by AMVETS, Disabled American Veterans (DAV), Paralyzed Veterans of America (PVA), and the Veterans of Foreign Wars (VFW), endorsed adding these radiogenic diseases to VA's presumptive service-connected list.

Let me briefly describe the problem that my amendment is intended to address. When atomic veterans try to claim VA compensation for their illnesses, VA almost invariably denies their claims. VA tells these veterans that their radiation doses were too low—below 5 rems.

But the fact is, we don't really know that and, even if we did, that's no excuse for denying these claims. The result of this unrealistic standard is that it is almost impossible for these atomic veterans to prove their case. The only solution is to add these conditions to the VA presumptive service-connected list, and that's what my amendment does.

First of all, trying to go back and determine the precise dosage each of these veterans was exposed to is a futile undertaking. Scientists agree that the dose reconstruction performed for the VA is notoriously unreliable.

GAO itself has noted the inherent uncertainties of dose reconstruction. Even VA scientific personnel have conceded its unreliability. In a memo to VA Secretary Togo West, Under Secretary for Health Kenneth Kizer has recommended that the VA reconsider its opposition to S. 1385 based, in part, on the unreliability of dose reconstruction.

In addition, none of the scientific experts who testified at a Senate Veterans' Affairs Committee hearing on S. 1385 on April 21, 1998, supported the use of dose reconstruction to determine eligibility for VA benefits.

Let me explain why dose reconstruction is so difficult. Dr. Marty Gensler on my staff has researched this issue for over five years, and this is what he has found.

Many atomic veterans were sent to ground zero immediately after a nuclear test with no protection, no information on the known dangers they faced, no badges or other monitoring equipment, and no medical follow up.

As early as 1946, ranking military and civilian personnel responsible for nuclear testing anticipated claims for service-connected disability and sought to ensure that ''no successful suits could be brought on account of radiological hazards.'' That quotation comes from documents declassified by the President's Advisory Committee on Human Radiation Experiments.

The VA, during this period, maintained classified records ''essential'' to evaluating atomic veterans' claims, but these records were unavailable to veterans themselves.

Atomic veterans were sworn to secrecy and were denied access to their own service and medical records for many years, effectively barring pursuit of compensation claims.

It's partly as a result of these missing or incomplete records that so many people have doubts about the validity of dose reconstructions for atomic veterans, some of which are performed more than fifty years after exposure.

Even if these veterans' exposure was less than 5 rems, which is the standard use by VA, this standard is not based on uncontested science. In 1994, for example, GAO stated: ''A low level dose has been estimated to be somewhere below 10 rems [but] it is not known for certain whether doses below this level are detrimental to public health.''

Despite persistent doubts about VA's and DoD's dose reconstruction, and despite doubts about the science on which VA's 5 rem standard is based, these dose reconstructions are used to bar veterans from compensation for disabling radiogenic conditions.

The effects of this standard have been devastating. A little over two years ago the VA estimated that less than 50 claims for non-presumptive diseases had been approved out of over 18,000 radiation claims filed.

Atomic veterans might as well not even bother. Their chances of obtaining compensation are negligible.

It is impossible for many atomic veterans and their survivors to be given ''the benefit of the doubt'' by the VA while their claims hinge on the dubious accuracy and reliability of dose reconstruction and the health effects of exposure to low-level ionizing radiation remain uncertain.

This problem can be fixed. The reason atomic veterans have to go through this reconstruction at all is that the diseases listed in my amendment are not presumed to be service-connected. That's the real problem.

VA already has a list of service-connected diseases that are presumed service-connected, but these are not on it.

This makes no sense. Scientists agree that there is at least as strong a link between radiation exposure and these diseases as there is to the other diseases on that VA list.

Mr. President, you might ask why I've included these three diseases in particular—lung cancer; colon cancer; and tumors of the brain and central nervous system—in my amendment. The reason is very simple. The best, most current, scientific evidence available justifies their inclusion. A paper entitled ''Risk Estimates for Radiation Exposure'' by John D. Boice, Jr., of the National Cancer Institute, published in 1996 as part of a larger work called Health Effects of Exposure to Low-Level Ionizing Radiation, includes a table which rates human cancers by the strength of the evidence linking them to exposure to low levels of ionizing radiation. According to this study, the evidence of a link for lung cancer is ''very strong''—the highest level of confidence—and the evidence of a link for colon and brain and central nervous system cancers is ''convincing''—the next highest level of confidence. So I believe I can say with a great deal of certainty, Mr. President, that science is on the side of this amendment.

Last year, the Senate Veterans' Affairs Committee reported out a version of S. 1385, the Justice for Atomic Veterans Act, which included three diseases to be added to the VAs presumptive list. Two of those diseases, lung cancer and brain and central nervous system cancer, I have included in my amendment. The third disease included in the reported bill was ovarian cancer. Mr. President, I'd like to explain why I substituted colon cancer for ovarian cancer. It is true that the 1996 study I just cited states that the evidence of a linkage for ovarian cancer to low level ionizing radiation is ''convincing,'' just as it is for colon cancer. But Mr. President, there are no female atomic veterans. The effect of creating a presumption of service connection for ovarian cancer is basically no effect—because no one could take advantage of it. However, the impact of adding colon cancer as a presumption for atomic veterans is significant; atomic veterans will be able to take advantage of that presumption.

The President's Advisory Committee on Human Radiation Experiments agreed in 1995 that VA's current list should be expanded. The Committee cited concerns that ''the listing of diseases for which relief is automatically provided—the presumptive diseases provided for by the 1988 law—is incomplete and inadequate'' and that ''the standard of proof for those without presumptive disease is impossible to meet and, given the questionable condition of the exposure records retained by the government, inappropriate.'' The President's Advisory Committee urged Congress to address the concerns of atomic veterans and their families ''promptly.''

The unfair treatment of atomic veterans becomes especially clear when compared to both agent orange and Persian Gulf veterans. In recommending that the administration support S. 1385, Under Secretary for Health Kenneth Kizer cited the indefensibility of denying presumptive service connection for atomic veterans in light of the presumption for Persian Gulf war veterans and agent orange veterans.

In 1993, the VA decided to make lung cancer presumptively service-connected for agent orange veterans. That decision was based on a National Academy of Sciences study that had found a link only where agent orange exposures were ''high and prolonged,'' but pointed out there was only a ''limited'' capability to determine individual exposures.

For atomic veterans, however, lung cancer continues to be non-presumptive. In short, the issue of exposure levels poses an almost insurmountable obstacle to approval of claims by atomic veterans, while the same problem is ignored for agent orange veterans.

Persian Gulf war veterans can receive compensation for symptoms or illnesses that may be linked to their service in the Persian Gulf, at least until scientists reach definitive conclusions about the etiology of their health problems. Unfortunately, atomic veterans aren't given the same consideration or benefit of the doubt.

Mr. President, I believe this state of affairs is outrageous and unjust. The struggle of atomic veterans for justice has been long, hard, and frustrating. But these patriotic, dedicated and deserving veterans have persevered. My amendment would finally provide them the justice that they so much deserve.

Let me say this in closing, Mr. President: As I have worked with veterans and military personnel during my time in the Senate, I have seen a troubling erosion of the federal government's credibility with current and former service members. No salary is high enough, no pension big enough to compensate our troops for the dangers they endure while defending our country. Such heroism stems from love for America's sacred ideals of freedom and democracy and the belief that the nation's gratitude is not limited by fiscal convenience but reflects a debt of honor.

Mr. President, this is one of those issues which test our faith in our government. But the Senate can take an important step in righting this injustice. I urge my colleagues from both sides of the aisle to join me in helping atomic veterans win their struggle by supporting by supporting my amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I compliment the Senator from Minnesota for his persistence and consistent advocacy for a group that is now called the atomic vets. He is absolutely right when he says that every year he offers the amendment and then, because of the pressures of conference, it evaporates. First of all, the atomic vets have no finer champion than the Senator from Minnesota, Mr. WELLSTONE.

From my perspective I support him. Tomorrow, when the call of the roll is made, I will be voting aye.

Mr. President, I thank our colleague from Minnesota for his eloquent comments within the timeframe that enabled Senators to move on to other responsibilities. I really appreciate his courtesy.

Mr. WELLSTONE. I thank the Senator from Maryland for her support. I am honored to have her support. I know the atomic veterans thank her.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, we know how strongly the Senator from Minnesota feels about this. He has been a very forceful and persuasive advocate. We do recognize that because of the rule under which the Senator is proceeding, this is a sense-of-the-Senate amendment. We have turned back to the authorizing committees the job of authorizing. It seems rather traditional to do it that way. I know the Senator wants to make this point. We thank him very much for putting it in the form of a sense-of-the-Senate amendment.

Mr. JOHNSON. Mr. President, the state of the Union is strong. Our country's overall economy is at an all time high, unemployment is at the lowest it has been in years, education is rising, and American homeownership is increasing. Despite all of these factors, our nation—and rural America in particular—is in the midst of an affordable housing shortage crisis. According to reports, 5.3 million Americans pay more than 50 percent in their annual income to rent or living in substandard conditions. This is unacceptable for a society as wealthy as ours, and we must make real progress now to improve housing conditions for all Americans. I would like to take this opportunity to discuss two critically important housing assistance programs that are cut by the short-sighted funding levels in the fiscal year 2000 (FY2000) VA–HUD Appropriations bill.

The Department of Housing and Urban Development (HUD) provides Section 8 rental assistance to nearly three million families through Housing Certificate Funds, including vouchers, certificates, and project-based assistance. The VA–HUD Appropriations bill that we are discussing today provides $11 billion for the Housing Certificate Fund—which is $724 million more than the FY1999 level. While I am pleased that the VA–HUD bill ensures funding for all expiring Section 8 contracts for FY2000, I am deeply disappointed that the bill does not attempt to meet the future need for housing assistance by including funding for an additional 100,000 vouchers.

In my state of South Dakota, families in need of housing assistance spend an average of 9 months on a waiting list for current Section 8 vouchers. Sadly, this is actually a better situation than most Americans face. More than 1 million Americans wait an average of 28 months, or over two full years, for Section 8 assistance.

The strong economy in South Dakota has contributed to a shortage of affordable housing in our larger cities. In many of our smaller towns, adequate housing is also at a premium. An additional 100,000 Section 8 vouchers would mean that an additional 321 South Dakota families would receive Section 8 assistance. I urge my colleagues to adequately fund the proposal for 100,000 new Section 8 vouchers because the Section 8 program, simply put, helps families find housing they can afford.

Another housing program that has been extremely valuable for South Dakota and the nation is the Community Builder program. Community Builders have enabled HUD to take a much-needed customer-friendly approach to serving low-income Americans. In South Dakota, Community Builders are working with local governments and housing authorities to provide needed rental assistance statewide.

Community Builders have also worked with the Northeastern Council of Governments in South Dakota to spread information to several northeastern counties on the services that HUD provides, and how to access these services. Community Builders have facilitated FHA loans for the construction of affordable homes in Rapid City, while also helping the Sioux Empire Housing Partnership become a HUD–approved housing counseling agency. The Community Builder program has begun to address the housing needs in historically underserved communities, many of which have never utilized HUD services in the past. One of my former staffers, Stephanie Helfrich, was a Community Builder Specialist for the Pine Ridge Indian Reservation, and her work has enabled tribal leaders to better utilize HUD's programs to the benefit of one of the most poor populations in the nation.

In conclusion, I understand the strict budget constraints the committee faces in drafting this bill. While I support every effort to keep government spending low, I believe it is a wise investment in our country's future when we ensure that our working families have adequate housing. I will continue to work with my colleagues to find ways to help South Dakota families and families across the nation address their housing needs.

Mr. LIEBERMAN. Mr. President, America is experiencing one of its most prosperous times, yet despite a booming national economy some 5.3 million families are spending more than half of their income on housing or are living in severely substandard housing. In Hartford, Connecticut alone, there are 19,000 families suffering in worst case housing.

Most distressing, more than one million elderly and over two million families with children face an affordable housing crisis.

Recent data indicate that this trend is worsening as housing costs rise faster than the incomes of low-income working families, and the number of affordable public housing units drops. In fact, more than 2 million public housing units were lost between 1973 and 1995, and the Department of Housing and Urban Development indicates that as many as 1,000 more units are being lost each month.

As a result, more than one million Americans languish on waiting lists for public housing or Section 8 vouchers. In Connecticut, the average time for waiting lists for public housing is 14 months and Section 8 vouchers is 41 months.

Last year, Congress passed a significant measure to streamline many public housing programs and focus more resources on families most in need of assistance. This included almost 100,000 new Section 8 vouchers. Tragically, the bill before us today provides no funding for these vouchers. In light of the tremendous need, and the gap that has grown in housing assistance over the past few years, providing fund for these new rental assistance vouchers is a modest, but crucial step.

These vouchers are not a free ride—families still must pay at least 30 percent of their incomes for rent. Without the vouchers, however, millions of working families and elderly citizens will be unable to secure affordable housing.

Mr. President, I'd like to take a few additional moments to address another program of great importance. Under the leadership of Secretary Cuomo, the Department of Housing and Urban Development has made great strides to create a new, innovative approach to government through the Community Builders Program.

Unfortunately, this appropriations bill would kill this initiative by terminating the 400 Community Builder fellows hired to serve in field offices around the country. This program is the first agency-run program in the Federal Government for experienced local professionals to perform short-term, public service in their communities. It represents a new way of thinking about government service and creates an opportunity to tap well-qualified talent in the community.

Under the program, HUD recruits, hires and trains professional individuals—who have extensive backgrounds in community and economic development, and housing—to serve 2–4 years as community change agents in field offices. To date, 400 people have been hired.

In Hartford, Connecticut, Community Builders have formed a partnership with state officials and national housing financial institutions to cross-train staff on the wide variety of housing finance programs and financing mechanisms available for the development of affordable housing. In addition, they have partnered with the Connecticut Department of Economic and Community Development, the Connecticut Housing Finance Agency, the National Equity Fund, the Local Initiatives Support Corporation, and the Federal Home Loan Bank of Boston to improve coordination and ''layering'' of programs and delivery of services.

These professionals bring a fresh perspective, the ability to think ''outside the box,'' and creative outlook on housing and community development programs. Community Builders in Connecticut illustrate the diversified experience and knowledge brought to HUD operations with professional backgrounds in the areas of architect, municipal government, law and business management.

Community Builders are truly change agents in our community. They are knowledgeable about HUD programs, make customer service more efficient, are professionally competent, and are bringing their expertise to make government work better.

I hope that the Senate will reconsider the significance of this program and provide continued support to ensure that our government maintains innovative, customer service oriented programs such as the Community Builders Program.

I thank Senator KERRY and Secretary Cuomo taking action to ensure that working poor families have access to affordable housing and promoting new, innovative approaches to government management. I am proud to stand in support of their efforts.

Mr. SMITH of New Hampshire. Mr. President, I call the Senate's attention to a program that the Environmental Protection Agency (EPA) has initiated that I believe is ill-conceived, wasteful and lacking of public input. The EPA, at the direction of Vice President GORE, has launched a ''voluntary'' initiative with the chemical industry to test some 2,800 high production volume (HPV) chemicals and substances. The chemicals included in this list are currently manufactured or imported in volumes in excess of one million pounds, many of which have already gone through substantial testing and known to be either hazardous or safe. As chairman of the subcommittee with jurisdiction over the testing and handling of toxic chemicals, I am particularly concerned about how this program will be administered and funded.

This major initiative was launched in October 1998 during a press conference by EPA, the Chemical Manufacturers Association and the Environmental Defense Fund. This initiative calls on industry to voluntarily provide test plans for these 2,800 HPV chemicals by December 1999, after which EPA will mandate tests of the remaining chemicals. Although the first phase of this initiative is voluntary, I'm concerned that there was not adequate public and congressional involvement in the development of this massive undertaking. Only after much urging by concerned Members of Congress, including myself, and other affected interest groups, EPA decided to hold a number of ''stakeholder'' meetings to share views and information about the HPV program.

The lack of public and congressional input is just one concern that I have with this initiative. There are several other important issues of which the Senate should be aware. A major concern deals with the large amount of unnecessary animal testing that could occur as a result of this program. While obtaining better data on hazardous chemicals is certainly a worthy goal, I am concerned about the extent to which animal testing would be used in lieu of alternative testing methods. I understand that there have been many advances in toxicology, risk assessment and alternative testing strategies that minimize the use of animals, that could be applied.

As I stated earlier, the HPV program calls for testing of many substances that clearly need no further testing. These include chemicals well documented and regulated as dangerous, as well as substances recognized as safe by the Food and Drug Administration. Chemicals with existing data should be purged from the list by EPA. There have been numerous assertions by Administration officials that they have no intention of ordering duplicative testing and remain interested in pursuing alternative testing methods where appropriate. I hope this is true. However, I still have serious concerns about the expedited schedule of the program and how EPA is directing its resources. Therefore, as the subcommittee chairman with oversight responsibility over toxic substances and testing, I plan to closely monitor EPA's implementation of this program.

Mr. CHAFEE. I certainly agree with my colleague from New Hampshire that if this toxicity data is out there and available, then every effort should be made to collect it, verify its relevance to this program, and use it. There is no reason to order duplicative and wasteful testing. But I do hope this can be done in an efficient manner. The collection of this information should not slow down the progress of this program seeking basic toxicity data on the 2,800 chemicals most widely used in the United States. The claim has been made that 90 percent of these chemicals lack full toxicity data and 40 percent have no toxicity data. However, if this data already exists, then let's get it. We need to fill in these data gaps. Finally, even though the EPA has begun to show some willingness to respond to suggestions from stakeholders, I believe that the HPV program would benefit from a hearing in Senator SMITH's subcommittee.

Mr. BOND. I thank the two Senators for their insight and comments on EPA's HPV chemical testing program. We are in agreement that EPA should seek to uncover all existing data in preparation for determining what data gaps exist and test plans need to be developed. EPA should also pursue the validation and incorporation of non-animal testing as soon as practicable. In the meantime, I hope negotiations between the various stakeholder groups bring about some consensus on how best to proceed with this program.

Mr. SMITH of New Hampshire. I thank the Senator from Missouri for his comments and hope we can continue to work together on the monitoring of this and other EPA programs.

EPA RISK MANAGEMENT PROGRAM

Mr. BOND. Mr. President, I thank my colleague for his work on the recently passed legislation, S. 880, dealing with EPA's Risk Management Plan program. I understand that there might be some problems with EPA's implementation of the law with respect to the funding of the program.

Mr. INHOFE. I thank the Senior Senator from Missouri for his recognition, and he is correct that there might be some problems with the implementation of the law. A provision of the law directs companies to conduct a public meeting for local residents regarding the risks of chemical accidents. The facilities are then supposed to send a certification of the FBI stating that they conducted the meeting. It is my understanding that the EPA and FBI have

decided that the EPA should collect the certifications and manage them through an EPA contractor. Not only did Congress not appropriate funds for this activity by the EPA but we specifically directed the FBI to collect this information.

Mr. INHOFE. I hope the Appropriations Committee will take a close look at how the EPA is implementing this program. As the chairman of the authorizing subcommittee and the author of the legislation, I will be paying particularly close attention to its implementation.

Mr. BOND. I appreciate the diligence of the Senator from Oklahoma in his oversight. As the chairman of the Appropriations subcommittee, I will also pay close attention to the implementation of this law.

REDUCING SPACE TRANSPORTATION COSTS

Mr. BURNS. Mr. President, reducing space transportation costs to enable more scientific research has been a priority of NASA and this committee. I am aware of several innovative programs developed by NASA and other agencies that attempt to dramatically reduce the cost of space access for missions through transporting individual science instruments within commercial spacecraft. However, I understand NASA is having some difficulty in implementing such ''secondary payload programs'' because of a lack of a definition of ''government payload'' in the National Space Transportation Policy. Therefore, I would like the committee to clarify that individual scientific instruments with full or partial government funding riding inside a commercial satellite are not ''government payloads'' for purposes of the Space Transportation Policy. Would the chairman agree with me that this is something we should address in the conference report?

Mr. BOND. I appreciate the Senator's interest in these new ''shared ride'' programs which a number of agencies are trying to implement. I understand NASA is trying to get this definition clarified, but that process is taking some time. I think we should support NASA's efforts by addressing this issue in conference report language, and I look forward to working with the Senator to address this issue in conference.

THE NATIONAL SCIENCE FOUNDATION

Mr. INOUYE. Mr. President, will the chairman of the Veterans Affairs and Housing and Urban Development and Independent Agencies Subcommittee yield for a question?

Mr. BOND. I yield for a question from the senior Senator from Hawaii.

Mr. INOUYE. I thank the chairman for yielding.

As the chairman knows, the Veterans Affairs and Housing and Urban Development and Independent Agencies Subcommittee has a strong history of support for the behavioral and social science research programs of the National Science Foundation, NSF, dating back to the beginning of this decade. Basic behavioral and social science research, which ranges from research on the brain and behavior to studies of economic decision making, has the potential to address many of our Nation's most serious concerns, including productivity, literacy, violence, and substance abuse, as well as other diverse issues such as information systems, artificial intelligence, and international relations.

Under his leadership and that of our colleague, Senator BARBARA MIKULSKI, the subcommittee strongly, encouraged the establishment of a separate directorate for these sciences at NSF and was instrumental in encouraging that directorate to pursue a basic behavioral science research agenda known as the Human Capital Initiative. Most recently, this subcommittee expressed strong support for the planned reorganization of the Social, Behavioral, and Economic Sciences directorate's single research division into two separate divisions, a Behavioral and Cognitive Sciences Division, and a Social and Economic Sciences Division. This reorganization was necessary to accommodate the explosive pace of discovery in the behavioral and social sciences and to promote partnerships with other disciplines.

Basic research in these sciences has contributed to the Nation's economic prosperity and national security. Given the critical importance of these fields to the national interest, and recognizing the enormous strides being made in these sciences, I seek your clarification because the report language included in your committee report may be interpreted to question the value of NSF's programs in these areas. I am also concerned that the language undermines a valuable scientific enterprise. Is it the chairman's understanding that the committee report's intent is to express the committee's belief that NSF's core mission includes support for behavioral and social science research?

Mr. BOND. I thank the Senator from Hawaii for the question. NSF's core mission indeed includes basic research in the behavioral and social sciences, and, let me make it clear, it is my expectation that NSF will continue its strong investment in these areas. Any efforts to narrow NSF's mission to exclude these sciences or to target them for reduced support would jeopardize the development of the multidisciplinary perspectives that are necessary to solve many of the problems facing the Nation.

Mr. INOUYE. Mr. President, I thank the chairman.

NO_X SIP CALL

Mr. SHELBY. Mr. President, I rise at this time to engage in a colloquy with the subcommittee chairman, the Senator from Missouri.

I am concerned about what I feel is an apparent inconsistency and inequity created by two separate and conflicting actions that occurred last May. One was EPA issuing a final rule implementing a consent decree under section 126 of the Clean Air Act that is triggered in essence by EPA not approving the NO_X SIP call revisions of 22 states and the District of Columbia by November 30, 1999. The other was by the United States Court of Appeals for the D.C. Circuit in issuing an order staying the requirement imposed in EPA's 1998 NO_X SIP Call for these jurisdictions to submit the SIP revisions just mentioned for EPA approval.

Caught in the middle of these two events are electric utilities and industrial sources who fear that now the trigger will be sprung next November 30, even though the States are no longer required to make those SIP revisions because of the stay, and even though EPA will have nothing before it to approve or disapprove.

Prior to this, EPA maintained a close link between the NO_X SIP Call and the section 126 rule, as evidenced by the consent decree. I believe a parallel stay would be appropriate in the circumstance. EPA should not be moving forward with its NO_X regulations until the litigation is complete and those affected are given more certainty and clarity as to what is required under the law.

A stay is very much needed, especially in light of EPA's more recent comments suggesting that is may reverse its earlier interpretation of the Clean Air Act regarding State discretion in dealing with interstate ozone transport problems. The effect of such a reversal would be to force businesses to comply with EPA's Federal emission controls under Section 126 without regard to NO_X SIP Call rule and State input.

The proposed reversal is creating tremendous confusion for the businesses and the States. Under EPA's proposed new position, businesses could incur substantial costs in meeting the EPA-imposed section 126 emission controls before allowing the States to use their discretion in the SIP process to address air quality problems, less stringent controls or through controls on other facilities altogether.

Indeed, the fact that these businesses almost certainly will have sunk significant costs into compliance with the EPA-imposed controls before States are required to submit their emission control plans in response to the NO_X SIP Call rule would result in impermissible pressure on their States to forfeit their discretion and instead simply conform their SIPs to EPA section 126 controls.

The bottom line is that not only do the States and business community not know what EPA is doing, EPA doesn't know what it is doing. This is hardly a desirable regulatory posture for what clearly is promising to be a very costly and burdensome regulation.

Let's be clear what the law is and what it requires, before rather than after the EPA writes and enforces its rules. I think that is a reasonable expectation and a reasonable requirement that the EPA should be able to meet.

Does the chairman agree with me that the EPA should find a reasonable way to avoid triggering the 126 process while the courts deliberate and we have a better understanding of what the law requires States and businesses to do to be in compliance?

Mr. BOND. Mr. President, I very much appreciate the Senator bringing this to the Senate's attention. I agree that this matter should be resolved swiftly. I would encourage and expect the EPA to, over the next several months, find a way that is fair to all sides. In addition, I would expect that any remedy would ensure that the States maintain control and input in addressing air pollution problems through the SIP process. I would be happy to work with the Senator from Alabama to ensure that EPA is fully responsive to these legitimate problems.

VETERANS' HEALTH CARE

Mr. SPECTER. Mr. President, I commend the chairman of the VA, HUD and Independent Agencies Appropriations Subcommittee for successfully managing such a complex appropriations bill as S. 1596. In particular, I want to thank him for recognizing the need for additional funding for veterans health care and increasing that appropriations an additional $1.7 billion over the President's request. Doing this was very difficult in light of budgetary constraints, but it was the right thing to do and I commend him for his foresight and courage.

Mr. BOND. I thank the senior Senator from Pennsylvania for his kind remarks and for his leadership in urging an additional $1.7 billion for veterans health care. I also commend my friend for his leadership as chairman of the Senate Committee on Veterans' Affairs in urging medicare subvention for veterans and for gaining Senate approval of increased funding for the GI education bill.

Mr. SPECTER. Mr. President, there is an additional matter in which I would like to have an exchange with him involving two amendments I have offered. The first involves the need for funding of a unique construction project at the Lebanon VA Medical Center for the growing problem of the long term care needs of veterans. The second involves funding for a needed national veterans cemetery in the southwestern portion of Pennsylvania. In the interest of time and space, I will not elaborate on these projects both of which have been authorized by the Senate Committee on Veterans Affairs in S. 1076 and S. 695 respectively and are outlined in the accompanying reports. You and I discussed them yesterday and I believe we had a meeting of the minds in which I understood that you will seek at least limited funding for both projects during conference. Is this the understanding of Senator BOND as well?

Mr. BOND. The Senator from Pennsylvania is correct. I know how important these projects are to you and veterans in Pennsylvania. While I cannot guarantee an outcome, I will do my best to secure design funds for these projects when we meet with the House in conference on the bill.

Mr. JOHNSON. Mr. President, I am pleased to have joined my colleague Mr. WELLSTONE from Minnesota in offering an amendment to the Fiscal Year 2000 VA-HUD Appropriations bill to increase funding for veterans health care by an additional $1.3 billion. This would create a $3 billion increase in VA health care funding —the level called for by the Independent Budget produced by a coalition of veterans organizations.

Before I begin, I would like to take a minute and make a few comments on the amendment that the Senate already has accepted. First, I want to thank Senators BOND and MIKULSKI for offering the amendment to add an additional $600 million for veterans' health care. By accepting this amendment, the total increase for veterans' health care in this piece of legislation is now $1.7 billion. I am pleased that my colleagues recognize the dire situation facing the Veterans Administration and our nation's veterans because of past negligence in meeting the needs of veterans health care.

I supported the amendment, and I have asked to be added as a cosponsor. However, as I understand it, this $1.7 billion will provide only momentary relief to a VA system which has been drastically underfunded for the past three years. That is why Senator WELLSTONE and I offered an amendment to give even more to veterans, who in service of their country gave everything they had to protect this democracy.

Mr. President, let me begin by saying that this is the fourth consecutive year, that the Clinton Administration has proposed a flat-line appropriation for veterans' health care in its FY 2000 budget request. The VA's budget included a $17.3 billion appropriation request for the Veterans Health Administration (VHA). Although, the Clinton Administration's request included allowing the VA to collect approximately $749 million from third-party insurers—$124 million more than in FY 1999, this cap on medical spending places a greater strain on the quality of patient care currently provided in our nation's VA facility, especially when meeting the needs and high health costs of our rapidly aging World War II population.

Our nation's veterans groups have worked extensively on crafting a sensible budget that will allow the VA to provide the necessary care to all veterans. They have offered an Independent Budget that calls for an immediate $3 billion increase for VA health care to rectify two current deficiencies in the VA budget. First, the VA has had to reduce expenditures by $1.3 billion due to their flatlined budget at $17.3 billion. These were mandatory reductions in outpatient and inpatient care and VA staff levels that the VA had to make due to their flatlined budget.

The remaining $1.7 billion is needed to keep up with medical inflation, COLAs for VA employees, new medical initiatives that the VA wants to begin (Hepatitis C screenings, emergency care services), long term health care costs, funding for homeless veterans, and treating 54,000 new patients in 89 outpatient clinics.

Although we have increased veterans' health care by a total of $1.7 billion, and which certainly will help relieve some of the VA's budgetary constraints, I believe that more needs to be done. The veterans community has requested that VA health care needs to be augmented by $3 billion to ensure the provision of accessible and high quality services to veterans.

That is why Senator WELLSTONE and I offered an amendment, and which I remind my colleagues the Senate unanimously accepted 99–0, during consideration of the budget resolution that raised VA health care to a total of $3 billion. The nation's top veterans groups (AMVETS, Blinded Veterans Association, Disabled American Veterans, Paralyzed Veterans of America, Veterans of Foreign Wars and Vietnam Veterans of America) voiced their strong support for our amendment, however, the final budget resolution contained an increase of only $1.7 billion.

I agree with the coalition of veterans organizations that have put together a sensible and responsible alternative VA budget'' that an infusion of approximately $3 billion into the VA health budget is needed this year in order to avoid an unconscionable destruction of our nation's commitment to its veterans. Without such a funding boost, framed within a balanced federal budget, we will soon be witnessing enormous VA staffing reductions, degradation of VA health care quality, the termination of needed programs, and the closure of VA hospitals. Our hopes of establishing VA outreach clinics in such communities as Aberdeen, South Dakota will be impossible without an increase in funding.

That is why Senator WELLSTONE and I are offering this amendment. The veterans community has done all the research and is acutely aware of the glaring health care needs that the VA must contend with in order to care for our nation's veterans. Our amendment would take $1.3 billion from the non-Social Security surplus and designate it as emergency spending for veterans' health care. The funding required for this amendment represents a minute fraction of the total federal budget that we are debating here today. However, the funding we set aside to improve accessibility and quality of care within our veterans health care system will provide a tremendous boost for an already stretched and fractured VA medical system.

Mr. President, since I began my service in Congress over twelve years ago,

I have held countless meetings, marched in small town Memorial Day parades, and participated in Veterans Day tributes with South Dakota's veterans. As the years go on their concerns remain the same. To ensure that Congress provides the VA with adequate funding to meet the health care needs for all veterans. Without additional funding South Dakota VA facilities will continue to face staff reductions, cutbacks in programs, and possible closing of facilities.

Too often, I have received letters from veterans who must wait up to three months to see a doctor. For many veterans who do not have any other form of health insurance, the VA is the only place they can go to receive medical attention. They were promised medical care when they completed their service and now many veterans are having to jump through hoops just to see a doctor.

It is time for Congress to end this neglect and fiscal irresponsibility when it comes to providing decent health care for veterans. I think Senator WELLSTONE would agree with me that no one in this body would accept three years of flat-lined budgets if we were talking about the Department of Defense or national security funding. But that is exactly what we've done to our veterans. Every year we labor through the appropriations process and every year veterans funding is treated as an afterthought and not one of our first priorities.

As Congress makes spending decisions for fiscal year 2000, we also will have to decide what to do with the non-Social Security surplus for next year. Shouldn't we be able to use some of that surplus to address the immediate problems of veterans health care? I think our veterans deserve nothing less, and we should make a committed effort to give the VA all the resources it needs to operate effectively.

I want to thank my friend, Mr. WELLSTONE, for working with me on this endeavor to do what we feel is our obligation to our veterans. The veterans community is fortunate to have such a vigilant advocate in Senator WELLSTONE who has displayed tremendous passion and leadership when it comes to ensuring that our nation's commitment to our veterans is not forgotten.

As we enter the twilight of the Twentieth Century, we can look back at the immense multitude of achievements that led to the ascension of the United States of America as the preeminent nation in modern history. We owe this title as world's greatest superpower in large part to the twenty-five million men and women who served in our armed services and who defended the principles and ideals of our nation.

From the battlefields of Lexington and Concord, to the beaches of Normandy, and to the deserts of the Persian Gulf, our nation's history is replete with men and women who, during the savagery of battle, were willing to forego their own survival not only to protect the lives of their comrades, but because they believed that peace and freedom was too invaluable a right to be vanquished. Americans should never forget our veterans who served our nation with such dedication and patriotism.

Again, Mr. President, I applaud Chairman BOND and Senator MIKULSKI for recognizing the shortcomings in this VA-HUD Appropriations bill by increasing veterans' health care by an additional $1.7 billion. Senator WELLSTONE and I believe that we can go even further, and we ask for the Senate's support. We have an obligation to provide decent, affordable, health care for America's veterans. We should live up to our obligation to our nation's veterans and ensure that they are treated with the respect and honor that they so richly deserve.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I say to my colleague from Missouri, we are now working through some colloquies. Some are a little bit more chatty and we have not had a chance to review them all. We will be prepared tomorrow to present them to the Senate.

Mr. President, I say to my colleague from Missouri, we have concluded our actions for today.

MORNING BUSINESS

Mr. BOND. Mr. President, I ask unanimous consent that the Senate proceed to a period for morning business, with Senators permitted to speak for up to 10 minutes each.

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

THE COMPREHENSIVE TEST BAN TREATY

Mr. DASCHLE. Mr. President, two years ago today, on September 23, 1997, the Comprehensive Nuclear Test Ban Treaty was read for the first time and referred to the Senate Foreign Relations Committee. Unfortunately, instead of coming to the Senate floor to commend the Senate for ratifying the CTBT or for taking steps toward that end, I must come to point out the Senate has done absolutely nothing on CTBT. Not a hearing, not a vote. And I must confess up front, I do this with a sense of confusion, disappointment, and profound regret over the Republican majority's inaction on this important treaty since its submission to the Senate.

The Republican majority's unwillingness to permit the Senate to take even a single step forward on a treaty to ban all nuclear testing has me and many observers confused for a variety of reasons. First, the Comprehensive Test Ban Treaty has been enthusiastically and unequivocally endorsed by our senior military leaders, both current and former. In testimony before the Senate Armed Services Committee, General Hugh Shelton, Chairman of the Joint Chiefs of Staff, stated ''the Joint Chiefs of Staff support ratification of this treaty.'' The current chairman and fellow service chiefs are not alone in their support for CTBT. In fact, the four previous occupants of the chairman's seat have endorsed this treaty. Former Chairmen General John Shalikashvili, General Colin Powell, Admiral William Crowe, and General David Jones issued a statement on the treaty and the additional safeguards proposed by the President. Their statement concluded ''with these safeguards, we support Senate approval of the CTB treaty.''

Second, several Presidents, both Republican and Democratic, have supported a comprehensive ban on nuclear testing. In fact, Presidents as far back as President Eisenhower have worked to make this prohibition a reality. On May 29, 1961, President Eisenhower said the failure to achieve a test ban ''would have to be classed as the greatest disappointment of any administration, of any decade, of any party.'' Similar statements have been made by Presidents in every subsequent decade. And if this Congress fails to act, Presidents in the next millennium unfortunately will be uttering comparable remarks.

Third, the overwhelming majority of the American people, approximately 82 percent, have indicated they endorse immediate Senate approval of the Comprehensive Test Ban Treaty. Although opponents of the treaty argue support is limited to just Democrats or liberals, opinion polls point to a different conclusion. CTBT support spans the entire political spectrum. For example, among those who identify themselves as Republicans, 80 percent support the treaty and 79 percent of those who characterize themselves as ''conservative Republicans'' believe the Senate should ratify the CTBT. As far as geographic limitations, the polls show CTBT support knows no boundaries. From coast to coast and all points in between, the vast majority of Americans support this treaty. Let me provide the Senate with a few examples that back up this statement. In Tennessee, 78 percent support the treaty. In Kansas, 79 percent. In Washington, 82 percent. In Oregon, 83 percent. The story is similar in every other state in the Union.

With these facts as a backdrop, I think it is easy to understand why I and many others are confused that, in the two years since the President submitted the CTBT treaty, the Republicans have chosen to do nothing. CTBT is vigorously endorsed by our most senior military leaders, past and present. Senate Republicans are unmoved. Republican and Democratic Presidents since Eisenhower have strongly backed the CTBT. Yet, Senate Republicans choose to do nothing. Finally, over 80 percent of our constituents, from all parts of the political spectrum and all regions of the country, have asked us to ratify the CTBT.

And the response of Senate Republicans? Not a hearing, not a vote. Nothing but silence and inaction.

I mentioned at the outset that I am also disappointed by the course Senate Republicans have pursued. The reason for my disappointment is that Senate Republicans have permitted a small number of members from within their ranks to manipulate Senate rules and procedures to prevent the Senate from acting on the CTBT. I recognize these few members are well within their rights as Senators to use the rules in this manner. Under Senate rules, a small group can thwart or delay action on even the most vital pieces of legislation. This has been proven time and again since the Senate's founding. In more recent times, we have seen the same handful of Senators on the far right of the political spectrum repeatedly resort to these tactics to prevent the Senate from acting expeditiously on arms control treaties.

However, in many of these previous instances, a number of Republicans eventually decided to call an end to the political gamesmanship of their more conservative colleagues. They decided that this nation's national interests superseded the political interests of a few Senators at the far end of the political spectrum. They decided that the full Senate should be allowed to work its will on matters of national security. In short, they decided that politics stopped at the water's edge. I am disappointed that in this particular instance, two years have elapsed and I see no such movement within the Republican caucus. Two years is too long. I would hope we would soon see some leadership on the Republican side of the aisle to break the current impasse and allow the full Senate to act on the CTBT.

Finally, I also indicated I deeply regret the Senate's failure to act. While waiting for the United States Senate to ratify the CTBT, we have seen nearly 40 other nations do so. We have witnessed two additional countries test nuclear weapons while the intelligence community tells us several others continue developing such weapons. And in a few short weeks, we will observe the nations that have ratified the treaty convene a conference to discuss how to facilitate the treaty's entry into force—a conference that limits participation only to those nations that have ratified the treaty. If the United States is to play a leadership role on nuclear testing, convince others to forgo nuclear testing, and actively participate in efforts to implement the treaty, the United States Senate must exercise some leadership itself and give the CTBT a fair hearing and a vote. That effort must begin today.

RISK MANAGEMENT FOR THE 21ST CENTURY ACT

Mr. INHOFE. Mr. President, we have all spent considerable time during the past few years analyzing the problems in agriculture and making predictions about the future. Some of these problems can be traced back to various sources such as an intrusive Federal Government, drought and instability in foreign markets. As markets closed due to the financial instability, the Asian economic crisis spread, supply increased and farmers had no place to sell overseas. As a result, commodity prices across the board have been well under costs of production. We have all heard from producers in our states, and the message we hear is that our farmers are needing help.

Before the August recess, the Senate passed a $7.2 billion emergency spending package designed to help offset some of the losses in recent years. Those in the Senate who represent Ag states realize we cannot pass emergency spending bills every time the Ag economy takes a nose dive. This is not fiscally responsible and is not sound public policy. Our farmers deserve better and the representatives in the Congress must look for ways to ensure the people in rural America reap the benefits of the economic prosperity we are experiencing.

Over the August recess, I held many town hall meetings across the state of Oklahoma. In one meeting in the small farming community of Boise City, I had an audience of six farmers. For over an hour, I was able to talk to the folks who had seen the face of agriculture go through substantial changes over the past 10 years. I was able to hear these farmers voice their concerns about what was working, what wasn't and what could be improved.

What really impressed me Mr. President, was the fact that these producers believed Freedom to Farm was the right thing to do for agriculture. They liked having the freedom to plant what they wanted, the freedom to experiment and try something new without government interference. One of the farmers, Mr. Ron Overstreet, decided to try a couple of new things. In an area we would not normally think of as dairy country or an area for growing grapes, Ron and some of his partners have opened a dairy operation, as well as starting a vineyard. As I heard during the meeting, ''If I am not willing to experiment and try something new, I am in the wrong business.'' I was pleased these farmers did not want to turn their backs on Freedom to Farm but rather work to improve and refine some of the provisions of the program.

At the end of August, Congressman FRANK LUCAS, who represents all of Western Oklahoma, and I held an Agriculture Summit in which we invited individuals representing different commodity groups, Ag lending companies, farm & ranch organizations, as well as Ag economists to discuss solutions to the sustained downturn in the agriculture economy. Many saw several positive changes which could be made to Freedom to Farm, with very few advocating getting rid of the existing farm program. As several of the representatives at the Ag summit suggested, the Federal Government must be more aggressive in opening and competing in foreign markets. We must make opening and penetrating foreign markets a top priority of our Nation's Ag policy. Nearly ⅓ of all U.S. crops are grown for the export market. In 1996, farm exports reached nearly $61 billion, with nearly 46% of that total going to Asian markets. Due to the economic turmoil, exports to Asia are now less than 39%. While economies in Asia are recovering, relief for our farmers cannot come soon enough. This Administration has been lax in it's fundamental duty to aggressively pursue foreign markets for American farmers. To do this, we must change attitudes. When the U.S. uses food as a diplomatic weapon with presidential embargoes, it deprives farmers of the freedom to sell their products. These unilateral sanctions hurt only a small percentage of America's populations. Unfortunately, that group is our farmers. But a simple reform introduced by Senator ASHCROFT, myself and others would work to change this.

As part of the Agricultural appropriations for FY 2000, the Senate adopted the Food and Medicine for the World Act. Under this amendment, all current food and medicine embargoes would be re-evaluated by the Administration and Congress and future embargoes could be imposed only if Congress agrees in advance. It would also lift restrictions on farmers using U.S. Department of Agriculture credit guarantees to get their goods to foreign buyers, as well as requiring the President to obtain Congressional approval before the U.S. implements any trade sanctions on food and medicine. I think this is a positive step towards reforming our policies on sanctions.

With all that said Mr. President, I would like to address the reason I came down here today, which is to announce my support for and original cosponsorship of Senator ROBERTS' bill, The Risk Management for the 21st Century Act.

At the Ag Summit I held, one item many people thought could be improved was crop insurance. Witness after witness testified the current crop insurance program is inadequate and suffers from lack of affordability, inadequacy in multiple years of disaster, inequality in rating structure, and lack of sufficient specialty crop policies. I believe Joe Mayer, Vice-President of the Oklahoma Farm Bureau, stated it best when he noted, ''. . . the cost of insurance balanced against the guaranteed revenues do not make the purchase of crop insurance a sound business practice in many parts of the country.'' In the Ag summit, producers also had several suggestions of how to improve the current system. These reforms are very simple. First and foremost, there must be greater levels of coverage at affordable prices to all producers. Second, there must be expanded availability of revenue-based insurance products. Third, the program must address the needs of producers suffering

multiple crop failures. Given the present state of agriculture, many within the Ag community believe reforming the crop insurance program is the best ways to provide immediate relief for farmers across the country.

Since the introduction of this bill, I have heard from producers and insurance agents across the state of Oklahoma who have been extremely pleased with the provisions of Senator ROBERTS' bill. I believe first and foremost one of the best provisions of this bill is the premium write-downs. Under this legislation, the current subsidy structure is inverted. By doing this we encourage participation at higher levels of coverage. By encouraging participation in the crop insurance program, we strengthen the safety net for America's farmers. While this is a very simple provision, I think this is one of the best provisions in the bill and one of the easiest ways to improve the current state of agriculture.

The Risk management for the 21st Century Act contains provisions which establishes an Average Production history credit program. This addresses the needs of those farmers who lack production histories because they are just beginning or have recently added land. A related provision which helps many of the farmers in Oklahoma is the multi-year disaster Average Production History adjustment for producers who have suffered a disaster during at least three of the preceding five years. This is especially important to our producers in the Southwest who have suffered through several years of drought conditions.

I am also pleased by the Noninsured Assistance program. Under this program, producers are allowed to plant different varieties of a crop and still be considered a single crop. As I heard from the farmers in Boise City, as well as the Ag summit, this is what they wanted—greater freedom and the opportunity to try new things. I am also pleased by the provisions dealing with restructuring the Board of Directors for the Federal Crop Insurance Commission. It is my hope we can fill this Board with producers who are farming on a daily basis and know the crop insurance system.

Mr. President, Danny Geis, President of the Oklahoma Wheat Growers Association, noted at the Ag summit, ''Policy set forth from now to the end of the current farm bill must culminate in the development of a program that will provide a realistically solid financial floor that will insure stability, and will encourage the opportunistic free enterprise system that makes U.S. agriculture strong.'' I am proud to be a cosponsor of the Risk Management for the 21st Century Act as I believe it helps achieve this important goal. It helps producers obtain better coverage at a lower cost, creates a flexible policy that better meets their needs, and it encourages development of policies that ensure against market losses. This plan strengthens the farm safety net by improving farm and risk management by providing a good step for long-term policy improvements for producers. By making the permanent improvements to crop insurance, we will ensure that farmers and ranchers will have powerful management tools for years to come. Once again, Senator ROBERTS is providing a tremendous voice for farmers across the country and I look forward to working with him to ensure passage of this important legislation.

THE CLOSURE OF NSWC-ANNAPOLIS

Mr. SARBANES. Mr. President, today I want to speak about the end of an era for the David Taylor Research Center, and the beginning of a promising future for this facility and many of its workers. On September 25, 1999, the Navy will formally close the Naval Surface Warfare Center, Carderock Division's Annapolis Site, more commonly known as the David Taylor Research Center (DTRC). While the Navy marks the occasion of its departure from this successful and accomplished lab, we must not dwell solely on its past. On this occasion we should also recognize the help and cooperation of Anne Arundel County, the Navy, and relevant businesses in developing a reuse strategy that will enable the lab to continue conducting important maritime research into the 21st century.

The Navy has a right to be very proud of the legacy of this lab. I want to touch on a few of its most important contributions throughout our maritime history. From its inception in 1903 by Rear Admiral George Melville, it has served a crucial role in the development of our modern Navy.

First established as the US Naval Engineering Experiment Station (EES), it served to fill the need for the testing of Naval equipment and the development of Fleet standards for Naval machinery. During WWI, the EES assisted the Navy with the procurement of naval machinery, crafting guidelines for optimum fuel usage, developing metal corrosion deterrents, and pioneering the first use of sonar. Before its expansion during WWII, the lab's research on sound led to the development of the first sonic depth and range finders.

In 1941, Dr. Robert Goddard established a Bureau of Aeronautics at the facility which led to the expansion of five additional Naval Laboratories on the site during WWII. The newly expanded Annapolis lab served to make many critical contributions to WWII Naval Fleet development, ranging from high capacity water stills for submarine use to improvements in Marine Corps landing craft.

By 1963, the facility had evolved into one of the Navy's premiere research and development centers, and was renamed the U.S. Marine Engineering Laboratory. During the Vietnam war, the lab provided support to our forces from 1966 until the end of the war. During that time, its projects included boat quieting systems, engine cooling, bunker busting, aluminum boat corrosion abatement, and the development of ferro-cement boats.

During the late 1970s, the work of the Annapolis lab was concentrated into two technical departments, Propulsion and Auxiliary Systems, and Materials Engineering. The lab's contributions to today's Navy range from cutting edge superconducting electrical machinery to patented approaches to isolating and silencing machinery on every submarine class.

In addition to these and other truly remarkable accomplishments, the Naval Surface Warfare Center, Carderock Division's Annapolis Site has served as the technical training ground for thousands of scientists, machinists, technicians, engineers, and other related lines of employment. It is through their innovation, expertise, and hard work that this facility has been such a critical proving ground for the Navy, and I am proud to say that because of our redevelopment strides, many of these experts will continue their excellent work for the Navy and other customers in Anne Arundel County.

As many of these employees will recall, I fought very hard in 1993 when the Navy recommended that this site be shut down. And I fought again in 1995 when the BRAC Commission made the final decision to close the Annapolis Center. I continue to believe that the decision was unwise, unjustified and failed to take into account the critical capabilities of the highly skilled and experienced team of scientists and engineers who have contributed so much to the Navy over the years.

After the Navy's decision, many of these dedicated scientists and researchers could have walked away and gone to Philadelphia or found jobs elsewhere. However, through reuse ventures such as those of VECTOR Research these individuals have made the best of the situation and worked to convert this unique facility into a maritime R&D park. As these businesses continue to expand their marine customer base, we can envision the park as a focal point for maritime high technology into the next millennium. In fact, this month has seen a major milestone in the site reuse process. As some of you know, DTRC houses a Deep Ocean Simulation Facility which is world class in nature, and is uniquely designed and equipped to evaluate commercial and military machinery targeted for deep ocean environments. I am delighted to say that on September 15th, operation of this complex was officially transferred from the Navy to a private firm. As a result of efforts such as this one, the Navy will also continue to benefit, since a large fraction of this reservoir of essential capability might otherwise have been dispersed or lost. Anne Arundel County's decision to take this approach for reuse and its coordinated and innovative strategy in

this regard, should serve as an example for the nation.

With the spirit of cooperation, and innovative reutilization reflected in this effort, I have no doubt that the DTRC will continue to contribute not only to the maritime high technology sector of Anne Arundel County and the State of Maryland, but also to our nation's technological advancement into the 21st Century.

SHOOTING DOWN THE BANKRUPTCY LOOPHOLE

Mr. LEVIN. Mr. President, I am very disappointed that the Senate majority leader brought up the bankruptcy reform bill and then immediately filed for cloture on the bill. If this week's cloture motion had passed, debate would have been blocked and relevant amendments designed to reform the bankruptcy system would have been prohibited from being offered.

I was planning to offer an amendment that would have prevented one abuse of the bankruptcy system. My amendment was very straightforward. It would have prohibited manufacturers, distributors and dealers of firearms from discharging debts which are firearm related incurred as a result of judgments against them based on fraud, recklessness, misrepresentation, nuisance, negligence, or product liability.

Currently, under the Bankruptcy Code, such persons and companies are able to evade responsibility and ''take advantage of the system.'' That's what Lorcin Engineering Co., a manufacturer of cheap handguns, told Firearms Business it was doing when it filed for Chapter 11 bankruptcy protection in 1996. At the time, Lorcin was one of the chief manufacturers of ''Saturday Night Specials'' or ''junk guns'' and in 1998, their inexpensive semiautomatic pistol was number two on the list of guns traced to crime scenes by ATF. Lorcin's low quality guns, which caused innumerable deaths because of their cheap construction and easy availability, were the basis of more than two dozen product liability lawsuits. Once Lorcin decided they could not defend their practices against the multiple liability claims filed against them, they decided to protect themselves by using the bankruptcy system to settle these lawsuits for pennies on the dollar and be exempted from an additional lawsuit filed by the city of New Orleans.

Lorcin was able to evade judgments by filing for bankruptcy, and other manufacturers are lining up in bankruptcy court to follow their lead. Davis Industries, another manufacturer of Saturday Night Specials, has also sought refuge in bankruptcy court, perhaps hoping to dismiss the wrongful-death and personal injury suits filed against them by individuals and the multiple lawsuits filed against them by local governments.

Currently, there are eighteen categories of debt that are nondischargeable under the Bankruptcy Code. The Code makes certain debts nondischargeable when there is an overriding public purpose. One specific example is the nondischargeability of debt incurred by a debtor's operation of a motor vehicle while legally intoxicated. This addition to the Bankruptcy Code demonstrates Congress' unwillingness to allow debtors to escape debts created by illegal and improper conduct. Debts for death or personal injury resulting from unsafe firearms and their negligent distribution should also be nondischargeable under the Bankruptcy Code. Like debts incurred by drunk driving, Congress must send a message that it will not permit debtors to escape debts incurred by improper conduct.

I urge the Senate to begin a reasonable debate on bankruptcy reform that truly address the abuses of the system. I ask unanimous consent to have printed in the RECORD, an article from the New York Times, showing the link between some gun manufacturers and the abuse of the bankruptcy system.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, June 24, 1999]

LAWSUITS LEAD GUN MAKER TO FILE FOR BANKRUPTCY

(By Fox Butterfield)

In the first sign of the impact of the growing number of municipal lawsuits against the gun industry, a well-known manufacturer of handguns has filed for bankruptcy protection, raising concern among city officials across the country that other firearms companies may also use bankruptcy to try to avoid the suits.

The bankruptcy filer, Davis Industries, one of a group of companies in suburban Los Angeles that are controlled by a single family and its friends, produces Saturday night specials, cheap handguns favored by criminals. Davis is one of the 10 largest makers of handguns, and studies have found that its products tend to be characterized by a short ''time to crime''—that is, a remarkably brief period between sale and the point at which they show up as weapons used in criminal acts.

In another indication of the pressure created by the municipal lawsuits, Bob Delfay, president of the gun industry's largest trade association, says he plans to propose an unusual conference with senior law-enforcement officials, representatives of the National Rifle Association and executives of gun companies to discuss how the industry and government might curb trafficking by people who buy firearms on behalf of criminals and juveniles.

It is unclear precisely what measures Mr. Delfay, of the National Shooting Sports Foundation, has in mind to stop these so-called straw purchases. But any proposals by the gun companies for greater government regulation or industry self-policing of sales and marketing practices would be a substantial departure from the manufacturers' insistence that they are already sufficiently regulated by thousands of laws.

Only last week, Mr. Delfay's group took over a more conciliatory gun-industry organization, the American Shooting Sports Council, which had been trying to open negotiations with lawyers for some of the cities suing the firearms makers. In an interview, Mr. Delfay insisted that his idea for a conference was not intended to open the way for a settlement.

So far, 22 counties and cities, including Chicago, Los Angeles and Detroit, have sued the gun makers, accusing them of failing to include enough safety devices or negligently marketing their guns in ways that enable criminals and juveniles to buy them. The suits seek damages for extra police and hospital costs resulting from gun violence, but more important, city officials say, they want to force the gun companies to accept greater regulation of the way they design, manufacture and distribute their products.

More cities are expected to file suit soon, and lawyers familiar with the issue say New York is close to becoming the first state to bring such a suit. ''If New York comes into this, and there are more suits, at some point soon a critical mass will be reached where the costs alone of defending these suits are going to eat up the gun companies,'' said John Coale, a lawyer in Washington who is representing New Orleans and several other cities that have sued.

Mr. Coale, one of the Castano Group of lawyers who were active in suing the tobacco industry—the group is named for a friend of several of them who died of a tobacco-related disease—estimated that the cigarette companies had spent $600 million a year defending themselves against the states. ''The gun companies simply can't afford it,'' he said, since they are so much smaller and sales of guns have been flat or declining for a decade.

''So if you get too many cities and states suing,'' Mr. Coale said, ''the manufacturers will go into bankruptcy protection. And the day that happens, the suits stop and it is lose-lose for everybody.''

Davis Industries, of Chino, Calif., filed for bankruptcy reorganization in the Federal bankruptcy court in nearby Riverside on May 27, said Alan Stomel, a lawyer who represented creditors in the unrelated 1996 bankruptcy of Lorcin Engineering, another of the gun makers controlled by the same owners as Davis Industries and known as the Ring of Fire companies (because their locations form a ring around Los Angeles).

''Bankruptcy is a very useful negotiating tool,'' Mr. Stomel said, ''and predictably the more suits that are filed, the more these gun companies are going to file for bankruptcy.''

A spokesman for Davis Industries, who declined to give his name, confirmed that the company had filed for bankruptcy. ''We do what we got to do'' in response to the suits, the spokesman said. ''I'm sure other companies will do the same thing.''

Mr. Stomel said Davis Industries faced several problems: the municipal lawsuits, wrongful-death and personal-injury suits by individuals, a messy argument between the two owners, Jim and Gail Davis, who were recently divorced, and a bill that is expected to pass the California Legislature that would bar the manufacture of cheap handguns.

A lawyer for one of the cities suing the gun makers said bankruptcy ''is going to be a huge pain'' because it will require much more time and expense for the cities, limit the amount of damages they may collect and, perhaps most important, put the litigation in Federal bankruptcy court. Bankruptcy judges, the lawyer said, are more likely to act favorably to the gun companies than urban juries in state courts.

But Paul Januzzo, general counsel for Glock Inc., one of the largest handgun makers, said it was unlikely that the older, more established, mostly Eastern firearms companies would turn to bankruptcy.

''We are confident we can win the suits, if we have a number of companies litigating together,'' Mr. Januzzo said.

Lawsuits, he added, are nothing new to the industry. ''It would be an unusual gun company that doesn't have a dozen lawsuits a year against it,'' he said. ''This is America.''

NAOMI REICE BUCHWALD, OF NEW YORK, TO BE UNITED STATES DISTRICT COURT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK

Mr. MOYNIHAN. Mr. President, I rise to thank the Senate for its good judgment in confirming Judge Naomi Buchwald for Appointment to the United States District Court for the Southern District of New York.

After working in private practice and in the United States Attorney's Office for the Southern District of New York, Judge Buchwald became a Magistrate Judge in the Southern District. She has served with distinction in that position for nearly two decades. Her extensive experience in the court's rules and procedures will make her a splendid United States District Court Judge in the Southern District.

I thank the distinguished Chairman of the Judiciary Committee, Senator HATCH, and the distinguished Ranking Member, Senator LEAHY; I also thank our leaders, Mr. LOTT and Mr. DASCHLE, and my colleague, Senator SCHUMER. Judge Buchwald's confirmation is a fine result for the State of New York and for the judiciary.

DAVID NORMAN HURD, OF NEW YORK, TO BE UNITED STATES DISTRICT COURT JUDGE FOR THE NORTHERN DISTRICT OF NEW YORK

Mr. MOYNIHAN. Mr. President, I rise to thank the Senate for its fine judgment in confirming Judge David Hurd for Appointment to the United States District Court for the Northern District of New York. I thank Senator HATCH, Chairman of the Judiciary Committee, Senator LEAHY, the Ranking Member; I also thank Mr. LOTT, Mr. DASCHLE, and my colleague from New York, Senator SCHUMER. This is a great result for New York and for the judiciary.

A veteran and skilled private practitioner, who tried both civil and criminal cases for more than twenty-five years, Judge Hurd became a Magistrate Judge for the Northern District of New York in 1991. He has served with distinction for the past eight years in that position. His experience on the bench and in private practice before that has provided him with a complete familiarity with the practices and rules of the Northern District.

Judge Hurd will be a superb United States District Court Judge for the Northern District of New York.

THE ''LAKE PONCHARTRAIN BASIN RESTORATION ACT OF 1999''

Mr. BREAUX. Mr. President, I am pleased to cosponsor with my colleague from Louisiana, Senator Mary LANDRIEU, the ''Lake Ponchartrain Basin Restoration Act of 1999,'' S. 1621. Our goal for this bill is clear and straightforward: to help with the ongoing restoration of the Lake Ponchartrain Basin.

As one of the largest estuarine systems in the nation and the largest one on the Gulf Coast, restoration of the basin merits federal assistance.

Pollution problems accumulated in the basin for years. The clean up of the watershed has been under way for about a decade, but more work remains to be done.

Spearheading the current restoration has been the Lake Ponchartrain Basin Foundation, created by the Louisiana Legislature in 1989. Since then, the Foundation has implemented 38 water quality, habitat and education programs and projects.

Coordination and cooperation have been hallmarks of the basin restoration initiative. The State of Louisiana, local governments and officials, citizens, businesses, universities and federal agencies all have contributed to it.

Three key basin-area institutions have allied themselves and have entered into a Memorandum of Understanding to help facilitate the basin's restoration.

These organizations include the Lake Ponchartrain Basin Foundation; the Regional Planning Commission, consisting of Orleans, Jefferson, Plaquemines, St. Bernard and St. Tammany Parishes; and the University of New Orleans.

The legislative initiative which Senator LANDRIEU and I have undertaken has been assembled through these organizations' leadership.

Is the basin better off today than it has been for many years? Are there obvious signs of improvement? Has the grassroots campaign of the past 10 years been successful?

In 1995, pelicans were spotted again and their numbers are on the increase. In 1998, a sea turtle appeared, as well as two manatees. Now there are four manatees. This year, dolphins have been seen for the first time in 40 years.

The pelicans, manatees, dolphins and a sea turtle confirm that the hard work and commitment of citizens, the state and the local governments have improved the basin. With these successes in hand, it is vital to the basin's 5,000 square-mile ecosystem that the restoration work continue as vigorously as it has to this point.

The bill which Senator LANDRIEU and I have introduced would authorize a federal Lake Ponchartrain Basin Restoration Program, to be housed at the Environmental Protection Agency. A key component of the bill would be the authorization of federal funds for the restoration program. As important, the bill would direct the Federal Government to coordinate the restoration with the State and local agencies and organizations.

To carry out the Federal restoration program, the EPA would be directed to establish the Lake Ponchartrain Executive Council. Council members would include the EPA, the State of Louisiana, the Regional Planning Commission, the University of New Orleans, and the Lake Ponchartrain Basin Foundation.

The EPA, in cooperation with other Federal agencies, the State and local authorities, would assist the Council with the preparation of a comprehensive, multi-use watershed management plan to restore and protect the basin.

Federal grant funds and technical assistance would be available through the EPA. Certain planning, research, monitoring and voluntary restoration projects would be eligible for funding. In accordance with the management plan, the voluntary restoration projects would address various waste, runoff, discharge and water quality problems to improve the basin's watershed.

Also to be authorized for continued priority funding would be the New Orleans Inflow and Infiltration Project.

Lake Ponchartrain, the basin's namesake, is located in its midst. The lake plays a vital environmental, economic and quality of life role for the 1.5 million people who live around it in 16 Louisiana parishes. A 630 square-mile body of water, the lake is a major beneficiary of the basin's restoration.

Other beneficiaries of the restoration program would be the many species of fish, birds, mammals, reptiles and plants which are found in the basin.

Federal assistance should be provided for a watershed program of this size and impact to assist with the cost of the voluntary restoration projects as well as planning, research, and monitoring projects.

I commend all those who have organized and implemented the current basin restoration program over the past decade. They have given so much of their time, energy and support to make the basin environmentally healthier today than it has been for many years. All of them deserve the highest tribute and recognition.

It is my privilege and honor to serve on behalf of citizens who recognize a serious problem and work cooperatively to solve it and also to introduce legislation which would help them continue such a major undertaking.

For these reasons, I have joined with Senator LANDRIEU in cosponsoring the ''Lake Ponchartrain Basin Restoration Act of 1999.'' I urge the Senate's prompt consideration of the bill and look forward to working with other Senators on behalf of its passage.

I thank the Chair.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, September 22, 1999, the Federal debt stood at $5,636,049,287,069.79 (Five trillion, six hundred thirty-six billion, forty-nine million, two hundred eighty-seven thousand, sixty-nine dollars and seventy-nine cents).

One year ago, September 22, 1998, the Federal debt stood at $5,515,819,000,000 (Five trillion, five hundred fifteen billion, eight hundred nineteen million).

Five years ago, September 22, 1994, the Federal debt stood at $4,666,417,000,000 (Four trillion, six hundred sixty-six billion, four hundred seventeen million).

Ten years ago, September 22, 1989, the Federal debt stood at $2,844,377,000,000 (Two trillion, eight hundred forty-four billion, three hundred seventy-seven million) which reflects a doubling of the debt—an increase of almost $3 trillion—$2,791,672,287,069.79 (Two trillion, seven hundred ninety-one billion, six hundred seventy-two million, two hundred eighty-seven thousand, sixty-nine dollars and seventy-nine cents) during the past 10 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT—PM 59

The Presiding Officer laid before the Senate the following message from the President of the United Sates, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa-9(c), I transmit herewith a 6-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12957 of March 15, 1995.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 23, 1999.*

REPORT ON THE NATIONAL MONEY LAUNDERING STRATEGY FOR 1999—MESSAGE FROM THE PRESIDENT—PM 60

The Presiding Officer laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

As required by the provisions of section 2(a) of Public Law 105–310 (18 U.S.C. 5341(a)(2)), I transmit herewith the National Money Laundering Strategy for 1999.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 23, 1999.*

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on September 23, 1999, he had presented to the President of the United States, the following enrolled bill:

S. 1059. An act 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 strength for such fiscal year for the Armed forces, 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–5303. A communication from the Public Relations Assistant, Panama Canal Commission, transmitting, pursuant to law, the annual report for fiscal year 1998; to the Committee on Governmental Affairs.

EC–5304. A communication from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule relative to administrative changes to the NASA Federal Acquisition Regulation Supplement, received September 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5305. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (121); Amdt. No. 1949 {9–14/9–16}'' (RIN2120–AA65) (1999–0045), received September 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5306. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (65); Amdt. No. 1949 {9–11/9–13}'' (RIN2120–AA65) (1999–0044), received September 13, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5307. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments; Amdt. No. 1946 (61)'' (RIN2120–AA65) (1999–0042), received September 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5308. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments; Amdt. No. 1946 (34)'' (RIN2120–AA65) (1999–0043), received September 13, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5309. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airspace Designations; Incorporation by Reference-Docket No. 29334'' (RIN2120–ZZ05) (1999–0001), received September 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5310. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airport Name Change and Revisions of Legal Description of Class D, Class E2, and Class E4 Airspace Areas; Barbers Point NAS, HI; Correction and Delay of Effective Date; Docket No. 99–AWP–11 (9–14/9–16)'' (RIN2120–AA66) (1999–0310), received September 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5311. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Removal of Class E Airspace; Arlington, TX; Correction; Docket No. 99–ASO–16 (9–15/9–16)'' (RIN2120–AA66) (1999–0311), received September 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5312. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Kansas City, MO; Docket No. 99–ACE–34 (9–13/9–13)'' (RIN2120–AA66) (1999–0306), received September 13, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5313. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Bryan, OH; Docket No. 99–AGL–38 (9–14/9–16)'' (RIN2120–AA66) (1999–0308), received September 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5314. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Escanaba, MI; Correction: Docket No. 99–AGL–34 (9–14/9–16)'' (RIN2120–AA66) (1999–0307), received September 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5315. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Sheridan, IN; Correction: Docket No. 99–AGL–31 (9–17/9–20)'' (RIN2120–AA66) (1999–0312), received September 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5316. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of the Orlando Class E Airspace Area, Orlando, FL; and Modification of the Orlando Sanford Airport Class D Airspace Area, Sanford, FL; Correction: Docket No. 99–AWA–4 (8–25/9–13)'' (RIN2120–AA66) (1999–0303), received September 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5317. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; North Platte, NE; Direct Final Rule; Confirmation of Effective Date; Docket No. 99-ACE-33 (9-16/9-20)'' (RIN2120-AA66) (1999-0313), received September 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5318. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Lawrence, KS; Direct Final Rule; Confirmation of Effective Date; Docket No. 99-ACE-35'' (RIN2120-AA66) (1999-0314), received September 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5319. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Winfield/Arkansas City, KS; Direct Final Rule; Request for Comments; Docket No. 99-ACE-44'' (RIN2120-AA66) (1999-0309), received September 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5320. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Sikeston, MO; Direct Final Rule; Request for Comments; Docket No. 99-ACE-43'' (RIN2120-AA66) (1999-0305), received September 13, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5321. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Malden, MO; Direct Final Rule; Request for Comments; Docket No. 99-ACE-42 (9-13/9-13)'' (RIN2120-AA66) (1999-03045), received September 13, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5322. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model 340 Series Airplanes; Request for Comments; Docket No. 99-NM-159 (9-15/9-16)'' (RIN2120-AA64) (1999-0347), received September 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5323. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A300 and A300-600 Series Airplanes; Docket No. 989-NM-249 (9-15/9-16)'' (RIN2120-AA64) (1999-0346), received September 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5324. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model 340 Series Airplanes; Request for Comments; Docket No. 99–NM–175 (9–20/9–20)'' (RIN2120–AA64) (1999–0350), received September 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5325. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 737–100, –200, –300, –400, and –500 Series Airplanes; Docket No. 98–NM–251 (9–15/9–16)'' (RIN2120–AA64) (1999–0349), received September 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5326. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 767 Series Airplanes; Docket No. 98–NM–278 (9–13/9–16)'' (RIN2120–AA64) (1999–0345), received September 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5327. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Empressa Brasileira de Aeronatica SA Model EMB–120T and –120ER Series Airplanes; Docket No. 98–NM–263 (9–15/9–16)'' (RIN2120–AA64) (1999–0343), received September 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5328. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Dassault Model Mystere-Falcon 900, Falcon 900EX, and Falcon 2000 Series Airplanes; Docket No. 00–NM–11 (9–15/9–16)'' (RIN2120–AA64) (1999–0344), received September 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5329. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Saab Model SAAB SF340A and SAAB 340B Series Airplanes; Docket No. 98–NM–220 (9–15/9–16)'' (RIN2120–AA64) (1999–0342), received September 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5330. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pilatus Aircraft Ltd. dels PC–12 and PC–13/45 Airplanes; Docket No. 98–CE–119 (9–17/9–20)'' (RIN2120–AA64) (1999–0352), received September 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5331. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Sikorsky Aircraft Corp. Model S76A, B, and C Helicopters; Request for Comments; Docket No. 99–SW–44 (9–17/9–20)'' (RIN2120–AA64) (1999–0351), received September 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5332. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; LET Aeronautical Works Model L–13 ''Blanik'' Sailplanes; Docket No. 99–CE–16 (9–17/9–20)'' (RIN2120–AA64) (1999–0353), received September 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5333. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Teledyne Continental Motors Series Reciprocating Engines; Request for Comments; Docket No. 99–NE–28 (9–15/9–16)'' (RIN2120–AA64) (1999–0348), received September 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5334. A communication from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Materials: Limited Extension of Requirements for Labeling Materials Poisonous by Inhalation'' (RIN2137–AD37), received September 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5335. 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 (Elgin, OR)'' (MM Docket No. 99–155, RM–9606), received September 17, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5336. 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 (Hamilton City, CA; Lost Hills, CA; Maricopa, CA; Golden Meadow, LA)'' (MM Docket No. 99–182, RM–9585, MM Docket No. 99–184, RM–9587, MM Docket No. 99–185, RM–9588, MM Docket No. 99–189, RM–9592), received September 17, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5337. 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 (Dove Creek, CO; Hazelton, ID; Flagstaff, AZ; Kootenai, HI)'' (MM Docket No. 99–203, RM–9621, MM Docket No. 99–205, RM–9624, MM Docket No. 99–210, RM–9629, MM Docket No. 99–213, RM–9641), received September 17, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5338. 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 (Oceanside, CA; Encinitas, CA)'' (MM Docket No. 99–170, RM–9545), received September 17, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5339. 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 (Berlin, NH; North Conway, NH)'' (MM Docket No. 99–216, RM–9153), received September 17, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5340. A communication from the Assistant Administrator for Fisheries, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Magnuson-Stevens Fishery Conservation and Management Act; Amendment of Foreign Fishing Regulations; OMB Control Numbers'' (RIN0648–AJ70), received September 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5341. 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; Pollock in Statistical Area 610 of the Gulf of Alaska'', received September 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5342. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Closure for Pacific Ocean Perch in the West Yakutat District of the Gulf of Alaska'', received September 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5343. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Closure for Trawl Deep-Water Species in the Gulf of Alaska'', received September 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5344. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species Fisheries; Large Coastal (LCS) Shark Species; Commercial Fishery Closure Change'' (I.D. 052499C), received September 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5345. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species Fisheries; Large Coastal (LCS) Shark Species; Fishing Season Notification'' (I.D. 052499C), received September 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5346. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species (HMS) Fisheries; Vessel Monitoring Systems'' (RIN0648–AJ67) (I.D. 071698B), received September 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5347. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna; Inseason Quota Adjustment'' (I.D. 080999K), received September 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5348. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna; Adjustment of Angling Category Daily Retention Limit'' (I.D. 082399A), received September 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5349. A communication from the Acting Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Drawbridge Operation Regulations (CGD01–99–162)'' (RIN2115–AE47) (1999–0044), received September 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5350. A communication from the Acting Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Regatta Regulations; SLR; Neuse River Bridge Dedication Fireworks Display, Neuse River, New Bern, NC (CGD05–99–079)'' (RIN2115–AE46) (1999–0037), received September 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5351. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Upper Mississippi River, Iowa and Illinois (CGD08–99–056)'' (RIN2115–AE47) (1999–0043), received September 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5352. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Regatta Regulations; SLR; Biscayne Bay, Miami, FL (CGD07–99–063)'' (RIN2115–AE46) (1999–0036), received September 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5353. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Regatta Regulations; SLR; Chincoteague Power Boat Regatta, Assateague Channel, Chincoteague, VA (CGD05–99–076)'' (RIN2115–AE46) (1999–0035), received September 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5354. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Movie Production, Gloucester, MA (CGD01–99–161)'' (RIN2115–AA97) (1999–0060), received September 16, 1999; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. Res. 99. A resolution designating November 20, 1999, as ''National Survivors for Prevention of Suicide Day.''

EXECUTIVE REPORTS OF A COMMITTEE

The following executive reports of a committee were submitted:

By Mr. WARNER, for the Committee on Armed Services:

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Daniel James, III, 0000

The following named officer for appointment as Deputy Judge Advocate General of the United States Air Force and for appointment to the grade indicated under title 10, U.S.C., section 8037:

To be major general

Brig. Gen. Thomas J. Fiscus, 0000

The following named United States Army officer for reappointment as the Chairman of the Joint Chiefs of Staff and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 152:

To be general

Gen. Henry H. Shelton, 0000

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Peter J. Gravett, 0000
Brig. Gen. Walter J. Pudlowski, Jr., 0000
Brig. Gen. Frederic J. Raymond, 0000

To be brigadier general

Col. Lewis E. Brown, 0000
Col. Dan M. Colglazier, 0000
Col. James A. Cozine, 0000
Col. David C. Godwin, 0000
Col. Carl N. Grant, v
Col. Herman G. Kirven, Jr., 0000
Col. Roberto Marrero-Corletto, 0000
Col. William J. Marshall III, 0000
Col. Terrill Moffett, 0000
Col. Harold J. Nevin, Jr., 0000
Col. Jeffrey L. Pierson, 0000
Col. Ronald S. Stokes, 0000
Col. Gregory J. Vadnais, 0000

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Joseph W. Dyer, Jr., 0000

The following named officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Bernard J. Pieczynski, 0000

(The above nominations were reported with the recommendation that the nominations be confirmed.)

Mr. WARNER. Mr. President, for the Committee on Armed Services, I report favorably nomination lists which were printed in the RECORDS indicated, at the end of the Senate proceedings, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

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

Navy 243 nominations beginning Thomas K. Aanstoos, and ending Robert D. Younger, which nominations were received by the Senate and appeared in the Congressional Record of July 26, 1999.

Air Force 25 nominations beginning Michael L. Colopy, and ending Eveline F. Yaotiu, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 1999.

Army 36 nominations beginning *Eric J. Albertson, and ending *Stanley E. Whitten, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 1999.

Army 11 nominations beginning Roger F. Hall, Jr., and ending Paul K. Wohl, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 1999.

Navy 120 nominations beginning David M. Brown, and ending Paul W. Witt, which nominations were received by the Senate and appeared in the Congressional Record of August 4, 1999.

Air Force 1 nomination of Thomas G. Bowie, Jr., which was received by the Senate and appeared in the Congressional Record of September 13, 1999.

Air Force 38 nominations beginning James W. Bost, and ending Grover K. Yamane, which nominations were received by the Senate and appeared in the Congressional Record of September 13, 1999.

Army 1 nomination of Robert A. Vigersky, which was received by the Senate and appeared in the Congressional Record of September 13, 1999.

Army 2 nominations beginning Michael V. Kostiw, and ending David T. Ulmer, which nominations were received by the Senate and appeared in the Congressional Record of September 13, 1999.

Army 2 nominations beginning Robert S. Adams, and ending Jeffrey P. Stolrow, which nominations were received by the Senate and appeared in the Congressional Record of September 13, 1999.

Army 4 nominations beginning Jon A. Hinman, and ending *Glenn R. Scheib, which nominations were received by the Senate and appeared in the Congressional Record of September 13, 1999.

Army 10 nominations beginning James E. Cobb, and ending Curtis G. Whiteford, which nominations were received by the Senate and appeared in the Congressional Record of September 13, 1999.

Army 13 nominations beginning Herbert J. Andrade, and ending Nathan A.K. Wong, which nominations were received by the Senate and appeared in the Congressional Record of September 13, 1999.

Army 22 nominations beginning Richard P. Anderson, and ending Gary F. Wainwright, which nominations were received by the Senate and appeared in the Congressional Record of September 13, 1999.

Army 156 nominations beginning *Rodney H. Allen, and ending *Clifton E. Yu, which nominations were received by the Senate and appeared in the Congressional Record of September 13, 1999.

Marine Corps 1 nomination of Michael J. Dellamico, which was received by the Senate and appeared in the Congressional Record of September 13, 1999.

Marine Corps 1 nomination of Charles S. Dunston, which was received by the Senate and appeared in the Congressional Record of September 13, 1999.

Navy 764 nominations beginning Anibal L. Acevedo, and ending Steven T. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record of September 13, 1999.

Navy 1159 nominations beginning Daniel A. Abrams, and ending John M. Zuzich, which nominations were received by the Senate and appeared in the Congressional Record of September 13, 1999.

Navy 456 nominations beginning Marc E. Arena, and ending Antonio J. Scurlock, which nominations were received by the Senate and appeared in the Congressional Record of September 13, 1999.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SPECTER:

S. 1623. A bill to select a National Health Museum site; to the Committee on Governmental Affairs.

By Mr. WARNER:

S. 1624. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel Norfolk; to the Committee on Commerce, Science, and Transportation.

By Ms. SNOWE:

S. 1625. A bill to amend title XVIII of the Social Security Act to provide for a special reclassification rule for certain old agencies as new agencies under the home health interim payment system; to the Committee on Finance.

By Mr. HATCH (for himself, Mr. NICKLES, Mr. BREAUX, Mr. GRASSLEY, Mr. MURKOWSKI, and Mr. BAYH):

S. 1626. A bill to amend title XVIII of the Social Security Act to improve the process by which the Secretary of Health and Human Services makes coverage determinations for items and services furnished under the medicare program, and for other purposes; to the Committee on Finance.

By Mr. INHOFE:

S. 1627. A bill to extend the authority of the Nuclear Regulatory Commission to collect fees through 2004, and for other purposes; to the Committee on Environment and Public Works.

By Mr. REID (for himself, Mr. GRASSLEY, Mr. HARKIN, and Mr. CLELAND):

S. 1628. A bill to amend title XVIII of the Social Security Act to increase the number of physicians that complete a fellowship in geriatric medicine and geriatric psychiatry, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SMITH of Oregon (for himself and Mr. WYDEN):

S. 1629. A bill to provide for the exchange of certain land in the State of Oregon; to the Committee on Energy and Natural Resources.

By Mr. REID (for himself, Mr. GRASSLEY, Mr. HARKIN, and Mr. CLELAND):

S. 1630. A bill to amend title III of the Public Health Service Act to include each year of fellowship training in geriatric medicine or geriatric psychiatry as a year of obligated service under the National Health Corps Loan Repayment Program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CONRAD:

S. 1631. A bill to provide for the payment of the graduate medical education of certain interns and residents under title XVIII of the Social Security Act; to the Committee on Finance.

By Mr. LIEBERMAN (for himself, Mr. DODD, Mr. SCHUMER, and Mr. MOYNIHAN):

S. 1632. A bill to extend the authorization of appropriations for activities at Long Island Sound; to the Committee on Environment and Public Works.

By Ms. SNOWE:

S.J. Res. 34. A joint resolution congratulating and commending the Veterans of Foreign Wars; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER:

S. 1623. A bill to select a National Health Museum site; to the Committee on Governmental Affairs.

NATIONAL HEALTH MUSEUM SITE SELECTION ACT

Mr. SPECTER. 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. 1623

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

SECTION 1. NATIONAL HEALTH MUSEUM PROPERTY.

(a) SHORT TITLE AND PURPOSE.—

(1) SHORT TITLE.—This section may be cited as the ''National Health Museum Site Selection Act''.

(2) PURPOSE.—The purpose of this section is to further section 703 of the National Health Museum Development Act (20 U.S.C. 50 note; Public Law 105–78), which provides that the National Health Museum shall be located on or near the Mall on land owned by the Federal Government or the District of Columbia.

(b) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of General Services.

(2) MUSEUM.—The term ''Museum'' means the National Health Museum, Inc., a District of Columbia nonprofit corporation exempt from Federal income taxation under section 501(c)(3) of the Internal Revenue Code of 1986.

(3) PROPERTY.—The term ''property'' means—

(A) a parcel of land identified as Lot 24 and a closed interior alley in Square 579 in the District of Columbia, generally bounded by 2nd, 3rd, C, and D Streets, S.W.; and

(B) all improvements on and appurtenances to the land and alley.

(c) CONVEYANCE OF PROPERTY.—

(1) IN GENERAL.—The Administrator shall convey to the Museum all rights, title, and interest of the United States in and to the property.

(2) PURPOSE OF CONVEYANCE.—The purpose of the conveyance is to provide a site for the construction and operation of a new building to serve as the National Health Museum, including associated office, educational, conference center, visitor and community services, and other space and facilities appropriate to promote knowledge and understanding of health issues.

(3) DATE OF CONVEYANCE.—

(A) NOTIFICATION.—Not later than 3 years after the date of enactment of this Act, the Museum shall notify the Administrator in writing of the date on which the Museum will accept conveyance of the property.

(B) DATE.—The date of conveyance shall be—

(i) not less than 270 days and not more than 1 year after the date of the notice; but

(ii) not earlier than April 1, 2001, unless the Administrator and the Museum agree to an earlier date.

(C) EFFECT OF FAILURE TO NOTIFY.—If the Museum fails to provide the notice to the Administrator by the date described in subparagraph (A), the Museum shall have no further right to the property.

(4) QUITCLAIM DEED.—The property shall be conveyed to the Museum vacant and by quitclaim deed.

(5) PURCHASE PRICE.—

(A) IN GENERAL.—The purchase price for the property shall be the fair market value of the property as of the date of enactment of this Act.

(B) TIMING; APPRAISERS.—The determination of fair market value shall be made not later than 180 days after the date of enactment of this Act by qualified appraisers jointly selected by the Administrator and the Museum.

(D) REPORT TO CONGRESS.—Promptly upon the determination of the purchase price, and in any event at least sixty days in advance of the conveyance of the property, the Administrator shall report to Congress as to the purchase price.

(E) DEPOSIT OF PURCHASE PRICE.—The Administrator shall deposit the purchase price into the Federal Buildings Fund established by section 210(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)).

(d) REVERSIONARY INTEREST IN THE UNITED STATES.—

(1) IN GENERAL.—The property shall revert to the United States if—

(A) during the 50-year period beginning on the date of conveyance of the property, the property is used for a purpose not authorized by subsection (c)(2);

(B) during the 3-year period beginning on the date of conveyance of the property, the Museum does not commence construction on the property, other than for a reason not within the control of the Museum; or

(C) the Museum ceases to be exempt from Federal income taxation as an organization described in section 501(c)(3) of the Internal Revenue Code of 1986.

(2) REPAYMENT.—If the property reverts to the United States, the United States shall repay the Museum the full purchase price for the property, without interest.

(e) AUTHORITY OF MUSEUM OVER PROPERTY.—The Museum may—

(1) demolish or renovate any existing or future improvement on the property;

(2) build, own, operate, and maintain new improvements on the property;

(3) finance and mortgage the property on customary terms and conditions; and

(4) manage the property in furtherance of this section.

(f) LAND USE APPROVALS.—

(1) EFFECT ON OTHER AUTHORITY.—Nothing in this section shall be construed to limit the authority of the National Capital Planning Commission or the Commission of Fine Arts.

(2) COOPERATION CONCERNING ZONING.—

(A) IN GENERAL.—The United States shall cooperate with the Museum with respect to any zoning or other matter relating to—

(i) the development or improvement of the property; or

(ii) the demolition of any improvement on the property as of the date of enactment of this Act.

(B) ZONING APPLICATIONS.—Cooperation under subparagraph (A) shall include making, joining in, or consenting to any application required to facilitate the zoning of the property.

(g) ENVIRONMENTAL HAZARDS.—Costs of remediation of any environmental hazards existing on the property, including all asbestos-containing materials, shall be borne by the United States. Environmental remediation shall commence immediately upon the vacancy of the building and shall be completed not later than 270 days from the date of the notice to the Administrator described in subsection (c)(3)(A).

(h) REPORTS.—Following the date of enactment of this Act and ending on the date that the National Health Museum opens to the public, the Museum shall submit annual reports to the Administrator and Congress, regarding the status of planning, development, and construction of the National Health Museum.

By Mr. WARNER:

S. 1624. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel Norfolk; to the Committee on Commerce, Science, and Transportation.

CERTIFICATE OF DOCUMENTATION FOR THE VESSEL ''NORFOLK''

Mr. WARNER. 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. 1624

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

SECTION 1. CERTIFICATE OF DOCUMENTATION.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), section 8 of the Act of June 19, 1886 (24 Stat. 81, chapter 421; 46 U.S.C. App. 289), and section 12106 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel NORFOLK, United States official number 1077852.

By Ms. SNOWE:

S. 1625. A bill to amend title XVIII of the Social Security Act to provide for a special reclassification rule for certain old agencies as new agencies under the home health interim payment system; to the Committee on Finance.

MEDICARE HOME HEALTH CARE

• Ms. SNOWE. Mr. President, I rise today to offer legislation that will remedy a problem facing one of Maine's home health agencies—Home Health & Hospice of St. Joseph, in Bangor, Maine. This bill would reclassify Home Health & Hospice of St. Joseph as a ''new agency'' under the Medicare Home Health Interim Payment System, allowing it a higher per-beneficiary rate.

When Congress passed the Balanced Budget Act, the intention was to modestly control the dramatic growth rate of home health care agencies. But the broad financing constraints and administrative regulations codified in the Balanced Budget Act have had unintended consequences. Almost every week I hear concerns from home care agencies in Maine about the implementation of regulations and restrictions on these agencies.

Since enactment of the Balanced Budget Act, many of our home healthcare agencies have found themselves in a position of financial insolvency. Nationwide, more than 2,000 agencies have closed since BBA's passage. The State of Maine had 90 Medicare/Medicaid certified home health care agencies in the beginning of 1998. By the beginning of 1999, 16 of those agencies had closed.

At the time of the BBA's enactment, the Congressional Budget Office expected home health care expenditures to drop by $75 billion over ten years. In March of this year, CBO examined the Medicare program expenditures of the home health agencies and increased the expected savings by $56 billion—a three-quarter increase over the same ten years!

As a component of the general funding reductions enacted by the Balanced Budget Act, the law created detailed regulations in determining agency per-beneficiary payment limits. These regulations have had several unforeseen and unintended consequences when applied to real-life agencies.

Home Health & Hospice of St. Joseph serves over 700 patients in Bangor, Maine and the surrounding area. Under the BBA, per-patient cost reimbursement is based solely on cost reporting ending in fiscal year 1994. Unfortunately for Home Health & Hospice of St. Joseph—an established and vital component of Bangor's health care system—fiscal year 1994 was an unprecedented period of clinical and financial upheaval. As a result of these problems, the agency's per-patient reimbursement limitation is artificially low. And in spite of the extensive clinical and financial reforms enacted during this unique and transitional period, the cost data for this one year is significantly and permanently flawed.

As a result of the anomalous cost report, the Medicare payment amount for Home Health & Hospice of St. Joseph is only 59 percent of the true costs of treating each patient. For every patient the agency treated in 1998, it lost $1,148. The agency is a cost effective home health care agency: its actual per-patient cost of $2,752 is substantially below the national medial of approximately $3,200. Unfortunately, St. Joseph's anticipates an aggregate loss of $780,000 for its service to Medicare patients over 1998. Simply put, they cannot sustain such a deep loss of funding and continue to operate.

Mr. President, I introduce this bill today in order to address the problem faced by Home Health & Hospice of St. Joseph. This legislation will reclassify Home Health & Hospice of St. Joseph as a ''new agency'' under the BBA, and is targeted to St. Joseph's. Mr. President, my state relies on home health agencies for much of its healthcare, and we cannot face the prospect of losing such a fine agency.•

By Mr. HATCH (for himself, Mr. NICKLES, Mr. BREAUX, Mr. GRASSLEY, Mr. MURKOWSKI, and Mr. BAYH):

S. 1626. A bill to amend title XVIII of the Social Security Act to improve the process by which the Secretary of Health and Human Services makes coverage determinations for items and services furnished under the Medicare Program, and for other purposes; to the Committee on Finance.

THE MEDICARE PATIENT ACCESS TO TECHNOLOGY ACT OF 1999

Mr. HATCH. Mr. President, I rise to introduce the Medicare Patient Access to Technology Act of 1999. I am pleased to be joined by the distinguished Assistant Majority Leader, Senator NICKLES, and Senators BREAUX, GRASSLEY, MURKOWSKI, and BAYH in introducing this legislation.

While we all recognize that medical technologies and treatments are improving the lives of millions of Americans daily, gaining access to these innovations is becoming more difficult. Each day, new implantable medical devices are correcting or repairing failing organ systems in patients. People are receiving new tests that permit the diagnosis of diseases in their earliest stages without the use of surgery or other more complicated procedures.

Tens of thousands of individuals owe their lives to small, powerful miniature devices that monitor and regulate vital physiological functions and allow patients to live more productive lives.

The latest advances in pharmaceutical and biologics are not only extending the length of life, but significantly improving the quality of life for hundreds of millions of people. Lifesaving and life-enhancing innovations must be available to all Americans, and it is our duty to ensure that those patients who need them most, America's nearly 40 million Medicare beneficiaries, have access to them.

As part of the Balanced Budget Act (BBA) of 1997, we authorized the Health Care Financing Administration (HCFA) to adjust periodically Medicare's coverage and payment systems to account for changes in technology, treatment, and medical care. Unfortunately, without Congressional input, there is no guarantee that these expedited procedures will take place.

The Medicare Patient Access to Technology Act of 1999 has arisen out of growing evidence that without intervention, Medicare beneficiaries will be denied access to the most modernized treatments and innovations in health care.

After medical technologies, devices, and drugs are approved by the Food and Drug Administration, they still must meet several critical HCFA requirements before they are available to Medicare beneficiaries.

First, before technologies are approved by HCFA for reimbursement, they must be covered, that is fulfill the definitions of ''reasonable and necessary.'' Second, they must have an identifying procedure code. New device technologies receive this ''procedure code,'' a four or five digit identification number that allows health care providers to submit claims to payers. Finally, the technologies must be reimbursed through one of Medicare's payment systems. The problems arise because each of these levels is plagued by inefficiency, coding delays, and lack of data usage by HCFA.

My legislation addresses these concerns in five specific ways.

First, Medicare payment levels and payment categories will be adjusted at least annually to reflect changes in medical practice and technology. A recent Institute of Medicine study reported that most medical technologies have an average life span of 18 months with many modernizations occurring rapidly. These innovations must, therefore, be rapidly processed so that they are accessible to beneficiaries. While BBA 97 authorized HCFA to adjust payment systems ''periodically'' to account for changes in technology, there is little promise that this will occur in a systematic, timely and beneficial manner.

My bill requires HCFA to review and revise payment categories and payment levels for all prospective payment systems (PPS) at least annually. These prospective payment systems include hospital inpatient and outpatient, physicians, ambulatory surgery facility services. It also calls for public input on the review process.

Second, this legislation mandates that valid external sources of information be used to update payment categories if Medicare's data are limited in scope or, are not yet available. Traditionally, HCFA has only used its own data set, known as the Medicare Provider Analysis and Review (MEDPAR) data systems, to evaluate a given technology before assigning an appropriate code. The average waiting period for the assignment of a new code is 18 months or longer.

Furthermore, HCFA refuses to consider partial year or externally generated data in its decision-making processes. My bill directs HCFA to use external sources of data on the cost, charges and use of medical technologies. This language allows HCFA to utilize high quality data from private insurers, manufacturers, suppliers, providers, and other sources.

Third, my legislation will require that national procedure codes are updated more frequently to reduce delays in accessing new technologies. Currently, new products must have an identification code before they are eligible for appropriate reimbursement by Medicare. Assigning this code can take 18 months or longer because of the way HCFA has structured its calendar year.

This legislation allows HCFA to accept applications quarterly, on a rolling basis, thereby allowing the processing of new technologies throughout the year instead of bundling them at one annual submission.

Furthermore, the Medicare Patient Access to Technology Act will eliminate the HCFA requirement that new products be on the market for six months before they are eligible for a new code. This provision will ensure that new technologies are brought to Medicare beneficiaries more rapidly.

Fourth, the bill guarantees that local procedure codes for medical technologies will continue to be used. HCFA has proposed to eliminate Common Procedure Coding System (HCPCS) Level III Local Codes beginning in 2000 and replace it with the Level II National Codes. This is potentially detrimental to new technologies that are often introduced into local, smaller health care systems before they are expanded into nationwide markets. Without the Level III Local Codes, new technologies must be placed into a ''miscellaneous'' code that is often rejected by payers thereby denying access of the technology to beneficiaries. The maintenance of the current system will ensure that technologies will be encoded at the earliest possible date and processed before moving to the national level.

Finally, the legislation authorizes HCFA to create an Advisory Committee on Medicare Coding and Payment. As a result, when HCFA has to make coding and payment decisions, it will be prompt, permit public participation, and will guarantee Medicare beneficiaries access to the highest quality products and services. The panel would ensure that safe medical technologies are approved, covered, coded and paid by Medicare as expeditiously as possible.

In addition to the above authorizations, the Medicare Patient Access to Technology Act proposes several refinements to the Administration's proposed outpatient prospective payment system (PPS). The legislation affects three changes to HCFA's implementation of the Balanced Budget Act (BBA) of 1997.

The first change mandates HCFA to restructure the proposed ambulatory payment classification (APC) system to create groups of procedures that are more similar in cost and most closely related clinically. The current HCFA proposal would create unusual financial incentives that would clearly discourage the use of the most appropriate, cutting-edge technology. Furthermore by grouping very disparate technologies, hospitals will face serious underpayments for certain procedures. I believe that illogical categorization creates disincentives to use newer, but more expensive products and procedures that provide far superior patient care.

The second change mandates that HCFA retain the current cost-based system for another four years to compile the cost studies and use data and conduct the analysis necessary to classify them in the appropriate APC. The development of these data sets are mandatory and without proper clarification. Therefore, these products could receive substantial underpayment, and, as a result, patient access to newer procedures and products could be limited.

Third, the implantable medical technologies should be reimbursed under the new APCs along with other similar medical technologies. They should not be reimbursed through the durable medical technology fee schedule. By placing the implantables within the DME propective payment system, the fee schedule will lock implantables into defined categories that will limit their use and inhibit their access to seniors. By placing them into the proposed APCs with the other medical devices, they will be treated as other new, innovative medical technologies.

Again, I am pleased to be joined by my Senate colleagues, Senators NICKLES, BREAUX, GRASSLEY, MURKOWSKI, and BAYH, in introducing this important piece of legislation. This bill supports both our Medicare beneficiaries and our technology, pharmaceutical, and biotechnical industries by continuing to promote life-enhancing innovations. I firmly believe that these significant improvements to our Medicare coding and payment systems will increase the access to modern medical innovation to Americans who need them most, our senior citizens.

Mr. President, I urge my colleagues to join us in support of this important legislation.

By Mr. REID (for himself, Mr. GRASSLEY, Mr. HARKIN, and Mr. CLELAND):

S. 1628. A bill to amend title XVIII of the Social Security Act to increase the number of physicians that complete a fellowship in geriatric medicine and geriatric psychiatry, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

MEDICARE PHYSICIAN WORKFORCE IMPROVEMENT ACT OF 1999

S. 1630. A bill to amend title III of the Public Health Service Act to include each year of fellowship training in geriatric medicine or geriatric psychiatry as a year of obligated service under the National Health Corps Loan Repayment Program; to the Committee on Health; Education, Labor, and Pensions.

GERIATRICIANS LOAN FORGIVENESS ACT OF 1999

Mr. REID. Mr. President, I rise today to introduce two pieces of legislation that address our national shortage of geriatricians. I am pleased that Senators GRASSLEY, HARKIN and CLELAND are joining me as original cosponsors.

Our nation is growing older. Today, life expectancy is 79 years for women, and 73 years for men. While the population of the United States has tripled since 1900, the number of people age 65 or older has increased eleven times—to more than 33 million Americans. One-third of all health care costs can be attributed to this group. The fastest growing part of the Medicare population—those over 85—number more than three-and-a-half million. But, according to reports from the Institute of Medicine, the National Institute on Aging, and the Council on Graduate Medical Education, the number of doctors with special training to meet the needs of the oldest and frailest Americans is in critically short supply.

I first became concerned about this problem when I read a report issued by the Alliance for Aging Research in May of 1996 entitled, ''Will You Still Treat Me When I'm 65?'' The report concluded that there are only 6,784 primary-care physicians certified in geriatrics. This number represents less than one percent of the doctors in the United States. The report goes on to state that the United States should have at least 20,000 physicians with geriatric training to provide appropriate care for the current population, and as many as 36,000 geriatricians by the year 2030 when there will be close to 70 million older Americans.

I first introduced legislation to address the national shortage of geriatricians during the 105th Congress. While I am encouraged that greater attention has been focused on this issue, little has been accomplished to improve the shortage of geriatricians. The two bills I am introducing today, the ''Medicare Physician Workforce Improvement Act'' and the ''Geriatrician Loan Forgiveness Act of 1999'' aim—in modest ways and at very modest cost—to encourage an increase in the number of the doctors Medicare clearly needs, those with certified training in geriatrics.

One provision of the ''Medicare Physician Workforce Improvement Act of 1999'' will allow the Secretary of Health and Human Services to double the payment made to teaching hospitals for geriatric fellows. This provision is limited to a maximum of 400 individuals in any calender year. This is intended to serve as an incentive to teaching hospitals to promote and recruit geriatric fellows.

Another provision of the Medicare Physician Workforce Improvement Act would direct the Secretary of Health and Human Services to increase the number of certified geriatricians appropriately trained to provide the highest quality care to Medicare beneficiaries in the best and most sensible settings by establishing up to five geriatric medicine training consortia demonstration projects nationwide. In short, this would allow Medicare to pay for the training of doctors who serve geriatric patients in the settings where this care is so often delivered. Not only in hospitals, but also ambulatory care facilities, skilled nursing facilities, clinics and day treatment centers.

The second bill I am offering today, ''The Geriatricians Loan Forgiveness Act of 1999,'' has but one simple provision. That is to forgive $20,000 of education debt incurred by medical students for each year of advanced training required to obtain a certificate of added qualifications in geriatric medicine or psychiatry. My bill would count their fellowship time as obligated service under the National Health Corps Loan Repayment Program.

While almost all physicians care for Medicare patients, many are not familiar with the latest advances in aging research and medical management of the elderly. Too often, problems in older persons are misdiagnosed, overlooked or dismissed as the normal function of aging because doctors are not trained to recognize how diseases and impairments might appear differently in the elderly than in younger persons. As a result, patients suffer needlessly, and Medicare costs rise because of avoidable hospitalizations and nursing home admissions.

A physician who takes special training in the care of the elderly becomes sensitive to the need to evaluate and address the patient's behaviors and moods, as well as her physical symptoms. This is especially important, as the rates of undiagnosed depression and suicide among the elderly are scandalous. By allowing doctors who pursue certification in geriatric medicine to become eligible for loan forgiveness, and by offering an incentive to teaching institutions to promote geriatric fellowships, my bills will provide a measure of incentive for top-notch physicians to pursue fellowship training in this vital area.

Increasing the number of certified geriatricians will not be easy for a number of reasons. Geriatrics is the lowest paid medical specialty, because the extra time required for effective and compassionate treatment of the elderly is barely reimbursed by Medicare and other insurers. It takes a special individual to commit himself or herself to the work of helping older patients preserve vitality and functional abilities over time. Often the goal for a geriatrician is not to cure disorders, but to delay the onset of disability—that is, simply to help seniors live as well as possible. For these reasons, existing slots in geriatrics training programs sometimes go unfilled today. But while the work may be difficult and not well compensated, protecting quality of life for the elderly is extraordinarily important, and we need physicians whose training explicitly recognizes that.

It is similarly difficult for teaching programs to build and remain committed to maintaining fellowship training in geriatric medicine, because geriatric faculty are scarce and the type of patients brought in by a training program often require extremely complex and high cost care. Simply, it is cheaper to train other specialties, and more lucrative in terms of graduate medical education payments to the hospital. In fact, there are only two departments of geriatrics at academic medical centers across the entire country.

Another barrier to alleviating the shortage of geriatricians is the result of an unintended consequence of the Balanced Budget Act of 1997 (BBA). A provision in this law established a hospital-specific cap on the number of residents based on the number of residents in the hospital in 1996. Because a lower number of geriatric residents existed prior to December 31, 1996, these programs are underrepresented in the cap baseline. The implementation of this cap has resulted in the reduction of, and in some cases, the elimination of geriatric training programs. This is one obstacle that should not be overlooked when Congress considers legislation to correct some of the unintended consequences of the BBA.

When it comes to training the doctors we need, Medicare's current payment system is part of the problem, not part of the solution. The Medicare Payment Advisory Commission's (MEDPAC) August 1999 report to Congress entitled ''Rethinking Medicare's Payment Policies for Graduate Medical Education and Teaching Hospitals'' examines this very issue. According to the MEDPAC report:

> Where Medicare does not pay for services generally associated with a particular specialty, it may discourage training. For example, although several studies have indicated an inadequate supply of geriatricians, the number of geriatric training slots exceeds the number of people who choose to enter the specialty. This may reflect a lack of payment for services such as palliative care and geriatric assessment.

Clearly, the incentives in Medicare's payment system are poorly aligned

when training doctors specifically to care for the elderly is avoided. Again, my bill provides a modest incentive for hospitals to increase the number of training slots available.

Medicare should be providing incentives to community-based programs to participate in the education of doctors, especially geriatricians, by directing graduate medical education payments appropriately to all facilities that incur the additional costs of providing training. My bill directs the Secretary to undertake up to five demonstration projects that will do just that.

Many reports have highlighted the shortage of geriatricians we have today. The response to the problem needs to be a national one, and it would be most unwise to simply hope that the labor market will produce the kinds of doctors we will increasingly need. I am especially grateful to the American Geriatrics Society for its assistance in discussing ways to address the problem. I believe that the Medicare Physician Workforce Improvement Act and the Geriatrician Loan Forgiveness Acts are steps in the right direction, and I ask my colleagues to join me in supporting these bills.

I ask unanimous consent that letters of support from the American Geriatrics Society and the Alliance for Aging Research be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

AMERICAN GERIATRICS SOCIETY,
New York, NY, September 17, 1999.

Hon. HARRY REID,
U.S. Senate, Washington, DC.

DEAR SENATOR REID: The American Geriatrics Society (AGS), an organization of over 6,000 geriatricians and other health care professionals who are specially trained in the management of care for frail, chronically ill older patients, offers our strongest support to the Medicare Physician Workforce Improvement Act of 1999 and the Geriatricians Loan Forgiveness Act of 1999.

The AGS is dedicateed to improving the health and well being of all older adults. While we provide primary care and supportive services to all patients, the focus of geriatric practice is on the frailest and most vulnerable elderly. The average age of a geriatrician's caseload exceeds 80, and our patients often have multiple chronic illnesses. Given the complexity of medical and social needs among our nation's elderly, we are strongly commited to a multi-disciplinary approach to providing compassionate and effective care to our patients.

As you know, America faces a critical shortage of physicians with special training in geriatrics. Even as the 76 million persons of the baby boom generation reach retirement age over the next 15 to 20 years, the number of certified geriatricians is declining. In fact, the August 1999 MedPAC report noted the shortage in geriatricians, despite the availability of training positions. The MedPAC report noted that the shortage is caused by faulty system incentives, such as inadequate Medicare reimbursement to geratricians. By providing modest incentives—which will encourage teaching hospitals to increase the number of training fellowships in geriatric medicine and psychiatry, provide loan assistance to physicians who pursue such training, and support development of innovative and flexible models for training in geriatrics—your bills present very positive steps toward reversing that trend.

The AGS has been pleased to work closely with your office to develop initiatives to preserve and improve the availability of highest quality medical care for our oldest and most vulnerable citizens. We believe that the ''Medicare Physician Workforce Improvement Act'' and the ''Geriatricians Loan Forgiveness Act'' represent a cost-effective approach to training the physicians our nation increasingly will need. We commend you for your leadership on an issue of such vital importance to the Medicare program and our elderly citizens.

Sincerely,

JOSEPH G. OUSLANDER, M.D.,
President.

ALLIANCE FOR AGING RESEARCH,
Washington, DC, September 23, 1999.

Hon. HARRY REID,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR REID: As the Executive Director for the Alliance for Aging Research, an independent, not-for-profit organization working to improve the health and independence of older Americans, I am writing in support of the ''Medicare Physician Workforce Improvement Act'' and the ''Geriatricians Loan Forgiveness Act.''

The Alliance has worked for many years to bring attention to the critical need for more geriatricians, those physicians who are trained to address the complex needs of older patients. Best estimates suggest that there is a need for at least 20,000 geriatricians at present and nearly 40,000 by the year 2030 to care for the graying baby boomers. Not only are we far short of current needs, with less than 7,000 geriatricians in practice, but far too few doctors in training are choosing this field.

The two bills you are introducing represent important first steps in solving this problem.

In addition to increasing the number of physicians trained in geriatrics, we need to develop a strong cadre of academics and researchers within our medical schools to help mainstream geriatrics into both general practice and specialties. Increasing the number of fellowship positions in geriatric medicine will improve the situation.

We must have this kind of support and commitment from the federal government, along with private and corporate philanthropy if we are to sufficiently provide care for our aging population. The Alliance for Aging Research is encouraged by your leadership and support in this area and we look forward to working with you to bring these issues before Congress.

Best regards,

DANIEL PERRY,
Executive Director.

By Mr. SMITH of Oregon (for himself and Mr. WYDEN):

S. 1629. A bill to provide for the exchange of certain land in the State of Oregon; to the Committee on Energy and Natural Resources.

OREGON LAND EXCHANGE

● Mr. SMITH of Oregon. Mr. President, I rise before the Senate today to introduce legislation which would facilitate two exchanges of public and private lands in my home State of Oregon: the Triangle Land Exchange and the Northeast Oregon Assembled Land Exchange (NOALE). In terms of acreage, approximately 54,000 acres of BLM and Forest Service land is proposed to be traded for nearly 50,000 acres currently held by private landowners in northeast Oregon. As a result of 4½ years of delays with administrative process, there is enormous support from my constituents for a legislative resolution to the exchange.

Both the government and the public have deeply rooted interests in this exchange. Federal agencies are seeking to acquire sensitive river corridors which will improve the efficiency of their protection efforts for threatened and endangered fish. Currently, many of these selected lands are intermingled with private parcels and make resource management difficult for the agencies. As you know, the improvement of fish-bearing streams and riparian areas is critical to the survival of many struggling species of fish in the Northwest.

Communities and landowners will also benefit from these exchanges. Each and every aspect, from the consolidation of ownership patterns to the release of previously inaccessible timber stands, will boost local economies and enhance the ability of the private sector to manage its own lands.

In addition, these land exchanges have received the strong collective support of several Oregon Indian tribes; conservation groups such as the Oregon Natural Desert Association, Oregon Trout and the Sierra Club; the Governor and scores of concerned citizens at large.

While these exchanges hold enormous benefit for all interested parties and for Oregon's natural resources, it is apparent that the only sure means of completing them is through legislation. Mr. President, I am hopeful that the Senate will take this opportunity and support my colleague from Oregon and me in the swift passage of legislation to facilitate the Triangle and Northeast Oregon Assembled Land Exchanges.●

By Mr. CONRAD:

S. 1631. A bill to provide for the payment of the graduate medical education of certain interns and residents under title XVIII of the Social Security Act; to the Committee on Finance.

GRADUATE MEDICAL EDUCATION FAIR TECHNICAL AMENDMENT ACT OF 1999

● Mr. CONRAD. Mr. President, today I am pleased to introduce the Graduate Medical Education Fair Technical Amendment Act of 1999. This legislation will take important steps to sustain and improve the availability of medical professionals in communities in my State.

Mr. President, as you know, the Balanced Budget Act of 1997 (BBA) included many measures to control rising health care spending, including provisions that reduced the level of resources for graduate medical education. In particular, the BBA set a limit on the amount of medical residents for which teaching hospitals can receive reimbursement. This cap was set according to the number of medical

residents on staff as of December 31, 1996. While this reimbursement limit has helped to contribute to the overall savings generated by the BBA, I am concerned that it has unfairly limited the ability of certain programs to adequately train future health care providers.

Over the last few years, we have heard much discussion about the issue of physician oversupply. As you may know, various experts suggest that the true problem regarding physician supply is an unequal distribution of physicians across the country. In my State of North Dakota, for example, more than 85 percent of the counties are in health professional shortage areas. There certainly isn't a physician oversupply in my state—we are grateful for the health care providers serving our communities and we are grateful to have facilities with the capability to train medical residents.

Recently, it came to my attention that one of the teaching hospitals in my State had committed to training an increased level of medical residents. This situation arose because another facility in my State was no longer able to offer these residents an adequate training experience. The facility's decision to take on the new residents was important—while we cannot guarantee that physicians trained in my State will pursue permanent practice in the State, we know that providers are more likely to serve where they are trained. And it is important to note that the University of North Dakota produces a higher percentage of graduates who practice in rural settings than any medical school in the Nation.

The facility took on these residents assuming that they would receive adequate Medicare graduate medical education reimbursement to train these individuals. Unfortunately, retroactively set BBA limits capped the allowable reimbursement level just prior to the time the residents in question came on board. Thus, the facility was already committed to training these residents but the funds they depended on to do so were no longer available. The result of this situation is that the entire graduate medical residency program is suffering and I am concerned tat this could result in reduced services for beneficiaries.

The legislation I introduce today will correct the unintended consequence of the BBA by allowing a technical adjustment to medical resident caps in certain situations. I am confident this legislation will help ensure we have adequate resources to meet our health care needs well into the future. I urge my colleagues to support this important effort.●

By Mr. LIEBERMAN (for himself, Mr. DODD, Mr. SCHUMER, and Mr. MOYNIHAN):

S. 1632. A bill to extend the authorization of appropriations for activities at Long Island Sound; to the Committee on Environment and Public Works.

REAUTHORIZATION OF THE LONG ISLAND SOUND OFFICE

● Mr. LIEBERMAN. Mr. President, I rise today to introduce a reauthorization bill of critical importance to the future of Connecticut's most valuable natural resource, the Long Island Sound. This bill, which I offer with my colleagues Mr. DODD, Mr. SCHUMER, and Mr. MOYNIHAN, reauthorizes the Long Island Sound Office through the year 2005, and increases the grant authorization amount to $10 million.

The Long Island Sound is among the most complex estuaries in the National Estuary Program, both in terms of the physical features and scientific understanding of the estuary system, and in the context of ecosystem management. Unlike most estuaries, Long Island Sound has two connections to the sea. Rather than having a major source of fresh water at its head, flowing into a bay that empties into the ocean, Long Island Sound is open at both ends, flowing to the Atlantic Ocean to the east and to New York Harbor to the west. Most of its fresh water comes from a series of south-flowing rivers, including the Connecticut River, the Housatonic, and the Thames, whose drainages reach as far north as Canada. The Sound's 16,000 square mile drainage basin also includes portions of New York City and Westchester, Nassau, and Suffolk Counties in New York State. The Sound combines this multiple inflow/outflow system with a diverse and complex shoreline, and an uneven bottom topography. Taken together, they produce unique and complex patterns of tide and currents.

The interaction between the Sound and the local human population is also complex. The Sound is located in the midst of the most densely populated region of the United States. In total, more than 8 million people live in the Long Island Sound watershed and millions more flock yearly to the Sound for recreation. The Sound provides many other valuable uses, such as cargo shipping, ferry transportation and power generation. It is largely because the Sound serves such a concentrated population that the economic benefits of preserving and restoring the Sound are so substantial. More than $5.5 billion is generated annually in the regional economy from water quality-dependent activities such as boating, commercial and sport fishing, swimming, and beach going.

In 1994, the Long Island Sound Management Conference, sponsored by the EPA, the New York State Department of Environmental Conservation, and the Connecticut Department of Environmental Protection, completed a $15 million Comprehensive Conservation and Management Plan (CCMP). That plan was adopted by the Governors of New York and Connecticut and the EPA Administrator.

The EPA Long Island Sound Office coordinates the implementation of the plan among the many program partners, consistent with the Long Island Sound Improvement Act of 1990. The office is small, staffed by two EPA employees, whose salaries are covered by EPA's base budget, and a Senior Environmental Employment Program secretary. In addition, the office supports two outreach positions, with one in each state. It avoids duplicating existing efforts and programs, instead focusing on better coordination of federal and state funds, educating and involving the public in the Sound cleanup and protection, and providing grants to support implementation of the Long Island Sound restoration effort. By coordinating the activities of numerous stakeholders involved in the Sound's management program, in addition to serving as an educational and informational interface with the public, the Long Island Sound office provides an integral local outreach and meeting point.

While the quality of the Sound has improved dramatically over the years, there is still much work to be done. Implementation of the CCMP will help restore fish populations that have been impacted by hypoxia, will improve and restore degraded wetlands, and will begin to address the toxic mercury pollution that has lead to health advisories for fish consumption in many of the Sound's waters. Specific near term goals of the office include reducing nitrogen loadings which degrade water quality by depleting the Sound of oxygen, supporting local watershed protection efforts to reduce nonpoint source pollution, monitoring and expanding scientific understanding of the Sound, and educating the public and regional stakeholders about the sound and cleanup activities. Federal, State, and private funds have been well-spent over the years to research the conditions in the Sound and to identify conservation needs. We are now moving to apply critical funding toward implementing these projects, directly improving the water quality and habitat of the Long Island Sound.

Overall, recent federal funding of the program and the office are small relative to state commitments. New York State has approved $200 million for Long Island Sound as part of a $1.75 billion bound act. Connecticut has awarded more than $200 million in the past three years to support upgrades at sewage treatment plants and is a national leader on wetlands restoration. The Long Island Sound Office now faces a daunting task, orchestrating a multi-billion dollar effort to implement efforts to reduce nitrogen loadings that degrade the waters of the Sound. The modest increase in the authorization levels, and the reauthorization of the Long Island Sound Office, therefore represent timely, important contributions to the cooperative regional effort to restore the waters of the Long Island Sound.●

By Ms. SNOWE:

S.J. Res. 34. A joint resolution congratulating and commending the Veterans of Foreign Wars; to the Committee on the Judiciary.

VFW DAY JOINT RESOLUTION

• Ms. SNOWE. Mr. President, I rise today to introduce legislation honoring the centennial of the Veterans of Foreign Wars (VFW) of the United States, which will occur on the 29th of this month.

Earlier this year, the Senate passed my legislation designating September 29, 1999, as ''National VFW Day.'' I would like to express my sincere appreciation to my colleagues for joining me in honoring the more than 2 million members of the VFW, and urge the approval of this legislation, which congratulates all members of the VFW on the occasion of the organization's centennial. Similar legislation passed the House on June 29 and awaits approval by the Senate. I hope that we can pass this legislation before September 29 in order to pay tribute to these brave protectors of liberty.

As I indicated, September 29, 1999, marks the centennial of the VFW. As veterans of the Spanish-American War and the Philippine Insurrection of 1899 and the China Relief Expedition of 1900 returned home, they drew together in order to preserve the ties of comradeship forged in service to their country.

They began by forming local groups to secure rights and benefits for the service they rendered to our country. In Columbus, OH, veterans founded the American Veterans of Foreign Service. In Denver, CO, veterans started the Colorado Society of the Army of the Phillippines. In 1901, the Philippine War Veterans organization was started by the Philippine Veterans in Altoona and Pittsburgh, PA. In 1913, these varied organizations with a common mission joined forces as the Veterans of Foreign Wars of the United States. I am truly honored to salute this proud organization.

The joint resolution I am introducing today recognizes the unselfish service VFW members have rendered over the last 100 years to the Armed Forces, to our communities, and other veterans. It also highlights the historic significance of this important day in the lives of so many veterans, and calls upon the President to issue a proclamation recognizing the anniversary of the VFW and the contributions made by the VFW to our Nation.

I have nothing but the utmost respect for those who have served their country. With this legislation, we say ''thank you'' the men and women and their families who have served this country with courage, honor and distinction. They answered the call to duty when their country needed them, and this is but a small token of our appreciation.

The centennial of the founding of the VFW will present all Americans with an opportunity to honor and pay tribute to the VFW and to all veterans. I thank my colleagues for joining me in a strong show of support and an expression of thanks to the VFW and all veterans.•

ADDITIONAL COSPONSORS

S. 35

At the request of Mr. GRASSLEY, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 35, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for the long- term care insurance costs of all individuals who are not eligible to participate in employer-subsidized long-term care health plans.

S. 53

At the request of Mr. KYL, the name of the Senator from Florida (Mr. MACK) was added as a cosponsor of S. 53, a bill to amend the Internal Revenue Code of 1986 to provide a reduction in the capital gain rates for all taxpayers and a partial dividend income exclusion for individuals, and for other purposes.

S. 329

At the request of Mr. ROBB, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 329, a bill to amend title 38, United States Code, to extend eligibility for hospital care and medical services under chapter 17 of that title to veterans who have been awarded the Purple Heart, and for other purposes.

S. 348

At the request of Ms. SNOWE, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 348, a bill to authorize and facilitate a program to enhance training, research and development, energy conservation and efficiency, and consumer education in the oilheat industry for the benefit of oilheat consumers and the public, and for other purposes.

S. 371

At the request of Mr. GRAHAM, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 371, a bill to provide assistance to the countries in Central America and the Caribbean affected by Hurricane Mitch and Hurricane Georges, to provide additional trade benefits to certain beneficiary countries in the Caribbean, and for other purposes.

S. 386

At the request of Mr. GORTON, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 386, a bill to amend the Internal Revenue Code of 1986 to provide for tax-exempt bond financing of certain electric facilities.

S. 660

At the request of Mr. CRAIG, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 660, a bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the medicare program of medical nutrition therapy services furnished by registered dietitians and nutrition professionals.

S. 758

At the request of Mr. ASHCROFT, the names of the Senator from Florida (Mr. MACK) and the Senator from Arizona (Mr. KYL) were added as cosponsors of S. 758, a bill to establish legal standards and procedures for the fair, prompt, inexpensive, and efficient resolution of personal injury claims arising out of asbestos exposure, and for other purposes.

S. 914

At the request of Mr. SMITH, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 914, a bill to amend the Federal Water Pollution Control Act to require that discharges from combined storm and sanitary sewers conform to the Combined Sewer Overflow Control Policy of the Environmental Protection Agency, and for other purposes.

S. 956

At the request of Ms. SNOWE, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 956, a bill to establish programs regarding early detection, diagnosis, and interventions for newborns and infants with hearing loss.

S. 1016

At the request of Mr. DEWINE, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1016, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 1053

At the request of Mr. BOND, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 1053, a bill to amend the Clean Air Act to incorporate certain provisions of the transportation conformity regulations, as in effect on March 1, 1999.

S. 1070

At the request of Mr. BOND, the names of the Senator from New Hampshire (Mr. SMITH) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 1070, a bill to require the Secretary of Labor to wait for completion of a National Academy of Sciences study before promulgating a standard, regulation or guideline on ergonomics.

S. 1133

At the request of Mr. GRAMS, the names of the Senator from Minnesota (Mr. WELLSTONE), the Senator from Idaho (Mr. CRAIG), and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 1133, a bill to amend the Poultry Products Inspection Act to cover birds of the order Ratitae that are raised for use as human food.

S. 1140

At the request of Mrs. BOXER, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 1140, a bill to require the Secretary of Labor to issue regulations to eliminate or minimize the significant risk of needlestick injury to health care workers.

S. 1155

At the request of Mr. ROBERTS, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1155, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes.

S. 1277

At the request of Mr. GRASSLEY, the name of the Senator from Oregon (Mr. SMITH) 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. 1333

At the request of Mr. BENNETT, the names of the Senator from Kentucky (Mr. BUNNING) and the Senator from Nevada (Mr. BRYAN) were added as cosponsors of S. 1333, a bill to expand homeownership in the United States.

S. 1419

At the request of Mr. MCCAIN, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Idaho (Mr. CRAPO), the Senator from California (Mrs. BOXER), the Senator from Texas (Mr. GRAMM), the Senator from New Mexico (Mr. BINGAMAN), and the Senator from Alabama (Mr. SESSIONS) 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. 1449

At the request of Mr. CONRAD, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1449, a bill to amend title XVIII of the Social Security Act to increase the payment amount for renal dialysis services furnished under the medicare program.

S. 1473

At the request of Mr. ROBB, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1473, a bill to amend section 2007 of the Social Security Act to provide grant funding for additional Empowerment Zones, Enterprise Communities, and Strategic Planning Communities, and for other purposes.

S. 1500

At the request of Mr. HATCH, the names of the Senator from Washington (Mr. GORTON) and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. 1500, a bill to amend title XVIII of the Social Security Act to provide for an additional payment for services provided to certain high-cost individuals under the prospective payment system for skilled nursing facility services, and for other purposes.

S. 1517

At the request of Mr. ALLARD, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 1517, a bill to amend title XVIII of the Social Security Act to ensure that Medicare beneficiaries have continued access under current contracts to managed health care by extending the Medicare cost contract program for 3 years.

S. 1520

At the request of Mr. SMITH, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1520, a bill to amend the U.S. Holocaust Assets Commission Act of 1998 to extend the period by which the final report is due and to authorize additional funding.

S. 1547

At the request of Mr. BURNS, the names of the Senator from Tennessee (Mr. FRIST), the Senator from Wisconsin (Mr. FEINGOLD), and the Senator from Georgia (Mr. CLELAND) were added as cosponsors of S. 1547, a bill to amend the Communications Act of 1934 to require the Federal Communications Commission to preserve low-power television stations that provide community broadcasting, and for other purposes.

S. 1568

At the request of Mr. FEINGOLD, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor 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 JOINT RESOLUTION 1

At the request of Mr. THURMOND, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of Senate Joint Resolution 1, a joint resolution proposing an amendment to the Constitution of the United States relating to voluntary school prayer.

SENATE RESOLUTION 99

At the request of Mr. REID, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of Senate Resolution 99, a resolution designating November 20, 1999, as ''National Survivors for Prevention of Suicide Day.''

SENATE RESOLUTION 172

At the request of Mr. BROWNBACK, the name of the Senator from Connecticut (Mr. LIEBERMAN) 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 California (Mrs. FEINSTEIN), the Senator from Hawaii (Mr. INOUYE), and the Senator from Florida (Mr. GRAHAM) were added as cosponsors of Senate Resolution 179, a resolution designating October 15, 1999, as ''National Mammography Day.''

AMENDMENT NO. 1744

At the request of Mr. MCCAIN, his name was added as a cosponsor of amendment No. 1744 proposed to H.R. 2684, a 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, and for other purposes.

AMENDMENT NO. 1747

At the request of Mr. MCCAIN, his name was added as a cosponsor of amendment No. 1747 proposed to H.R. 2684, a 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, and for other purposes.

AMENDMENT NO. 1755

At the request of Mr. KERRY, the names of the Senator from New York (Mr. SCHUMER), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Vermont (Mr. JEFFORDS), the Senator from South Dakota (Mr. DASCHLE), the Senator from Delaware (Mr. ROTH), the Senator from California (Mrs. BOXER), and the Senator from Minnesota (Mr. GRAMS) were added as cosponsors of amendment No. 1755 intended to be proposed to H.R. 2684, a 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, and for other purposes.

AMENDMENTS SUBMITTED

DEPARTMENT OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2000

ASHCROFT AMENDMENT NO. 1787

(Ordered to lie on the table.)

Mr. ASHCROFT submitted an amendment intended to be proposed by him to the bill (H.R. 2684) 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, and for other purposes; as follows:

On page 17, between lines 14 and 15, insert the following:

SEC. 108. (a) FINDINGS.—Congress makes the following findings:

(1) The Veterans Benefits Administration of the Department of Veterans Affairs is responsible for the timely and accurate processing of claims for veterans compensation and pension.

(2) The accuracy of claims processing within the Veterans Benefits Administration has been a subject of concern to Congress and the Department of Veterans Affairs.

(3) While the Veterans Benefits Administration has reported in the past a 95 percent accuracy rate in processing claims, a new accuracy measurement system known as the

Systematic Technical Accuracy Review found that, in 1998, initial review of veterans claims was accurate only 64 percent of the time.

(4) The Veterans Benefits Administration could lose up to 30 percent of its workforce to retirement by 2003, making adequate training for claims adjudicators even more necessary to ensure veterans claims are processed efficiently.

(5) The Veterans Benefits Administration needs to take more aggressive steps to ensure that veterans claims are processed in an accurate and timely fashion to avoid unnecessary delays in providing veterans with compensation and pension benefits.

(b) PLAN REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives, the Majority Leader of the Senate, and the Speaker of the House of Representatives a comprehensive plan for the improvement of the processing of claims for veterans compensation and pension.

(c) ELEMENTS.—The plan under subsection (b) shall include the following:

(1) Mechanisms for the improvement of training of claims adjudicators and for the enhancement of employee accountability standards in order to ensure that initial reviews of claims are accurate and that unnecessary appeals of benefit decisions and delays in benefit payments are avoided.

(2) Mechanisms for strengthening the ability of the Veterans Benefits Administration of the Department of Veterans Affairs to identify recurring errors in claims adjudications by improving data collection and management relating to—

(A) the human body and the impairments common in disability and pension claims; and

(B) recurring deficiencies in medical evidence and examinations.

(3) Mechanisms for implementing a system for reviewing claims-processing accuracy that meets the Government's internal control standard on separation of duties and the program performance audit standard on organizational independence.

(4) Quantifiable goals for each of the mechanisms developed under paragraphs (1) through (3).

(d) CONSULTATION.—In developing the plan under subsection (b), the Secretary shall consult with and obtain the views of veterans organizations and other interested parties.

(e) IMPLEMENTATION.—The Secretary shall implement the plan under subsection (b) commencing 60 days after the date of the submittal of the plan under that subsection.

(f) MODIFICATION.—(1) The Secretary may modify the plan submitted under subsection (b).

(2) Any modification under paragraph (1) shall not take effect until 30 days after the date on which the Secretary submits to the Committees on Veterans' Affairs of the Senate and the House of Representatives, the Majority Leader of the Senate, and the Speaker of the House of Representatives a notice regarding such modification.

(g) REPORTS.—Not later than January 1, 2000, and every 6 months thereafter, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives, the Majority Leader of the Senate, and the Speaker of the House of Representatives a report assessing implementation of the plan under subsection (b) during the preceding 6 months, including an assessment of whether the goals set forth under subsection (c)(4) are being achieved.

CLELAND AMENDMENT NO. 1788

(Ordered to lie on the table.)

Mr. CLELAND submitted an amendment intended to be proposed by him to the bill, H.R. 2684, supra; as follows:

On page 11, line 11, strike ''$97,256,000'' and insert ''$99,756,000, of which $500,000 shall be available for development of national cemeteries in each of the areas of Atlanta, Georgia, southwestern Pennsylvania, Miami, Florida, Detroit, Michigan, and Sacramento, California''.

On page 11, line 19, strike ''$43,200,000'' and insert ''$40,700,000''.

WELLSTONE AMENDMENT NO. 1789

Mr. WELLSTONE proposed an amendment to the bill, H.R. 2684, supra; as follows:

On page 17, between lines 14 and 15, insert the following:

SEC. 108. (a) FINDINGS.—The Senate makes the following findings:

(1) One of the most outrageous examples of the failure of the Federal Government to honor its obligations to veterans involves the so-called ''atomic veterans'', patriotic Americans who were exposed to radiation at Hiroshima and Nagasaki and at nuclear test sites.

(2) For more than 50 years, many atomic veterans have been denied veterans compensation for diseases, known as radiogenic diseases, that the Department of Veterans Affairs recognizes as being linked to exposure to radiation. Many of these diseases are lethal forms of cancer.

(3) The Department of Veterans Affairs almost invariably denies the claims for compensation of atomic veterans on the grounds that the radiation doses received by such veterans were too low to result in radiogenic disease, even though many scientists and former Under Secretary for Health Kenneth Kizer agree that the dose reconstruction analyses conducted by the Department of Defense are unreliable.

(4) Although the Department of Veterans Affairs already has a list of radiogenic diseases that are presumed to be service-connected, the Department omits three diseases—lung cancer, colon cancer, and central nervous system cancer—from that list, notwithstanding the agreement of scientists that the evidence of a link between the three diseases and low-level exposure to radiation is very convincing and, in many cases, is stronger than the evidence of a link between such exposure and other radiogenic diseases currently on that list.

(b) SENSE OF SENATE.—It is the sense of the Senate that lung cancer, colon cancer, and brain and central nervous system cancer should be added to the list of radiogenic diseases that are presumed by the Department of Veterans Affairs to be service-connected disabilities.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry, be allowed to meet during the session of the Senate on Thursday, September 23, 1999. The purpose of this meeting will be to (1) to examine the impact of electronic trading on regulation and (2) to consider the nominations of Paul Riddick to be Assistant Secretary of Agriculture for Administration and Andrew Fish to be Assistant Secretary of Agriculture for Congressional Relations.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, September 23, 1999, to conduct a mark-up on the committee print of the Export Administration Act and pending nominations.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mrs. HUTCHISON. 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 Thursday, September 23, for purposes of conducting a full committee hearing entitle ''Y2K—Will the Lights Go Out,'' which is scheduled to begin at 9:30 a.m. The purpose of this hearing is to explore the potential consequences of the year 2000 computer problem to the Nation's supply of electricity.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a nominations hearing Thursday, September 23, 3:00 p.m., Hearing Room (SD–406), to receive testimony from the following: Dr. Richard A. Meserve, nominated by the President to be a Member of the Nuclear Regulatory Commission; Dr. Paul L. Hill, Jr., to be Member and Chairperson of the Chemical Safety and Hazard Investigation Board; and Major General Phillip R. Anderson, U.S. Army, to be a Member and President, Mr. Sam Epstein Angel, to be a Member, and Brigadier General Robert H. Griffin, U.S. Army, to be a Member, of the Mississippi River Commission.

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

COMMITTEE ON FOREIGN RELATIONS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 23, 1999, at 3:30 pm to hold a hearing.

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

COMMITTEE ON THE JUDICIARY

Mrs. HUTCHISON. Mr. President, the Committee on the Judiciary requests unanimous consent to conduct a mark-up on Thursday, September 23, 1999 beginning at 10:00 a.m. in Dirksen Room 226.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Thursday, September 23, 1999 at 9:00 a.m. to continue the markup of S. Res. 172, a resolution to establish a special committee of the Senate to address the cultural crisis facing America.

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

SELECT COMMITTEE ON INTELLIGENCE

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, September 23, 1999 at 2:00 p.m. to hold a close hearing on intelligence matters.

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

SPECIAL COMMITTEE ON THE YEAR 2000 TECHNOLOGY PROBLEM

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Special Committee on the Year 2000 Technology Problem be permitted to meet on September 23, 1999 at 9:30 a.m. for the purpose of conducting a hearing.

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

SUBCOMMITTEE ON IMMIGRATION

Mrs. HUTCHISON. Mr. President, the Immigration Subcommittee of the Committee on the Judiciary requests unanimous consent to conduct a markup on Thursday, September 23, 1999 beginning at 2:00 p.m. in Dirksen Room 226.

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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, RESTRUCTURING AND THE DISTRICT OF COLUMBIA

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Governmental Affairs Committee's Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia be permitted to meet on Thursday, September 23, 1999 at 9:30 a.m. for a hearing on Quality Management at the Federal Level.

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

ADDITIONAL STATEMENTS

ON THE SERVICE OF JUDGE LEWIS STITH TO SULLIVAN'S ISLAND

• Mr. HOLLINGS. Mr. President, it is a pleasure for me to recognize today one of South Carolina's finest public servants, Judge Lewis Stith. August 1 marked Mr. Stith's 43d year of continued service to the town of Sullivan's Island.

A native of Sullivan's Island, Mr. Stith and his wife, Marguerite, raised their five children there after he returned from service in the U.S. Coast Guard during World War II. He later served in the Korean war.

In 1956, Lewis Stith was appointed a Charleston County magistrate, a position he held for 25 years. In 1981, he was appointed municipal judge of Sullivan's Island, a position he still holds. Judge Stith's civic accomplishments are numerous and include helping to organize the Sullivan's Island Volunteer Fire and Rescue Department 51 years ago.

The Sept. 1–7 issue of the Moultrie News featured an article which pays tribute to Lewis Stith's commitment to Sullivan's Island and to his wife and children who are continuing the island leadership tradition. I ask that the article be printed in the RECORD.

The article follows:

[From the Moultrie News, Sept. 1999]

LEWIS STITH OF SULLIVAN'S ISLAND

The ''Island Boys'' ruled the beach back then. Lewis Stith, Burt and George Wurthman, Frank and Vernon Damewood, Tony Blanchard, and John and Otis Pickett, just to name a few, spent their days enjoying the ocean, and playing half rubber on the beach at Sullivan's Island. Life was simple. Being surrounded by summer cottages and neighbors that knew everyone made life a yearlong vacation. The Pavilion was located at Station 22 and Burmester's Pharmacy was where Sullivan's Restaurant now stands. The soldiers at Fort Moultrie shot off the cannons everyday at 5 p.m. to mark the end of the day.

Lewis Stith, who was born at Station 24, November 9th, 1921, is still there and though his life has taken him on many journeys, he always returns because, ''There's no place in the world like Sullivan's Island!''

The son of Luther P. and Susan Maguire Stith, Lewis is a well known figure on Sullivan's Island. After high school, Lewis went on to work for the Army as a Post Exchange Clerk and later as a bookkeeper until WW II. He then entered the Coast Guard and served at various shore stations and was eventually assigned to a troop transport—U.S.S. General A.W. Brewster APA 155—as a gunners mate. He traveled the European, Asiatic and Pacific theaters transporting troops. At the end of the war, Lewis was discharged on the WWII Point System in 1945.

Lewis returned to Sullivan's Island to be with his wife Marguerite Strickland and eventually raised five children. His sons are well known islanders as well. Paul is a Wachovia Bank Manager, Marshall is the Mayor of Sullivan's Island and owner of Station 22 Restaurant, and Anthony is the Sullivan's Island Fire Chief. Their two daughters, Debbie White and Susan Hindman, are both school teachers. The Stith's have six grandchildren.

After several jobs, 35 years at the Exxon corporation and also serving in the Korean War, Lewis was appointed a Charleston County Magistrate on August 1st, 1956, by State Senator T. Allen Legare. He remained a Magistrate for 25 years. On August 1st, 1981, Lewis was appointed Municipal Judge for Sullivan's Island and is still serving in this position.

''When I was first appointed Magistrate in 1956,'' said Stith ''Mount Pleasant, Sullivan's Island, and the Isle of Palms had only one police officer in each town. Buck Gossett was the only Highway Patrolman in the area and Charleston County had very few officers back then.''

Fifty-one years ago, five guys got together to form the Sullivan's Island Volunteer Fire and Rescue Department. Lewis, along with Art Chiola, Joe Rowland, Red Wood and Leo Truesdale are the original five members and are still active in the volunteer effort today. The Army donated two trucks and a station to house them. They were the first volunteer rescue squad in the county.

Lewis served as chief of the department, and recalls one particular devastating fire that was very chilling. ''I think it was 1952 on Station 28. The house was in the shape of an H. The kitchen wall backed up to the children's bedroom wall and a gas fire ignited and spread. Art Chiola and I found the children the next day in a closet,'' he said, describing the remains as gruesome. ''Apparently, they couldn't find the door and entered the closet looking for a way out.''

The Volunteer Fire Department started some of Sullivan's Island's most popular events including the annual Fish Fry and Oyster Roast. Fifty one years ago, the Fish Fry started as a fund raiser for Red Wood's sister-in-law who need surgery for an aneurysm. It eventually grew into a large community event and the proceeds raised now go to fund the Fire and Rescue Division's special training and equipment. ''We have a tremendous turnout these days,'' said Lewis. ''When we first started it was in the same location that it is now, but all we had was some cinder blocks and a steel plate to cook on. Now things have grown and we have the present facility called 'The Big Tin.' ''

Lewis and Marguerite remember the good old days on the island. ''After Labor day,'' said Marguerite, ''The vacationers would all go home and there would only be about 25 permanent residents.''

''We played recreation activities with the soldiers and got to see first run movies at the fort,'' added Lewis. ''Middle Street was the only road through the town and you could drive your car on the beach.''

Marguerite was a Charleston girl, and Lewis met her through a friend. He began to date her and, according to Marguerite, ''We'd come over the Sullivan's Island Bridge and every time he would say, 'Smell that good salt air? Isn't it great?' I never told him that I could smell that same air on the Cooper River Bridge and in Charleston,'' she said laughing. ''He thought there was no better place than Sullivan's Island, and he was right!''

After Hurricane Hugo though, the island completely changed. ''All the summer cottages were wiped out entirely and replaced with massive homes that tower over the beach. But this is still God's country!'' said Lewis. ''You can't find a better place to raise a family.''

August 1st of this year marked the 43rd Anniversary of Lewis's continued service for the Town of Sullivan's Island. He's done many other things for the town, including forming the VFW Walter Brownell Post #3137 on Sullivan's Island. He served as the first Commander.

Lewis attributes all of his success to many things, but his greatest accomplishment he said, was marrying his wife and raising his five successful children. ''I owe it all to my good family upbringing. I grew up during the Depression and we just learned to take care of what you had. I am also a member of Stella Maris Catholic Church. These things have taken me where I'm at today.''

Still active as a judge, and still loving Sullivan's Island like he always has, Lewis sums it up by saying, ''I've been all over the world, and there is no place like the sandy spot we live on. I love it here.''•

TRIBUTE TO DAVID LEWIS WILLIAMS

• Mr. McCONNELL. Mr. President, I rise today to offer a tribute to Kentucky State Senator David Williams,

as sincere congratulations for 15 years of service in the General Assembly and as encouragement for many more years of accomplishments and victories still to come.

David is one of the sharpest politicians and smartest people I know. His long-time passion for politics and desire to serve Kentucky is evidenced in his hard work in the Kentucky Senate—and in his perseverance getting there. David's strong convictions about issues and principles important to Kentuckians have helped him become a prominent figure in the State legislature, but his climb to the top was not an easy one. David lost his first campaign for public office when he ran for county judge-executive, and has often faced tough opposition in the Senate. To his credit, David has remained committed to his constituents and to the values they elected him to represent.

When he was elected to the Kentucky House of Representatives 15 years ago, David was a country lawyer from Burkesville, Kentucky. His sharp mind and peerless rhetorical skills were evident right from the start, and helped David eventually come to lead the now-Republican Majority in the Senate.

As a fellow public servant, I know first-hand the kinds of commitments and sacrifices that have to be made in order to effectively serve a constituency. Clearly, David has demonstrated his willingness to take on that responsibility, and has been an example through his ability to handle the daily demands of being a Senate leader. Additionally, he is a great family man. David's wife Elaine has surely been a great support and encouragement to him, and deserves commendation for her tireless work in the field of education, as the instructional supervisor for Cumberland County Schools. David is also devoted to his parents, Lewis and Flossie Williams, of Cumberland County. David's father served as Cumberland County clerk for nine consecutive terms, and was a high school principal and basketball coach when David was growing up. His parents' work in education and politics gave David a solid background that has prepared him well for his current leadership role in the State Senate, and will certainly continue to inspire him in future endeavors.

David, on behalf of my colleagues and myself, thank you for your fifteen years of service to the 16th district and to the people of Kentucky. I have every confidence in your ability to lead the State Senate, and know that your best days are yet to come.

Mr. President, I ask that an article which ran in the Louisville Courier-Journal on September 5, 1999, be printed in the RECORD.

The article follows:

[From the Louisville Courier-Journal, Sept. 5, 1999]

WILLIAMS GETS CLOSER TO SENATE PEAK

(By Tom Loftus)

BURKESVILLE, KY.—David Williams began learning hard political lessons at a young age.

In the second grade he lost an election ''for some kind of class favorite'' by a single vote. ''At that time I was chivalrous enough to vote for my opponent,'' Williams said. ''I decided I wasn't going to do that again.''

It wasn't the last election Williams would lose, yet come away a bit the wiser—and with his passion for a career in elective office undiminished.

Today, after serving 15 years in the General Assembly—many of those years in a minority faction of the minority Republican Party—David Williams stands as perhaps the most powerful member of the General Assembly.

This summer's defections of two Democratic senators to the GOP gives the Republicans a majority in the Senate for the first time ever—making Minority Leader Williams into Majority Leader Williams, and likely Senate President Williams.

So when the legislature convenes in January, the Senate will be led by this 46-year-old lawyer from Burkesville, a man described as smart and articulate by some, cocky or condescending by others.

Williams calls himself a compassionate conservative. Many Democrats consider him their favorite Republican senator.

At his core, he's a man who lives government and politics.

''We can't get him out to golf; he really doesn't have any time-consuming hobbies.'' said Cumberland District Judge Steve Hurt.

''He has always been fascinated by the political process. He's the kind of guy who sits up at night watching 'Hardball with Christ Matthews' and C–SPAN.''

In January, Williams plans to play a little hardball of his own.

Last week he said he'd exercise the majority's rightful power to bounce Louisville Democrat Larry Saunders as Senate president.

''I want the majority of the members of the Kentucky state Senate to choose the president they feel most comfortable with,'' Williams said.

''And if it happens to be David Williams, I would be most proud to serve in that position.''

POLITICAL ASPIRATIONS RUN IN THE FAMILY

Williams runs a one-man law practice in his hometown of Burkesville, county seat of the predominantly Republican Cumberland County. He and his wife, Elaine, who is instructional supervisor for the Cumberland County schools, live in a house valued on tax rolls at $225,000. They have no children. Williams is the only child of Lewis and Flossie Williams, who still live in the house where David grew up.

The family regularly attended Burkesville United Methodist Church, and Williams' parents put a high value on the importance of a good education. Lewis Williams was a principal and basketball coach who, after losing his first campaign for county clerk, won nine consecutive elections for that office without opposition.

''We went to Lincoln Day dinners when I was a small boy. I heard (U.S. Sen.) John Sherman Cooper, (Fifth District Congressman) Tim Lee Carter, (U.S. Sen.) Thruston Morton and all those folks,'' Williams said. ''I grew up in the courthouse. After school and on Saturdays I'd hang out there when I was a kid. And I was actively involved in the local party when I was 15 or 16 years old.''

At Cumberland County High School, Williams was the senior class president, lettered in baseball, and was captain of the football team. His quotation next to his photo in the 1971 yearbook is: ''The scales of justice can only be balanced by the weight of involvement.''

Williams said he particularly liked playing football. He was a center on offense and a tackle on defense. ''If I had been a step quicker I could have played college ball,'' he said. (Hurt, who quarterbacked the 1971 Cumberland County team, suggested Williams would have to have been a bit more than one step quicker.)

In fact, though he and his wife like to fish and keep a pontoon boat on Dale Hollow Lake, their favorite pastime is college sports. As a legislator he takes advantage of the chance to buy two tickets to University of Kentucky and University of Louisville football and basketball games. He travels to most UK football games on the road and attends postseason basketball tournaments when UK plays.

''The football season is something I really enjoy,'' he said. ''I usually try to catch U of L when I can. I'm one of those rare people who like both UK and U of L.''

Williams is a graduate of both.

After high school, he and his then-girlfriend Elaine Grubbs, went on to UK. They dated off-and-on through college.

At UK Williams was true to his high school yearbook quotation. Among other things he was in the student senate and ran for student body president—the clean-shaven frat boy who ran against an opponent he describes as ''long-haired and hippie-ish.'' Williams lost.

After graduation, Williams enrolled at the U of L Law School. He married Grubbs after his first year there.

Williams said he could have studied law at UK but wanted to broaden his experience. And he liked Louisville.

''My closest relatives live in Louisville—aunts and uncles on my father's side of the family—and I visited Louisville often as a boy,'' Williams said. ''I lived in Louisville during some of the summers when I was growing up because when my dad was a teacher, he would go to Louisville and roof houses on construction crews and make good money in the summer. . . . We would go up and live with relatives.''

LESSONS LEARNED THROUGH SETBACKS

After law school, Williams returned to Burkesville to practice law and—at age 25—ran for county judge-executive. His opponent was incumbent Harold E. ''Barney'' Barnes—a Democrat who had been appointed by Gov. Julian Carroll when the elected judge died in office. Williams lost.

''It taught me some interesting political lessons about incumbency,'' Williams recalled. ''When the governor and the local judge have an unlimited amount of blacktop and things like that, it can have a big effect.''

But in 1984 Williams ousted state Rep. Richard Fryman of Albany, a fellow Republican. Two years later he succeeded retiring Sen. Doug Moseley of Columbia and has been re-elected to the state Senate three times since—the last two times without opposition.

During his Senate tenure, though, Williams was twice rejected by the voters in years when his Senate seat was not up for re-election.

In 1992 he won a Republican primary for the U.S. Senate but was drubbed in the general election by popular incumbent Democrat Wendell Ford, who won with 64 percent of the vote.

But perhaps the nadir of Williams' political career came the following year.

While stewing in a minority faction of the Senate Republican caucus, Williams decided to try to be a prosecutor and ran for commonwealth's attorney in his home four-county district. He lost.

But he never considered dropping out of politics.

''I didn't think any of the losses were due to my lack of ability or people not liking

me,'' he said. ''I'm no Lincoln, but even Lincoln got beat two or three times.''

Longstanding alliances within the small Senate Republican caucus had largely kept Williams out of a leadership position there. But the number of Senate Republicans grew during the 1990s.

During the 1998 session, after the Republican minority had grown to 18 senators, Williams was part of (but he insists did not lead) an attempt to oust Sen. Dan Kelly's Republican leadership team—a coup that failed when Republican senators voted 9–9.

After the 1998 elections changed the makeup of the caucus, Williams finally had the votes he needed to win election as Senate Republican leader.

And defections of two Democratic senators to the GOP mean he's likely to become Senate president.

A MIX OF ATTORNEY AND PREACHER

Williams said Kentuckians can expect him to take generally conservative stands on most issues.

''But I don't hate government,'' he said. ''I'm not a person who is afraid to use government to effect change. . . . I come from an area of the state that has needs. I've grown up and lived with people who have needs. I've grown up in areas that needed roads, that needed schools.''

In fact, in 1990 Williams was one of only three Senate Republicans who voted for the Kentucky Education Reform Act, which included a massive tax increase.

''I voted for it because the school districts in rural Kentucky did not have adequate resources, the students there did not have adequate opportunity,'' Williams said. ''I'm not unalterably wed to every aspect of the Kentucky Education Reform Act. . . . But I still feel like I cast the right vote.''

Besides his support of KERA, Williams is known in the legislature for his long fight to win funding for a resort lodge at Dale Hollow, his advocacy of workers' compensation law reform (which Gov. Paul Patton pushed through in 1996), and helping to increase state spending on adult education.

Williams is better-known, though, for his skill as a debater. ''David Williams is and has always been one of the most articulate members of the Senate,'' said Senate Democratic Leader David Karem of Louisville. ''There's a wonderful mix of the courtroom attorney and the traditional Kentucky preacher in the way he delivers his speeches from the floor.''

Williams said Republicans are inclined to oppose two ideas Patton has floated this year as ways of raising state revenue—raising the gas tax and expanding legal gambling.

But he said he's not prepared yet to slam the door on either idea. ''We haven't seen a bill yet,'' he said.

And if Williams succeeds in leading the Senate, might he make another race for statewide office?

Williams said he has no plans to seek higher office, though he's not ruling out the possibility.

Sen. Tom Buford, R-Nicholasville, said Williams could be a strong candidate for governor in 2003. ''He hasn't said anything,'' Buford said. ''But I would watch that.''●

IN RECOGNITION OF THE BETHESDA FALCONS

● Ms. MIKULSKI. Mr. President, I rise today to congratulate the Bethesda Soccer Club Falcons for winning the Under-16 girls Maryland State Cup Championship.

The Falcons defeated their opponent, the Soccer Club of Baltimore Force, 11–0. This victory marked the team's seventh consecutive state title—one for every year that they have been eligible to win—which also happens to be a Maryland record.

Every Falcons team member was a contributor to this important victory. On the offensive, the game's leading strikers were Audra Poulin and Jenny Potter, who had three goals apiece. Jenna Linden added two goals to the team's fight, while Christi Bird, Stephanie Sybert, and Allison Dooley chipped in the remaining scores for the Falcons. This overpowering offense was aided by the passing and play-making abilities of the Falcons' talented midfielders: Beth Hendricks, Tara Quinn, Jennifer Fields, Susannah Empson, and Tanya Hahnel.

One of the keys to the Falcons' victory was their unwavering and steadfast defense which allowed no goals and only a few shots by the unrelenting Baltimore Force. This defense was anchored around defenders Caitlin Curtis, Amy Salomon and Alison West, while the goal posts were kept clear by goalies Anna Halse-Strumberg and Kerry York.

It was a fitting ending to the tournament in which the Falcons, through five games, outscored their hard-working opponents 29–0. The following day, the Falcons continued their winning efforts by defeating the Baltimore Soccer Club Pride—another great Maryland team. The Falcons finished in first place in the Washington Area Girls' Soccer Association Under-17 Premier Division.

Mr. President, as many of my colleagues know, I believe we must get behind our kids and support them in their hard work. The importance of this principle was demonstrated by Falcons coach, Richie Burke, who did just that. As a result, the team fought hard and produced a definitive victory. I'm proud to have such a great team and a fantastic coach in Maryland, and I'm proud of all the participants in the Maryland State Cup Championship for their hard work and dedication.●

TRIBUTE TO MR. FRANCIS WILSON

● Mr. ABRAHAM. Mr. President, I rise today to pay tribute to Mr. Francis M. Wilson and his wonderful and admirable life.

Mr. Wilson served as a tech-sergeant during World War II in Germany when he was only 18 years old. He was an engineer in the Detroit Public School District, a devoted family man, and an active citizen. The challenges he successfully faced in these capacities have distinguished him within his family, his town, his state, and his country.

As a very young boy, he sold ''Liberty'' magazines to supplement his family's income during the Great Depression. Growing up during a time of financial strife led him to find solace in nature. Mr. Wilson was exposed to nature during his experience in the military and developed a love and knowledge of it. As a young adult he was able to identify a variety of birds, insects, trees, and flowers. He then went on to form and preside over a group of citizens that forced new construction to adhere to guidelines designed to protect nearby lakes.

Once he reached adulthood, Mr. Wilson found his real love, Dolores. Together they found great joy in their children and grandchildren. Mr. Wilson wanted to ensure that they received all the advantages that he did not have. He inspired his children to put themselves through college. He provided them with the opportunity to grow up in a safe environment, allowing them to mature at a more deliberate pace than the one that was forced upon him. His wife, Dolores, expresses the best tribute to Mr. Wilson when she writes ''this brave, honest, dedicated, ordinary man was to his family and America 'the staff of life' that fuels generations to come.''

Mr. Wilson expressed his passion for education through his involvement with children as an engineer of thirty years in the Detroit Public Schools. He gave and received respect from all he knew. He not only led by lecture but, more importantly and effectively, by example. He never left any doubt as to where he stood in a debate and firmly believed in right and wrong. Mr. Wilson offered little patience for individuals passing on responsibility as an excuse for negligent or bad behavior. Personifying Winston Churchill's statement, ''We make a living by what we get, but we make a life by what we give,'' Mr. Francis M. Wilson left this world an honorable, loyal, selfless servant to his country and a loved and missed father, grandfather and husband.●

THE 150TH ANNIVERSARY OF OAKLAND, MARYLAND

● Mr. SARBANES. Mr. President, I would like to bring to the attention of my colleagues the celebration of the 150th anniversary of the Town of Oakland, Maryland. The Mayor of Oakland, Asa McCain, Jr., and the entire community are planning numerous events to commemorate this milestone.

Like so many of Maryland's historic cities and towns, Oakland, which was founded in 1849, has carved its own unique place in American history. At Oakland's center is one of the oldest railroad stations in the country. The Queen Anne style railroad station designed by E.F. Baldwin and built in 1885 by the B & O Railroad is now in the National Registry.

The railroad was responsible for popularization of the Oakland area as a resort in the late 1800's and resulted in Garrett County's flourishing export of timber and coal. Recently purchased by the ''Save the Oakland Station Committee,'' the station will be restored to its original splendor in an effort to provide a cornerstone for continued growth in the County. In recognition of

Oakland's community effort to revitalize its economy and preserve its historic past, the Town received a National Mainstreet Designation from the National Historical Trust in May of this year.

Another historically significant location in Oakland is the Church of the Presidents, built in 1868. Three United States Presidents, Grant, Harrison, and Cleveland, attended services there and preferred Garrett County to any other place for their vacations.

Today, Oakland and Garrett County are well known as one of the finest all-season resort areas, offering abundant sports activities including fishing, hiking, skiing—both alpine and cross-country—and boating. The natural beauty of this pristine area of our state led to Oakland's original name, ''The Wilderness Shall Smile.'' In addition, the town of Oakland, with its large victorian homes and beautiful tree-lined streets, enhance the appeal of this cool, mountainous retreat.

Oakland has faced its share of economic difficulties. The departure in 1996 of Bausch and Lomb, the largest employer in the area, dealt a severe blow. Nevertheless, Oakland faced the problem head-on and orchestrated an intense effort to recruit alternative employers. In April of this year, Simon Pearce, a premier glass maker and Vermont's largest tourism attraction, opened a factory just outside of Oakland. Through the inspired leadership of Mayor Asa McCain, the town of Oakland will continue to thrive and prosper well towards the Town's 200th anniversary.

Oakland is a model of community spirit and cooperation. The activities planned to commemorate the 150th anniversary exemplify the deep devotion of its residents to their community. I share the pride of Mayor McCain and all of Oakland's citizens in their Town's historic past and optimism for Oakland's continued success in the years to come.●

VET CENTERS OF EXCELLENCE

● Mr. JEFFORDS. Mr. President, it gives me great pleasure to publicly acknowledge the five Vet Centers from around this country that are being recognized for their superior services as ''Vet Centers of Excellence.'' While I am proud of the fine facilities located in California, Arizona, Georgia and West Virginia, the one I want to praise today is in my state of Vermont.

Vermont is very fortunate to have two Vet Centers—in fact we boast the first in the nation back in the days when the Readjustment Counseling Service (RCS) was just getting started with pilot sites strategically located around the country. The nation's first Vet Center, an excellent facility, was designed to help veterans in the Burlington, Vermont area.

The Vet Center we honor today opened in mid-1981 and is located in White River Junction, Vermont. It serves veterans on both sides of the Connecticut River in Vermont and New Hampshire. The team leader, Tim Beebe, assesses their work modestly, saying ''we are just doing our job.'' Maybe they don't understand the impact they have. This incredible staff go so far above their ''job''. They are caring, involved and understanding friends, devoted to offering a safe haven to those veterans suffering the emotional wear and tear of battle, often thirty years after leaving the service.

I am sure I don't need to remind my colleagues in Congress that the work being done at Vet Centers throughout the Country is enormously important. Over the years, the Vet Center program has been so successful in meeting the readjustment needs of Vietnam veterans that the VA Readjustment Counseling Service expanded the scope of their good work to veterans of all eras. This move was heartily endorsed by Congress and is now law. Long before this mandate, however, the White River Junction Vet Center subscribed to an open door policy to all veterans. Their message was simply put: ''Welcome home—you are not alone.''

Mr. President, I believe in the great work being done by Vet Centers everyday throughout this country. I also know, however, that a ''Vet Center of Excellence'' award is only given to the those centers that stand a little taller than the rest. The White River Junction Vet Center staff exemplifies excellence. I want to offer my warmest congratulations to this incredibly talented group of professionals and remind them that they are shining examples to their colleagues in the 206 Vet Centers around the United States.●

NORTH DAKOTA STOCKMEN'S ASSOCIATION

● Mr. CONRAD. Mr. President, today, I would like to recognize a very important organization in my state, the North Dakota Stockmen's Association. I would also like to congratulate them on their 70th anniversary as an organization. Over the years, the North Dakota Stockmen's Association has been an invaluable asset to their members and to me. In particular, after 70 years of representing North Dakota family farmers and ranchers, the Stockmen have made great contributions to the cultural and economic heritage of North Dakota. Their successes have been accomplished through hard work and their consistent ability to produce the highest quality beef in the world.

Cattle provide an essential source of income for North Dakota farmers. Based on that fact alone, it is easy to understand the importance of the Stockmen's Association to my state's producers. While keeping the interests of cattle producers in the minds of elected officials, the members of this organization also provide valuable stewardship to the land, send their children to rural schools, support businesses, and help their neighbors through difficult weather and tough economic times. I would like to express my deep appreciation for their enduring efforts to support my state's communities, and again, I congratulate them for 70 years of service to the cattlemen of North Dakota.●

MICHAEL J. McGINNISS

● Mr. SANTORUM. Mr. President, I rise today to recognize Brother Michael J. McGinnis, who will be inducted as La Salle University's 28th President on September 24. Brother McGinnis was previously a member of La Salle's religion department, and for the past five years was president of Christian Brothers University in Memphis, Tennessee.

A native Philadelphian, Brother McGinnis joined the Christian Brothers University in 1965 and graduated Maxima Cum Laude from La Salle in 1970 with a degree in English. He obtained his Master's and Ph.D. in theology from the University of Notre Dame. While a graduate student at the University of Notre Dame, Brother McGinniss taught undergraduate courses in the Theology Department.

Brother McGinniss became assistant professor at Washington Theological Union from 1979 to 1984, and in 1984 joined the faculty at La Salle on a full-time basis, reaching the rank of full professor in 1993. Recognized for his leadership qualities, Brother McGinnis became Chair of La Salle's Religion Department in 1991 and the following year received the Lindback Award for Distinguished Teaching.

During his tenure as President of Christian Brothers University, undergraduate enrollment and retention rates increased, a Master's of Education program was established, the Athletic Department joined the NCAA Division II Gulf South Conference, and the Center for Global Enterprise was founded. He also took an active role in the Memphis area community, serving on the boards of the Economic Club of Memphis, the Memphis chapter of the National Conference of Christians and Jews, and the Memphis Brooks Museum of Art. Brother McGinnis also served on the Memphis Catholic Diocesan Development Committee and the board of the Christian Brothers High School.

Brother McGinnis has published numerous articles in scholarly journals, written chapters in religious books, and edited six volumes of the Christian Brothers' Spirituality Seminar Series. His book reviews have appeared in journals such as Horizons, Theological Studies, Journal of Ecumenical Studies, and Holistic Nursing Practice. His professional memberships include the Catholic Theological Society of America, American Academy of Religion, and College Theology Society.

Mr. President, Brother McGinnis has distinguished himself through his impressive academic and professional

achievements, as well as through his dedicated service to the community. I ask my colleagues to join me in congratulating Brother Michael McGinnis on his induction as President of La Salle University.●

RECOGNIZING THE CITIZENS AGAINST LAWSUIT ABUSE

● Mr. ROCKEFELLER. Mr. President, today I would like to recognize a volunteer group of West Virginians who have joined together to educate the public on an important issue affecting our state and the nation. These individuals, who have formed Citizens Against Lawsuit Abuse, CALA, are disseminating information to the public about our civil justice system, and they are working to encourage jury service and personal responsibility in our society.

CALA spokespersons based in Huntington, Charleston, Bluefield, Logan, Bridgeport, Fairmont, Morgantown and other cities in our state are educating the public about how lawsuit abuse can affect consumers. The CALA groups in West Virginia have raised funds to provide scholarships to students statewide through essay contests where the students address the important topic of jury service and personal responsibility.

Teaching our children the value of civic responsibility is a vitally important component of learning, and CALA's efforts have not gone unnoticed. By emphasizing the virtues of jury service, CALA is helping to give our children a more well-rounded education and is promoting values which will serve these children, and our future, well. I am proud that many of West Virginia's finest students, from our public and private secondary schools, have participated in these essay contests and have been recognized for their efforts in our local media. The winning high school essayists in last year's CALA scholarship contest were Joshua Linville, Sherman High School, Boone County; Amanda Knapp, Pt. Pleasant High School, Mason County; Matthew Walker, St. Joseph Catholic High School, Cabell County; Courtney Ahlborn, Parkersburg South High School, Wood County; Sarah Mauller, East Fairmont High School, Marion County; and Misty Lanham, Tygarts Valley High School, Randolph County.

Citizens Against Lawsuit Abuse groups have declared September 19 through 25 to be ''Lawsuit Abuse Awareness Week'' in West Virginia. I commend the citizens for their dedication and commitment and to acknowledge this week as time of public awareness on the various issues affecting civil justice in our state. Our citizens should be encouraged to educate themselves about our civil justice system and how they can help to make it the best in the world.●

CONGRATULATIONS TO CHIEF JACK KRAKEEL

● Mr. COVERDELL. Mr. President, I rise today to acknowledge one of Geogia's outstanding civil servants. On August 29, 1999, Jack Krakeel, Director of Fayette County's Fire and Emergency Services, was named Fire Chief of the Year by the International Fire Chief's Association. This award is a fitting honor to a man who, through his hard work and leadership, has provided Fayette County with a superior fire and rescue team and has devised innovative methods to deal with emergencies.

Under Chief Krakeel's leadership, Fayette County's emergency services have found creative solutions to deal with ever-changing challenges. An important program implemented by the Department requires cross-training of employees. All career members of the Fayette County Department of Fire and Emergency Services are trained as both firefighters and paramedics. This gives the department incredible flexibility when dealing with severe emergency situations.

Fayette County, Georgia, is one of the fastest growing counties in the nation. In response to this rapid increase in demand for services, Chief Krakeel has developed plans implemented by the Fayette County Board of Commissioners which will maintain an average emergency response time of five minutes. In a business where the difference between life and death is often measured in seconds, the importance of this initiative cannot be underestimated.

Chief Krakeel's department also recognizes the need to inform families, particularly children, on the importance of fire safety. Under Chief Krakeel's leadership, the department was the first in the state to enact a multi-family housing sprinkler ordinance and also created a portable fire safety education home which teaches children how to escape from a fire.

Jack Krakeel has also serves in a variety of leadership roles related to emergency services. He is the national Chairman of the National Fire Protection Association's ''Technical Project in Emergency Medical Systems.'' Also, Chief Krakeel is in his third year as a member of the Board of Directors of the International Association of Fire Chiefs.

On a more local level, Chief Krakeel is a member of the Georgia's Emergency Medical Services Advisory Council, and is in his twelfth year of service with the organization. Not long ago he helped lead the formation the joint EMS Committee of the Georgia Association of Fire Chiefs and the Georgia Firefighters Association.

Other accomplishments during Chief Krakeel's impressive career are too numerous to mention. It is not an exagerration to state that few people have had a greater individual impact on modern emergency service techniques than Chief Jack Krakeel. Mr. President, I offer my congratulations to Chief Krakeel for the honor bestowed upon him, and my hopes that he will continue to provide innovation and leadership for years to come.●

MR. K. PATRICK OKURA

● Mr. INOUYE. Mr. President, this coming weekend a long time friend of mine, Mr. K. Patrick Okura, will be celebrating his 88th birthday. For the past decade, Pat has been extraordinarily active in guiding the Okura Mental Health Leadership Foundation in order to ensure that young Asian Pacific American health professionals, representing a wide range of disciplines, will have the skills and experiences necessary to eventually achieve leadership roles throughout our nation's health and human services agencies. Pat obtained his baccalaureate and master's degrees in psychology from the University of California at Los Angeles and has long been a member of the American Psychological Association which recently published a special article highlighting his monumental accomplishments. He is currently on the Board of Directors of the National Mental Health Association, the U.S. Commission on Civil Rights, and the Japanese American National Museum. He is a past-President of the Japanese American Citizens League and founder of the National Asian Pacific American Families Against Substance Abuse.

In July of 1971, during the Presidency of Richard Nixon, Pat assumed the position of Executive Assistant to the Director of the National Institute of Mental Health, NIMH. For the next decade, he remained at a high level policy position within the NIMH, shepherding to fruition numerous innovative mental health initiatives. He was an active participant in the deliberations of President Carter's landmark Mental Health Commission. For many of us in the U.S. Congress, those were the glory days for mental health. There was a sense of genuine excitement and optimism. Our nation was finally beginning to understand and appreciate the social and cultural aspects of health care, not to mention the importance of ensuring that all Americans should receive necessary care. Under Pat's leadership, our nation truly committed itself to the far reaching ''deinstitutionalization movement,'' an effort which would eventually bring mental illness out of the closet and ensure that all of our citizens would retain their individual civil liberties, notwithstanding any particular diagnosis, lack of economic resources, or lack of immediate family.

During the mid-1980s, Pat went on to serve as Special Assistant to the President of Hahnemann University, once again with a unique focus on those projects and events that made the university the great educational institution that it was. As I have already indicated, for the past decade Pat has continued to ''give back'' to our nation by ensuring that future generations of

Asian Pacific American health professionals will begin to appreciate their potential for excellence in leadership. Having had the opportunity of personally meeting with his Fellows as they come to Capitol Hill each year, I must say that I have always been extraordinarily impressed by their dedication and commitment to our nation. Pat Okura has truly been a visionary role model for all of us and the ultimate public servant. I wish him the best on this truly special occasion.●

THE INGHAM COUNTY WOMEN'S COMMISSION 25TH ANNIVERSARY

● Mr. ABRAHAM. Mr. President, I rise today to acknowledge and congratulate the Ingham County Women's Commission, as they celebrate their 25th Anniversary.

The Ingham County Women's Commission has taken great strides to meet the needs of women since it was founded in 1974. The commission, originally established to serve as a study and research center focusing on the issues concerning women in the county, was restructured in 1976 and took on an advisory role to the Board of Commissioners. They now focus on issues that impact the women of the county. They have continued their efforts in researching better ways to meet the needs of women through county resources.

What is truly remarkable about this select group is their dedication to helping enrich the lives of women. They work closely with the Equal Opportunity Commission to overcome discrimination against women. The commission also provides many important and beneficial services to women. Their greatest accomplishments include involvement with the New Way In and Rural Emergency Outreach and the provision of acquaintance rape education for high school students. Additionally, they have experienced vast success in helping raise awareness of women's issues by developing a sexual harassment policy for county employees, sponsoring the Ingham County Sexual Assault Task Force and the Michigan Council of Domestic Violence.

This important group of women are to be commended for their accomplishments over the last 25 years. Their hard work and dedication to conveying the importance of women's issues will benefit many women for years to come.●

LANE KIRKLAND

● Mr. DODD. Mr. President, earlier today, there was a memorial service for former AFL–CIO president, Joseph Land Kirkland, on the campus of Georgetown University. I was deeply saddened to hear of Lane's passing and would like to reflect for just a few moments on his life and his enormous contribution to organized labor in America.

Lane Kirland spent virtually his entire working life in the service of his country. As a young man, he enrolled in the first class of the U.S. Merchant Marine Academy and served the duration of World War II as a transport officer. Following the war, Lane went back to school, taking night classes at Georgetown, and received a degree in foreign relations in 1948. He intended to enter the foreign service and represent American interests abroad, but shortly after graduation he took a low-level research position with the American Federation of Labor.

That seemingly temporary sidestep would become the consuming mission of his working life. An unlikely labor leader, born of a well-to-do southern family and schooled in international relations, Lane became a strong advocate for justice in the workplace and a champion of human dignity. From 1948 until, some would say, the day he died, he fought for working people—for higher wages, better health care, and greater protections for workers health and safety. It is a credit to his skill, intellect and unflagging determination that he was elected president of the AFL–CIO in 1979, a post he faithfully held for 16 years.

Lane was a titan of the American labor movement. A man of great personal strength, Lane used his talent and energy to act upon his convictions, uniting people of diverse backgrounds and improving the lives of countless working families across this country and around the world. During Lane's tenure as president, organized labor faced ever-increasing challenges which called for strong, decisive leadership. With union membership declining across the country, Lane fought successfully to unite the Nation's largest and best-known unions under the AFL–CIO, guaranteeing the continued vitality of organized labor and ensuring it a position in American political discourse well into the 21st century.

His vision for trade unionism did not stop at the water's edge. Under Lane's stewardship, the AFL–CIO reached out to workers around the world. Like few others at the time, Lane understood the global struggle embodied in the cold war. He was a man of great insight, and he realized that a fair workplace could be used as a lever to create a fairer society. Ardently anti-communist, Lane believed personal freedom was the right of every man, woman, and child and saw the union as a vehicle of freedom. Thus, he supported trade unions in China, Cuba, South Africa, Chile, and Poland, where unions were severely suppressed and personal freedoms denied. When Solidarity assumed power in Poland, Lane's faith in the power of trade unions and lifetime of work to build them were irrefutably vindicated.

With Lane's passing, a bright light for trade unions has been extinguished. He will be greatly missed. My thoughts and prayers are with his wife, Irena, and his family.●

TRIBUTE TO LANE KIRKLAND

● Mr. HOLLINGS. Mr. President, over the August recess South Carolina lost one of her most distinguished native sons, Lane Kirkland. Unless you knew Lane personally, you weren't likely to know he was a proud South Carolinian. If you did know him personally, there was no way not to know he was a proud South Carolinian. He went to South Carolina regularly; sometimes to see his brothers Ranny and Tommy, sometimes just to go to the wonderful small town of Camden where he spent his childhood summers. Whenever we would meet, officially or not, we always spent some time talking about South Carolina.

Lane remembered and cherished his roots, but they did not bind him. He had grown up with people who could not see through their rich heritage to the future. Lane was acutely aware of this trap and he illustrated this brilliantly in a commencement address to the University of South Carolina in 1985.

> I owe to Sidney Hook a thought that I offer as my final conclusion from all this. From him I learned the difference between a truth and a deep truth. A deep truth is a truth the converse of which is equally true. For example, it is true, as Santayana said, that those who cannot remember the past are doomed to repeat it. Yet it is equally true that those who do remember the past may not know when it is over. That is a deep truth.

Lane Kirkland was a complex person as evidenced by his many contradictions. He was a Southerner who found his education and opportunity in New York; he descended from planters but had his first success as a sea captain; he was a child of privilege who became a self-described New Dealer; he was an intellectual who fought for miners and mill workers; and perhaps most importantly, he was a liberal anti-Communist.

Lane had many triumphs in his life, but none was so important as the leading role he played in the liberation of Eastern Europe and the fall of the wall. He committed the resources of the American labor movement to preserve Lech Walesa and Solidarity. The New York Post wrote that ''Kirkland must be included among a select group of leaders—including Ronald Reagan, Pope John Paul II and Lech Walesa—who played a critical role in bringing about the demise of Communism.'' William Safire, no fan of organized labor, wrote this about Lane Kirkland and Lech Walesa: ''Together these two anti-Communist patriots fought the Soviet empire when the weak-kneed were bleating 'convergence'. Their refusal to compromise with evil exemplified the leadership that helped win—the word is 'win'—the cold war.''

As a South Carolinian and an American, I am proud of the central role that Lane played in the central struggle of this century. People in the United States and around the world know the exhilaration and opportunity that freedom brings in part because of

Lane Kirkland. In his last speech in South Carolina, Lane addressed the South Carolina Historical Society. He opened by saying, ''I am honored to be here even though it suggests that I am history.'' In reality Lane Kirkland made history.●

TRIBUTE TO HEATHER RENEE FRENCH

● Mr. MCCONNELL. Mr. President, I rise today to congratulate Heather Renee French of Maysville, Kentucky, on her recent crowning as Miss America 1999.

Ms. French is an outstanding young woman who made all Kentuckians proud of her impressive showing at this year's prestigious Miss America pageant. She made history with her win on September 18, 1999, as the first Miss Kentucky ever to be named as the reigning Miss America—and the goal to help homeless Veterans she's set for her year-long term will likely make history as well.

Though young, Ms. French has accomplished a great deal in her 24 years. A graduate of the University of Cincinnati (U of C) undergraduate program and a student in the U of C Masters of Design school, she currently teaches at the U of C design school, and is working on a textbook for college-level design students.

Her resume boasts extensive service and volunteer experience, including working with the Make-A-Wish Foundation, volunteering at VA hospitals and with the Statewide Vietnam Veterans Awareness Campaign. It is refreshing to see an intelligent, successful young woman who takes the time to spend unpaid hours working to help others.

According to post-pageant interviews, Ms. French has indicated that the top priority with her newly-won title is to lobby Congress on behalf of America's Veterans. The daughter of a disabled Vietnam Veteran, Ms. French has become acutely aware of the problems Veterans face and the obstacles they often have to overcome.

I also would like to congratulate the French family, as this is their victory as well. They are to be commended for the love and support they provided throughout Heather's life, and throughout what was surely a busy summer preparing for the September pageant. Her father, Ron, deserves recognition as the inspiration for Heather's strong desire to help America's Veterans and for the Purple Heart he earned during the Vietnam War. As a father, it would encourage me to know that my daughters had learned something from a parents' adversity that would drive them to help others with similar experiences.

My colleagues and I join in congratulating you, Ms. French, on your success and wish you all the best in what will surely be an exciting year.●

ALASKA NATIONAL GUARDSMEN RECEIVE MACKAY TROPHY

● Mr. MURKOWSKI. Mr. President, I would like to take this time to pay tribute to the men of Air Force Rescue 470, from the 210th Rescue Squadron in the Alaska Air National Guard. These five men, stationed at Kulis Air National Guard Base in Anchorage, Alaska, recently received the Mackay Trophy. The Mackay Trophy is given each year to the person or crew in the United States Air Force for what is considered the most meritorious flight of the year. The crew of Air Force Rescue 470 certainly deserve this prestigious award.

Let me tell you a little bit about the rescue they performed which led to this recognition. On May 27, 1998, six people, including two small children, flying in the Tordrillo Mountains, suddenly crashed into a glacier about 10,500 feet above sea level. These people were trapped in their plane, with darkness coming and the temperature dropping. Because they were not dressed for the extreme cold that would come, these six people would surely not survive the night.

Fortunately for them, they had some of the best trained, best equipped, and bravest men were on the way to the crash site. This was not an easy rescue by any means. It was already extremely cold, visibility was only ⅛ of a mile, the wind was anywhere between ten and forty knots, and the crashed plane was high up the mountain. Normally any one of these factors would make a rescue attempt extremely risky. But Air Force Rescue 470 had to contend with all sorts of deterrents in order to rescue these people before nightfall came.

The crew had to fly up to an altitude of over 12,000 feet because of the visibility problem. The thin air made it difficult for the helicopter blades to keep the aircraft aloft and for the men to breathe. As soon as a hole in the clouds appeared, they dove down into the mountainous terrain to land. The weather was only getting worse, and the pararescuers had only fifty minutes, because of the limited fuel supply, to pry open the wreckage of the downed plane, get everyone out, and get them all safely back to the helicopter, six hundred feet away. All six lives were saved.

Mr. President, I know that the crew of Air Force Rescue 470 were simply happy to be serving their country on this day back in May of 1998. I also know that they have made countless other rescues, just as have other Rescue units around the country. But I am especially proud that these fine young men of the Alaska Air National Guard were chosen for the Mackay Trophy. So to Lieutenant Colonel John Jacobs, the pilot, First Lieutenant Thaddeus Stolar, the copilot, Master Sergeant Scott Hamilton, Master Sergeant Steve Daigle, and Technical Sergeant Greg Hopkins, the pararescuers, I congratulate you. Both Alaska and the nation thank you for your continued efforts to save lives.●

ORDERS FOR FRIDAY, SEPTEMBER 24, 1999

Mr. BOND. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:30 a.m. on Friday, September 24. Further, I ask unanimous consent that on Friday, 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 VA–HUD appropriations bill.

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

Mr. BOND. Mr. President, I ask unanimous consent that following the vote on the Wellstone amendment Senator KERRY of Massachusetts be recognized to offer his amendment which is on the list.

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

PROGRAM

Mr. BOND. Mr. President, for the information of all Senators, the Senate will convene at 9:30 a.m. Then following 2 minutes of debate, a vote on the Wellstone amendment regarding atomic veterans will take place. Therefore, Senators can expect the first vote to take place at approximately 9:35 a.m.

There are a few more amendments on the list that must be disposed of prior to final passage. Senators can expect votes throughout the morning. We will attempt to finish the bill by 11 o'clock in the morning.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BOND. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:38 p.m., adjourned until Friday, September 24, 1999, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 23, 1999:

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

IRA BERLIN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2004, VICE JOSEPH H. HAGAN, TERM EXPIRED.

EVELYN EDSON, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2004, VICE ALICIA JUARRERO, TERM EXPIRED.

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

ROBERT E. WEGMANN, 0000

To be lieutenant colonel

SANDRA K. JAMES, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY CHAPLAIN CORPS AND JUDGE ADVOCATE GENERAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531, 624, AND 3064:

To be colonel

JOHN H. BELSER, JR., 0000 JA

To be lieutenant colonel

DOUGLAS K. KINDER, 0000 CH

To be major

THOMAS R. SHEPARD, 0000 CH

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 531, 624, 628 AND 3064:

To be colonel

*KATHLEEN DAVID-BAJAR, 0000 MC

To be major

HARRY D. MCKINNON, 0000 MC
DEAN C. PEDERSEN, 0000 MC

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

WENDELL A. PORTH, 0000

TENNESSEE VALLEY AUTHORITY

SKILA HARRIS, OF KENTUCKY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR THE REMAINDER OF THE TERM EXPIRING MAY 18, 2005, VICE JOHNNY H. HAYES, RESIGNED.

GLENN L. MCCULLOUGH, JR., OF MISSISSIPPI, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2008, VICE WILLIAM H. KENNOY, TERM EXPIRED.

EXTENSIONS OF REMARKS

DEBT RELIEF AND IMF REFORM ACT OF 1999

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1999

Mr. SAXTON. Mr. Speaker, today I have been joined by my friend DENNIS KUCINICH in offering legislation to advance debt relief and reform of the International Monetary Fund (IMF). While this may appear to be an ambitious undertaking, it is my view that true and lasting debt relief will be most quickly and effectively obtained through IMF reform. The bill contains four main sections: conditions on gold sales; termination of ESAF and use of its reserves for debt relief; a freeze on IMF funding until debt relief is provided; and Congressional pre-approval of future proposed quota increases.

As the research of the Joint Economic Committee (JEC) has found, the IMF in recent decades has drifted away from its original mission and towards becoming another development bank much like the World Bank. The development and economic restructuring loans made under this policy have become increasingly problematic, as the recent cases of Russia and Indonesia indicate. The leading edge of this drift in IMF policy has been the Enhanced Structural Adjustment Facility, or ESAF.

It was a fundamental policy mistake for the IMF to have established ESAF and embarked on the course of development lending that has led to so many serious problems around the world. This legislation seeks to correct this mistake by closing ESAF and using its reserves for debt relief. The legislation is based on the view that the policy underlying the establishment of ESAF is bankrupt, and therefore ESAF should be ended, and its legacy of heavy debt burdens on the poorest nations should be written off. As I have said many times, my own view is that this type of lending through the IMF's general resources should also be ended, and the IMF refocused on its original function.

The bill also would pre-condition U.S. approval of gold sales upon the following: cancellation of IMF debt owed by countries eligible for debt relief under HIPC, increased IMF financial transparency, a Congressional finding of IMF compliance with Congressional reforms, an accurate accounting of IMF costs, and use of the gold restitution provisions. The IMF's attempt to tap taxpayer funds through the new gold sales proposal about to be unveiled would be blocked. The bill would also block future IMF appropriations until debt relief is provided and require Congressional pre-approval of any future proposed quota increases.

The IMF has been generously funded by the taxpayers of its major donor nations for many years. However, these resources have often been used to implement counterproductive IMF policies around the world. The IMF and Administration approach essentially papers over IMF mistakes with additional taxpayer money tapped in ways that are not always transparent. It is our view that the cost of IMF policy mistakes should be paid out of IMF resources, and not through further contributions by the taxpayers.

For more information on the IMF and international economics, please visit our website at www.house.gov/jec.

LOS PADRES NATIONAL FOREST/ VENTURA WILDERNESS FIRE

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1999

Mr. FARR of California. Mr. Speaker, Mother Nature beckons our notice as she shakes the earth in Taiwan, destroying cities and killing thousands. She bombards the east coast with wind and water, leaving hundreds without a livelihood, home, or lifetime collection of possessions. There is hardly a community in the Nation that hasn't on some level taken notice of the eerie weather patterns striking the planet. And in my own home district, a brilliant and awe inspiring lightning storm witnessed throughout the area on September 8, leaves its mark in the form of numerous wildfires setting the northern portion of the scenic Los Padres National Forest ablaze.

The Northern Los Padres National Forest, which encompasses the Ventura Wilderness, is comprised of about 326,000 acres of rolling, forest covered mountains and open valleys, and is refuge to myriad wildlife and forage. Seventy-five percent of the park is protected as wilderness, and it is home to several of the nearly extinct species of the California Condor and houses a variety of native Indian sacred pictographs. Overlooking the Pacific Ocean along the Big Sur Coast and contained in the east side by the San Antonio Mountain range, the area, visited by 5.4 million per year, is both a national preserve and a local institution.

The rough terrain and a particularly dry season, coupled with excessive growth due to last years El Niño, has commanded the occupation of a small army of firefighters. What began with four separate blazes consuming 3,000 acres and requiring 900 firefighters, with hopes of full containment within the week, has now burned over 30,000 acres and has in excess of 3,500 fire fighters on the ground. There are now two main fires racing across the landscape, jumping fire lines and stream beds, and forcing crews to retreat into a primarily defensive position. Although the fires are considered 20 percent contained, expected total containment is unknown.

The fire now threatens residences, businesses, and retreats, and has forced the evacuation of several hundreds of people. The fire men and women hold the areas, strategically fireproofing positions, hoping to win any direct confrontations with the blaze. Included in their arsenal are 26 helicopters, 17 air tankers, and 121 fire engines. Ground fighters who were originally restricted to drawing fire lines only with shovels, chain saws and other hand tools, due to Federal wilderness regulation, now utilize 34 bulldozers, with which they can protrude up to 20 miles into the national wilderness. The project, which averages a cost of half a million per day, has now totaled $20.5 million.

Firefighters work 24 hour shifts, flanking the fire in crews of 2 and 4, each containing 8 to 24 members. The National Forest Service, Air Force ''hot shots,'' the State Department of Forestry and other professional and volunteer firefighters attempt to contain the inferno. Smoke jumpers repel off helicopters into remote areas, cut heli-spots which allow the helicopters to bring troops in and out, and begin cutting fire lines. Thus far 17 fire fighters have sustained injury, though none serious.

Fort Hunter Liggett personnel work to provide a base camp for approximately 1,500 people and 10 helicopters, while another camp just west of the small town of Greenfield provides a mini ''tent city,'' housing over 2,000 personnel and equipment. A Zen Buddhist retreat, the Tassajara Zen Center, plays host to 80 fire fighters, housing and feeding them their common vegetarian fare, even granting them the use of their famous sulfur hot springs.

It's a common story. Mother Nature, whose nourishment provides for us daily in a quiet and steady manner, seems to have a change of heart. Suddenly we are forced to take notice, and the heroes emerge. Men and women risk life and limb, the potential cost a paycheck will never cover, working to ensure our safety and protection. The whole incident is only a far away story of interest to us, and yet any one of us could find ourselves that homeowner; watching the ash cover our life's work, the smoke looming in the sky and the intense yellow glow over the horizon. As we pack only what we can carry and say goodbye, we hope our home will still be there when we return. Or perhaps we could find ourselves under 1,200 pounds of rubble, praying we are discovered, or boating through a canal that the day before was our home street, hoping for a hero to rescue us, because we will not survive alone. Regardless of the incident, we find ourselves dependent on the courage and strength of others.

And so we must ask ourselves, where is the lesson in all of this? How can we ever truly thank the heroes of our district, our Nation and our world? We must support their efforts. We must honor their efforts, and we must remember their efforts. We must find the courage and the strength within ourselves to follow their lead. Because Mother Nature is talking to us. She is demanding we take notice. The fire now racing across our world in the form of war and oppression, hunger and disease and injustice and suffering demands immediate attention and decisive action. It demands selfless preservation and protection, perfectly analogous to that of these men and women tackling the towering blazes of the Los Padres. It requires heroes.

And so, I would ask that in strength and comradery, in thought and in action, we honor

those who have honored us. Today I thank the firefighters for their efforts in the Los Padres. We salute you.

A PROCLAMATION CONGRATULATING FATHER MICHAEL SCANLAN

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1999

Mr. NEY. Mr. Speaker, I commend the following proclamation to my colleagues:

Whereas, Father Scanlan graduated from Harvard Law School in 1956 and served as Staff Judge Advocate in the U.S. Air Force; and,

Whereas, Father Scanlan served as acting dean of the College of Steubenville and as a lecturer in theology from 1964–1966 and later became President of the College of Steubenville, now Franciscan University of Steubenville, in 1974; and,

Whereas, Father Scanlan was honored in 1997 with the Sacrae Theologiae Magister, an academic degree beyond the doctorate, and the highest award given by the Franciscan Order; and,

Whereas, I ask that my colleagues join me in congratulating Father Scanlan on his lifetime of service to his community as well as the College. I am proud to call him a constituent.

A TRIBUTE TO HELEN STANTON

HON. CALVIN M. DOOLEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1999

Mr. DOOLEY of California. Mr. Speaker, I rise today to pay tribute to Ms. Helen Stanton, who is retiring this month from her position as executive director of The Creative Center, a performing arts program for developmentally disabled adults in Visalia, CA.

Ms. Stanton began her service at The Creative Center 14 years ago, serving as program manager. In 1993, she was named executive director of the Center. There, she has supervised a staff of 12 instructors who help developmentally disabled adults in the Visalia area to achieve personal growth through expression in visual arts, music, dance and theatrical performance.

Ms. Stanton has made special efforts to develop the Center's instruction in life skills. In these classes, Center instructors address such topics as independence, social graces, dealing with money, and self-advocacy.

Under Ms. Stanton's leadership, the Center has undergone significant growth, expanding from 42 students attending part-time in 1985 to a present enrollment of 84 full-time students.

Ms. Stanton has also overseen the opening of the Center's Jon Ginsburg Gallery. The gallery exhibits artwork produced by the Center's students and community members.

Ms. Stanton's commitment to the performing and visual arts is also evident by her presidency of Arts Visalia, a nonprofit group devoted to developing an art gallery in downtown Visalia.

Creative Center colleagues have been inspired by Ms. Stanton's devotion to the Center and its students. She has treated the Center's students with dignity and respect and provided them with countless creative opportunities.

Mr. Speaker, I ask my colleagues to join me today in recognizing Helen Stanton for her devoted service to The Creative Center. She has distinguished herself as a caring visionary and tireless leader. As she completes her service, we wish her a most happy retirement.

SALUTE TO JOHN M. LANGSTON BAR ASSOCIATION AFRICAN AMERICAN ANNUAL HALL OF FAME HONOREES

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1999

Mr. DIXON. Mr. Speaker, I rise today to pay tribute to four prominent and distinguished members of the legal community in Los Angeles: Attorney Mary Burrell Fulton; United States District Court Chief Judge Terry J. Hatter; Attorney Elbert T. Hudson; and Los Angeles Superior Court Judge Sherrill Luke. On October 16, 1999, these four exceptional individuals will be inducted into the John M. Langston Bar Association Ninth Annual Hall of Fame. I cannot think of four people more deserving of this distinct honor and am pleased to have this opportunity to publicly recognize their extraordinary contributions to the legal profession.

Attorney Mary Burrell Fulton received her undergraduate degree in government from Los Angeles State College where she was a member of the Delta Sigma Theta Sorority. In 1961 she became the first Black woman to graduate from the UCLA law school. She was admitted to the California State Bar on January 9, 1962, and began her career as an associate in the offices of legendary Los Angeles attorney Crispus A. Wright. In 1965 she joined the law firm of Lloyd, Bradley, Burrell & Nelson, whose client list included renowned entertainer Dr. William (Bill) Cosby. She established a solo practice in 1981 and in 1991 teamed with retired Los Angeles Superior Court Judge Henry P. Nelson to found the firm of Nelson & Fulton. Mary has served as a mentor to many young, aspiring attorneys and has contributed much to the Los Angeles community through her participation in numerous career day programs.

Judge Terry Hatter was appointed to the United States District Court for the Central District of California in 1979. On March 1, 1998, he was named Chief Judge, presiding over the court which covers the largest federal district in the nation, serving some 17 million people. Judge Hatter received his undergraduate degree in government from Wesleyan University in Connecticut and his law degree from the University of Chicago. His exemplary legal career spans more than thirty years, and includes service as an attorney, public defender, Assistant United States Attorney, Executive Assistant to Mayor Tom Bradley, and Professor of Law at the University of Southern California Law Center and Loyola University School of Law. Judge Hatter has presided over some of the most controversial and difficult cases to come before the Central District. Widely respected by attorneys and judges alike, he has served the court with great distinction for twenty years. He is a Trustee of Wesleyan University, and member of the Visiting Committee for the University of Chicago Law School.

Broadway Federal Bank Chairman Elbert T. Hudson has had a distinguished career of service to our community and nation, beginning with his service during World War II in the U.S. Army Air Corps as one of the legendary Tuskegee Airmen. He received his undergraduate degree from UCLA and his law degree from Loyola University School of Law. Prior to joining Broadway Federal, founded by his father, Dr. H. Claude Hudson, Elbert practiced law for 20 years. In 1972 he became the President and Chief Executive Officer (CEO) of the Broadway Federal Savings and Loan Association. Although he stepped down as CEO in 1992 and resumed the practice of law, he remains chairman of he bank's Board of Directors. He is a member of the Board of Police Commissioners; the Board of Directors of the Golden State Mutual Life Insurance Company; and President and Board Member of the NAACP ''New Careers'' JEPTA Training Center. He is a past president of the Los Angeles Branch of the NAACP, as well as the American League of Financial Institutions. He has served on numerous other boards, including the Board of Directors of Drew University Medical School.

Los Angeles Superior Court Judge Sherrill D. Luke was named to the Superior Court bench after spending nearly a decade hearing cases before the Los Angeles Municipal Court. He received his undergraduate degree from UCLA; his master of arts degree from the University of California, Berkeley; and his doctor of jurisprudence from Golden Gate University. His impressive career includes service as an attorney; Cabinet Secretary to former California Governor Pat Brown; Adjunct Professor of Law at Loyola University Law School; and President of the Los Angeles City Planning Commission. He is a member of several professional and civic organizations, including the California Judges Association, Langston Bar Association, and the California Association of Black Lawyers. He remains deeply involved with his alma mater, UCLA, where he is a member and the past president of the UCLA Alumni Association; member and cochair of the Advisory Board of the UCLA Performing Arts Program, and the Stephens House of Scholarships Association.

Mr. Speaker, these four individuals have made enormous contributions to the system of jurisprudence, and it is especially fitting that they are being recognized by their peers for their exemplary service. As they are inducted into the John M. Langston Bar Association's Hall of Fame, I am pleased to salute Mary, Terry, Elbert, and Sherrill for the contributions they have made which continue to enrich the judiciary and the Los Angeles community. Well done, my friends!

TRIBUTE TO FLORENCE CHANDLER

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1999

Mr. NEAL of Massachusetts. Mr. Speaker, it brings me great pleasure to pay tribute to a

remarkable woman who has dedicated the better part of her life to an admirable career in public service. For over a half century, Florence Chandler has worked tirelessly for the Commonwealth of Massachusetts. During that time she continuously reinforced the notion that government and politics can be a noble endeavor. On the occasion of her retirement, I want to express my own personal congratulations and thanks on a job well done.

Like many patriotic American women during World War II, best characterized by the defiant Rosie the Riveter, Florence Chandler's slogan has always been ''We Can Do It!'' From the Town Hall to the White House, Florence brought her trademark energy and enthusiasm to every challenge. She was a strong, resilient, and sometimes singular voice for the people of Southbridge. For nearly a decade, I watched her place the town's best interests before her own. She would lobby local, state and national officials for what she believed in. And she always earned respect and admiration along the way.

A new police station, daycare center and water treatment facility are part of the legacy she will leave behind. A stabilized tax rate and major school renovations have also been achieved during her tenure. But her finest hour was bringing the Department of Defense training facility to Southbridge. It is her signature accomplishment. Quite simply, without the charismatic leadership of Florence Chandler that exciting project and those new jobs would not be in this community.

A town manager, an attorney, a friend, a sibling and a grandmother, Florence has been a success in life on many different levels. She is the rare individual who succeeded at bringing the town of Southbridge to the attention of the President of the United States. For those who say it can't be done, I would recommend spending a day with Saugus native Florence Chandler. Like Rosie the Riveter, she has shown that anything is possible.

IN HONOR OF SISTER HARRIET HAMILTON, RECIPIENT OF THE UNITED WAY'S CONGRESSWOMAN MARY T. NORTON MEMORIAL AWARD

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1999

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize Sister Harriet Hamilton for winning the United Way's Congresswoman Mary T. Norton Memorial Award.

Initiated by the United Way of Hudson County in 1990, this award recognizes individuals who exhibit a deep commitment to community service as exemplified by Congresswoman Mary T. Norton during her 13 terms in the House of Representatives (1925–1950). A leader who championed thinking outside of the box, Congresswoman Norton advocated government action in areas, such as day care, fair employment practices, health care for veterans, and the inclusion of women in high levels of government service.

Sister Harriet, a member of the Sisters of Saint Joseph and one of this year's award recipients, began her career serving Hudson County under the auspices of Catholic Community Services, providing counseling and support services to pregnant teens and their families. For the last 12 years, Sister Harriet has dedicated full-time service to the needs of multi-handicapped blind children at St. Joseph's School for the Blind.

In addition, Sister Harriet is the executive director of the York Street Project in Jersey City, New Jersey. A nonprofit social service organization, the York Street Project provides transitional housing, education, child care, and counseling to the homeless and economically-disadvantaged women and children of Hudson County. From the Project's planning years in the early 1980's Sister Harriet's commitment, leadership, and faith have helped bring about positive change in the lives of hundreds of area residents.

Sister Harriet was also proactive in the establishment of Kenmare High School, an alternative school offering a second chance for young women forced to drop out of high school, and founded The Nurturing Place, an Early Childhood Development Center for homeless and at-risk children.

Born and raised in Newark, New Jersey, Sister Harriet is a well deserving recipient of the United Way's Congresswoman Mary T. Norton Memorial Award. For the past 36 years, she has dedicated her life to compassionate service for others. I ask my colleagues to join me in congratulating Sister Harriet for all of her outstanding service to the community and for carrying on the work of Congresswoman Mary T. Norton.

FRIEDMAN BAG COMPANY CELEBRATES OVER 70 YEARS OF OPERATION

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1999

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today to congratulate the Friedman Bag Company for over 70 years of continuous operation in my congressional district and to highlight its leadership as a responsible corporate citizen.

In 1927, four Russian immigrant brothers started a small bag manufacturing company in the heart of Los Angeles. Sam, Saul, Harry and Morris Friedman fled Imperial Russia with their family in search of freedom, settling temporarily in Mexico until they were granted permission to enter the United States. Over the years, Friedman Bag Company grew almost as quickly as the city around it.

In many ways, the founding and growth of Friedman Bag Company personifies our nation's immigrant experience. The company was born from an immigrant family's dream to provide their children with a better life. The Friedmans succeeded, eventually becoming one of the largest suppliers of textile and polyethylene bags in the West. Their bags were primarily used for agriculture products such as Idaho potatoes, walnuts and other crops such as carrots and lettuce from the Central Valley of California.

But like many manufacturing companies in the United States, fierce competition from lower cost producers, in countries like China, eventually threatened the survival of Friedman Bag Company. To endure, the company needed to change and adapt to the new economy, and the successful effort was lead by two sons of the founding members.

Friedman Bag Company desperately needed to invest money in new equipment. Company workers were still sewing burlap and mesh bags by hand. Morale and sales were suffering. Having never taken on debt financing in its history, the company embarked on a somewhat radical and risky venture to make sure it could remain competitive. Working with a financial institution that recognized its special history as a family business, and overcoming internal and external challenges, Friedman Bag Company secured the resources to continue its operations in the 33rd Congressional District.

Friedman Bag Company also worked with the Mayor and City Council to consolidate operations, ultimately bringing more jobs to Los Angeles.

Today, Friedman Bag Company employs more than 250 people, with operations in Idaho, Washington and Oregon. The company's morale has soared as its future prospects have brightened. Friedman Bag Company is now firmly positioned so a third generation of the Friedman family can continue the dream started by their family's ancestors.

I am proud of Friedman Bag Company's long tenure in southeast Los Angeles. Their efforts to modernize and adapt to an ever-changing economy in order to stay competitive are to be commended. Many men and women in my congressional district have worked at Friedman Bag Company, supporting their families and contributing to our community. I congratulate Friedman Bag Company for over 70 years of success which has epitomized the contributions to America made by our immigrant community, and I wish them many more years of successful operation to come.

COMMEMORATING ARMENIA'S INDEPENDENCE DAY

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1999

Mr. MCCOLLUM. Mr. Speaker, we commemorate modern Armenia's eighth independence day—counted since the collapse of the U.S.S.R. This independence is a long overdue recognition by the world community of a proud and ancient people. Since independence, Armenia continued to face numerous challenges—from the economic and political blockade orchestrated by Azerbaijan and Turkey, to the war with Azerbaijan, to the lingering socio-economic legacy of the horrendous earthquake of 1988. Nevertheless, Armenia has overcome these existential threats, establishing itself as a functioning democracy, and can now feel sufficiently secure to look forward to charting and determining its own progress into the next millennium.

As a young modern nation for an ancient people, Armenia should rely on its rich heritage for inspiration and guidance. Since the dawn of history, Armenians have held to their land despite repeated occupations, oppression and slaughter. They have retained their distinct heritage, language, culture and Church. All this time, Armenians have not only yearned for independence or self-determination but have repeatedly paid a heavy price in numerous attempts to realize these aspirations.

Armenia is one of the oldest peoples with a recorded history. According to tradition anchored in the Bible, Armenia is the place where Noah's Ark set down on Mt. Ararat and where life was resurrected on earth. Ultimately, Armenia's is a documented history of one of the oldest nations that has retained distinct political entry for close to three thousand years. In the early 6th Century B.C., Prophet Jeremiah spoke about the ''Kingdom of Ararat'' as one of the key states that would challenge and ultimately break the dominance of the Babylonian Empire. In the 4th Century B.C., the great Greek commander Xenophon wrote about a distinct political entity called Armenia within the Persian sphere of influence through which he marched his troops on their way back to Greece.

Since the 2nd Century B.C., Armenia constituted the northern tier of imperial advances—initially of the Romans, the Selucids, and the Parthians; and then of all the successor empires. Throughout these times, Armenians have repeatedly tried to assert self-determination against repeated campaigns of empires determined to consolidate dominance over this most important geo-strategic asset. For the next two millennia, Armenia was destined to become a key battleground between the Empires of Eurasia for the control over the geo-strategic road junction between West (Europe) and East (Heart of Asia), North (Russia) and South (Middle East).

Armenia's acceptance of Christianity in the early 4th Century A.D. constitutes a turning point. Armenia was the first country to adopt the socio-political connotations of Christianity, leading King Tiridates to establish an independent state. However, given Armenia's geo-strategic importance, neither the Romans nor the Persians permitted the existence of an independent Armenia. Indeed, by the end of the 4th Century, Armenia was partitioned between the two leading empires of that era—Rome and Persia. Since then, and essentially until the end of the Cold War, Armenia repeatedly succumbed to bigger armies and bigger states or empires—all coveting the geo-strategic key locale that Armenia is.

By the 6th Century, despite Armenia's loss of independence, the Armenian Church separated itself from Rome in order to ensure the people's distinct and unique character. This distinction has since enabled Armenians to endure the prevail even as eastern Christendom succumbed to the advent of Islam and its civilization was lost forever. All this time, Armenian civilization and cultural legacy has been maintained by the Church through the countless invasions, occupations, destructions and mass killings that would impact Armenia until the late 20th Century.

The lait motif in this brief history is simple: a small people steadfastly holding to their land and heritage as their country is repeatedly subjected to occupations because of its unique geo-strategic importance. As Bismarck once said: ''Of all the elements that make up history, geography is the one that never changes.'' We, the U.S. and the West, still need this geo-strategic road junction. But unlike empires of past, we must secure it not through occupation but through the empowerment and support of the true ''owners'' of this land—the Armenians. They have demonstrated throughout their history their determination to hold to independence against overwhelming odds. It is in our national interest to help the Armenians safeguard their current freedom and independence.

Armenia is now independent as the consequence of the determination, commitment and sacrifices of its own people. Its geo-strategic location remains as important as ever before. And although the tenuous cease-fire with Azerbaijan is holding, Armenia's overall security posture is worsening. The entire Caucasus is now being set aflame by Islamist radicalism. The Islamist leaders of the insurrection in Dagastan have repeatedly vowed to ''liberate'' and ''cleanse'' the entire Caucasus of the presence of non-Muslims so that they can establish a unified Muslim state. Moreover, the flames of terrorism and radicalism not only affect Russia—now subject to Islamist terrorism and subversion—but also penetrate and profoundly affect Turkey, an allay and a NATO member. Further more, this eruption has a direct bearing on vital economic interests of the U.S. and its closest allies. The Caucasus is the West's primary gateway to the energy resources of the Caspian Sea basin and Central Asia—a region commonly known as the Persian Gulf of the 21st Century. An Islamist state in the Caucasus is bound to endanger the West's freedom of access to these energy resources.

Hence, it is imperative for the U.S. to have a bulwark of stability in this crucial geo-strategic road junction. The U.S. needs an ally in place that is not susceptible to the lure of, and/or vulnerable to the ruthlessness of, the rising Islamist militancy. Determined to remain a loyal member of the West without forsaking its distinct heritage and culture, independent Armenia is uniquely eligible to be as such a bulwark. Now, on the eve of the next millennium, it is imperative for us to ensure the growth, development and betterment of Armenia so that a strong and free Armenia continues to serve as a source of stability and Judeo-Christian civilization, as well as Western security and economic interests, in this most important and increasingly volatile region. It it therefore, in our national security interest to ensure that Armenia's eighth independence day is just one of many more to come.

THE CAPTIVE ELEPHANT ACCIDENT PREVENTION ACT

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1999

Mr. FARR of California. Mr. Speaker, today I am introducing the Captive Elephant Accident Prevention Act to make circuses more humane for the animals and safer for the spectators. I would like to make it clear that I am not interested in seeing the circus industry unduly hindered or encumbered. My bill is a practical, reasonable one that addresses a fundamental wrong in the entertainment industry.

When an elephant rampages it can injure and kill spectators, not to mention damage property. There is simply no stopping a rampaging elephant until the animal is dead, a tragedy which is obviously a symptom of a larger problem. Because of circuses and elephant rides, we've grown accustomed to seeing elephants perform tricks or being ridden as if they are domesticated animals such as horses. But these are not domesticated creatures. Elephants are wild animals—animals for whom all the coaxing in the world will not encourage them to let you ride on their backs, or get them to stand on their heads, rear up on their hind legs, walk a balance beam, or any of the other unnatural stunts they perform in circuses.

To get a 5 ton, 10 foot tall animal to perform these stressful, often painful stunts 2 or 3 shows per day, animal trainers use fear and torture. In his arsenal, the elephant trainer has devices such as high-powered electric prods, ancuses, bull hooks (long sharpened metal hook at the end of a handle), and Martingales (heavy chains binding an elephant's tusks to his front feet). To get these giant, willful, wild animals to behave like trained dogs, elephants are brutalized. It is therefore understandable that when they get the chance, they kill people.

Since 1983, at least 28 people have been killed by captive elephants performing in circuses and elephant ride exhibits. More than 70 others have been seriously injured, including at least 50 members of the general public who were spectators at circuses and other elephant exhibits. In fact, 9 states have banned elephants from close contact with the public. This includes giving rides or even photo ops, because of the danger of rampages.

Why do we continue to use taxpayer dollars to murder endangered species in the middle of our major metropolitan areas when we could simply address the problem by removing elephants from these tragedies waiting to happen.

My bill proposes to exclude elephants from traveling shows and to eliminate elephant rides, not to close down circuses. I ask my colleagues to join me as a cosponsor on the Captive Elephant Accident Prevention Act. I also want to thank game show host Bob Barker for coming to Washington, D.C. to support this bill H.R. 2929.

A PROCLAMATION CONGRATULATING DR. EDWARD L. FLORAK

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1999

Mr. NEY. Mr. Speaker, I commend the following proclamation to my colleagues:

Whereas, Dr. Florak served as the President of Jefferson Community College for 13½ years and under his leadership the College expanded its curriculum and aligned itself with major higher education institutions around the country; and,

Whereas, Dr. Florak has represented the College throughout the state in the Ohio Association of Community Colleges; and,

Whereas, Dr. Florak represented JCC and Jefferson County as one of America's Community Heros and carried the Olympic Torch during the ceremonies in June 1999; and,

Whereas, I ask that my colleagues join me in congratulating Dr. Florak on his lifetime of service to his community as well as the College. I am proud to call him a constituent.

A TRIBUTE TO FRED MARTELLA

HON. CALVIN M. DOOLEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1999

Mr. DOOLEY of California. Mr. Speaker, I rise today to pay tribute to Mr. Fred Martella, who has been named the 1999 Agriculturist of the Year by the Lemoore Chamber of Commerce and Kings County Farm Bureau.

Mr. Martella was born in Lemoore in 1917, the second of Louis and Elvezia Martella's seven children. He attended Hanford High School before leaving to assist with the family dairy operation. Mr. Martella started milking cows for $25 a month, and later held positions at numerous sales yards in the San Joaquin Valley.

In 1944, Mr. Martella entered into a dairy partnership, selling the dairy two years later. In 1952, he entered into another partnership with his brother, Art. Throughout his career, Mr. Martella has also been active as a professional auctioneer, and has donated his services to Valley charities on countless occasions.

During his 82 years in the Valley, Mr. Martella has been active in the farming community and the life of Kings County. He served on the Agricultural Kings Fair Board of Directors until 1986, was named Grand Marshall at this year's Kings County Homecoming Parade, and was named Citizen of the Year in 1993.

Mr. Martella is also well-known throughout the Valley as a supporter of Kings County youth. He has been a regular fixture at the Kings County Fair's Youth Auction, helping 4–H and Future Farmers of America (FFA) participants auction off their projects at top prices, and assisting with their annual Lamb Barbecues.

Finally, Mr. Martella is a dedicated family man. He is married to Ann Martella, and has three daughters, two stepdaughters, twelve grandchildren, and nine great-grandchildren.

Mr. Speaker, I ask my colleagues to join me today in recognizing Fred Martella for his contributions to the agriculture field and to his community. We send our sincere congratulations for the well-deserved honor of being named Agriculturist of the Year.

TRIBUTE TO OPHELIA COLLINS MCFADDEN

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1999

Mr. DIXON. Mr. Speaker, I am pleased to join with my distinguished colleagues, Representatives HOWARD BERMAN, MAXINE WATERS, LUCILLE ROYBAL-ALLARD, XAVIER BECERRA, and JUANITA MILLENDER-MCDONALD, in paying tribute today to Opehelia Collins McFadden, legendary leader of Local 434 of the Service Employees International Union in Los Angeles, California.

One of labor's most extraordinary and influential leaders, Ophelia is retiring and will be feted at a celebration in her honor in Los Angeles on October 8, 1999. We are, therefore, especially pleased to honor her today and to publicly acknowledge her more than three decades of outstanding service to the labor movement, to the Los Angeles community, and in particular, to the thousands of working men and women throughout Los Angeles who have achieved greater economic parity because of her steadfast leadership. Indeed, it is impossible to talk about the labor movement or the advances achieved in Los Angeles during the past thirty-plus years, without invoking Opehelia's name.

The story of Ophelia Collins McFadden begins, of course, with her birth in Kendleton, Texas. She attended schools in Conroe, Texas and received her undergraduate degree from Conroe Christian Teachers College. She moved to Los Angeles in 1959 and immediately joined the civil rights movement where she quickly gained a reputation as an indefatigable soldier in the fight to remove the insidious discriminatory barriers that were prevalent throughout this great nation.

In 1968 Ophelia joined local 434 of SEIU as a staff representative. She was promoted to senior staff representative in 1974 and one year later was elevated to Assistant General Manager. On January 1, 1978, she made history in the labor movement with her appointment as General Manager of SEIU Local 434—at the time the third largest County workers union in California. She is the first African American woman Vice President of SEIU, AFL–CIO and the first African American woman to serve on the Los Angeles County Federation of Labor board. Ophelia can lay claim to numerous accomplishments during her long tenure with SEIU, not the least of which is the critical role she played in helping to establish the Los Angeles County Affirmative Action guidelines.

As an activist, Ophelia is a formidable ally to have on your team. She has been involved in every major political race in Los Angeles County for the past thirty-one years. She has worked in voter registration drives throughout the county and was among the first SEIU members to work with former California State Legislators Richard Alatore and Art Torres in registering voters in the Latino community. She worked on the presidential campaigns of Walter Mondale and TED KENNEDY, and played a vital role in helping Los Angeles County Supervisor Yvonne Brathwaite Burke Capture her first victory for a seat on the Board of Supervisors.

She is a founding member of the Coalition of Black Trade Unionists, as well as the Coalition of Labor Union Women; Vice President of the Los Angeles County Federation of Labor and the Western States Conference, SEIU, AFL–CIO; member of the Advisory Board of the Los Angeles Chapter of the Black American Political Association of California (BAPAC); and Chancellor of the Elinor Glenn Joint Council of Unions, Scholarship Trust.

In addition to her enormous responsibilities as the influential head of one of the most important labor locals in Los Angeles County, Ophelia serves as a member of the Conroe College Alumni Association, and is Vice President and a life member of the Los Angeles Branch of the NAACP. She is a member of Praises of Zion Church.

Ophelia Collins McFadden has taken her place on the front lines of every major labor initiative in the Los Angeles community. In 1986 she led the kick-off Homecare campaign and in 1989 was appointed General Manager of the Homecare Workers Union of local 434B. Each of us paying tribute to her today can, I am sure, offer a personal anecodote of a time when she has prevailed upon us to help her in her tireless fight for the rights of county workers.

Mr. Speaker, we are proud to honor Ophelia Collins McFadden as one of the greatest labor unionists of this century. We are privileged to know her and to thank her for the many contributions she has made to the Los Angeles community, and in particular to the thousands of health care and homecare workers in our respective congressional districts. We salute and commend her and ask that you join us in extending our heartfelt best wishes to her for a long and joyous retirement.

TAX RULES WAIVER EXTENSION

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1999

Mr. NEAL of Massachusetts. Mr. Speaker, today I am introducing for myself and Mr. HOUGHTON, Mr. RANGEL, Mr. COYNE, Mrs. JOHNSON (CT), and Mr. MATSUI, legislation to extend for one additional year the temporary waiver of the minimum tax rules that deny many families the full benefit of nonrefundable personal credits, pending enactment of permanent legislation to address this inequity.

This problem is well known. The tax credits for education and children are limited by the alternative minimum tax. Consequently, more and more average Americans who use the dependent care credit, the new child credit, the HOPE credit or the lifelong learning credit, will be forced to fill out the time consuming, complex alternative minimum tax form. Even worse, a growing number of Americans will have all or part of these credits denied because they are part of the AMT base. For families with three or more children, the refundable portion of the child credit is also subject to the AMT cutback, which this bill also fixes for 1999.

The Department of the Treasury estimated that in 1998, without the ''one year'' waiver that was enacted last year, eight hundred thousand taxpayers who were entitled to the child credit or the education credits would have been denied the full benefit of these credits by the AMT. And although the AMT was enacted into law to ensure that wealthy individuals pay some tax, a large percentage of these new AMT taxpayers will be married couples who earn between $45,000 and approximately $100,000.

Mr. Speaker, we know that there is widespread agreement to fix this problem either on a permanent basis, or if that is not possible, for one additional year. The Clinton Administration, the House and Senate, and both parties agree. Yet, it has not been accomplished. We are introducing this bill, which extends last year's waiver for one additional year, to highlight the problem once again and to urge quick action to solve it for tax year 1999. Given the lead time the Internal Revenue Service needs to draft and print tax forms for next year, it is necessary for us to take action early next month. Hopefully, legislation that is acceptable to all of us will be enacted on a bipartisan basis shortly.

IN HONOR OF DR. LORETTA LONG, RECIPIENT OF THE UNITED WAY'S CONGRESSWOMAN MARY T. NORTON MEMORIAL AWARD

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1999

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize Dr. Loretta Long for winning the United Way's Congresswoman Mary T. Norton Memorial Award.

Initiated by the United Way of Hudson County in 1990, this award recognizes individuals who exhibit a deep commitment to community service as exemplified by Congresswoman Mary T. Norton during her 13 terms in the House of Representatives (1925–1950). A leader who championed thinking outside of the box, Congresswoman Norton advocated government action in areas, such as day care, fair employment practices, health care for veterans, and the inclusion of woman in high levels of government service.

Dr. Loretta Long, one of this year's award recipients, has been with the goundbreaking children's show Sesame Street since its first season. As television has been evolving to portray a more real and true vision of American life, particularly in roles for women and minorities, Dr. Long has enjoyed watching her role as Susan grow from housewife to nurse to working mother.

In addition to her work on Sesame Street, the former schoolteacher is a sought-after educator and consultant who holds a doctorate degree in education from the University of Massachusetts. She has joined several institutions as a distinguished visiting scholar and has taught at Sage College, Rowen University, the University of Scranton, the University of Massachusetts, and Western Michigan University.

Dr. Long extended her years of knowledge and experience in the field of education on topics such as the media and cultural diversity in the following school districts: Albany City Schools; Troy City Schools; Schenectady City Schools; Atlantic City School District; Pittman Consolidated School; Cape May County Schools; Pocono Valley School District; Scranton City Schools; North Pocono Valley Schools; Valley View School District; Scranton Prep; and the Laboratory School at the University of Scranton.

A much deserving award recipient who embodies the life work of Congresswoman Mary T. Norton, Dr. Long has dedicated her life to the education of America's children. I ask my colleagues to join me in congratulating Dr. Long for all of her outstanding service to the community and for carrying on the work of Congresswoman Mary T. Norton.

VOICES AGAINST VIOLENCE CONFERENCE

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1999

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to speak of an issue of critical importance: the young people of our nation. In a recent essay competition I held in the 3rd district of New Mexico, students shared the following comments:

''It is extremely sad wondering if we are safe when we go to school everyday. Teenage violence is soon going to be a bigger concern than college preparation for teens if something is not done about the issue soon.''—Liz Gonzales, senior, Santa Fe High School.

''Most kids need the adults in power to continue to tell us that we can do it and we can be more, because through knowledge there is power to make your dreams come true.''—Erin D. Muffoletto, 9th grade, Mesa Vista High.

Mr. Speaker, I am here today to tell the young people of my district and of the nation that we hear them. They are asking for help and we are listening.

On October 19th and 20th Sierra Anne Blue from Kirtland and Erin Muffoletto from South Ojo Caliente will come to Washington, D.C. to participate in the national Voices Against Violence Conference. These dedicated young people will meet with their peers, federal law enforcement and education officials, and many others to help develop solutions to problems related to youth violence.

In addition, I have selected Matthew Garcia from Springer, Amanda Lynn Chavez from Bernalillo, Domnic Biava from Gallup, Liz Gonzales from Santa Fe, Christopher Morris from Navajo, Randy Maestas from Mora, Twana Seschille from Crownpoint, and Deema Rashad from Gallup, to represent their schools on my Student Education Forum in New Mexico. These students will work throughout the school year to explore solutions to problems that plague our schools.

Youth violence is an issue we are all responsible for solving. The Voices Against Violence Conference and the Student Education Forum are two ways to start this process.

To all of the students of New Mexico and the nation, know that I am listening, know that we are listening, know that your voices are being heard.

PULASKI DAY TRIBUTE TO POLISH–AMERICANS

HON. MARK FOLEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1999

Mr. FOLEY. Mr. Speaker, as the Polish American Club of Lake Worth, Florida is preparing to celebrate Pulaski Day on October 1st, 2nd, and 3rd, I rise today to pay tribute not only to Casimir Pulaski but to all men and women of Polish descent who have helped to make this Nation the greatest in the world.

Casimir Pulaski was an energetic and fiery soldier who, in July 1777, came to America to offer his services in the Revolutionary War. As a cavalry general he fought courageously and won distinction in several campaigns.

Pulaski was to the American Revolution what Patton was to World War II. Though he was mortally wounded in the Battle of Savannah, he left behind a cavalry unit that earned him the title ''Father of the American Cavalry.''

Casimir Pulaski knew that freedom isn't free and that America is a great nation because it provides an opportunity for every person regardless of ethnicity.

So Mr. Speaker, once again, I wish to pay tribute to all Polish-Americans as we prepare to celebrate Pulaski Day.

TRIBUTE TO THE GREEN BAY POLICE DEPARTMENT FOR RECEIVING THE HERMAN GOLDSTEIN AWARD FOR EXCELLENCE IN PROBLEM-ORIENTED POLICING

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1999

Mr. GREEN of Wisconsin. Mr. Speaker, I am proud to be able to share with my colleagues some wonderful news from my district—the Green Bay Police department was recently awarded the prestigious Herman Goldstein Award for Excellence in Problem-Oriented Policing.

The national award formally recognizes the truly outstanding job the Green Bay P.D. continues to do to serve and protect our community. I would particularly like to recognize Green Bay Mayor Paul Jadin, Police Chief Jim Lewis, as well as Steve Scully and Bill Bongle. Officers Scully and Bongle are the community policing officers who submitted the presentation for this award, and continue to do the innovative police work that earned it.

The community policing program is so successful because it tackles crime in a creative new way—giving police the flexibility to work within communities to find the best solutions to the problems certain at-risk neighborhoods face. Rather than simply reacting to crime and pushing it out, community policing seeks to attack crime at its source—focusing on prevention, and effectively choking off the root problems that cause crime in the first place.

The department's community policing program in Green Bay's North Broadway area achieved much more than just this award. Police calls dropped 25 percent from 1997 to 1998, and they're down a whopping 58 percent since 1993. This impressive reduction means so much more than any award could ever express. This success story means local residents and businesses have experienced a genuine and dramatic improvement in their quality of life and and work. The officers involved, the Green Bay P.D. and the entire community can be proud of this extraordinary accomplishment.

A TRIBUTE TO ROGER DURBIN

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1999

Ms. KAPTUR. Mr. Speaker, our World War II veterans remind us of a time when our country stood united in the pursuit of independence and liberty, whether it be for others on foreign soil, or here at home. Twelve years ago, Roger Durbin, my constituent and a World War II combat veteran, asked me why there was no national monument to honor those who served in this war. Legislation I sponsored and Congress passed will rectify that grievous oversight. However, until the memorial is completed, a new postage stamp will serve to recognize those contributing to the war effort. I am inserting in today's RECORD the following speech by Roger Durbin, documenting the bravery of those who served and celebrating the release of the new stamp in their honor.

AN ADDRESS BY ROGER DURBIN CELEBRATING THE STAMP UNVEILING, NOVEMBER 19, 1998

Mr. Vice-President, Mr. Postmaster General, General Woerner, thank you for allowing me to share this honor with you today.

It's a double honor for me to participate in a ceremony to unveil a stamp commemorating World War II. In 1979, I retired from the U.S. Postal Service after spending 32 years as a rural carrier in Berkey, Ohio, near Toledo. I've been told that I am that last surviving member of branch 4408 of the National Association of Letter Carriers.

I am proud of my career as a letter carrier. But today, on the eve of Veteran's Day my thoughts are focused on a different uniform-one I wore in Europe in the 1940s. I was a member of the Tenth Armored Division and participated in the Battle of the Bulge, one of the costliest battles ever fought by Americans. I have memories of those cold bitter days that will be with me until I die.

One memory I wish to share with you is about the Battle for Metz. It was the first time Metz had been captured in 1,500 years. Three bridges had to be built to cross the Mozells River at Thionville, France, while the 4th and 90th Infantry established a bridgehead. They met a terrible resistance. During the night, civilians pointed out to the Germans where the Americans were sleeping. By morning, only one man was still alive from the German counter-attack. Later history called this attack the ''Killing Fields of Kerling.''

When daylight came, it was a terrible sight-a sight that cannot be forgotten by those who saw it. The American dead were neatly stacked in the ditches like cords of wood. The German dead were in their foxholes, eyes wide open still keeping their vigil of surveillance. The retreating Germans had body-trapped their dead. They had to be removed by our engineers. Right then I decided that those Germans were really trying to kill me.

''Saving Private Ryan'' has brought attention to the horror of war to those born since World War II ended. The D-Day depicted was but one battle. Six hundred thousand American soldiers fought in the Battle of the Bulge. There were 91,000 casualties in just 30 days. The bitterness of that 1944 December cold cannot be forgotten. A wounded, bleeding soldier could be dead and frozen solid in just three hours. It was so cold that on Christmas night I had lain on top of the half-track transmission in an effort to get warm.

We moved back east of Metz after the battle had ended to draw new equipment and to get replacements. The replacements were eighteen and nineteen year old boys that had been home with families for Christmas dinner in 1944.

Those of us in the Tenth Armored Division who survived the Battle of the Bulge had the honor of being the first American soldiers from Patton's Third Army to cross the German border. The Tenth seized 450 towns and cities and earned more than 3,000 medals. But it was achieved at a terrible cost. When finished, the Tenth Armored had 8,381 killed, wounded, and missing casualties. There was a 78.5 percent turnover of personnel.

As a nation we must never forget that cost.

The stamp we are unveiling today commemorates World War II as one of the most significant events of the Twentieth Century. It is a fitting tribute for all who were involved in this struggle for a way of life, a world. This was the war that had the involvement of almost the entire population.

Three years ago I had the honor of joining President Clinton in dedicating a World War II Memorial site on the Mall between the Washington Monument and the Lincoln Memorial. We sprinkled sacred soil from sixteen overseas American cemeteries in which are buried thousands of Americans who were not as fortunate as I am. They never made it home.

Ground is to be broken in 2000 and the memorial dedicated in 2002. When Congresswoman Marcy Kaptur started the memorial legislation eleven years ago there were 13.5 million living World War II veterans. An average of 30,000 World War II veterans now die each month. Only 7 million remain of those alive twelve years ago. For most of those now remaining, this stamp will be the nation's tribute to their service.

LOPEZ FOODS, INC.—MBE MANUFACTURER OF THE YEAR

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1999

Mr. PASTOR. Mr. Speaker, I rise today to recognize Mr. John Lopez, an Arizona native and Hispanic-American leader. Recently, Mr. Lopez' company, Lopez Foods, Inc., was named the 1999 National Minority Manufacturing Firm of the Year by the U.S. Department of Commerce.

After beginning his career as an owner-operator of several McDonald's restaurants, seven years ago, Mr. Lopez sold them and obtained controlling interest of the company that now bears his name: Lopez Foods, Inc. As one of the select few beef and pork suppliers for McDonald's restaurants, this Oklahoma City company plays a vital role in the success of more than 25,000 McDonald's restaurants.

As the Chairman and Chief Executive Officer of Lopez Foods, Mr. Lopez has guided his company to great success. Under Mr. Lopez' leadership, this firm has steadily expanded their workforce diversity program. As a result, currently, nearly 55 percent of Lopez Foods employees are minorities. Because of his efforts, first as a McDonald's owner-operator, and now as the head of Lopez Foods, Mr. Lopez was selected by the National Hispanic Employee's Association as its 1997 Entrepreneur of the Year.

Throughout his career, Mr. Lopez has worked tirelessly to promote economic progress for minorities well beyond his own firm. He is a member of several influential boards, including: the McDonald's Supplier Diversity Council, the Oklahoma City Latino Community Development Agency, the National Advisory Board of the Hispanic American Commitment to Educational Resources, and the National Minority Supplier Development Council.

I applaud the Commerce Department for recognizing the outstanding efforts of Mr. John Lopez, and for designating Lopez Foods, Inc. as its 1999 National Minority Manufacturing Firm of the Year. In closing, I commend this gentleman for all of his admirable accomplishments and societal contributions.

IN HONOR OF MS. SUSAN CORRIGAN, RECIPIENT OF THE UNITED WAY'S CONGRESSWOMAN MARY T. NORTON MEMORIAL AWARD

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1999

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize Ms. Susan Corrigan for winning the United Way's Congresswoman Mary T. Norton Memorial Award.

Initiated by the United Way of Hudson County in 1990, this award recognizes individuals who exhibit a deep commitment to community service as exemplified by Congresswoman Mary T. Norton during her 13 terms in the House of Representatives (1925–1950). A leader who championed thinking outside of the box, Congresswoman Norton advocated government action in areas, such as day care, fair employment practices, health care for veterans, and the inclusion of women in high levels of government service.

Ms. Corrigan, one of this year's award recipients, is the founder and President/CEO of Gifts In-Kind International, the world's leading charity in product philanthropy. Under her guidance, Gifts In-Kind International is now the 13th largest charity in the United States. And, as the organization has continued to have a very positive impact on the nonprofit sector, Ms. Corrigan has twice been named in The NonProfit Times' list of the Top 50 Most Influential Leaders in Philanthropy.

Because of her commitment to community service, Ms. Corrigan received the 1991 Cantor Award for Excellence in Nonprofit Management from the Pacific Graduate School in Stanford, California, and the Samaritan Foundation's 1996 Humanitarian Partnership Award. In addition, she is a member of The Washington Center's Independent Sector Program Initiative Honorary Advisory Committee.

A graduate of Carnegie Mellon University, Ms. Corrigan has served as Assistant to the President at United Way of America and is the author of several publications, including Establishing an In-Kind Program, The Business Sense of In-Kind Giving, and Employment Generating Services.

A well deserving award recipient who embodies the life work of Congresswoman Mary T. Norton, Ms. Corrigan has dedicated her life to community service. I ask my colleagues to join me in congratulating Ms. Corrigan for all of her outstanding service to the community and for carrying on the work of Congresswoman Mary T. Norton.

YOUTH SUICIDE AWARENESS AND PREVENTION WEEK

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1999

Mr. PACKARD. Mr. Speaker, I rise today to urge support of H. Res. 286. The purpose of this legislation is to recognize the week of September 19–25, as Yellow Ribbon Youth Suicide Awareness and Prevention Week.

This resolution is important to any person who has children, and to any family that has

lost loved ones through suicide. The bill recognizes that there is a need to increase awareness about youth suicide and make it a national priority.

I would like to recognize the Light for Family Foundation of America and their founders, the Emme family, who tragically lost their teenage son, Michael, to suicide in 1994. It was through the vision of the Emme family that the Yellow Ribbon Program, which has helped save countless lives, has become an integral part of the fight against youth suicide.

Mr. Speaker, teenage suicide is extremely tragic. I hope and pray that this resolution can increase awareness and hopefully prevent the loss of more of our Nation's children.

MAJOR GENERAL MICHAEL K. WYRICK GIVES 30 YEARS OF SERVICE TO THE UNITED STATES AIR FORCE

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1999

Mr. COMBEST. Mr. Speaker, I rise today to honor one of our nation's finest military leaders. General Michael K. Wyrick proudly has given 30 years of uniformed service to our country, and now begins his retirement. Capping his stellar career by serving as Deputy Surgeon General of the United States Air Force, he is the only healthcare administrator in the Air Force to ever attain this position. It is both fitting and appropriate to take a moment to celebrate the accomplishments of this decorated officer.

General Wyrick, a young West Texas gentleman, entered the military in 1969 as a graduate of the Texas Christian University Air Force Reserve Officer Training Corps. General Wyrick displayed his natural leadership abilities in successful early, military assignments at Charleston Air Force Base, South Carolina and Elmendorf Air Force Base, Alaska. General Wyrick then earned a Master's Degree in Health Service Administration from Baylor University. His vast knowledge of administrative strategy and leadership was complemented by additional, highly competitive academic endeavors. Graduation from Air War College and participation in select leadership development programs at Duke University and Cornell University are included among his most recent academic accomplishments. Baylor University has since recognized General Wyrick with the Distinguished Alumni Award from the Graduate Program in Health Care Administration. Many additional honors have also been bestowed upon the General for his administrative excellence, including the Outstanding Federal Services Administrator Award from the Association of Military Surgeons of the United States and the Healthcare Administration Award from the American Academy of Medical Administrators.

General Wyrick has held numerous key domestic and overseas assignments in the Air Force Medical Service. In addition to being named the Chief Administrator of four Air Force hospitals, he directed the medical programs and resources in the headquarters of the Office of the Surgeon General prior to being named the Deputy Surgeon General of the Air Force. As Chief of the Air Force Medical Service Corps, General Wyrick's vital task was coordinating and executing the health care mission of the United States Air Force. The finesse with which he shoulders every responsibility has helped General Wyrick become such a highly decorated leader. Today, he proudly wears the Air Force Commendation Medal with two oak leaf clusters, the Meritorious Service Medal with four oak leaf clusters, and the prestigious Legion of Merit.

Major General Wyrick's wife, Carol, and children, Brian and Lauri, and his hometown of Amarillo, Texas look to General Wyrick as a source of great pride. He has brought honor to the distinguished uniform of the United States Air Force that he has proudly worn for the past 30 years. His unmatched leadership ability and strength of character set him apart as one of our nation's finest citizens and most valued military officers. It is my pleasure to recognize General Michael K. Wyrick's outstanding career of exemplary service.

SIKHS SHOULD NOT BE HARASSED FOR CARRYING A RELIGIOUS SYMBOL, THE KIRPAN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1999

Mr. TOWNS. Mr. Speaker, America is a country where everyone enjoys religious freedom. There are about 500,000 Sikhs in this country and they have every right to practice their religion in this country. Sikhs have contributed to America in many walks of life, from agriculture to medicine to law, among others. Sikhs participated in World War I and World War II, and a Sikh even served as a Member of Congress in the 1960s. His name was Dalip Singh Saund and he was from California.

When a Sikh is baptized, he or she is required to have five symbols called the five Ks. They are unshorn hair (Kes), a comb (Kanga), a tracelet (Kara), a kind of shorts (Kachha), and a ceremonial sword (Kirpan). Sometimes law enforcement officers in this country consider a Kirpan a concealed weapon and arrest the Sikh carrying a Kirpan.

Earlier this week, Gurbachan Singh Bhatia, a 69-year-old Sikh, was arrested in the suburbs of Cleveland for carrying a concealed weapon. He is to appear at a pretrial hearing on October 4. I hope that the case against Mr. Bhatia will be dismissed.

A similar case happened in Cincinnati in 1996. The First Ohio District Court of Appeals overturned a municipal court conviction of a Sikh man for carrying a concealed weapon. Judge Mark Painter of that court wrote that ''to be a Skih is to wear a kirpan—it is that simple. It is a religious symbol and in no way a weapon.''

Like Christianity, the Sikh religion is a monotheistic, divinely revealed and independent religion which believes in the equality of the whole human race, including gender equality. They pray, work hard to earn an honest living, and share their earnings with the needy.

I know many Sikhs in my district who are baptized and carry this symbol Kirpan. I would not like any of my constituents to be harassed for practicing their religion. We must educate our law-enforcement agencies regarding this religious symbol of the Sikhs.

Our Constitution grants religious freedom to all. We want Sikh Americans to practice their religion without any interference, even if we have to pass special legislation allowing the Sikhs to carry Kirpans.

I would like to put the Detroit News article on the Bhatia case into the RECORD.

[From the Detroit News, Sept. 23, 1999]

CAN A WEAPON BE A RELIGIOUS ICON?

MENTOR, OHIO—When he was baptized a Sikh in India, Gurbachan Singh Bhatia, now 69, vowed to always wear a kirpan, a 6-inch knife symbolizing his willingness to defend the faith.

But during investigation of a minor traffic mishap in this Cleveland suburb, Bhatia was arrested for carrying a concealed weapon. At the time, he was returning home from a religious ceremony blessing the new home of a Sikh family.

Police Chief Richard Amiott said his officers acted properly in enforcing the law banning concealed weapons. ''How can you describe for me the difference between a ceremonial knife and any knife?'' he asked.

Bhatia must appear for a pretrial hearing Oct. 4. If convicted, he could face up to six months in jail and a $1,000 fine. But Ron Graham, city prosecutor, said he may be willing to drop the charges if the Sikh priest can demonstrate that he is required by his religion to carry the kirpan.

Although state law does not allow for exceptions, Graham said, ''We don't want to prosecute anyone for exercising religious freedom.''

In a similar case in Cincinnati in 1996, the 1st Ohio District Court of Appeals overturned a municipal court conviction of a Sikh man for carrying a concealed weapon.

''To be a Sikh is to wear a kirpan—it is that simple. It is a religious symbol and in no way a weapon,'' Judge Mark Painter wrote.

RECOGNITION OF JOANNA LUBKIN AND THE STUDENT HISTORIC PRESERVATION TEAM

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1999

Mr. BASS. Mr. Speaker, I rise to bring to your attention an event in which I participated celebrating the 35th anniversary of the Land and Water Conservation Fund, and to bring recognition to the remarkable young girl I met and the group to which she belongs.

On July 22, 1999, I joined civic and conservation leaders on a bicycle tour of Mine Falls Park in Nashua, New Hampshire, which has received four separate state-side grants totaling $684,496. During the tour, we stopped at a gatehouse built in 1886. Fairgrounds Junior High School student Joanna Lubkin told us about her involvement with the Student Historic Preservation Team (SHPT) and their efforts to restore the building.

The team's restoration efforts began last May with the removal of graffiti from the building's exterior. Once the removal is complete, the students plan to landscape the area surrounding the building and create inside a museum. The museum would highlight the gates that regulated the flow of water into a canal that runs from Mine falls to Nashua's millyard, providing power to the textile mills that were a vital part of Nashua's development as a manufacturing center in the 19th century.

This project is important, not only because of the gatehouse's historic value to the community, but also because of the impact participating in its restoration has had on Joanna Lubkin. I hope that Joanna's experience will encourage other young people to get involved in their community.

Mr. Speaker, I submit to you a copy of Joanna Lubkin's remarks for the RECORD:

My name is Joanna Lubkin and I have been an active part of the Student Historic Preservation Team for about a year. I hope to see this project out to the end and beyond. Being in SHPT has really changed my outlook on life and the world around me. I have met many new friends and have been able to meet with city officials and have conversations with them about our generations vision for the future. For once I felt that I could really make a difference in our community.

When Ms. Coe told my class about the Gatehouse and its role in the making of our city and its sad story of neglect, I felt compelled to join the club, if nothing else to learn some more about the history of Nashua. Over that school year, I learned about more than just my city's past, I realized that we cannot hope to achieve a new future without maintaining the links to our past. I accomplished things that I didn't think I'd ever be able to do, (or want to do for that matter—but I had a blast!) such as editing the first issue of our newsletter.

I also spent many hours fundraising and planning with the group. During that time, I often found myself thinking about what a monumental task it was that we were trying to accomplish, but the more I thought about it, the more I felt proud to be a part of such a group of people.

I'll never forget how nervous I was at the first Charrette that we held at City Hall. Other older members in the group had meetings with big professionals like this before, but for me, I had never even been in City Hall except once on a tour. The feeling I had when I saw the other adults in the room nodding in agreement with our plans was almost indescribable. Until then, I had this tiny voice in the back of my head saying, ''What are you nuts? You're a kid! No one's going to listen to you.'' But they did listen. And for once someone thought of kids not as a bunch of little gremlins to keep control of, but as real people who could be just as serious as any adult.

I look at things now from a point of view where if there is something that I see as unjust I can do something to make a difference. I find myself sticking up for other kids more often now and voicing my opinions about what is going on in the world. I realize that I can no longer be a passive person who sits and watches the news and says, ''Wow. Wish I could do something like that.'' I have the chance to actually be the person making the news, and that I can really do things to help other people.

JOANNA LUBKIN,
SHPT Member.

PERSONAL EXPLANATION

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1999

Mrs. CLAYTON. Mr. Speaker, on Tuesday, September 21, 1999 I was in my district assisting my constituents with the devastation of Hurricane Floyd.

Had I been present, the following is how I would have voted: Rollcall No. 427 (H.R. 2116) ''aye''—Veterans' Millennium Health Care Act; rollcall No. 428 (H.R. 1431) ''aye''—Coastal Barrier Resources Reauthorization; and rollcall No. 429 (H.R. 468) ''aye''—Saint Helena Island National Scenic Area Act.

DOLLARS TO THE CLASSROOM

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1999

Mr. PITTS. Mr. Speaker, today, I am introducing the Dollars to the Classroom Resolution, to benefit schoolchildren and teachers all across this country, by calling on education agencies at all levels to get 95 percent of federal education dollars into the classrooms of this country. A similar resolution passed the House 310–99 in the 105th Congress.

Further, the Dollars to the Classroom Act language to codify the principles in the resolution also passed the House in the 105th Congress.

I have been working on this legislation because I believe in the importance of doing all that we can to improve the academic achievement of our public school children. How is this accomplished? We believe that empowering the teachers and bolstering the classroom resources of our kids directly improves their learning process.

When we think of our childrens' efforts to learn, we often think of the tools that go into forming and shaping their young minds: tools like books, globes, computers . . . and things like flash cards, spelling tests, and calculators. We do not think of bureaucratic programs and stacks of paperwork. Yet, many of our federal dollars that go to elementary and secondary education do not reach our kids. That's why Dollars to the Classroom is so important. This is a simple concept. Instead of keeping education dollars here in Washington, let's ensure that 95 cents on every federal dollar is sent directly to parents, teachers, and principals who are truly helping our children in the learning process.

Passage of the Dollars to the Resolution, followed by the Dollars to the Classroom Act would mean millions in new dollars for schoolchildren across the country.

This is the next common sense step in our efforts to improve public education for the students of the next millennium.

RACIAL TERRORISM AT FLORIDA A&M UNIVERSITY

HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1999

Mr. BOYD. Mr. Speaker, many of you have seen in the Washington Post today that Florida A&M University, a historically black college in Florida's Second Congressional District, has been targeted by a racist bomber. In the last month, the school has received several bomb threats and has suffered two random blasts in an administrative facility and an academic building. While we are grateful that none of the students or faculty have been injured in these horrible incidents, a caller to a local television station, using racial slurs and profanity, indicated that these two bomb blasts are ''just the beginning.''

This racial terrorism has brought classes at Florida A&M to a halt, frightened students and faculty, and stunned the surrounding Tallahassee community. Following this most recent bombing, I spoke with the President of Florida A&M, Dr. Frederick Humphries, about his efforts to avoid further tragedy. With the assistance of local and federal law enforcement officers, school officials have been working to improve security and identify suspects. Dr. Humphries has increased mechanical surveillance and the number of police officers patrolling campus. However, as with any large school, the challenge of scouring every inch of campus is monumental.

Today, I ask for your prayers and support for my constituents whose lives have been turned upside down by this evil plot. Florida A&M has a history of excellence, and the school's efforts to provide superb educational opportunities to its students should not be hindered by the acts of one hateful individual. I pray that these terrorist acts will not only be brought to a quick demise, but they will also serve to unite the Tallahassee community against the racial hatred of a select few.

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

SPEECH OF

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Mr. HUNTER. Mr. Speaker, I would like to express my strong support for the National Defense Authorization Act for Fiscal Year 2000, S. 1059, which includes legislation to reform the Department of Energy (DOE) to ensure the security of our strategic nuclear defense.

I rise today to address the concern that by creating the National Nuclear Security Administration (NNSA) there may be a negative effect on Defense Facilities Closure Projects. In fact, the language establishing the NNSA is intended to complement the ongoing work at Closure Project sites rather than to hinder it.

Specifically, the NNSA should have a positive effect at Closure sites because a greater priority will be placed on the consolidation of defense program and material disposition inventories from Closure sites to other DOE facilities with an ongoing national security mission. In addition, the creation of the NNSA does not impact the funding structure of the Environmental Remediation and Waste Management activities.

Part of the reason we have seen progress at the Closure sites has been the use of integrated funding under a separate Closure Projects line item and the Department should continue this approach in order to ensure that Closure sites retain maximum funding flexibility and expedited nuclear materials movement.

TRIBUTE TO MS. BARBARA BROWN'S EFFORTS FOR PROSTATE CANCER AWARENESS

HON. CHARLES W. STENHOLM

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1999

Mr. STENHOLM. Mr. Speaker, I rise today to pay tribute to Barbara Brown of Coleman, Texas who is crusading for increased awareness of prostate cancer in honor of her late father, Carl Houston Hale, of West Memphis, Arkansas, who lost his life to this cancer on December 12, 1997. Known as a silent killer, prostate cancer will affect over 175,000 men in the United States this year. Today alone, approximately 100 men will die from this disease, and in one year over 37,000 will be lost as well. Excluding skin cancer, cancer of the prostate is the most common malignancy and the second leading cause of death among men in the United States. The risk of prostate cancer increases with age; more than 80% of all prostate tumors are diagnosed in men over age 65. And while 1 in 5 men will develop prostate cancer in their lifetime, we still know far too little about the cause and behavior of this silent killer. Clearly, it is a national problem that has a severe impact on our nation.

In her younger years, Barbara sang in gospel groups, and dreamed of recording her own album. Through the grief of her father she wrote two songs, ''Resting In the Arms of the Lord'' and ''Wind That Blows From Heaven,'' in an effort to cope with the overwhelming emotion of losing her father. These two songs eventually led to the recording of her first album in March 1998, entitled ''Resting In the Arms of the Lord.'' With this Barbara achieved a life-long aspiration amidst unfortunate circumstances, and she is committed to donating a part of her tapes' proceeds to the American Cancer Society. As each tape is sold, a part of her father's life and his memory touches the lives of so many others, all while working towards the ultimate goal of a cure.

Additionally Barbara has devoted her life to bringing more awareness to this disease by urging men to seek regular check-ups and treatment if necessary. At Barbara's urging, the Coleman County Commissioners Court passed a proclamation declaring September 21st through September 27st as Prostate Cancer Awareness Week and advocating all to be aware of prostate cancer. With this proclamation, countless lives could be saved. Barbara also has plans to continue to promote awareness of this disease in the community of Coleman as well as surrounding areas by hosting various on-going promotional events raising money for the American Cancer Society.

I close by using Barbara's words which I believe have distinguished her as a heroic woman: ''Out of our pain comes some of our greatest accomplishments. As I continue to educate men on this disease, hopefully it will prevent another person from having to face this needless pain. I have a responsibility to do this: in honor of my father's memory.''

I ask that all of my colleagues join me in honoring Barbara for her efforts, and I encourage all Americans to take that crucial step of participating in important health screenings and visiting your doctor regarding health concerns. Early detection is critical for survival.

IN CELEBRATION OF LORRIE NELSON'S DEDICATION TO EDUCATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1999

Mr. GALLEGLY. Mr. Speaker, I rise to celebrate the energy and dedication that Lorraine ''Lorrie'' Nelson, a fifth-grade teacher in my district, brings to her classroom and her profession. The Poinsettia Elementary School educator was honored this week as Ventura County's Teacher of the Year.

Mrs. Nelson was raised to be a teacher, although she didn't realize it until she was engrossed in law school. Her parents encouraged the young Lorrie and her brother to engage in family discussions, to ask questions and expect answers. She learned to listen from her parents' example. Now, after some 10 years of encouraging other young minds to learn. Mrs. Nelson couldn't see herself doing anything else.

Children in the Ventura Unified School District who have experienced her lesson plans calls her ''funny'' and even ''crazy.'' But it's fun with a purpose. Mrs. Nelson encourages her students to set high standards and helps them achieve them. She believes teachers should be skillful in the topics they teach our children, a subject I have strongly supported legislatively for several years.

To achieve her goal, Mrs. Nelson directed the Ventura Unified Writing Project from 1993 to 1997. The Writing Project is a mentoring program for teachers who write extensively, demonstrate instructional techniques and examine research in the teaching of writing.

This past summer, Mrs. Nelson taught a two-week course titled ''Integrating Standards with Inspirational Teaching.'' She has been a presenter for the South Coast Writing Project Summer Institutes for the Ventura Unified School District and Santa Barbara School Districts, in such topics as Writing Workshop, Writing Response and Reading Comprehension. In the fall, she will work the Shoah Foundation to develop a curriculum for oral histories of Holocaust survivors.

She is, of course, a published writer.

But her real accomplishments are in inspiring her students. One way she has done that is by pairing her students with some influential adults—their parents—in a writing program suitably titled ''Family of Writers.''

Not surprisingly, Mrs. Nelson has garnered numerous honors, starting with her first year of teaching, when she was recognized as the Ventura Unified School District Sallie Mae First Year Teacher of the Year.

Mr. Speaker, Ventura County has rightly honored Mrs. Nelson as the model other educators should strive to be. She holds her students accountable in a fun, productive learning environment. She holds herself and her peers accountable by stressing the skills teachers need to be effective educators.

Next month, Mrs. Nelson will compete for California Teacher of the Year. Win or lose, education will always be victorious in her classroom.

Mrs. Speaker, I'd like to close with Mrs. Nelson's own thoughts, her closing words in her Professional Biography. After hearing these words, I know my colleagues will join me in congratulating her for her award and thank her for dedicating herself to our children.

''Even though students leave my classroom with beautifully bound poetry anthologies, framed self-portraits, and cherished pet beetles, my greatest contribution as a teacher is invisible. Students leave with an understanding that their opinions are important. They know that life is a process of learning, questioning and revising. They become lifelong learners.'

We couldn't ask for anything more.

HONORING THE 45TH ANNIVERSARY OF THE BIG BROTHERS BIG SISTERS OF GREATER LANSING

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1999

Ms. STABENOW. Mr. Speaker, the Big Brother Big Sisters of Greater Lansing program celebrates 45 years of bringing together young people at risk with older people willing to serve as a role model and mentor.

Before terms like ''quality time,'' ''mentoring,'' or ''at risk youth'' were buzz words in our society, Big Brothers and Big Sisters has been helping to give young people something we all need—a friend.

Perhaps more than any other program this century, the Big Brothers Big Sisters program offers an inspiring example of what can happen when an adult is willing to be a friend to a young person in need of a positive influence. Like similar programs throughout the country, the Big Brothers Big Sisters Program of Greater Lansing has been a smashing success.

I would like to thank the Big Brothers Big Sisters of Greater Lansing and everyone who has made the commitment to serve as a big brother or big sister for a child. Thousands of children have found the friend, the confident, the role model they never had in their big brothers and big sisters. I send my sincere thanks to the Big Brothers Big Sisters of Greater Lansing for taking the time to care and make the Lansing community a better place for all children.

TANNER PRAISES CAREER OF P–I PUBLISHER, BILL WILLIAMS

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1999

Mr. TANNER. Mr. Speaker, Bill Williams understands what community journalism is all about: ensuring an informed citizenry.

And he practiced that kind of community journalism in the pages of the Paris Post-Intelligencer every day.

Now at 65, he has decided to retire as publisher of the Paris Post-Intelligencer on August 20, 1999. He had been the paper's publisher since 1978, when he took his father's place at the paper's helm.

Bill took seriously the responsibility that comes with a free press, and you knew it immediately when you read his editorial page.

Whether it involved the Land Between the Lakes, the Tennessee Valley Authority, State government, or even national issues, Bill Williams stood up for his community and he wasn't afraid to take a controversial position when he believed it was the right thing to do. Indeed, in 12 of the past 21 years his editorials were recognized among the best in the state.

Bill's family has owned the Paris Post-Intelligencer since 1927, when his great grandfather, W. Percy Williams moved to Paris from Alabama and purchased the P–I.

Upon his retirement, Bill Williams said he ''is very proud of the newspaper.'' It's safe to say that the citizens of Henry County and many beyond the county's borders are proud of Bill and his commitment to this community.

His son, Michael Williams, takes over as the fourth-generation publisher and will continue the tradition of community journalism that has made the P–I an award winning newspaper.

An article published in the Paris Post-Intelligencer in Paris under the headline, ''Publisher bill Williams steps down; Has been with P–I most of adult life'' as well as his last column are printed below in honor of Bill's service and commitment to his community.

PUBLISHER BILL WILLIAMS STEPS DOWN; HAS BEEN WITH P–I MOST OF ADULT LIFE

With the retirement today of Bill Williams and the promotion of Michael Williams, The Post-Intelligencer will have a fourth-generation Williams as editor and publisher.

Bill Williams has been with the paper most of his adult life and has been publisher since 1978. His son, Michael, 40, who has served as editor since 1992, will add the duties and title of publisher.

Bill Williams, who turns 65 today, became editor and publisher at the retirement of his father, Bryant. Bryant Williams in turn had taken over as publisher at the retirement in 1967 of his father, the late W. Percy Williams, who had come from Alabama to purchase The P–I in 1927.

Bill Williams said Thursday he ''is very proud of the newspaper.''

''I tired to see that it's been a good citizen of our community,'' he added.

He said that even though it's no fun dealing with an irate advertiser or a reader who thinks he's been wronged in the newspaper columns, he ''never seriously considered doing anything else.''

While attending Atkins-Porter and Grove High schools, Williams was a paper carrier. During his high school years, he also worked as a reporter after school, on Saturdays and during the summers.

After graduating third in his high school Class of 1952, Williams went on to graduate with honors as a journalism student at Murray State University. During his summers, Williams took a break from his college work to be a reporter for the P–I.

Throughout his college years, Williams was also a member of The College News staff. He was named the outstanding journalism student during his senior year.

After graduating from college, he was a reporter for the Memphis Press-Scimitar for a brief period, then for The Tullahoma News for three years before he returned to Paris in 1960 to become The P–I's news editor.

One of the things he said he enjoyed about his work was that at the end of each day, he was able to hold a paper in his hands and say, ''Here's what we did today.''

''It's also a joy to hear from people who used to work here and have gone on to do well in the newspaper business or elsewhere, and heard them speak fondly of their time at The P–I,'' Williams said. ''You feel like you had a small part to play in making someone's life a little more complete.''

Williams also added he appreciated the contact he had with people both inside The P–I building and out, and that he enjoyed meeting people and being involved in various activities.

''Not every job offers that opportunity,'' Williams said.

The P–I has won awards and honors while under Williams' guidance. His editorials won state press awards in 12 of the past 21 years, including the best single editorial in 1998. That editorial lauded U.S. Rep. John Tanner, D–Tenn., for his controversial vote against a constitutional amendment to outlaw flagburning.

A 125th anniversary edition of The P–I, published in 1991, won first prize in contests sponsored by the University of Tennessee and the TPA. Those judging the entrants declared it the best daily newspaper promotion in Tennessee during that year.

''This is an exceptional service not only for the reader but for the entire community, present and future,'' a contest judge from the Washington State Press Association commented about the anniversary promotion. ''Many newspapers do something similar, but none with the depth and attention to detail so evident in your entire project.''

Williams has served as president of the Tennessee Press Association and of the Tennessee Associated Press Managing Editors. He was a founding member of the board of directors of the Mid-America Press Institute.

In retirement, Williams said he plans to stay involved in civic activities, including the Optimist Club, where he's past-president; the Heritage Center, where he's past-executive director; and the Presbyterian Church, where he's an elder and Sunday school teacher.

He added he and his wife, Anne, also plan to do some traveling—''possibly snow birding to Florida or Texas in the winter.''

They also have three daughters, Cindy Barnett and Joan Stevens, both of Henry County, and Julie Ray of Clarksville; and 11 grandchildren.

[From the Paris Post-Intelligencer, Aug. 20, 1999]

I'M NOT VERY RETIRING ABOUT THE ROLE OF THE NEWSPAPER

(By Bill Williams)

Upon retirement, a fellow gets asked the usual questions about the most memorable experiences or what it all has meant. I suppose a valedictory is called for.

I will not fib and say that every moment has been pure joy or that I can't understand why I get paid for doing something that is so much fun.

There have been times that publishing a newspaper was pure hell. It's no fun dealing with an irate advertiser. It's even worse to talk with someone who's been hurt because we made a mistake in print.

I can truthfully say, though, that I've never seriously considered any other line of work.

If there any regrets, they're that I didn't spend more time and energy preaching to our staff and to you, dear reader, that newspapering is a noble business.

When we think of the highest callings, what usually come to mind are the ministry, the healing arts, teaching and perhaps law and law enforcement. A lot of people put the press down near the bottom, somewhere close to congressmen.

Pardon my conceit, but I put the press up in that top batch. We are in effect in the public education business. People depend on us to know what's going on in the world so they can react—where to spend their money, whom to vote for, what to do this weekend.

The function is contained in the name of our newspaper. An intelligencer, as I understand it, was a town crier, one who spreads intelligence (in the information sense) among the public.

I've always thought that Mirror is a good name for a newspaper, too. I believe a newspaper's highest function is to reflect as perfectly as possible what the world looks like—both warts and dimples—so that the people will know what to do. It's the philosophy of the Scripps-Howard newspaper chain, which uses an image of a lighthouse and the slogan. ''Give light and the people will find their own way.''

It's a view that puts the public in an exalted position. Some think that people are basically stupid and can be led this way or that by anyone who is smart, glib and media savvy. I disagree; I think when people are fully informed, they usually make the right choice.

Others believe that the basic duty of a newspaper is to be the community leader, beating the drum for needed improvements and pushing people to do the right thing. That's a high purpose, all right, but I really believe that an even higher is the duty to tell just as fully as we can what's happening and to trust the people to come to the right conclusions.

Well. I didn't intend to preach so, but this is a bully pulpit.

Let me take this opportunity to thank you for allowing The P–I to be part of your life. I trust it will continue to be for many years to come.

LEWIS FLACKS OF THE U.S. COPYRIGHT OFFICE

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1999

Mr. COBLE. Mr. Speaker, Lewis Flacks, who was employed nearly 25 years in the U.S. Copyright Office, died on July 23, 1999, in London. As Chairman of the Subcommittee on Courts and Intellectual Property, I have come to rely on the technical expertise on copyright matters that are available through the auspices of the Office. The men and women who work there provide a great and needed service to the Congress and the American public, and their contributions should be recognized with greater frequency. In this regard, while I was saddened to learn of Lewis' death, I am honored to have this opportunity to acknowledge his life and his work.

I wish to enter in the CONGRESSIONAL RECORD the following article regarding Lewis Flacks' accomplishments. It originally appeared in the August issue of Copyright Notices, the staff newsletter of the Copyright Office.

[Reprinted from Copyright Notices, Vol. 47, No. 8, August 1999]

LEWIS FLACKS, AN APPRECIATION

(By Ruth Sievers)

Lewis Flacks, 55 whose career at the Copyright Office spanned over 20 years, died of cancer in London on July 23, where he had lived for the past 6 years since leaving his position as a policy planning advisor to the Register. He was the director of legal affairs for the International Federation of the Phonographic Industry (IFPI).

Known for his brilliance, his wit, and his devotion to his family, Lewis (also known as Lew in the Office) played major roles in the revision on the Copyright Act in 1976 and in the decision for the United States to adhere to the Berne Convention in 1988. He was the senior copyright advisor to the U.S. delegation during the TRIPS negotiations at the Uruguay Round of the General Agreement on Traffics and Trade (GATT). He served on virtually every Committee of Experts convened by the World Intellectual Property Organization (WIPO) from 1984 to 1992 to deal with the Berne Convention and the Universal Copyright Convention, and he was influential in negotiating the final texts of the Geneva Phonograms Convention and the Brussels Satellite Convention. More recently, his work was critical in the adoption of two important intellectual property treaties in December 1996, the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty.

It was not only the incredible depth of his knowledge of copyright law that made him an important resource in negotiations, but his role as a ''peacemaker,'' as former Register of Copyrights Barbara Ringer characterized him.

During the revision process, the lengthy period leading up to the passage of the 1976 Act, Lewis came up with ''brilliant solutions'' enabling ''innumerable compromises,'' said Ringer. He was essential ''in putting out all those brush fires.''

''He was a man of ideas,'' said Register of Copyrights Marybeth Peters. ''He was brilliant at strategies. He could talk about any subject in a way that bound his audience to his ideas.''

''Because of his unsurpassed copyright expertise, his deft diplomatic touch, and his legendary ability to forge compromises, the United States spoke with a strong voice at the international bargaining table,'' said Ralph Oman, a former Register of Copyright.

A native New Yorker, Lewis was a 1964 graduate of the City College of New York and a 1967 graduate of Georgetown Law School. That was the same year he began his career in the Copyright Office, when Barbara Ringer hired him as an examiner, though she says her primary purpose in bringing him on board was to get a project underway at the Library for the preservation of motion pictures. A mutual friend had recommended him to Ringer, who talked with him twice before passing him along to Former Examining Division Chief Art Levine for the actual hiring interview. ''As I recall, we talked nothing but movies,'' she said. ''Nobody knew more about movies than he did.''

He served the Office in various positions: senior examiner, attorney-advisor in the General Counsel's Office, special legal assistant to the Register, International copyright officer, and policy planning advisor.

In speaking with his friends and colleagues to write this piece, what comes across in his complete uniqueness.

''I've never known a more brilliant person, but he covered it with his wild, modant humor,'' said Ringer. ''That's what people remember him for, but he had a great deal of depth.''

''The most remarkable thing about Lewis was that time was of no relevance to him,'' said Neil Turkewitz of the Recording Industry Association of America (RIAA) who has known him since 1987. ''It was the real genius of him; it allowed him to explore the very details of things. He learned from everything, because he was so patient. . . . What really set him apart was his ability to learn.''

''He would recognize the little nugget tucked away'' that others overlooked, said Ringer. ''He was a fantastic legal technician; he could grasp things that would take others weeks to see, and he could see all the ramifications.''

Furthermore, she said she knew she could rely on him to ''tell things like they are. He'd tell you if he thought you were off on the wrong track. . . . So many people have their own agendas or they just tell you what they think you want to hear. You could always trust what Lewis said—he always saw both sides of the picture.''

Said his wife, Frances Jones, who was his partner for 31 years, ''He had a strong sense of ethics . . . a sense of fairness.''

To a person, everyone mentioned his wit. ''He had keen insights into people, and he was always a wonderful and entertaining person to be around,'' said Art Levine. ''I'd introduce him to some of my clients at WIPO [meetings], and they would always be eager to get together with him again.''

''He could be very funny, trotting out a variety of voices, especially Yiddish ones, that left his listeners laughing in the aisles,'' said David Levy, former attorney in the Examining Division.

''He was the funniest person I ever met,'' said Eric Schwartz, a former policy planning advisor who worked with Lewis. Schwartz recounts a story of how Flacks met comedian and actor Jerry Lewis in Paris—where Jerry Lewis is revered—in 1987 at a meeting on moral rights. ''Lewis (Flacks) approached Jerry Lewis and introduced himself as Jerry Lewis' 'only American fan,' since only the French really appreciate Jerry Lewis' films. Jerry Lewis thought it was the funniest thing he'd heard.''

''He was a perfect colleague—smart, funny, and bluff; a much sought-after dinner companion, he always had the best jokes, the hottest news, and the latest photographs of his beloved son, Paul,'' said Ralph Oman.

His love and devotion to his son Paul, who is now 14, is something else that no one failed to mention in talking about Lewis. As Peters said, ''His son was one of his greatest joys.''

His wife mentioned another important role that Lewis played in private life and in the Office—that of teacher. Said Schwartz: ''He was a great teacher. He taught me international copyright law in a series of long talks in his office, which, combined with our love of films and his sense of humor, made it fun to come to work.'' Said Peter Vankevich, head of the Public Information Section, ''Lewis made copyright come alive, after talking with him, you felt really proud to work in the Office.''

Lewis had many passions—among them books, wine, theater, and more recently, music. He was teaching himself to play the guitar, Chicago-style blues. But above all, he was passionate about movies.

''He knew more about film and film preservation than anyone I've ever met, except for Barbara Ringer,'' said Schwartz, who served as the Library's counsel to the Film Preservation Board. ''I incorporated many of his ideas about film preservation into the legislation creating and reauthorizing the National Film Preservation Board (1988 and 1992) and Foundation (1996). His suggestions really helped the cause of film preservation, and he was very highly regarded in the Motion Picture and Recorded Sound Division.''

Admittedly, Lewis was not perfect. He was famous—or notorious—for not meeting deadlines. ''People had to flog him to get him to finish,'' said Ringer. ''It could be infuriating,'' said Levin, ''because he'd never get anything done on time. But then, when he finally produced a piece, it would be so brilliant, he'd get away with it.''

''Lewis did everything slowly,'' said Turkewitz. ''He even walked slowly. You had to be careful or you'd be three blocks ahead of him. . . . He was someone who just decided that the decline of western civilization was being caused by its frantic pace, and he wasn't going to live that way.'' Turkewitz said you might think that would mean Lewis was, in terms of technology, a dinosaur, ''but he was just the opposite. He was very interested in technology. . . . He was a true renaissance man. He was complete sui generis.''

Or, as Ringer said, ''I never met anyone like him. He was utterly unique.''

Or, as Jason Berman, head of IFPI said, ''The legacy of Lew Flacks remains the legions of friends and admirers he made around the world in a distinguished 30-year career.''

The Copyright Office is holding a memorial program for Lewis Flacks on September 24 in the Mumford Room of the James Madison Memorial Building.

COLLEGE MISERICORDIA ANNIVERSARY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1999

Mr. KANJORSKI. Mr. Speaker, I rise today to bring to the attention of my colleagues the 75th anniversary of a fine institution of higher learning—College Misericordia of Dallas, PA. I am honored to have been asked to participate in the kickoff event of the anniversary on September 24.

Founded and sponsored by the Religious Sisters of Mercy in 1924, Misericordia was the first 4-year college, the first Catholic college, and the only all-female institution in Luzerne County, with 37 young women in its first freshman class. Offering both bachelor of arts and bachelor of science degrees, the college boasted 22 faculty members, 16 of them Sisters of Mercy. Today the bustling campus is home to more than 1,700 students, 83 full-time faculty and 65 part-time faculty. Misericordia offered its first summer courses in 1927 and began its graduate program in 1960. In 1975, Misericordia opened its enrollment to men and began to offer continuing education courses.

Mr. Speaker, College Misericordia is an integral part of the Northeastern Pennsylvania community. In 1972, when Tropical Storm Agnes caused the Susquehanna River to overflow her banks, more than 100,000 people were left without food and shelter. College Misericordia became a shelter and hospital, with the benevolent Sisters of Mercy administering aid to the victims of the disaster. Mercy Hospital, totally inundated by raging flood waters, evacuated its patients and staff to College Misericordia.

The college annually offers community-based cultural and athletic programs. Each summer, former members of the National Players, a Shakespearian theater company, present Theater-on-the-Green, bringing the wit and wisdom of William Shakespeare to the area. The college boasts an outstanding art gallery, the MacDonald Gallery, and the Anderson Sports and Health Center, which offers community-based, health-related activities for young and old.

Still under the sponsorship of the Sisters of Mercy, the college currently has a lay president, Dr. Michael A. MacDowell. A liberal arts college, it is especially known for its Education, Health Sciences, Humanities, Social

Work, Business, Mathematics, and Natural Sciences programs.

The kick-off of the anniversary celebration is the dedication of the Mary Kintz Bevevino Library on Friday, September 24. A 1987 graduate of College Misericordia and later a Trustee until her death in 1993, Mary saw a real need for a new library at Misericordia. Her family has helped to make this dream a reality in Mary's honor. Beginning with one building 75 years ago, the college now proudly boasts 13 beautiful buildings.

Mr. Speaker, many alumni, students, faculty, staff and Sisters will pay tribute on Saturday to the spirit of giving which was the ideal of the Founding Sisters. They will volunteer their time and efforts around the community in various projects of Habitat for Humanity, St. Vincent Soup Kitchen, Catherine McCauley House, and Mercy Center, just to name a few. It is a fitting start to an anniversary year and a fitting tribute to an order of religious Sisters whose very purpose is to help others. I am extremely pleased and proud to have had the opportunity to bring the history of this fine institution to the attention of my colleagues. I send my sincere best wishes for continued success to College Misericordia.

THE HIGH COST OF PRESCRIPTION DRUGS

SPEECH OF

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Ms. LEE. Mr. Speaker, I rise to join my colleague today in strong support for implementing legislation to substantially reduce the exorbitant prices of prescription drugs for Medicare beneficiaries. Our current Medicare program drastically fails to offer protection against the costs of most outpatient prescription drugs. H.R. 664, the Prescription Drug Fairness for Seniors Act of 1999 aims to create an affordable prescription drug benefit program that will expand the accessibility and autonomy of all Medicare patients. This bill will protect Medicare beneficiaries from discriminatory pricing by drug manufacturers and make prescription drugs available to Medicare beneficiaries at substantially reduced prices.

Currently, Medicare offers a very limited prescription drug benefit plan for the 39 million aged and disabled persons obtaining its services. Many of these beneficiaries have to supplement their Medicare health insurance program with private or public health insurance in order to cover the astronomical costs not met by Medicare. Unfortunately, most of these plans offer very little drug cost coverage, if any at all. Therefore, Medicare patients across the United States are forced to pay over half of their total drug expenses out-of-pocket as compared to 34 percent paid by the population as a whole. Due to these burdensome circumstances, patients are forced to spend more of their limited resources on drugs which hampers access to adequate medication needed to successfully treat conditions for many of these individuals.

In 1995, we found that persons with supplementary prescription drug coverage used 20.3 prescriptions per year compared to 15.3 for those individuals lacking supplementary coverage. The patients without supplementary coverage were forced to compromise their health because they could not afford to pay for the additional drugs that they needed. The quality and life of these individuals continue to deteriorate while we continued to limit their access to basic health necessities. H.R. 664 will tackle this problem by allowing our patients to purchase prescription drugs at a lower price.

Why should our patients have to continually compromise their health by being forced to decide which prescription drugs to buy and which drugs not to take, simply because of budgetary caps that limit their access to treat the health problems they struggle with? These patients cannot afford to pay these burdensome costs. We must work together to expand Medicare by making it more competitive, efficient, and accessible to the demanding needs of our patients. By investing directly in Medicare, we choose to invest in the lives, health, and future of our patients. By denying them access to affordable prescription drugs, we deny these individuals the right to a healthy life which continues to deteriorate their well-being and quality of life.

The House Committee on Government Reform conducted several studies identifying the price differential for commonly used drugs by senior citizens on Medicare and those with insurance plans. These surveys found that drug manufacturers engage in widespread price discrimination, forcing senior citizens and other individual purchasers to pay substantially more for prescription drugs than favored customers, such as large HMO's, insurance companies and the Federal Government.

According to these reports, older Americans pay exorbitant prices for commonly used drugs for high blood pressure, ulcers, heart problems, and other serious conditions. The report reveals that the price differential between favored customers and senior citizens for the cholesterol drug Zocor is 213 percent; while favored customers—corporate, governmental, and institutional customers—pay $34.80 for the drug, senior citizens in the 9th Congressional District may pay an average of $109.00 for the same medication. The study reports similar findings for four other drugs investigated in the study: Norvase (high blood pressure): $59.71 for favored customers and $129.19 for seniors; Prilosec (ulcers): $59.10 for favored customers and $127.30 for seniors; Procardia XL (heart problems): $68.35 for favored customers and $142.21 for seniors; and Zoloft (depression): $115.70 for favored customers and $235.09 for seniors.

If Medicare is not paying for these drugs, then the patient is left to pay out of pocket. Numerous patients are forced to gamble with their health when they cannot afford to pay for the drugs needed to treat their conditions. Every day, these patients have to live with the fear of having to encounter major medical problems because they were denied access to prescription drugs they could not afford to pay out of their pocket. Often times, senior citizens must choose between buying food or medicine. This is wrong.

Reports studying comparisons in prescription drug prices in the United States, Canada, and Mexico reveal that United States individuals pay much more for prescription drugs than our neighboring countries. In 1991, the General Accounting Office (GAO) revealed that prescription drugs in the United States were priced at 34 percent higher than the same pharmaceutical drugs in Canada. Studies administered on comparisons between the United States and Mexico also reveal that drug prices in Mexico are considerably lower than in the United States. In both Canada and Mexico, the government is one of the largest payers for prescription drugs which gives them significant power to establish prices as well as influence what drugs they will pay for.

Many Medicare patients have significant health care needs. They are forced to survive on very limited resources. They are entitled to medical treatments at affordable prices. H.R. 664 will benefit millions of patients each year. This bill will address many of the problems relating to prescription drugs and work to ensure that patients have adequate access to their basic health needs. Let's stop gambling with the lives of Medicare patients and support this plan to strengthen and modernize Medicare by finally making prescription drugs available to Medicare beneficiaries at substantially reduced prices. It is a matter of life or death

Daily Digest

HIGHLIGHTS

Senate passed Department of the Interior Appropriations.

Senate

Chamber Action

Routine Proceedings, pages S11277–S11378

Measures Introduced: Ten bills and one resolution were introduced, as follows: S. 1623–1632, and S.J. Res. 34. **Page S11362**

Measures Reported: Reports were made as follows:

S. Res. 99, designating November 20, 1999, as ''National Survivors for Prevention of Suicide Day''. **Page S11361**

Measures Passed:

Department of the Interior Appropriations: By 89 yeas to 10 nays (Vote No. 291), Senate passed H.R. 2466, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000 (by unanimous consent, on September 22, 1999, certain provisions of H.R. 2466 were substituted with the text of S. 1596, Senate companion measure), after taking action on the following amendment proposed thereto: **Pages S11277–S11347**

Adopted:

By 51 yeas to 47 nays, 1 responding present (Vote No. 290), Hutchison Amendment No. 1603, to prohibit the use of funds for the purpose of issuing a notice of rulemaking with respect to the valuation of crude oil for royalty purposes until September 30, 2000. **Pages S11277–S11327**

During consideration of this measure today, Senate also took the following actions:

By 60 yeas to 39 nays (Vote No. 287), Senate agreed to the motion to proceed to the motion to reconsider the vote by which the Senate, on Monday, September 13, 1999, rejected the motion to close further debate on the Hutchison Amendment No. 1603 (listed above). **Pages S11277–78**

By 60 yeas to 39 nays (Vote No. 288), Senate agreed to the motion to reconsider the vote by which the Senate, on Monday, September 13, 1999, rejected the motion to close further debate on the Hutchison Amendment No. 1603 (listed above). **Page S11278**

By 60 yeas to 39 nays (Vote No. 289), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the Hutchison Amendment No. 1603 (listed above). **Pages S11278–80**

Senate insisted on its amendment, requested a conference with the House thereon, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Gorton, Stevens, Cochran, Domenici, Burns, Bennett, Gregg, Campbell, Byrd, Leahy, Hollings, Reid, Dorgan, Kohl, and Feinstein. **Page S11346**

VA–HUD Appropriations: Senate continued consideration of H.R. 2684, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations and offices for the fiscal year ending September 30, 2000, taking action on the following amendment proposed thereto: **Pages S11347–54**

Pending:

Wellstone Amendment No. 1789, to express the sense of the Senate that lung cancer, colon cancer, and brain and central nervous system cancer should be presumed to be service-connected disabilities as radiogenic diseases. **Pages S11348–50**

A unanimous-consent agreement was reached providing for the further consideration of the bill and amendments to be proposed thereto on Friday, September 24, 1999. **Page S11377**

Messages From the President: Senate received the following messages from the President of the United States:

A message from the President of the United States transmitting, a report relative to the National Emergency with Respect to Iran; referred to the Committee on Banking, Housing, and Urban Affairs. (PM–59). **Page S11359**

A message from the President of the United States transmitting, a report entitled ''The National Money Laundering Strategy for 1999''; referred to the Committee on Banking, Housing, and Urban Affairs. (PM–60). Page S11359

Nominations Received: Senate received the following nominations:

Ira Berlin, of the District of Columbia, to be a Member of the National Council on the Humanities for a term expiring January 26, 2004.

Evelyn Edson, of Virginia, to be a Member of the National Council on the Humanities for a term expiring January 26, 2004.

Skila Harris, of Kentucky, to be a Member of the Board of Directors of the Tennessee Valley Authority for the remainder of the term expiring May 18, 2005.

Glenn L. McCullough, Jr., of Mississippi, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2008.

Routine lists in the Army and Marine Corps.

Pages S11377–78

Messages From the President: Page S11359

Communications: Pages S11359–61

Executive Reports of Committees: Pages S11361–62

Statements on Introduced Bills: Pages S11362–68

Additional Cosponsors: Pages S11368–69

Amendments Submitted: Pages S11369–70

Authority for Committees: Pages S11370–71

Additional Statements: Pages S11371–77

Record Votes: Five record votes were taken today. (Total—291) Pages S11278, S11280, S11327, S11329

Adjournment: Senate convened at 9:31 a.m., and adjourned at 7:38 p.m., until 9:30 a.m., on Friday, September 24, 1999. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S11377.)

Committee Meetings

(Committees not listed did not meet)

NOMINATIONS

Committee on Agriculture, Nutrition, and Forestry: Committee concluded hearings on the nominations of Paul W. Fiddick, of Texas, to be Assistant Secretary of Agriculture for Administration, and Andrew C. Fish, of Vermont, to be Assistant Secretary of Agriculture for Congressional Relations, after the nominees testified and answered questions in their own behalf. Mr. Fish was introduced by Senators Harkin and Leahy.

COMMODITY EXCHANGE ACT: ELECTRIC TRADING

Committee on Agriculture, Nutrition, and Forestry: Committee concluded hearings on proposed legislation authorizing funds for the Commodity Exchange Act, focusing on the impact of electronic trading on the futures and derivatives market place, after receiving testimony from Roger Barton, BrokerTec Global, Jersey City, New Jersey; David P. Brennan, Chicago Board of Trade, Leo Melamed, Chicago Mercantile Exchange, and David G. Downey, InterActive Brokers, all of Chicago, Illinois; Shawn A. Dorsch, DNI Holdings, Inc., Charlotte, North Carolina; Howard W. Lutnick, Cantor Fitzgerald, Edward J. Rosen, Cleary, Gottlieb, Steen and Hamilton, on behalf of the Coalition, and Matthew Andresen, Island ECN, all of New York, New York; and Philip McBride Johnson, Skadden Arps, Slate, Meagher and Flom, Washington, D.C.

NOMINATIONS

Committee on Armed Services: Committee ordered favorably reported 3,086 military nominations in the Army, Navy, Air Force, and Marine Corps.

BUSINESS MEETING

Committee on Banking, Housing, and Urban Affairs: Committee ordered favorably reported the following business items:

An original bill, titled the Export Administration Act of 1999; and

The nominations of Roger W. Ferguson, Jr., of Massachusetts, to be Vice Chairman of the Board of Governors of the Federal Reserve System, John D. Hawke, Jr., of the District of Columbia, to be Comptroller of the Currency, Department of the Treasury, Armando Falcon, Jr., of Texas, to be Director of the Office of Federal Housing Enterprise Oversight, Department of Housing and Urban Development, Harry J. Bowie, of Mississippi, to be a Member of the Board of Directors of the National Consumer Cooperative Bank, and Dan H. Renberg, of Maryland, and Dorian V. Weaver, of Arkansas, each to be a Member of the Board of Directors of the Export-Import Bank of the United States.

ELECTRIC POWER INDUSTRY Y2K READINESS

Committee on Energy and Natural Resources: Committee concluded oversight hearings on the potential consequences of the year 2000 computer problem to the Nation's supply of electricity, after receiving testimony from T.J. Glauthier, Deputy Secretary of Energy; Frank J. Miraglia, Deputy Executive Director for Reactor Programs, Nuclear Regulatory Commission; and Michehl R. Gent, North American Electric Reliability Council, Princeton, New Jersey.

NOMINATIONS

Committee on Environment and Public Works: Committee concluded hearings on the nominations of Richard A. Meserve, of Virginia, to be a Member of the Nuclear Regulatory Commission, Paul L. Hill, Jr., of West Virginia, to be Chairperson of the Chemical Safety and Hazard Investigation Board, Maj. Gen. Phillip R. Anderson, United States Army, to be a Member and President of the Mississippi River Commission, and Sam Epstein Angel, of Arkansas, and Brig. Gen. Robert H. Griffin, United States Army, each to be a Member of the Mississippi River Commission, after the nominees testified and answered questions in their own behalf. Mr. Hill was introduced by Senator Byrd.

CORRUPTION IN RUSSIA

Committee on Foreign Relations: Committee concluded hearings to examine issues on corruption in Russia and the status of United States and Russian relations, after receiving testimony from Strobe Talbott, Deputy Secretary of State; Jim E. Moody, Jim Moody and Associates, McLean, Virginia, former Deputy Assistant Director, Criminal Investigative Division, Federal Bureau of Investigation, Department of Justice; E. Wayne Merry, Atlantic Council of the United States, Washington, D.C.; Robert Legvold, Columbia University, New York, New York; and Fritz W. Ermarth, Fairfax, Virginia.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported S. Res. 99, designating November 20, 1999, as ''National Survivors for Prevention of Suicide Day''.

Also, committee approved a committee resolution on issuance of subpoenas pursuant to Rule 26.

INS REFORM AND BORDER SECURITY

Committee on the Judiciary: Subcommittee on Immigration concluded hearings on proposals to reform current immigration structure and border security, including S. 1563, proposed Immigration and Naturalization Service Reform and Border Security Act of 1999, after receiving testimony from Doris Meissner, Commissioner, and Paul M. Berg, Chief, Del Rio Sector, U.S. Border Patrol, both of the Immigration and Naturalization Service, Department of Justice; Warren R. Leiden, Berry, Appleman and Leiden, San Francisco, California, on behalf of the American Immigration Lawyers Association; Rachel S. Yoskowitz, Jewish Family Service Metro Detroit, Detroit, Michigan; T.J. Bonner, National Border Patrol Council, Campo, California; and Richard J. Gallo, Federal Law Enforcement Officers Association, East Northport, New York.

BUSINESS MEETING

Committee on Rules and Administration: Committee continued to discuss procedural issues relating to S. Res. 172, to establish a special committee of the Senate to address the cultural crisis facing America.

Committee recessed subject to call.

House of Representatives

Chamber Action

Bills Introduced: 19 public bills, H.R. 2922–2940; and 3 resolutions, H. Res. 301–303, were introduced. **Pages H8627–28**

Reports Filed: Reports were filed today as follows:

H.R. 2392, to amend the Small Business Act to extend the authorization for the Small Business Innovation Research Program (H. Rept. 106–329, Pt. 1); and

H. Res. 300, waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (H. Rept. 106–330). **Page H8627**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Hefley to act as Speaker pro tempore for today. **Page H8559**

Interstate Class Action Jurisdiction Act: The House passed H.R. 1875, to amend title 28, United States Code, to allow the application of the principles of Federal diversity jurisdiction to interstate class actions by a recorded vote of 222 ayes to 207 noes, Roll No. 443. **Pages H8568–95**

Agreed to the committee amendment in the nature of a substitute made in order by the rule. **Page H8594**

Agreed to:

The Boucher substitute amendment to the Watt of North Carolina amendment that allows a class action to be removed to a district court before or after a State has certified the class. Except that a plaintiff

who is not a named class member of the action may not seek removal of the action before a class containing the plaintiff has been certified. Subsequently, agreed to the Watt of North Carolina amendment, as amended. **Pages H8584–85**

Rejected:

The Nadler amendment that sought to exempt any class action that is brought for harm caused by a firearm or ammunition (rejected by a recorded vote of 152 ayes to 277 noes, Roll No. 439); **Pages H8577–78, H8592**

The Jackson-Lee of Texas amendment that sought to exempt any class action that is brought for harm caused by a tobacco product (rejected by a recorded vote of 162 ayes to 266 noes, Roll No. 440); **Pages H8578–84, H8592–93**

The Frank of Massachusetts amendment that sought to allow a State court to certify a class action after the action has failed to meet class certification under Rule 23 of the Federal Rules of Civil Procedure in a Federal court (rejected by a recorded vote of 202 ayes to 225 noes, Roll No. 441); and **Pages H8585–88, H8593–94**

The Waters amendment that sought to delay implementation of the act until the Judicial Conference of the United States certifies that the number of vacancies of Federal judgeships is less that 3 percent (rejected by a recorded vote of 185 ayes to 241 noes, Roll No. 442). **Pages H8588–92, H8594**

H. Res. 295, the rule that provided for consideration of the bill was agreed to by a yea and nay vote of 241 yeas to 181 nays, Roll No. 437. **Pages H8563–67**

Juvenile Justice Reform Act—Motions to Instruct Conferees:

Lofgren Motions to Instruct: Agreed to the Lofgren motion to instruct conferees on H.R. 1501, to provide grants to ensure increased accountability for juvenile offenders to recommend a conference substitute that (1) includes a loophole-free system that assures that no criminals or other prohibited purchasers (e.g. murderers, rapists, child molesters, fugitives from justice, undocumented aliens, stalkers and batterers) obtain firearms from non-licensed persons and federally licensed firearms dealers at gun shows; (2) does not include provisions that weaken current gun safety law; and (3) includes provisions that aid in the enforcement of current laws against criminals who use guns (e.g. murderers, rapists, child molesters, fugitives from justice, stalkers and batterers) by a yea and nay vote of 305 yeas to 117 nays, Roll No. 438. Debate on the motion was completed on September 22. **Pages H8567–68**

Subsequently, Representative Lofgren notified the House of her intention to offer another motion to instruct conferees on H.R. 1501 on September 24. **Page H8600**

McCarthy of New York Motion to Instruct: Representative McCarthy moved to instruct conferees on H.R. 1501, to provide grants to ensure increased accountability for juvenile offenders, to insist that (1) the committee of conference should this week have its first substantive meeting to offer amendments and motions, including gun safety amendments and motions; and (2) the committee of conference should meet every weekday in public session until the committee of conference agrees to recommend a substitute. Ordered vote on the motion was postponed until September 24; and **Pages H8595–H8613**

Doolittle Motions to Instruct: Representative Doolittle notified the House of his intention to offer a motion to instruct conferees on H.R. 1501, to provide grants to ensure increased accountability for juvenile offenders; and **Page H8563**

Subsequently, Representative Doolittle notified the House of his intention to offer another motion to instruct conferees on H.R. 1501 on September 24. **Page H8595**

Presidential Messages: Read the following messages from the President:

Veto Message Financial Freedom Act: Message wherein he announced his veto of H.R. 2488, the Financial Freedom Act of 1999, and explained his reasons therefor—referred to the Committee on Ways and Means and ordered printed (H. Doc. 106–130); **Pages H8613–21**

National Emergency Re Iran: Message wherein he transmitted his report on the national emergency with respect to Iran—referred to the Committee on International Relations and ordered printed (H. Doc. 106–131); and **Page H8621**

Money Laundering: Message wherein he transmitted the National Money Laundering Strategy for 1999—referred to the Committees on the Judiciary and Banking and Finance. **Page H8621**

Amendments Ordered Printed: Amendments ordered printed pursuant to the rule appear on page H8629.

Quorum Calls—Votes: Two yea and nay votes and five recorded votes developed during the proceedings of the House today and appear on pages H8566–67, H8567–68, H8592, H8592–93, H8593–94, H8594, and H8594–95. There were no quorum calls.

Adjournment: The House met at 10:00 a.m. and adjourned at 7:02 p.m.

Committee Meetings

COUNTY SCHOOLS FUNDING REVITALIZATION ACT

Committee on Agriculture: Ordered reported, as amended, H.R. 2389, County Schools Funding Revitalization Act of 1999.

LABOR–HHS–EDUCATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education approved for full Committee action the Labor, Health and Human Services, and Education appropriations for fiscal year 2000.

FIXING OUR SCHOOLS

Committee on the Budget: Held a hearing on Fixing Our Schools From the Bottom Up, State, Local and Private Reform Initiatives. Testimony was heard from Senator Voinovich; Richard W. Riley, Secretary of Education; Jeb Bush, Governor, State of Florida; Dwight Evans, member of the Legislature, State of Pennsylvania; and a public witness.

MISCELLANEOUS ENERGY MEASURES

Committee on Commerce: Subcommittee on Energy and Power approved for full Committee action, as amended, the following bills: H.R. 2884, to extend energy conservation programs under the Energy Policy and Conservation Act through fiscal year 2003; and H.R. 2531, Nuclear Regulatory Commission Authorization Act for Fiscal Year 2000.

Prior to this action, the Subcommittee held a hearing on the following: Reauthorization of Expiring Energy Policy and Conservation Act Programs; and on the Energy Policy and Conservation Act Amendments. Testimony was heard from Robert Gee, Assistant Secretary, Fossil Energy, Department of Energy; and public witnesses.

BLOOD SAFETY AND AVAILABILITY

Committee on Commerce: Subcommittee on Oversight and Investigations held a hearing on Blood Safety and Availability. Testimony was heard from the following officials of the Department of Health and Human Services: Thomas Roslewicz, Deputy Inspector General, Audit Services; and Joe Green, Assistant Deputy, Audit Services; and public witnesses.

FIGHTING PROSTATE CANCER

Committee on Government Reform: Held a hearing on Fighting Prostate Cancer: Are We Doing Enough? Testimony was heard from Representative Cunningham; former Senator Robert Dole of Kansas; and public witnesses.

MISCELLANEOUS MEASURES

Committee on International Relations: Favorably considered the following measures and adopted a motion urging the Chairman to request that they be considered on the Suspension Calendar: H. Res. 292, amended, 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; H. Res. 181, condemning the kidnapping and murder by the Revolutionary Armed Forces of Columbia (FARC) of 3 United States citizens, Ingrid Washinawatok, Terence Freitas, and Lahe'ena'e Gay; H.R. 2608, to amend the Foreign Assistance Act of 1961 to clarify the definition of ''major drug-transit country'' under the international narcotics control program; H.J. Res. 65, amended, commending the World War II veterans who fought in the Battle of the Bulge; H. Con. Res. 187, Expressing the sense of Congress regarding the European Council noise rule affecting hushkitted and reengined aircraft; and H. Res. 297, amended, expressing sympathy for the victims of the devastating earthquake that struck Taiwan on September 21, 1999.

OVERSIGHT—INDEPENDENT COUNSEL—ABUSES OF INDIVIDUAL RIGHTS

Committee on the Judiciary: Subcommittee on Commercial and Administrative Law held an oversight hearing on the Abuses of Individual Rights by Independent Counsel. Testimony was heard from public witnesses.

STATES' CHOICE OF VOTING SYSTEMS ACT

Committee on the Judiciary: Subcommittee on the Constitution held a hearing on H.R. 1173, States' Choice of Voting Systems Act. Testimony was heard from Representative Campbell; Anita Hodgkiss, Deputy Assistant Attorney General, Civil Rights Division, Department of Justice; and public witnesses.

PRISON INDUSTRIES REFORM ACT

Committee on the Judiciary: Subcommittee on Crime approved for full Committee action, as amended, H.R. 2558, Prison Industries Reform Act of 1999.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on Fisheries Conservation, Wildlife and Oceans held a hearing on the following bills: H.R. 2496, to reauthorize the Junior Duck Stamp Conservation and Design Program Act of 1994; H.R. 2821, to amend the North American Wetlands Conservation Act to provide for appointment of 2 additional members of the North

American Wetlands Conservation Council; and H.R. 1775, Estuary Habitat Restoration Act of 1999. Testimony was heard from Representative Dingell; the following officials of the U.S. Fish and Wildlife Service, Department of the Interior: Tom Melius, Assistant Director, External Affairs; and Gary D. Frazer, Assistant Director, Ecological Services; Sally Yozell, Deputy Assistant Secretary, Oceans and Atmosphere, NOAA; Michael L. Davis, Deputy Assistant Secretary, Army, Civil Works, Department of the Army; Richard Ribb, Narragansett Bay Estuary Program, Department of Environmental Management, State of Rhode Island; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on National Parks and Public Lands approved for full Committee action the following bills: S. 382, Minuteman Missile National Historic Site Establishment Act of 1999; H.R. 1695, to provide for the conveyance of certain Federal public lands in the Ivanpah Valley, Nevada, to Clark County, Nevada, for the development of an airport facility; H.R. 1725, Miwaketa Park Expansion Act; and H.R. 2737, amended, to authorize the Secretary of the Interior to convey to the State of Illinois certain Federal land associated with the Lewis and Clark National Historic Trail to be used as an historic and interpretive site along the trail.

EXPEDITED PROCEDURES

Committee on Rules: Granted, by voice vote, a rule waiving clause 6(a) of rule XIII (requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee) against certain resolutions reported from the Rules Committee. The rule applies the waiver to a special rule reported on or before October 1, 1999, providing for consideration of a bill or joint resolution making continuing appropriations for the fiscal year 2000, an amendment thereto, a conference report thereon, or an amendment reported in disagreement from a conference thereon. The rule applies the waiver to a special rule reported on or before October 1, 1999, providing for consideration of any conference report to accompany a bill making general appropriations for the fiscal year ending September 30, 2000, or any amendment reported in disagreement from a conference thereon.

SPACE SHUTTLE SAFETY

Committee on Science: Subcommittee on Space and Aeronautics held a hearing on Space Shuttle Safety. Testimony was heard from the following officials of the NASA: Frederick D. Gregory, Associate Administrator, Safety and Mission Assurance; and William F. Readdy, Deputy Associate Administrator, Space Flight; and a public witness.

SMALL MANUFACTURING AND THE CHALLENGES OF THE NEW MILLENNIUM

Committee on Science: Subcommittee on Technology held a hearing on Small Manufacturing and the Challenges of the New Millennium. Testimony was heard from Raymond Kammer, Director, National Institute of Standards and Technology, Department of Commerce; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Transportation and Infrastructure: Ordered reported the following measures:

H. Con. Res. 187, Expressing the sense of Congress regarding the European Council noise rule affecting hushkitted and reengined aircraft; and H.R. 2910, to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2000, 2001, and 2002.

DEPARTMENT OF VETERANS AFFAIRS—FRAUD AND MISMANAGEMENT

Committee on Veterans' Affairs: Subcommittee on Oversight and Investigations held a hearing on fraud and mismanagement in the Department of Veterans Affairs. Testimony was heard from Stephen P. Backhus, Director, Veterans' Affairs and Military Health Care Issues, GAO; and the following officials of the Department of Veterans Affairs: Richard J. Griffin, Inspector General; and Edward A. Powell, Jr., Assistant Secretary, Financial Management.

OVERSIGHT—CHILD SUPPORT ENFORCEMENT PROGRAM

Committee on Ways and Means: Subcommittee on Human Resources held an oversight hearing of the Child Support Enforcement Program. Testimony was heard from Olivia A. Golden, Assistant Secretary, Children and Families, Department of Health and Human Services; Nick Young, Director, Child Support Enforcement Division, State of Virginia; Marilyn Ray Smith, Associate Deputy Commissioner and Chief Legal Counsel, Child Support Enforcement Division, Department of Revenue, State of Massachusetts; Teresa L. Kaiser, Executive Director, Child Support Enforcement Administration, Department of Human Resources, State of Maryland; Barbara L. Saunders, Assistant Deputy Director, Office of Child Support Enforcement, Department of Human Services, State of Ohio; Alisha Griffin, Assistant Director, Office of Child Support and Paternity Programs, Division of Family Development, State of New Jersey; Robert Doar, Deputy Commissioner and Director, Office of Child Support Enforcement, Office of

Temporary and Disability Assistance, State of New York; and public witnesses.

Joint Meetings

FINANCIAL SERVICES MODERNIZATION

Conferees met to resolve the differences between the Senate and House passed versions of S. 900/H.R. 10, bills to enhance competition in the financial services industry by providing a prudential framework for the affiliation of banks, securities firms, and other financial service providers, but did not complete action thereon, and recessed subject to call.

COMMITTEE MEETINGS FOR FRIDAY, SEPTEMBER 24, 1999

(Committee meetings are open unless otherwise indicated)

Senate

Committee on the Judiciary: business meeting to continue markup of S.J. Res. 3, proposing an amendment to the Constitution of the United States to protect the rights of crime victims, 9:30 a.m., SD–226.

House

Committee on Banking and Financial Services, to mark up H.R. 202, Preserving Affordable Housing for Senior Citizens and Families into the 21st Century Act, 10 a.m., 2128 Rayburn.

Committee on Commerce, Subcommittee on Telecommunications, Trade, and Consumer Protections, to mark up H.R. 1832, Muhammad Ali Boxing Reform Act, 10 a.m., 2123 Rayburn.

Committee on Education and the Workforce, Subcommittee on Oversight and Investigations, hearing on Federal Prison Industries: Recommendations for Reforms, 9:30 a.m., 2175 Rayburn.

Committee on Government Reform, Subcommittee on Criminal Justice, Drug Policy and Human Resources, hearing on Examining the Drug Threat Along the Southwest Border, 9:30 a.m., 2203 Rayburn.

Subcommittee on the District of Columbia, oversight hearing on the Status of the District of Columbia's Year 2000 Conversion Compliance and Technology Improvement Plan, 11 a.m., 2154 Rayburn.

Committee on International Relations, Subcommittee on International Operations and Human Rights, hearing on the Patten Commission Report on Policing in Northern Ireland, 9:45 a.m., 2172 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Water Resources and Environment, hearing on H.R. 728, Small Watershed Rehabilitation Amendments of 1999, 10 a.m., 2167 Rayburn.

Committee on Ways and Means, to mark up a measure to amend the Internal Revenue Code of 1986 to extend expiring provisions to fully allow the non-refundable personal credit against regular tax liabilities, 11 a.m., H–208 Capitol.

Joint Meetings

Conference: meeting of conferees on H.R. 2605, making appropriations for energy and water development for the fiscal year ending September 30, 2000, 10 a.m., S–128, Capitol.

Next Meeting of the SENATE

9:30 a.m., Friday, September 24

Senate Chamber

Program for Friday: Senate will continue consideration of H.R. 2684, VA–HUD Appropriations, with a vote on Wellstone Amendment No. 1789 to occur at approximately 9:35 a.m.

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Friday, September 24

House Chamber

Program for Friday: Consideration of H.R. 1487, National Monument NEPA Compliance Act (modified open rule, one hour of general debate); and

Consideration of Motions to Instruct Conferees on H.R. 1501, Juvenile Justice Reform Act of 1999 (McCarthy, Lofgren, and Doolittle Motions).

Extensions of Remarks, as inserted in this issue

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